

SPAIN.

**TREATY BETWEEN THE UNITED STATES AND SPAIN FOR THE
CESSION TO THE UNITED STATES OF ANY AND ALL ISLANDS
OF THE PHILIPPINE ARCHIPELAGO LYING OUTSIDE OF THE
LINES DESCRIBED IN ARTICLE III OF THE TREATY OF PEACE
OF DECEMBER 10, 1898.**

Signed at Washington November 7, 1900.

Ratification advised by the Senate January 22, 1901.

Ratified by the President January 30, 1901.

Ratified by Spain February 25, 1901.

Ratifications exchanged at Washington March 23, 1901.

Proclaimed March 23, 1901.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Spain, providing for the cession to the United States of any and all islands of the Philippine Archipelago lying outside of the lines described in Article III of the Treaty of Peace concluded by them at Paris on December 10, 1898, was concluded and signed by their respective plenipotentiaries at the City of Washington on the seventh day of November, 1900, which Convention, being in the English and Spanish languages, is word for word as follows:

The United States of America and Her Majesty the Queen Regent of Spain, in the name of Her August Son, Don Alfonso XIII, desiring to remove any ground of misunderstanding growing out of the interpretation of Article III of the Treaty of Peace concluded between them at Paris the tenth day of December, one thousand eight hundred and ninety eight, whereby Spain cedes to the United States the archipelago known as the Philippine Islands and comprehending the islands lying within certain described lines, and having resolved to conclude a Treaty to accomplish that end, have for that purpose appointed as their respective plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States;

and Her Majesty the Queen Regent of Spain, the Duke de Arcos, Envoy Extraordinary and Minister Plenipotentiary of Spain to the United States;

who, having met in the city of Washington and having exchanged their full powers, which were found to be in due and proper form, have agreed upon the following sole article:

SOLE ARTICLE

Spain relinquishes to the United States all title and claim of title, which she may have had at the time of the conclusion of the Treaty of

Peace of Paris, to any and all islands belonging to the Philippine Archipelago, lying outside the lines described in Article III of that Treaty and particularly to the islands of Cagayan Sulú and Sibutú and their dependencies, and agrees that all such islands shall be comprehended in the cession of the Archipelago as fully as if they had been expressly included within those lines.

The United States, in consideration of this relinquishment, will pay to Spain the sum of one hundred thousand dollars (\$100,000) within six months after the exchange of the ratifications of the present Treaty.

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain, after approval by the Cortes of the Kingdom, and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at the city of Washington, the 7th day of November, in the year of Our Lord one thousand nine hundred.

JOHN HAY [SEAL]
ARCOS [SEAL]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-third day of March, one thousand nine hundred and one;

Now, therefore, be it known that I, William McKinley, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 23rd day of March, in the year of Our Lord one thousand nine hundred and one, and
[SEAL] of the Independence of the United States the one hundred and twenty-fifth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

REGISTRATION OF SPANISH SUBJECTS IN THE PHILIPPINE ISLANDS.¹

Protocol of agreement extending, as to the Philippine Islands, for six months from April 11, 1900, the period fixed in Article IX of the treaty of peace between the United States and Spain, signed at Paris December 10, 1898, during which Spanish subjects, natives of the peninsula, may declare their intention to retain their Spanish nationality.

Signed at Washington, March 29, 1900.

Advice and consent of the Senate, April 27, 1900.

Proclaimed, April 28, 1900.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a protocol of agreement extending, as to the Philippine Islands, for six months from April 11, 1900, the period fixed in Article IX of the Treaty of Peace between the United States and Spain, signed at Paris on the tenth day of December, 1898, during which Spanish subjects, natives of the Peninsula, may declare before a court of record their intention to retain their Spanish nationality, was signed at Washington on March 29, 1900, by the Honorable John Hay, Secretary of State of the United States, and the Duke de Arcos, envoy extraordinary and minister plenipotentiary of Spain at Washington, the original of which protocol of agreement being in the English and Spanish languages, is word for word as follows:

Whereas by the ninth Article of the Treaty of Peace between the United States of America and the Kingdom of Spain, signed at Paris on December 10, 1898, it was stipulated and agreed that Spanish subjects, natives of the Peninsula, remaining in the territory over which Spain by Articles I and II of the said treaty relinquished or ceded her sovereignty could preserve their allegiance to the Crown of Spain by making before a court of record within a year from the date of the exchange of ratifications of said treaty, a declaration of their decision to preserve such allegiance;

And whereas the two High Contracting Parties are desirous of extending the time within which such declaration may be made by Spanish subjects, natives of the Peninsula, remaining in the Philippine Islands;

The undersigned Plenipotentiaries, in virtue of their full powers, have agreed upon and concluded the following article:

SOLE ARTICLE.

The period fixed in Article IX of the Treaty of Peace between the United States and Spain, signed at Paris on the tenth day of December, 1898, during which Spanish subjects, natives of the Peninsula, may declare before a court of record their intention to retain their Spanish nationality, is extended as to the Philippine Islands for six months beginning April 11, 1900.

¹ See Foreign Relations, 1899, p. 714, et seq.

In witness whereof, the respective Plenipotentiaries have signed the same and have thereunto affixed their seals.

Done in duplicate at Washington the 29th day of March, in the year of Our Lord one thousand nine hundred.

JOHN HAY
ARCOS

And whereas the Senate of the United States, by its resolution of April 27, 1900, (two-thirds of the Senators present concurring therein,) did advise and consent to the proclamation of the said protocol of agreement:

Now, therefore, I, William McKinley, President of the United States of America, have caused the said protocol of agreement to be made public to the end that every article and clause thereof may be observed in good faith by the United States and the citizens thereof.

In testimony whereof, I have set my hand and caused the seal of the United States to be hereunto affixed.

Done at the City of Washington this twenty-eighth day of April, in the year of our Lord one thousand nine hundred, and
[SEAL.] of the independence of the United States the one hundred and twenty-fourth.

WILLIAM MCKINLEY

By the President:

JOHN HAY
Secretary of State.

CONDOLENCES ON GALVESTON DISASTER.

Duke Arcos to Mr. Hay.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
Washington, September 12, 1900.

MR. SECRETARY: I am charged by the Government of His Majesty to lay before that of the United States the expression of its sentiments of deep sympathy for the awful disasters caused by the recent cyclone in Texas.

Her Majesty the Queen Regent equally joins in these expressions of sympathy for such horrible calamities by which Her Majesty and her Government have been painfully affected.

I improve, etc.,

ARCOS.

Mr. Adee to Duke de Arcos.

No. 114.]

DEPARTMENT OF STATE,
Washington, September 17, 1900.

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant, in which you transmit an expression of the deep sympathy felt by His Majesty's Government and by Her Majesty the Queen Regent in view of the terrible disaster in Texas.

Your note has been communicated to the President, who charges me to express his sincere appreciation of the sympathetic message transmitted by your Government.

Accept, etc.,

ALVEY A. ADEE.

PASSPORTS ISSUED BY MILITARY AUTHORITIES TO CITIZENS OF PORTO RICO, CUBA, AND THE PHILIPPINES.

Mr. Storer to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Madrid, October 22, 1900.

[Mr. Storer reports that ruling on the following question is requested by the consul-general of the United States at Barcelona: Joint passport issued by alcalde in Porto Rico to husband, wife, and minor children, as citizens of Porto Rico, United States of America. The father, to visit Cuba, will be compelled to carry the aforesaid passport. What sort of official certificate should the consul-general issue to the family remaining at Barcelona for its identification and protection?

Mr. Storer is of the opinion that it would be advisable for the Department to issue general instructions regarding passports from Cuba and Porto Rico.]

Mr. Storer to Mr. Hay.

No. 280.]

LEGATION OF THE UNITED STATES,
Madrid, October 22, 1900.

SIR: I have the honor to report that the consul-general of the United States at Barcelona has asked the advice and ruling of this legation in a case substantially as follows: A native of Porto Rico, one José Pou Rios, now at Barcelona, holds a passport issued to himself, his wife, and his five minor children, jointly, by the alcalde of San Juan de Porto Rico. The entire family are described as "citizens of Porto Rico, United States of America," and I inclose a copy of this passport¹ as sent me by the consul-general. The father of this family is compelled to visit the island of Cuba and can not land there without the production of this document, which he must take with him. His wife and children remain meantime in Barcelona, and ask that some official document of equal force and effect with the said passport for their identification, obligatory under Spanish law, and their protection during the absence of the husband and father be granted them by the consul-general.

The consul-general points out that the Department circular of May 2, 1899, while recommending the exercise of "good offices for the protection" of this class of persons, prohibits the issuance of any kind of passport or any paper having such effect, and apparently limits his official act to the indorsement of any cedula that may be presented. It would seem that cedula, properly so called, are no longer issued in

¹ Not printed.

Porto Rico, and the above form of passport is now for the first time presented. This legation, no more than the consul-general, has never been informed of what is now the procedure of official identification adopted in Cuba or in Porto Rico for the citizens of those islands, to take the place of the cedula de vecindad, and therefore must transmit the case to the Department for instructions. It would be well, in view of the probable frequent occurrence of similar questions, for the Department to consider the possibility of giving by a new circular letter addressed to all diplomatic and consular officers, especially in Spain, clear and definite information as to what is the course established in Cuba and Porto Rico for the issuing of certificates of identity and protection, under whatever name, what officers have the power to issue them, and the consideration to be awarded them on presentation for recognition and visé at legations and consulates.

I have to-day sent you by cable¹ a request for instructions in the above matter.

I have, etc.,

BELLAMY STORER.

Mr. Hay to Mr. Storer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 24, 1900.

[Mr. Hay states that the consul-general at Barcelona may certify to a copy of the Porto Rican paper, and, if necessary, visé same.]

Mr. Storer to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Madrid, November 5, 1900.

[Mr. Storer reports that the civil provincial governors in Cuba, and the municipal authorities in Porto Rico, issue in lieu of cedula papers of very different forms and wording, purporting to be passports, which are presented for registration and visé; and that, if the legation and consulates are to continue to extend their good offices, definite instructions are absolutely necessary as to what officers are authorized to issue passports, and in what form.]

Mr. Storer to Mr. Hay.

No. 306.]

LEGATION OF THE UNITED STATES,
Madrid, November 6, 1900.

SIR: On the same general matter and with the same object that my dispatch No. 280, of October 22, was written, I have cabled you to-day as follows:¹

The reason for thus asking instructions is sufficiently clear in view of the terms and extent of the circular letter of the Department of May 2, 1899, and the facts stated.

¹ Printed ante.

The passports from Porto Rico are, as will be seen from the inclosure of my dispatch 280, signed by the president of the municipal council and alcalde, sealed with the seal of the municipality, and viséed by the Spanish consulate, and have no personal identification blanks to be filled out. Those presented from Cuba at this legation are signed only by the civil governor of the province, without visé or consular signature; have personal identification blanks to be filled out, and bear the signature of the person to whom issued, somewhat like our United States passports. For all we know these papers may be entirely manufactured, as neither the legation nor the consular officers have any information as to what are the laws or regulations of the provisional government of Cuba or of those applicable to Porto Rico, and have no information, save hearsay, that the "cedula de vecindad" is no longer issued in either Cuba or Porto Rico. The bearers all claim that they are informed by the agents of steamship lines that no passage tickets to these islands will be sold in Spain or persons allowed to embark without the official visé of either the legation or a consulate of the United States.

The consul-general at Barcelona unofficially gave me to understand that while he had, for lack of instructions, been refusing to visé anything not clearly covered by the circular letter of May 2, 1899, and had been assured in each case that the person could not embark without this ceremony, he never yet has heard of any person who actually had been on that account compelled to remain in Spain, and evidently the difficulty had been arranged in some way. The official understanding, as I reported to you on my arrival in Spain in June, 1899, still is that no Cuban or Porto Rican can embark on a Spanish vessel without a "cedula" or other paper viséed by a United States officer, and it probably is only a dereliction of official duty somewhere that has allowed such illegal embarkations to be made. At any time great hardship may arise from the lack of information and consequent supposed lack of authority to visé on the part of some of our diplomatic and consular officers.

I have, etc.,

BELLAMY STORER.

Mr. Hay to Mr. Storer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 6, 1900.

[Mr. Hay directs that all passports or cédulas presented by citizens of Porto Rico and Cuba, and all passports or cédulas presented by natives of the Philippines, when issued or countersigned by the military authorities of the United States in these islands, shall be registered and viséed.]

Mr. Hay to Mr. Storer.

No. 244.]

DEPARTMENT OF STATE,
Washington, November 9, 1900.

SIR: I have to acknowledge the receipt of your No. 280, of the 22d ultimo, and to confirm your telegrams of November 3 and 5, and that

of the Department of November 6, all in relation to protection to citizens of Cuba, Porto Rico, and the Philippine Islands.

The limit within which you may act is defined in the last paragraph of the Department's circular instruction of May 2, 1899, herewith enclosed.

I am, etc.,

JOHN HAY.

[Inclosure.]

Protection to native inhabitants of Cuba and Porto Rico in foreign countries.

DEPARTMENT OF STATE,
Washington, May 2, 1899.

To the Diplomatic and Consular Officers of the United States.

GENTLEMEN: In view of the frequency of requests by diplomatic and consular officers for instructions as to the treatment of native Cubans and Porto Ricans temporarily sojourning in foreign countries who may apply to the missions or consulates for passports or registration as citizens of the United States, or for other protection, by reason of the results of the recent war between the United States and Spain, it is deemed proper to send you appropriate instructions so far as they can be generally framed to meet the cases arising.

The treaty of peace between the United States and Spain, signed at Paris December 10, 1898, the ratifications of which were exchanged on the 11th ultimo, provides (article 9) that "the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress." The treaty is silent as to the status of the native inhabitants of the territories relinquished and evacuated by Spain. The occupation of the island of Cuba as a relinquished territory is temporarily under the administration of the military authorities of the United States. While the native inhabitants of Cuba have effectively ceased to be the subjects of Spain, they have not acquired a distinct status, either independent or dependent upon the United States as the custodian of the territory.

They are not citizens of the United States, nor can any scheme of provisional registration be adopted with a view to such a contingency. They may, however, during the interregnum, when temporarily sojourning in a foreign country, be protected through the exercise of good offices by the representatives of the United States in case of need upon due establishment of their nativity and of their merely temporary absence from Cuba and intention to return to and permanently reside in that island.

As to the status of the native inhabitants of Porto Rico and the islands adjacent thereto which have been ceded to the United States, the Congress has not yet legislated with regard to their civil and political rights, so that even as respects the native inhabitants residing in that island there is no present formality or procedure provided for the attestation of their citizenship; but in the interim every bona fide citizen of the ceded islands is entitled to the protection of the United States as against every foreign government.

The treaty is silent as to the status of natives of the ceded islands who are not actually inhabitants thereof—that is, dwellers within the ceded territory. It can not be presumed that native inhabitants of Porto Rico temporarily sojourning for a brief time in another country thereby abandon their status as such inhabitants, and it is proper that the civil and political rights which they may have by virtue of the treaty should be guarded, and that they should be represented by the diplomatic and consular agencies of the United States in matters involving relation with the power in whose territory they may be temporarily sojourning.

Under these circumstances the diplomatic and consular officers of the United States in foreign countries are authorized to register in their legations and consulates as such the names of native inhabitants of Cuba or Porto Rico who may be temporarily sojourning within their jurisdiction, and to exercise good offices for the protection of such native Cubans and Porto Ricans as may seek it for some well-established cause.

They will give official protection to native Porto Ricans so registered in all matters where a citizen of the United States similarly situated would be entitled thereto, being careful to have it appear that they are protected as native inhabitants of Porto Rico and not as citizens of the United States.

As to native inhabitants of Cuba so registered, the intervention of diplomatic and consular officers by way of good offices shall be exercised for their protection should they seek it for some well-established cause.

In registering Cubans and Porto Ricans the diplomatic and consular officers of the United States should be careful to require full establishment by satisfactory evidence that the applicant is in fact a native inhabitant of Cuba or Porto Rico; that he has not lost that quality by naturalization in any other country or by assuming therein obligations inconsistent with his original allegiance; and, in the case of an inhabitant of Porto Rico, or the adjacent ceded islands, that it is his purpose in good faith either to return to his native territory to reside or to come to the United States, with a view in either case to availing himself of the privilege of citizenship which may be hereafter established by act of Congress. Care should be taken to distinguish between the applications of native Cubans and native Porto Ricans. As indicated above, the treaty makes no provision for the future status of the inhabitants of the Spanish territories as to which Spain has relinquished her sovereignty, so far as concerns their acquisition of any other citizenship. The sole proviso (article 9) is that in case "Spanish subjects, natives of the Peninsula," remain in the relinquished territory, "they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside." Obviously the diplomatic and consular representatives of the United States in foreign countries have no function whatever as respects the taking of such declaration of conservation of Spanish allegiance. All that they can do is to take provisional cognizance of any declaration of a native inhabitant of Cuba that it is his intention to return to Cuba and identify himself with that relinquished territory.

As to Porto Ricans, there is enjoined upon you the importance of clear and satisfactory evidence of the Porto Rican nativity of any applicant for registry and protection. Should an applicant be found to be merely a native of the peninsula residing until recently in Porto Rico, you should be careful to advise him that your instructions do not authorize you to register him in the legation or consulate as a *native inhabitant*, nor to accept from him any declarations of adoption of the nationality of the *ceded* territory in which he may have resided. Actual residence within the ceded territory at the time of the cession and during one year thereafter are, under the treaty, required to establish the adoption of the nationality of such ceded territory.

Diplomatic and consular officers will be careful to report to the Department from time to time the names of persons who may have applied for registration as native Cubans, for the purpose of temporary protection, or of native inhabitants of Porto Rico, seeking to establish their relation to that ceded territory for eventual contingencies as above indicated, accompanying such list by a note of the evidence of native status produced by the applicant.

The issuance to such registered person of any certificate or other paper having constructively the effect of a passport is not authorized, but if the applicant possesses documentary evidence of his native status, in either Cuba or Porto Rico, such as a personal certificate of matriculation, commonly called "*cédula de vecindad*," or other proof of recent date, the diplomatic or consular officer may indorse upon the same "Noted in the legation" (or consulate, as the case may be) "of the United States at _____," attaching the signature and date, and affixing the official seal.

I am, gentlemen, your obedient servant,

JOHN HAY.