SPAIN.

MILITARY-SERVICE CASE OF ANTONIO GISBERT Y BAYOT.

Mr. Storer to Mr. Hay.

Legation of the United States,
Madrid, February 26, 1902.

Sir: Owing to the fact that I have been personally confined to my room for ten days, I have not reported as yet a matter as to which my advice had been asked by the consul-general at Barcelona, which I have the honor now to do.

It seems that on the 27th day of November, 1901, Mrs. Carmen Bayot, together with her son, Mr. Antonio Gisbert y Bayot, addressed themselves to the consulate-general, with each of them a "cedula," issued by the authorities of the United States, of the province of Manila, on the 1st day of January, 1900. The young man is correctly described therein as having been born in Manila, as 18 years of age, single, occupation that of a mechanic, residing in Cabilde, Manila. Both of these "cedulas" were issued by the first lieutenant of the Thirty-seventh Infantry, collector of internal revenues—the name is not distinguishable.

The young man was also bearer of his birth certificate, duly authenticated; and on the 27th November, 1901, demanded to be registered as a United States citizen at the consulate-general. The consul-general, in view of your instruction No. 283, dated January 16, 1901, declined to consider himself authorized to do more than to visé the "cedula" and the birth certificate, which he then did under the seal of the consulate-general. Notwithstanding this, the Spanish authorities, in the last drawing of the conscription list for service in the Spanish army, insisted on including the name of the young man; and he has, I am informed, been definitely drawn and will be held for service.

The consul-general wrote me, asking instructions by telegraph from me, as to whether he should make a formal protest within the time fixed by the Spanish law for the filing of such protest; and I was able to do no more, under the circumstances narrated, than telegraph him so to do. He informs me that he has made such a protest; that no answer thereto has been received, but that he learned that the Spanish authorities do not contest in any way the fact of the birth and citizenship of the young man, but will claim that as he was not "registered at the consulate as an American citizen" they were not obliged to exempt him.

I report this case as it up to this time has been made known to me, and will inform the Department at once of the official ground which

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*a See Foreign Relations, 1901, page 462.
may be taken by the Spanish Government in their reply to the protest of the consul-general. In the meantime, * * * I think I had better receive from the Department instructions either to proceed directly through the ministry of state in this matter or to await further developments, as your judgment may decide.

I have, etc.,

Bellamy Storer.

Mr. Storer to Mr. Hay.

No. 642.]

Legation of the United States,
Madrid, March 3, 1902.

SIR: Continuing the report to the Department made by myself in my dispatch No. 634, bearing date February 26, 1902, concerning the action of the Spanish authorities in the case of Mr. Antonio Gisbert y Bayot, I have the honor to transmit herewith copy of an official letter received this morning from the consul-general at Barcelona.

* * * * * * * * *

I have, etc.,

Bellamy Storer.

[Inclosure.]

Mr. Lay to Mr. Storer.

Consulate-General of the United States,
Barcelona, March 4, 1902.

SIR: Referring to my letters of the 10th and 14th ultimo, relating to the case of enlistment in the Spanish army of Antonio Gisbert y Bayot, I have now the honor to report the receipt of two letters of the 27th and 28th February from the "Comision Mixta" of Barcelona, informing me that until Gisbert and his mother can show their actual place of residence on the 11th April, 1899, the date of ratification of the treaty of peace, the said Gisbert can not leave Barcelona without depositing 1,500 pesetas with the civil governor.

Although Gisbert has diplomas and registers from the schools and colleges in Manila showing that he attended these colleges regularly between 1892 and March, 1900, and the certificate of registration issued by the United States military authorities in Manila to his mother and himself, his mother does not seem to be able to produce satisfactory evidence that she resided in Manila on the above-mentioned date. She sails to-day for Manila and will send from there the necessary proofs of residence to her son here, who expects they will reach him in time to get away in three months.

I have, etc.,

Julius G. Lay.

Mr. Hay to Mr. Storer.

No. 422.]

Department of State,
Washington, March 10, 1902.

SIR: I inclose a copy of No. 208, of the 18th ultimo, from the United States consul-general at Barcelona.

It appears from this dispatch that one Antonio Gisbert y Bayot, a native inhabitant of the Philippine Islands, presented on November 27 last to the consul-general a certificate of registration issued to him on January 1, 1900, by the United States military authorities at Manila.
This certificate was viséed by the consul-general, and a certificate (Form A of the dispatch) was issued to Gisbert, stating that he was a native of the Philippine Islands, under the protection of the United States. This latter certificate was presented at the office of the civil governor of Barcelona by Gisbert, where it was stamped and noted and his name registered there as a foreigner.

Notwithstanding these precautions, Gisbert was notified in January last that he was called in this year’s draft for the Spanish army. On his inquiry he was informed that he could not be considered as a foreigner, as he was not registered at the United States consulate as an American citizen. Thereupon the consul-general protested to the local authorities, who had not at the date of his dispatch made a reply.

You may bring the matter to the attention of the Spanish Government and point out that, while under existing conditions Gisbert can only be regarded as a native inhabitant of the Philippine Islands under the protection of the United States, he can not now, in view of the terms and stipulations of the treaty of peace, be regarded as a subject of Spain, liable for military service.

I am, etc.,

John Hay.

[Inclosure.]

Mr. Lay to the Department of State.

No. 203.]

Consul-General of the United States,
Barcelona, February 18, 1902.

Mr. Lay to the Department of State.

No. 203.]

Consul-General of the United States,
Barcelona, February 18, 1902.

Sir: I have the honor to inform the Department that after obtaining the approval of the minister at Madrid I have protested to the authorities here against the enlistment in the Spanish army of one Antonio Gisbert y Bayot, a native inhabitant of the Philippine Islands.

The facts in the case are as follows: On November 27, 1901, Antonio Gisbert y Bayot presented at this consulate-general a “certificate of registration,” issued by the United States military authorities at Manila on January 1, 1900, to said Gisbert y Bayot, and a similar certificate issued to his mother on the same date, both countersigned by the captain of the port of Manila; also a certificate duly authenticated showing that Gisbert was born in the Philippines on August 7, 1881. The certificates of registration were both viséed by me on November 27, 1901, and in order to comply with the regulations of the civil governor of this province a certificate in the form enclosed was issued on the 27th November, 1901, at this office. This certificate was presented at the office of the civil governor by Gisbert, where it was stamped and noted, and his name registered there as a foreigner.

In the first part of January of this year Gisbert was notified that his name was included in the lists of those young men obliged to serve in the Spanish army in this year’s draft. I advised Gisbert to request an explanation from the authorities for their action, to which they replied in a letter addressed to Gisbert that, although he was born in the Philippine Islands and did not arrive in Spain until May 1, 1900, as shown by the records of the captain of the port of Barcelona, he could not be considered as a foreigner, as he was not registered at the consulate-general of the United States here as an American citizen. Before this letter to Gisbert was written, in reply to a request from the authorities for information regarding the registration of Gisbert, I informed them that he was not registered as an American citizen, but that he held a “certificate of registration” viséed by me, issued by the military authorities in the Philippine Islands. I did not feel justified in doing more in view of existing regulations on the subject from the Department. Furthermore, the important part of permanent residence in the Philippines and temporary stay here had not been established except by Gisbert’s statements to me. When, however, the Spanish authorities made no contention respecting residence, which might have implied previous obligations, but denied his claim to anything but Spanish nationality, I requested the approval of the minister to protest against Gisbert’s enlistment. Having received the approval of the minister to do so, I have protested and will transmit a copy of the decision of the local authorities in the case when received.
This case is interesting as showing the attitude of the Spanish Government regarding the status of native inhabitants of the Philippine Islands temporarily residing here less than two years.

I have, etc.,

JULIUS G. LAY, Consul-General.

[Subinclosure.—Translation.]

Certificate furnished by the consulate-general to Mr. Gisbert.

This is to certify that Mr. Antonio Gisbert has to-day presented himself at this consulate-general, and, according to documents, is a native inhabitant of Manila, is under the protection of the United States, his present residence being at 55 Calle Bailen, of this city.

JULIUS G. LAY, Consul-General of the United States.

Signature of bearer:
ANTONIO GISBERT.

BARCELONA, November 27, 1901.

Mr. Hay to Mr. Sickles.

No. 424.]

DEPARTMENT OF STATE,
Washington, March 18, 1902.

Sir: I have to acknowledge the receipt of Mr. Storer’s No. 634 of the 26th ultimo, reporting the case of Mr. Antonio Gisbert y Bayot, a native of the Philippine Islands, under the protection of the United States, who has been called by the military authorities for service in the Spanish army.

You are referred to the Department’s No. 423 of the 10th instant, which indicated a course to be pursued by the legation.

I am, etc.,

JOHN HAY.

Mr. Hay to Mr. Sickles.

No. 427.]

DEPARTMENT OF STATE,
Washington, March 21, 1902.

Sir: I have to acknowledge the receipt of Mr. Storer’s No. 642, of the 3d instant, reporting the position assumed by the Spanish authorities in the case of Antonio Gisbert y Bayot.

In reply I have to say that the Department is of opinion that it is perhaps not unreasonable for those authorities to require Mr. Gisbert to show the place of his residence on April 11, 1899, the date of the exchange of ratifications of the treaty of peace.

As his mother has gone to Manila to obtain the necessary evidence, no further action seems to be required at this time.

I am, etc.,

JOHN HAY.

Mr. Sickles to Mr. Hay.

No. 667.]

LEGATION OF THE UNITED STATES,
Madrid, June 12, 1902.

Sir: With reference to Department’s instruction No. 423, bearing date March 10, concerning one Antonio Gisbert y Bayot, a native
inhabitant of the Philippine Islands, who had been called upon by the military authorities of Spain to serve in the Spanish army, I have the honor to inform you that the protest made by this legation to the ministry of state of Spain, in compliance with the above mentioned instruction, has produced the desired result, the young man in question, as will be seen by a translation of a letter addressed to the consulate-general at Barcelona from the recruiting office in that city, copy of which I beg to inclose, having been exempted from military service in this country.

Mr. Gisbert, the consul-general informs me, expects to sail for Manila this month.

I have, etc.,

STANTON SICKLES.

[Inclosure.—Translation.]

Comision Mixta to United States Consul-General, Barcelona.

Comision Mixta de Reclutamiento,
Province of Barcelona.

No. 4797.)

After seeing the particulars relating to the protest put forward by the consul of the United States at Barcelona against the decision of the "Sección de Quintas" of the Fourth District of this city, which declared that no reason existed for excluding the individual Antonio Gisbert y Bayot from enlistment for the present year;

Whereas the same show the said individual to be a native of the Philippine Islands; that he presented himself on the 2d of February last before the above-mentioned "Sección" praying that he should be exempted from enlistment, and handed in a certificate issued by you and registered at the office of the civil governor of this province, stating that he was a native citizen of the Philippine Islands and was under United States protection; that the "Sección" in session decided to call for particulars in order to decide the case, in virtue of which decision a certificate given by the commandant of marine of this port was attached to the "expediente" (proceedings) to the effect that the individual in question arrived at this port from Manila on the 8th of May, 1900, on board the steamer Leon XIII, also a written statement from your consulate stating that the certificate issued by the military authorities in the Philippine Islands to the young man in question on the 1st of January, 1900, was viséed at your office on the 7th of November, 1901, he not being registered there as an American citizen, and that the "Sección" had on the 8th of February last decided that there was no reason for excluding the said young man from enlistment, on the grounds that although he arrived in this city after the date mentioned in Article IX of the treaty of peace between Spain and the United States, his status as a foreigner was not established in the form required by Article XII of the royal decree of November, 1852;

Whereas you protested against the above-named decision in your communication to this committee dated the 20th February, stating that although the young man is not registered at your consulate as an American citizen, nevertheless, in compliance with the regulations of his excellency the civil governor of this province, relating to foreigners temporarily residing in this city, you issued to him a certificate which is attached to the "expediente," to the effect that the young man in question is a native of the Philippines and a citizen of Manila, which document is registered at the office of the civil governor of this province;

Whereas this committee in its session held on the 27th of the same month of February determined to require the young man to prove within the shortest possible time his place of residence, as well as that of his mother, on the 11th of April, 1899, the date of the ratification of the treaty of peace between Spain and the United States, whereupon the young man presented a document dated the 22d of last May, being the sworn statements of three citizens of Manila, made before the notary of that city, Don José Ma. Rosado, proving that Doña María del Carmen Bayot, widow of Don Antonio Gisbert, mother of the young man Antonio, and he himself, resided in the said city on that date; furthermore, that they resided there during the whole of the year 1899;

Whereas the "expediente" further includes:
FOREIGN RELATIONS.

1. A statement from you that the mother is a native and a citizen of Manila, under
the protection of the United States, which document was registered at the office of
the civil governor of this province; and

2. A certified copy of the local census sheet of this city, taken on the 31st of Decem-
ber, 1900, in which it is stated that on that date both the mother and the young man
had resided in this city for several months; and

3. A copy of the decision arrived at;

Whereas, it being proved that both the young man and his mother are natives of the
Philippines, and that they resided in the said islands on the 11th of April, 1899, the
date of the exchange of the ratifications of the treaty of peace between Spain and
the United States, it is considered that they thus lost their status as Spaniards by
virtue of Article I of the royal decree of the 11th May, 1901;

Whereas the status of foreigners held by the young man and his mother is proved by
the documents issued by you on the 27th of November, 1901, in respect of the
young man and on the 25th of February last in respect of his mother, which are
registered at the office of the civil governor of this province, according to notes made
therein, upon the dates when they were respectively issued;

Whereas foreigners are exempt from military service in Spain, and must not there-
fore be included in the annual enlistments;

In view of the recruiting law, the regulations for its execution, the royal decree of
May 11, 1901, and other regulations in force bearing upon the matter;

This committee, in session of the 28th May last, decided to revoke the decision of
the “Seccion de Quintas” of the Fourth district of this city of the 8th of February
last, which declared that there were no grounds for excluding the young man An-
tonio Gisbert y Bayot from enlistment for the current year, and in its place it is decided
to exempt him from that enlistment, seeing that having lost Spanish nationality he
is not under obligation of military service in Spain, and that said decision be com-
municated to you, as I have herewith the honor of doing, for you to act as you deem
best.

May heaven protect you many years.
Barcelona, June 4, 1902.

THE PRESIDENT OF THE COMISION MIXTA.

Mr. Hay to Mr. Storer.

No. 447.]

DEPARTMENT OF STATE,
Washington, July 1, 1902.

SIR: The Department has been gratified to receive Mr. Sickles’s No.
667, of the 12th ultimo, reporting that the recruiting office of Bar-
celona had exempted Mr. Antonio Gisbert y Bayot from military ser-
vice in Spain.

It appears to the Department that no other conclusion was possible,
protection of the United States, whose status is, according to the
second paragraph of Article IX of the treaty of peace, determinable
by Congress.

I am, etc.,

JOHN HAY.

CELEBRATION OF MAJORITY OF ALFONSO XIII.

Mr. Hay to Mr. Curry.

No. 1.]

DEPARTMENT OF STATE,
Washington, February 13, 1902.

SIR: The President having determined upon the appointment of a
special ambassador extraordinary to represent the Government of the
United States upon the occasion of the coming of age of King Alfonso
XIII of Spain on May 17 next, and you having indicated your accept-
SPAIN. 955

ance of the same, I inclose herewith your commission as ambassador extraordinary of the United States on special mission for that purpose.

I also inclose a letter of credence and a letter of felicitation (with office copies) addressed to His Majesty. You will forward the office copies to the minister for foreign affairs and deliver the originals in the manner most agreeable to His Majesty.

Upon your arrival in Madrid it is expected that you will freely consult with Mr. Storer, the minister of the United States there, who will, no doubt, be able to fully advise you and be pleased to render you such further assistance and cooperation as may be necessary.

It is the President's desire to show by this mission the friendly regard he has for the Government and people of Spain, and he feels confident that its duties will be discharged by you in a manner to strengthen the cordial relations now happily subsisting between the two countries.

I am, etc.,

JOHN HAY.

Mr. Curry to Mr. Hay.

SPECIAL EMBASSY OF THE UNITED STATES,
Madrid, May 31, 1902,

Sir: The President of the United States, on the 13th of February, 1902, sent me a commission as ambassador extraordinary on special mission as the representative of the Government on the occasion of the coming of age of Alfonso XIII of Spain, "with all the privileges and authorities of right appertaining to this commission." With Mr. Charles Ritchie Simpkins, who had been appointed secretary of the embassy, and whose diplomatic experience in South America, general culture, and prompt and intelligent discharge of every duty made him a valuable auxiliary, on the 13th of May, the day after my arrival in Madrid, I was received at the foreign office by the Duke de Almodóvar del Río, the minister of state, when I informed him officially of my appointment and presented copies of my letter of credence and the letter of felicitation. After a pleasant interview, in which I was reminded of the congratulations of the American and the Spanish press at the appointment, under peculiar circumstances, of myself as ambassador, he was emphatic in expressing his pleasure at the action of the United States in consenting to take part in the interesting ceremony which would occur when the King would take the prescribed oath and be installed as a ruler. I was informed that on the succeeding day, between 10 and 12, I would be received in the palace by Their Majesties. The general reception of all special envoys, except those of royal blood, had been fixed for the same hour and place. The papal nuncio had precedence, and then I was presented to the Queen Regent and to the King. The Queen gave an extremely cordial welcome, and was much pleased when she was assured that the President gladly availed himself of that method of showing the friendly regard which he had for the Government and the people of Spain and of expressing his confidence that the mission would strengthen the cordial relations now subsisting between the two countries. After placing in her hands the official copies of the letters I took the liberty of saying that I hoped it would not be considered improper for me to add that by her personal
and official conduct Her Majesty had bound the intelligent and the
good of all other peoples with strong bonds of admiration and regard.
The Queen, most gracious in her demeanor, throughout the necessarly
brief interview listened with an expression of extreme pleasure and
then recalled my previous residence in Madrid as the American min-
ister and the cordial relations which then existed with the court. She
made special and flattering inquiry about Mrs. Curry and hoped to see
her on to-morrow. To the King, standing beside his mother, I made
my acknowledgments. I was surprised to find him so well grown and
nearly as tall as Her Majesty. He was easy and dignified in manner,
self-possessed, alert in speech, and made a decidedly favorable impres-
sion. His first utterance was, "I am glad to see you. You were here
when I was born." In an adjoining room waited the Princess of
Asturias, the King's eldest sister, to whom I was presented. She
kindly said she remembered Mrs. Curry. Her husband was with her.

The 17th, the natal day, was the day fixed by the constitution of 1876
for the coming of age of the King and the taking of the oath. Elabo-
rate preparations had been made for the occasion and the ceremonial.
The procession from palace to Chamber of Deputies, through streets
beautifully decorated with ancient tapestries and splendid hangings,
was a reproduction of the most magnificent of mediæval cavalcades
and displays. Royal coaches, drawn by eight horses, attended by
mace bearers, outriders, royal guards, bore the Queen and King and
Princess of Asturias to the Chamber. Twelve senators and twelve
deputies received Their Majesties at the steps and conducted them to
the Chamber, around which were benches filled by deputies, senators,
and ministers, members of the Government, and many distinguished
men and women in dazzling uniforms and decorations. The foreign
princes and special envoys were seated immediately to the right of a
platform which had been specially constructed and on which were four
gilded chairs occupied by the King and Queen Regent and Princess
and Prince of Asturias. As the King took his place upon the throne
he was given a most enthusiastic reception, which he gracefully
acknowledged. On the left of the King was a table on which was a
Bible with a silver crucifix beside it. On the right was another table
with a golden crown studded with jewels and a scepter. The com-
mon belief that there was to be a coronation was an error, as Alfonso
was born King and needed not an official coronation.

The president of the Chamber, addressing the King, said:

Señor, the Cortes convoked by your august mother are assembled to receive from
Your Majesty the oath which, in accordance with the constitution, you come to take
to maintain the constitution and laws.

His Majesty, rising and facing the assembly, placed his hand on the
Bible and said in distinct, audible tones and in most impressive manner:

I swear by God upon the Holy Bible to maintain the constitution and laws. If so
I do, may God reward me. If I do not, may He call me to account.

The ceremony of the transformation from the regency to the King,
of the transference of rule from mother to son, and of the investiture,
according to the constitution, with the rights and prerogatives of a
King in his own separate right was exceedingly simple and intelligible.
The boy King's manner was dignified and self-possessed, and nothing
occurred to suggest opposition or a probable antagonism to the change
of government. After this ceremony of taking the oath the King
and royal party proceeded to the San Francisco Cathedral, where a solemn Te Deum was celebrated. On his return to the palace the King issued his first proclamation to the people, expressing the hope that he would receive from them the inspiration which time has not yet taught and that they will continue to him the support they had accorded to his august mother. The Queen, in a noble, pathetic letter to the Spanish people, expressed her unchangeable gratitude for the proofs of affection she had received, and stated that the most complete recompense for a mother for a life devoted to the fulfillment of her duties during a long regency and the bitter trials to which Providence had subjected her would be that her son might be preserved to emulate the glories of his predecessors and to procure peace and prosperity for the noble people he was called to govern.

Among the most significant and warmly approved early actions of the new King was the royal decree giving to the Queen Mother the rank, honors, and preeminence of a reigning consort queen. Her fidelity to her son and ability as a ruler merited this act of filial regard and sound policy. A translation of this paper may well be preserved.

Wishing to give to my august mother a testimony of the great affection and, at the same time, of the love and gratitude with which the noble nation directed by her during sixteen years will keep memory of her great services, and especially the fidelity with which she followed the traditions of my unfortunate father, King Alfonso XII, in the noble task of maintaining closely united the desires of the people with the ideals of the throne, I hereby order that during all her life she shall preserve the rank, honors, and preeminence as reigning consort queen, occupying, therefore, at official acts and ceremonies, the same place as before, or the immediate one to my wife, in case I should contract marriage.

Although the official functions, those essential to the installation of the King and the transference of executive power, were closed, yet for several days and nights a series of banquets, receptions, illuminations, including a military review of different branches of service by the King, laying of the corner stone of the monument to his father, opening of an academy of arts, a battle of flowers, etc., was kept up with great interest. At all these festivities the royal family was present, and most convenient arrangements were made for the foreign representatives and the general public. Everything was rearranged with taste and art and skill, so that no hitch nor accident nor postponement occurred, and the displays and performances were singularly impressive. Such official and popular fêtes, such brilliant ceremonies, the capital had never seen, for they surpassed in éclat and splendor all that had preceded. The artificial exhibitions illustrated the hearty enthusiasm and contentedness of the people. The provinces swelled by 100,000 the usual population of the city, and the thronging crowds of both sexes and all ages, in most picturesque costumes, without disorder or drunkenness, were patient, cheerful, good-humored, and loyal.

The prompt and cheerful response of so many Governments in the inauguration of His Majesty was regarded as a new era—a hopeful sign of Spanish resumption of an honorable position among the nations. Not only all Spain but all the world contributed to give joyous acclam to the young prince. It was an impressive and a significant fact that eleven foreign princes of royal blood, with numerous suites, and twenty-four extraordinary representatives from Europe and the New World, and imposing deputations from China, Japan, Siam, and Morocco, should, formally and with appropriate expressions of interest, have
come to assure Spain of sympathy and regard, and to wish for the new sovereign the blessings of peace and prosperity. The presence and cheer of so many international associates must have been encouraging and inspiring.

As the presence of an American ambassador and the preferential distinctions shown excited no inconsiderable attention and remark, a fuller mention may be pardoned. The President, with humane intuitions, knowing that the heart is often a better logician than the head, assured that the expression of the desire for thorough reconciliation would have a ready response, sent the embassy for the completer reestablishment of friendship and good will. He rendered an excellent service for both countries and placed his own in the forefront for magnanimity and international concord. That was true philosophy which said the sympathies of peoples with peoples, the sense of a common humanity between nations, the aspirations of nationalities for freedom and independence, are real political forces, and owning them as such places one on the right side, and disowning them, on the wrong. It was manifestly most gratifying for the royal family, the Government, and the people that the President should have shown such delicate and generous consideration, and that the United States should share in the great historical occasion. In no stinted words was their pleasure expressed, and in many ways, by many marks of distinction and favor, to the President, the Government, and the ambassador, was this satisfaction clearly exhibited. Queen, King, Infantas, members of the Government, and colleagues seemed to have been impressed by the unique fact, and therefore often spoke of it, that I was present in the palace when the King was born. The coincidence of his advent and inauguration, marked by the official presence of myself, was what the President happily called "poetic fitness," and it touched the Spanish heart.

* * * * * * * * * * * * *

While the treatment of all guests was in the highest style of Spanish hospitality, it would be unjust not to make specific and grateful mention of what was generously and courteously accorded to your representative, not as personal to him, but to show in marked manner an appreciation of the kindly act of the President and of the Government. At the railway station we were met by a royal carriage, which conveyed us to our house and remained night and day at our disposition while we were in Madrid. Under courteous guidance we were conducted to a handsome residence, over which floated the stars and stripes, where everything had been provided in most liberal manner for our maintenance and comfort. Nothing could have been more thoughtful and considerate, and with a delicacy which was the fruitage of the highest civilization. All these kindesses were shown and continued without ostentation or interference. After the precedence extended to the foreign representatives of "blood royal" and to the papal nuncio, the American ambassador had the place of honor at the oath taking in the Cortez, at royal banquet, at official receptions, at the celebration of the Te Deum, at the military review, at all ceremonies and functions.

The Marquis de Villalobar was assigned by Their Majesties to the embassy as special friend and adviser, and greatly to our profit and pleasure he remained until the hour of our departure. Having lived
several years in our country, being a thorough gentleman, of much culture, familiar with court etiquette and the requirements of all the functions and ceremonies, in hearty sympathy with the object of the President in appointing the embassy, he discharged his duties as liberally interpreted and his privileges as friendship dictated, in the most acceptable manner. Our Government and the embassy could not have had one more sympathetic, more capable, more willing, more efficient.

In the absence of the Hon. Bellamy Storer, our regular minister at Madrid, Mr. Stanton Sickles, the secretary, was acting as chargé d'affaires, and I have much pleasure in acknowledging his kind attentions and his courteous and useful services.

I have, etc.,

J. L. M. Curry.

Mr. Hill to Mr. Curry.

No. 3.]

DEPARTMENT OF STATE,
Washington, June 26, 1902.

SIR: I have to acknowledge the receipt of your dispatch of May 31, 1902, reporting your reception as ambassador extraordinary of the United States on a special mission to attend the ceremonies on the occasion of the coming of age of Alphonso XIII.

The Department is gratified to learn of the appreciative reception accorded to you, as a forecast of the good will which this Government trusts will ever prevail between the United States and Spain.

I am, etc.,

DAVID J. HILL,
Acting Secretary.

ASSUMPTION OF POWER BY ALFONSO XIII.

Mr. Sickles to Mr. Hay.

No. 662.]

LEGATION OF THE UNITED STATES,
Madrid, May 20, 1902.

SIR: I have the honor to inclose herewith a copy, together with a translation, of a note that has been received from the ministry of state in connection with the taking of oath of His Majesty King Alfonso XIII, informing this legation in official form of that act.

I have, etc.,

STANTON SICKLES.

[Inclosure.—Translation.]

The Duke of Almodóvar del Río to Mr. Sickles.

MINISTRY OF STATE, Madrid, May 17, 1902.

MY DEAR SIR: It is with extreme satisfaction that I announce to you that His Majesty the King my august sovereign, who has arrived at his majority, has just taken oath to the constitution of the state in the form prescribed by the fundamental law of Spain, and that the Spanish Monarchy reigns from to-day.

In giving you official news of such a memorable and happy event, I repeat the assurance, etc.

THE DUKE OF ALMODÓVAR DEL RÍO.
PROTECTION OF CUBAN INTERESTS BY UNITED STATES CONSULAR OFFICIALS.

Mr. Sickles to Mr. Hay.

No. 665.]

LEGATION OF THE UNITED STATES,
Madrid, June 5, 1902.

SIR: I have the honor to acknowledge the receipt of your cable instruction, that was received here in the early morning of May 26, and which I have deferred from acknowledging until I could inform the Department of the action that the Spanish Government intended to take in the matter.

An answer to the note that I addressed to the Spanish ministry of state immediately on receipt of your cablegram, although bearing date May 31, was only received to-day, and I beg to inclose herewith a copy of the same and a translation.

I have informed this morning, by telegraph, the consul-general of the United States at Barcelona, Mr. Julius G. Lay, of the contents of your cablegram and of the reply of the Spanish Government in this connection, instructing him to use his good offices in the representation of the interests of Cuba and of its citizens until Cuban consuls shall have been appointed, and requesting him to likewise instruct all our consular officers in Spain.

I have, etc.,

STANTON SICKLES.

[Inclosure.—Translation.]

The Duke of Almodóvar del Río to Mr. Sickles.

MINISTRY OF STATE, Madrid, May 31, 1902.

MY DEAR SIR: I have the honor to inform you, in reply to your courteous note of the 26th instant, that the Government of His Majesty, yielding to the wishes of the President of the island of Cuba, and of the Cabinet at Washington, that were therein conveyed, accedes with pleasure to the request that the consular agents of the United States in Spain represent the interests of the said island and of its citizens until Cuban consuls be appointed to that end.

I take this opportunity to renew, etc.,

The Duke of Almodóvar del Río.

ACCIDENT TO PRESIDENT ROOSEVELT.

Señor Ojeda to Mr. Adee.

[Telegram.]

LEGATION OF SPAIN,
New York, September 24, 1902.

I beg you to convey to His Excellency my deep sorrow for the untoward accident, and my earnest wishes for his prompt and complete recovery.

OJEDA.
Mr. Adee to Señor Ojeda.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 25, 1902.

Your sympathetic telegram has been communicated to the President, who charges me to thank you.

Alvey A. Adee,
Acting Secretary.

JURISDICTION OVER VESSELS AND THEIR CREWS—COMPLAINT THAT LOCAL OFFICIALS OF PENSACOLA, FLA., MADE ARRESTS ABOARD A SPANISH VESSEL WITHOUT NOTICE TO SPANISH CONSUL.

Señor Ojeda to Mr. Hay.

[Translation.]

LEGATION OF SPAIN,
Washington, November 5, 1902.

MR. SECRETARY: I have the honor to forward to your excellency a copy of a communication addressed to me by the consul-general of Spain in New York with which he transmits a dispatch from the honorary vice-consul of our country in Pensacola, Fla., complaining of the outrage perpetrated on the person of Don V. Bustinza, captain of the Spanish steamship Leonora, and of the forcible searching of the vessel by the municipal police of that port.

I have no doubt that your excellency with due appreciation of the full import of the facts related by our vice-consul in Pensacola, as well as of the justice of Captain Bustinza's protest, will see fit to draw the attention of the Federal Government thereto in order that they may be ascertained and such remedy afforded as provided by the law of this Republic if the outrage and search are verified.

I improve this opportunity, etc.,

Emilio de Ojeda.

[Inclosure.—Translation.]

Señor Periquito to Señor Ojeda.

On the 10th instant I received from the honorary vice-consul of Spain in Pensacola a dispatch dated the 7th of this month and reading as follows:

"I am in receipt this day of a note from Don V. Bustinza, captain of the Spanish steamship Leonora, anchored in this port, who tells me that on this day and while he was in his consignee's house looking after his cargo two police officers went on board his vessel without first obtaining the permit or authority of the consul and took away two men of his crew, José Carmona and Leonardo Rio, without stating for what reason. Under date of this day I am writing to the honorable mayor of this city and protesting on account of such proceeding against whom it may concern for such purposes as may be expedient. All of which I make known to your excellency for your information and such instructions as you may be pleased to give me."

With reference to the same matter I have just received another dispatch from the said agent, dated in Pensacola the 14th instant, in which he says:

"I confirm my dispatch No. 16, and regret to have to report further outrages by the municipal police of this city on the captain and an officer of the same steamship Leonora, and deem it my duty to report to your excellency for your information. In the above-mentioned dispatch I told your excellency that the police officers on
that day went on board the steamship *Leomora* without a consular permit or previous notice, and took from the ship two men of the crew whose names I gave. On the following day, the 8th instant, a police officer informed me that, in company with one of his colleagues, and by order of the chief, he had gone on board the *Leomora* to arrest the third officer, Don Manuel Arana, and that, as the captain would not let them take the officer with them, they also offered to arrest the captain, Don V. Bustinza. To which I replied that they should not go on board any Spanish vessel without first securing a permit from the consul. They answered that they did not need such a permit, but that they announced to me that they were going on board to arrest the said officer and the captain too. On being asked what was the reason for the arrest, they replied that the officer and other men of the crew had been selling liquor on the preceding Sunday, without a license and in violation of the municipal law. I replied that I did not believe the officer had done any such thing, and as to the captain, he was within his right in not recognizing any authority on board his vessel other than that of the consulate. I gave assurances that both the captain and officer would appear in court without having to be arrested, and to that end I gave the said police officer a note for Don V. Bustinza, captain of the said steamer *Leomora*, in which I asked him to appear with his third officer in the municipal court the same day at half past 8 in the morning; my next step was to go in quest of a lawyer for the defense of the presumed guilty, but I first begged the policeman not to take any of the officers prisoner, assuring him that it would be sufficient to hand over note to the captain. As I was about to repair to the municipal court I received a note from Señor Bustinza, captain of the *Leomora*, advising me that he and the third officer had been jailed in jail and locked in an iron cell. Without loss of time, I sought the services of another lawyer for the defense of the captain, and appeared with him in court, where I talked to the said captain, his third officer, and the above-named two men of his crew. Other cases were tried, and when their turn came I asked that the captain’s case be first taken up, which was granted, and the said captain was then released, it being found that he was arrested without cause, for he had offered no resistance whatever, merely objecting to anyone being taken away from his ship without authority from the consulate. When the case of the liquor vendors came up, it was said that there were not enough witnesses and it was proposed to postpone the case until the next day; the mayor assented to this and put the case off until 12 o’clock of the said day, committing the two seamen and allowing the third officer to go on his promise that he would return at the appointed time. Then the captain told me that he and his officer were on their way to the court, when they came across the policeman who handed them my note; that they all came together to the court, where he was handed a document for his signature; this he refused to do, because he was not conversant with the English language and did not know what he was asked to subscribe. They then took from them their watches and the contents of their purses and locked them up, his officer and himself, in the iron cell. It was then that he sent me word, and they were therupon brought into the court room, where I spoke with them when I came with the other lawyer. At 12 o’clock of the same day we returned to the court-house with a lawyer, and while awaiting the arrival of the judge they took two policemen with two other men of the crew, again without a permit from or notice to the consulate. On trial of the case, the last two men who had been brought before the court were found guilty of liquor selling, the first two who had been arrested and the third officer being there and then released. The judge fined each of the two men in the sum of $100 each, and, as they had not earned it and the captain did not see fit to advance so excessive a fine, he left them in jail and the vessel sailed the next day, the ninth, for its destination, the two guilty men remaining here in prison. The captain protests against the outrage committed on his vessel and on his person, for he has suffered unwarranted injury, and is justified in protesting against the proceeding and in claiming damages, injuries, and costs from whomever liable and responsible. All of which I report to you for such action as may be expedient."

*Consulate of Spain in New York, October 20, 1902.*

Mr. Hay to Señor Ojeda.

No. 4.

DEPARTMENT OF STATE,

Washington, November 12, 1902.

*Sir: I have the honor to acknowledge the receipt of your note of the 5th instant, protesting against certain proceedings taken by the*
police and in the municipal court of Pensacola against the captain and members of the crew of the Spanish steamship Leonora.

I have the honor to say in reply that I have asked the governor of Florida for a report on the matter, on the receipt of which the question will be considered.

Accept, etc.,

JOHN HAY.

Mr. Hay to Señor Ojeda.

No. 20.]

DEPARTMENT OF STATE,
Washington, December 12, 1902.

Sir: Referring to your note of the 5th ultimo, complaining of the arrest of the master of the Spanish steamship Leonora and the searching of his vessel by the municipal police at Pensacola, I have the honor to inclose copy of a letter to the governor of Florida from the mayor of Pensacola stating the circumstances as reported to him.

Accept, etc.,

JOHN HAY.

[Inclosure.]

Mayor of Pensacola to the governor of Florida.

EXECUTIVE DEPARTMENT,
Pensacola, Fla., December 5, 1902.

Sir: In compliance with your request of date November 15, 1902, to investigate and report re arrest of Captain Bustiña et al., of the Spanish steamship Leonora, I have the honor to return herewith said correspondence and to report from information received as follows: That on October 7, 1902, in the forenoon, a colored man by the name of Jackson reported at police headquarters that he, in company with several other colored men, had purchased a certain kind of intoxicating liquor, called "cognia," from sailors of the said steamship, and that all hands became intoxicated; that said liquor was purchased on Sunday, 5th day of October, 1902; that while so intoxicated they laid down to sleep on Tarragona street wharf, to which said vessel was moored, and which was in the corporate limits of the city of Pensacola, and that one of them was robbed of $7 or more; that some of the liquor bought had been purchased through a colored man by the name of Nance from the sailors, who brought it down a ladder from the vessel to the wharf and delivered it to the said colored men, and for which they paid the sailors 50 cents per bottle; that immediately Deputy City Marshal Sanders and Special Officer Ray bought out this man Nance and arrested him. Warrants were procured for the arrest of the sailors, to wit: Jose Carnios, docketed as Toji Carman; Leonardo Rios, or Rio, and Manuel Arrana, who was mate on said vessel; that on said 7th day of October, about noon, in company with the colored man Nance and United States Deputy Marshal R. P. Wharton, the above-named officers of the city went to said vessel, stopped at the gangway, and asked for the captain of the ship. They were informed by the officer in charge of the vessel that the captain was absent from the vessel. They then informed said officer of the ship that they were officers of the city, showed their warrants, and explained to said officer that they had come for the arrest of the sailors above mentioned. The colored man Nance pointed out to the officers the three seamen. The officer in charge of the vessel instructed the seamen to get ready to go with said city officers, but requested the officers to defer the arrest of Mate Arrana, as he was engaged at the time tallowing cargo being taken by said vessel, and to send for him later. The request of the chief officer of the ship was granted, and Arrana allowed to remain; and said Rios and Carnia or Carnios were taken to police headquarters and locked up; that there was no protest nor objection made by the chief officer to the arrest of said sailors, but to the contrary they were notified to get ready and go with the police officers; that on the morning of October 8, 1902, the warrant for the arrest of Mate Manuel Arrana was placed in the hands of Police Officer Joseph Fondabella to be executed (the said Fondabella being able to speak the Spanish language), and who proceeded
to execute same; that upon his arrival at said ship he requested to see the captain and waited about thirty minutes for him to appear; that he exhibited his warrant to the captain for the arrest of said Arrana, read it and explained it (in the Spanish language) to him; that the captain immediately became very angry and excited and told the officer that he would not permit him to take the man; that he did not recognize his authority to arrest him, and would not recognize any authority except that of the Spanish consul, and that of a United States officer; that he explained fully to the captain why the warrant was issued, and that he had the right to arrest said Arrana; that he again requested Captain Bustinza to allow him to take the man, which he refused to allow him to do, and would not point him out to said officer; that it is, I am informed, untrue that the officer threatened in any way to arrest the captain, but simply stated to the captain that he should allow him to have the man and not interfere with him in the discharge of his duty; that the captain persisted in his refusal and the officer left the vessel without making the arrest; that said Officer Fondabilla, upon his return to police headquarters, swore out a warrant against Captain Bustinza for opposing an officer in the discharge of his duty; that said warrants for the arrest of Captain Bustinza and Mate Arrana were then placed in the hands of officers James Reed and N. J. Schmitz to be executed; that I am informed that it is untrue, as stated in the consul's report, that the conversation, as detailed therein, with reference to the arrest of Captain Bustinza, between said officers and the vice-consul, at this port, occurred; that on the contrary Officer James Reed, in order not to give offense to anyone concerned, proceeded to the office of the Spanish vice-consul and explained to him that he had a warrant for the arrest of said Captain Bustinza and Mate Arrana; that it is true a note of about three lines, in Spanish, was handed to the officer to be delivered to Captain Bustinza, but Officer Reed, in company with Officer Schmitz, proceeded to said vessel and handed the note to the captain. The captain immediately called Mate Arrana and returned with Officer Reed to police headquarters; that upon their arrival at police headquarters the city marshal notified the station keeper not to require bond and sureties on same for appearance of Captain Bustinza before the police court to answer the charge against him, but simply to permit the captain to sign his personal recognizance to appear at said court. This the said captain absolutely refused to do, whereupon the marshal explained the matter fully to the captain, and whom, the marshal informs me, appeared to understand, and in addition to the marshal's explanation, Joseph Fondabilla and one Manuel Gonzalez also explained to the captain, in Spanish, the matter, but he persisted in his refusal, and the warrant was executed, and said parties were locked up until court convened, which was a very short time thereafter; that it was explained, in Spanish, to said captain that they should deliver their valuables to the station keeper for safe-keeping, and which would be returned to them, and to which he made no objection. When the court, convened at 8:30 a.m. on said 8th day of October, the witnesses were called, and it appeared that one of the principal witnesses was absent, the officer having the subpoena for said witness having been unable to locate him in time for court.

It was then suggested that said cases be continued until the next morning, the 9th, but it appearing that the vessel was ready for clearance, the cases were not continued until the said time, as alleged in the report of the consul, but a recess was taken, in order to accommodate the captain and men, until 12 o'clock noon on the same day, and the captain and mate were allowed to go, upon their promise to return at said time, without bond; that between the hour of taking said recess and 12 o'clock on said date, the two sailors, Rios and Carman or Carnos, who were in jail, informed Officers Sanders and Ray that the negro Nance was mistaken in pointing them out as the parties who had sold liquor to him, but that the parties who had sold said liquor were the two firemen on said vessel, to wit, Enrique Garretta and Eduardo Barreta; that warrants were then procured for the arrest of said firemen, Garretta and Barreta; that Officers Sanders and Ray and Deputy United States Marshal R. P. Wharton then proceeded to the vessel for the arrest of said firemen. Upon arrival at the vessel the officers asked for the captain and were informed that he was absent, whereupon the chief officer in charge of the vessel was informed that they had warrants for the arrest of the two firemen. The said chief officer then notified the firemen to go with said officers to police headquarters, which they did and were locked up. At 12 o'clock m. Captain Bustinza appeared in court represented by Judge A. C. Blount, and the two seamen, Rios and Carman or Carnos, represented by Judge James R. Landrum. The two firemen, Garretta and Barreta, were not represented by counsel. The case of Captain Bustinza was first taken up upon the charge of opposing an officer in the discharge of his duty. Upon investigation of said charge it appeared that the opposition to said officer was merely by words and not physical force, and taking into consideration the excitable disposition of the Spanish captain, I discharged him. Upon an
in the charges against the other seamen, and on which the first two parties were arrested, to wit, Rios and Carman or Carnios, the said seamen, Rios and Carman or Carnios, testified that the two firemen, Garretta and Barretta, were the ones who had sold the liquor to the colored men Nance and others. The mate, Arrana, and seamen, Rios and Carman or Carnios, were discharged, and the two firemen, Garretta and Barretta, were found guilty and fined $100 each; that late in the afternoon of said day, to wit, the 8th of October, Judge Landrum approached me and said that the captain desired to know if I would reduce the fine on Garretta and Barretta, to which I replied that rather than see them detained here I would release them upon payment by the captain of $50 each; that I was informed later that the captain would not pay any fine for them. I am further informed that there was due Garretta and Barretta by said captain wages amounting to $50; that when said Garretta and Barretta were allowed to go with an officer to procure their clothing from said vessel the captain tried to coerce the said firemen to sign a paper acknowledging the receipt of said wages due them and releasing his vessel therefrom, claiming said amount as having been expended in attorney's fees; and not having engaged counsel, and not having been represented by counsel at the trial, they refused to sign said paper. The said vessel sailed on October 9, and I am informed that nothing was paid to said firemen. I am informed that there was no discourtesy shown the captain, nor men, by any of the city's officers, but that the arrests were made as above stated; that there was no search made of said vessel in any way, nor of her compartments.

I will state further that I know of no law or treaty requiring a permit from the Spanish consul in order to arrest seamen, under the circumstances set forth above and in the corporate limits of a city. However, I have instructed my officers, out of courtesy to the Spanish consul, to notify him, when such can be done conveniently, before executing warrants for arrest of persons on board of Spanish vessels.

In conclusion, I am informed that had this vessel remained here for a few hours longer, action would have been instituted by the United States authorities for violations of the United States revenue laws.

I might also state that the two firemen were released from custody, for good behavior, about one week after their conviction in the police court.

Respectfully,

C. M. Jones, Mayor.

Señor Ojeda to Mr. Hay.

[Translation.]

Legation of Spain,
Washington, December 22, 1902.

Mr. Secretary: I have the honor to acknowledge the receipt of your note of the 17th instant, in which you were good enough to inclose a copy of the letter addressed by the mayor of Pensacola to the governor of Florida, in regard to the remarks I laid before your excellency in my note of the 5th instant, about the searching of the Spanish steamer Leonora and the arrest of its master.

I have taken due note of its contents, and in reply have to say to your excellency that this legation did not assume to call in question the justice of the charge brought against some of the crew of the steamship Leonora or the proceedings taken against those men in connection with the charge. The fact which the undersigned deemed it his duty to bring to the attention of the Federal Government, and now deems it his duty to do so again, to the end that the proper remedy may be applied, is that the authorities, municipal or others, of the United States should have searched a vessel of a friendly country without the intervention or representation of the latter's consular authority, which by international usage is invited, as is done in Spain in the case of American vessels and to the best of my information has always been done in the United States with seamen of Spanish vessels under similar circumstances.
I therefore ask that your excellency will be so good as to give consideration to that phase of the question to which my note of the 5th instant had mainly reference, whose great importance will, I am sure, be appreciated by your excellency as much as by myself.

I avail, etc.,

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EMILIO DE OJEDA.

Mr. Hay to Señor Ojeda.

No. 26.]  

DEPARTMENT OF STATE,
Washington, January 3, 1903.

SIR: I have the honor to acknowledge the receipt of your note of the 22d ultimo, in which you state that your note of November 5 last did not assume to call in question the justice of the charge brought at Pensacola against members of the crew of the Spanish steamship Leonora, or of the proceedings taken against them on that charge, but that it was desired merely to call attention to the fact that municipal or other authorities of the United States had searched a vessel of a friendly country without the intervention or representation of the latter's consular authority, as is required by international usage.

In reply I have the honor to point out that it is stated in the report of the mayor of Pensacola that when the Spanish captain objected to the arrest of Arrana, the officer left the vessel without making the arrest and, "in order not to give offense to anyone concerned, proceeded to the office of the Spanish vice-consul and explained that he had a warrant for the arrest of the said Captain Bustinza and Mate Arrana," before arresting them. Moreover, the mayor, in the concluding part of his letter, states that he has directed his officers, out of courtesy to the Spanish vice-consul, to notify him when it can be done conveniently before executing warrants for the arrest of persons on board of Spanish vessels.

Accept, etc.,

JOHN HAY.