AMERICAN INTERESTS IN THE CUBAN REVOLT, 1868-1878

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CHAPTER I

INTRODUCTION

A mere glance at a map of the Western Hemisphere will disclose the strategic location of the island of Cuba. As one of the islands of the West Indies, Cuba has always been important as a "gateway" to the rest of the New World. These islands, of which Cuba holds preeminence, were the bases for the first Spanish settlements in this hemisphere; and since that time have lost none of their importance derived from their location, resources, and international trade. Cuba, located immediately off the southern tip of Florida, has always been of singular importance and attraction to the United States, due, not only to its proximity to the U. S., but also to the location of the island in the Caribbean, the trade between the United States and Cuba, and the resources for which the island is famous.

As early as 1823, John Quincy Adams noted the Cuban prize and predicted:

These islands [Cuba and Puerto Rico]... are natural appendages to the North American continent, and one of them, Cuba, almost in sight of our shores, from a multitude of considerations has become an object of transcendent importance to the commercial and political interests of our Union...there are laws of political as well as of physical gravitation; and if an apple severed by the tempest from its native tree cannot choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and
incapable of self support, can gravitate only towards the North American Union, which by the same law of nature cannot cast her off from its bosom. 1

With these words, President Adams expressed the feelings of the various presidents who were to follow him, and who watched the happenings on the island with close scrutiny. The attitudes of the presidents who came after Adams were manifested in the actions of Henry Clay, Buchanan, Soule, the Ostend conference, and the refusal of the United States to subscribe to the compromise with England and France to guarantee to Spain the possession of the Island of Cuba.

The Civil War in the United States brought about a difference of opinion between the slavery and antislavery forces over the American attitude toward Cuba, but immediately following the end of the war a revolution which broke out in Spain had the indirect effect of uniting the two factions in the United States in their policy toward Cuba. The war between the States had come hardly to a close when fighting flared up in Spain. The spirit of revolt ran high, but several isolated uprisings led by Generals Serrano and Prim were unsuccessful. As time passed, however, revolutionary juntas began to spring up throughout the country, and by September 17, 1867, the insurgents were in control of a large part of Spain. Madrid soon fell to General Serrano, whose entrance into the city was followed shortly by General Prim.

1 W. C. Ford, Writings of John Q. Adams, III, 372.
A wild reception greeted the revolutionists. "The city was on fire with revolt. The people greeted them with the warmest fervor, with shouts of welcome and rejoicing. They were hailed as the saviours of the nation, as the embodiment of Spain's hope for the future, and hourly their forces were increased by the addition of volunteers from all walks of life."

Prior to the fall of Madrid, Queen Isabella had removed the royal court from that city to San Sebastian, in the Pyrenees, near the French border. With the fall of Madrid she fled to France. Her escape was of no consequence to the people who were busy celebrating the overthrow, because she had been extremely unpopular, an object of widespread hatred.

The revolutionary juntas which had sprung up during the revolt formed a national junta on October 8, 1867, at Madrid, and organized the following ministry:

Prime Minister............ General Serrano
Minister of War............. General Prim
Minister of State............ Don Juan Alvarez de Lorenzano
Minister of Grace and Justice.. Don Antonio Romero Ortez
Minister of the Navy........ Don Juan Topete
Minister of Finance.......... Don Lameano Figuerola
Minister of the Colonies... Don Adalardo Lopez de Ayala.

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2 W. F. Johnson, The History of Cuba, III, 149.

3 Foreign Relations of the United States, 1868, II, 23.
On the same day the provisional government proclaimed a declaration of rights which included: universal suffrage; liberty of worship, teaching, assembly, printing; decentralization of the administration; trial by jury in all criminal cases; individual security; inviolability of domicile and of private correspondence; and abolition of the death penalty.

The following day, Mr. Hill, the United States minister at Madrid, notified General Serrano that the United States had given official recognition to the new order of affairs in Spain, being the first in the world to do so. The early recognition by the United States greatly enhanced the new Spanish government in the eyes of the world, chiefly because of the prestige that had recently been gained by the United States in settling the question of French intervention in Mexico.

By this time the first stage of the revolt in Spain was at an end and the reign of Queen Isabella was over. She was an exile in France, and a provisional government had been set up at Madrid. The revolution was distinguished by the two chief marks of a successful revolt——complete and moderate. It was recognized as an accomplished fact throughout Spain. The generals who most stoutly opposed it had given in their support to it and were proud to rank themselves on the winning side. The Queen and her government were so universally

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detested that no province, no town, no section of the people, no portion of the Army or the Navy was on the side of the Queen.

The adhesion of Cuba completed the success of the revolution. The governor of that island had acted in a prudent manner. He did not notice the first telegrams, but carried on as usual until the news of the Queen's flight came in a trustworthy shape; then General Lersundi hesitated no longer and was as ready to drink to the health of the provisional government as to that of the late sovereign.

The parties that led the revolt in Spain were for the moment united on one question. Liberals and Catholics, Progressionists and Republicans were equally determined to retain the cherished sovereignty over Cuba. The provisional government was anxious to hold onto the island for a source of revenue and wealth. The people of Cuba, however, felt differently about the matter. When the new government in Spain became firmly established, the Cubans began to expect long awaited reforms which were not forthcoming. With the establishment of the new government at home, no change was made in the colonial policy.

The revolution which had flared up in Spain touched off the revolt in Cuba, where discontent had long caused a seething spirit of rebellion. A revolt in Cuba at this time would certainly not have come as a surprise to any of the outside nations. The Spanish policy regarding her colonies had been
one of extremely harsh laws and regulations; and one by one the colonies of the Western Hemisphere had revolted and declared their independence, until Cuba, the Pearl of the Antilles, was the chief gem remaining in the Spanish collection of colonial jewels.

The Cubans had watched with anxiety the rebellions of her sister colonies, one by one, and the revolutionary fever mounted with each one's gaining her independence. The independence of these other Latin American countries had been won during a specific period (1815-1824), following which Cuba was like a keg of explosives with a fuse rapidly burning to the powder. The explosion was only a matter of time and was to come in an attempt to throw off the "iron and blood-stained hand" with which the Spanish government was depriving the Cubans of political, civil, and religious liberty. The hold of Spain on Cuba had always been that of a harsh administration in a disaffected province. The Spanish principle had been that of "stick fast"--to grant nothing in privileges, reforms, territory, or human treatment, except under pressure. If the Cubans wanted a better government, the only method that they knew was revolt.

The principal grievances of the Cubans were the alleged preferences shown by the government to Spanish settlers and functionaries to the disadvantage of the native Creoles. Local government in Cuba was placed in the hands of Spanish-born officials who profited largely by residence on the island. An
exclusive policy was pursued by Spain toward her dependencies by which she extorted large amounts of annual revenue, especially from the island of Cuba; yet she treated them less as subjects than as dependencies. She taxed these subjects for her own immediate wants and also for the support of the Spanish-born officials in these colonies. For instance, the annual revenue in the island had reached $26,000,000 by the time of the outbreak of the insurrection. This large revenue was expended in ways to irritate those who had to pay it. The annual salary of the Captain-General was $50,000; the various provincial governors, $12,000; the Bishop of Havana, $18,000; and the Archbishop of Santiago de Cuba, $18,000.

As might have been expected, the result was the growth of two parties. One was the native born Cubans, called "insulares," and the other was the party composed primarily of those of Spanish birth, and their adherents, known as the "peninsulares." The Spanish creole, belonging to the former group, could not better his condition in a place where there was no employment for him under the crown.

The creole began to play a major part in the fight for reform. An important factor in the makeup of the creole which assisted in this reform movement was the locality and circumstance of his education. He was, as often as not, educated in Philadelphia, New York and other similar places; and was

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5T. White, The History of Our War with Spain, p. 154.
therefore imbued with the ideal of American liberty. He learned of the history of the fight for independence by the American colonists in situations which were similar to those faced by his people at home. Why had Cuba not won independence as had Mexico, Chile, and Peru? He returned to Cuba with his new education and became even more aware of the situation there. Often he would correspond with friends he had met while at school, and those friends never ceased reminding him of the rights of man and the harsh rule under which the Cubans were striving.

The revolt in Cuba came a year and a day after the recognition of the provisional government in Spain by the United States. On October 10, 1868, at the Yara Plantation, independence was proclaimed under the leadership of Carlos Manuel de Cespedes, a wealthy creole lawyer and land owner. The declaration of independence, issued at Manzanillo on April 10, 1869, stated in part:

In arming ourselves against the tyrannical government of Spain, we must, according to precedent in all civilized countries, proclaim before the world the cause that impels us to take this step, which though liable to entail considerable disturbances upon the present, will insure the happiness of the future. 6

The authors of this document must have had a keen foresight into the consequences, although expressing them mildly, in stating that the step taken toward independence was "liable

to entail considerable disturbances upon the present," be-
cause the strife that followed was to be particularly bloody
and inhuman, lasting for ten long years.

The declaration then went on to list the grievances of
the Cubans against the oppressive Spanish rule as:

1. Deprivation of political, civil, and religious
liberty.

2. Illegal prosecutions, exiles, and executions by
military commissions in times of peace.

3. The people were not allowed to attend public
meetings and were forbidden to speak or write on the
affairs of state.

4. Oppressive and ill-fitted officials from Spain.

5. Exclusion from public stations and want of
opportunity to skill themselves in the art of govern-
ment.

6. Restrictions against public instruction, a
fact which kept the people of Cuba ignorant of their
rights and the means by which these rights might be
obtained.

7. Standing Navy and Army, supported by the
people, yet forcing them to 'bend their knees and sub-
mith their necks to the iron yoke that disgraces them.'

8. Grinding taxation.

9. Cuba was not afforded to prosper as she ought
to because white immigration that suited her best was
artfully kept from her shores by the Spanish govern-
ment. 7

The declaration ended in an elaborate note designed as an
appeal to other nations to the cause for which the Cubans
declared their independence:

To the God of our conscience, and to all civ-
ilized nations, we submit the sincerity of our purpose.
Vengeance does not mislead us, nor is ambition our
guide. We only want to be free and to see all men with
us equally free, as the Creator intended all mankind to
be. Our earnest belief is that all men are brethren.

7 Ibid., pp. 156-157.
Hence our love of toleration, order, and justice and every respect. We desire the gradual abolition of slavery, with indemnification; we admire universal suffrage, as it insures the sovereignty of the people; we demand a religious regard for the inalienable rights of men as the basis of freedom and nation greatness. 8

It was in the above conclusion to the Declaration of Independence that the mention was made of one of the worst evils of the island—slavery. However, there was no definite demand for abolition of slavery; instead the Declaration merely expressed the Cuban desire for "gradual abolition." The problem of slavery, and the best method for abolition, was to become one of the principal questions of the insurrection.

The following April 10th, a convention was called at Guaimaro to draw up a constitution for Free Cuba. The leaders of this first representative body of the Cuban people were the following: Miguel Gutierrez, Eduardo Machado, Antonio Lorda, Tranquilino Valdez, and Arcadio Garcia, representing Villa Clara; Honorato Castillo, representing Juegos; Antonio Alcada and Jesus Rodriguez, representing Holguin; and Salvador Cisneros, Francisco Sanchez, Ignacio Agramonte Loynaz, Miguel Betancourt Guerra, and Antonio Zambrana, representing Camaguey. 9 Several of these leaders were to play leading roles in the ensuing fight for independence.

The convention drew up and adopted the first Constitution of Free Cuba. The constitution was a temporary wartime measure consisting of twenty-nine articles, of which a few of the most

8Ibid.  
9Ibid., p. 161.
important are listed below:

I. The legislative power shall be vested in a House of Representatives.

II. To this body shall be delegated an equal representation from each of the four states into which the Island of Cuba shall be divided. (Oriente, Camaguey, Las Villas, and Occidente).

VII. The House of Representatives shall elect a President of the Republic, a General-in-Chief of its Armies, a President of the Congress and other executive officers. The General-in-Chief shall be subordinated to the Executive, and shall render him an account of the performance of his duties.

XV. The House of Representatives shall remain in permanent session from the time of the ratification of this fundamental law by the people until the termination of the war with Spain.

XVI. The Executive Power shall be vested in the President of the Republic.

XVII. No one shall be eligible to the Presidency, who is not a native of the Republic, and over 30 years of age.

XVIII. All the inhabitants of the Republic of Cuba are absolutely free.

XXVIII. The House of Representatives shall not abridge the Freedom of Religion, nor of the press, nor of the Public Meetings, nor of Education, nor of Petition, nor any inalienable Right of the People.

XXIX. The Constitution can be amended only by the unanimous concurrence of the House of Representatives.

By the Constitution a representative had to be at least twenty-one years of age and a citizen of the Republic. Voters were

Ibid., pp. 164-167.
required to possess the same qualifications as to age and citizenship as the members of the House of Representatives.

The constitutional convention wasted no time in putting the seventh article into effect and appointed Carlos Manuel de Cespedes as President of the Republic of Cuba, and Manuel Quesada as Commander-in-Chief of the Army.

The revolt began with the Cubans at a sore disadvantage in troops, equipment, organization and funds. At the time of the Declaration at Yara, the Cuban force consisted of one hundred forty-seven men. The next day the number had increased to four thousand; by November, nine thousand and seven hundred; and by December, twelve thousand. The Cuban forces swelled as time passed until, by the middle of 1870, there were around ten thousand well armed men, with an additional sixty thousand enrolled and drilled, but without arms. On the other hand, the Spanish forces in Cuba gave to the situation an effect of David and Goliath when compared to their opponents. In October, 1868, there were nineteen thousand Spanish troops in the island. On November 30th, General Prim stated to the Spanish Cortes that he had sent thirty-five thousand men to Cuba to reinforce those already there. Of these, 20,966 were troops of the regular army, 2,600 were marines, 1,371 were recruits for the then existing regiments,

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and 9,563 were volunteers. Despite the staggering difference in numbers of well armed and trained men, the early engagements ended in the favor of the insurgents and contributed greatly to the spirit and morale of the Cubans. These early victories also helped to bolster the numbers who daily joined the rebellion on the side of the Republic of Cuba. At the end of the year, 1868, the Spanish troops were thoroughly organized and abundantly equipped, numbering about 110,000 men, compared to the insurrectionists' 26,000 ill-equipped, unorganized troops. The Spanish troops were also aided by a force of about 30,000 Spanish residents in Cuba who made up the dreaded "Volunteers."13

The Volunteers were made up of the members of the Spanish party in Cuba, the peninsulares. The majority were wealthy planters, office-holders, and slave owners. They were a well-organized group with a central authority located at Havana, in the "Casino Espagnol," a type of club composed of the Spanish-born people of Cuba. From this club and similar ones on a modest scale arose the body known as the Volunteers, a military organization to whose battalions all white men in the island were eligible. However, the group was substantially confined to conservatives, loyalists, and Spanish sympathizers. The Volunteers did little of the actual fighting—they left most of this to the Spanish troops—but they

12 Ibid., p. 456. 13 Ibid.
were able to relieve the regular troops in garrisoning of forts and cities, allowing them to go into the field. As time passed during the ten-year period of the war, these Volunteers exercised a great deal of influence over each successive captain-general of Cuba, and thus were a source of extreme cruelty and harshness toward those of Cuba who fought against the Volunteers and Spain. This organization was also one of the chief reasons why slavery was held so long in the island, and the Volunteers' continuance of this prominent social ill resulted in the prolonging of the war for a much longer period than it would have lasted otherwise.

The character of the fighting was spotty and sporadic, for the Spanish never knew what to expect from the insurgents. The insurgents fought chiefly along lines of guerrilla warfare, striking swiftly, without warning, in one place and then another, only to disperse quickly into the hill country ahead of the pursuing Spaniards. The Cubans would have been insane to try to occupy any of the area along the seacoast. The Spaniards, with their superior naval force, could stand off and bombard any city the Cubans might have been able to fortify without suffering any loss. In the type of combat which characterized the revolt the rebels excelled, and the lack of organization within their army was actually an advantage under these conditions. The Spaniards were never able to meet the insurrectionists in one big army in order to inflict decisive defeats, and could never capture more than one of the important
leaders of the revolt at any one time due to their being spread out over the entire island, fighting in several different bands. In the western portion of the island Ignacio Agramonte led the skilled Camagueyans, Villamil led skirmish bands, and Vicente Garcia led mountain rangers, reinforced by a band of deserters. Each of these bands numbered between three and four hundred half-naked fighters who were sometimes abundantly supplied with arms and ammunition. In the eastern area Cespedes, Modesto Diaz, Maximo Gomez, and others, led as many as 4,000 followers apiece. They occupied the vastness of the Guantanamo chain, Jiguani, and the hills of Santiago de Cuba. These leaders established a system of rotation where one force quit an area only to be replaced immediately by another force which, in turn, was replaced, and so on—none of the forces remaining in the same location for any great length of time. This system of fighting had the effect of greatly annoying and fatiguing the Spaniards, making them much more susceptible to the diseases of the island which decreased their numbers as much as actual combat. The Cubans constantly harassed the Spaniards with their sudden raids, plundering supplies, and ghostlike disappearances. The futile efforts of the Spanish troops to put down the insurrectionists cost them a constant turnover in captains-general and men. One observer estimated the Spanish loss to be around 80,000 by

14 Foreign Relations of the United States, I, 557.
15 Ibid.
the middle of 1872, at a cost between sixty and seventy million dollars, three fourths of which it owed. 16

To combat the efforts of the insurgents, General Valmaseda issued a proclamation which was looked upon by all as an extremely harsh measure—too extreme for the purpose. The proclamation, issued on April 4, 1869, is reproduced here in full.

Inhabitants of the Country:

The forces which I expected have arrived. With them I will afford protection to the good and summarily punish all those who still rebel against the government of the metropolis.

Know ye that I have pardoned those who have fought against us, armed; know ye that your wives, mothers and sisters have in me found the protection they admired and which you rejected; know, also, that many of the pardoned have turned against me. After all these excesses, after so much ingratitude and so much villainy, it is impossible for me to be the man I was heretofore. Deceptive neutrality is no longer possible. 'He that is not with me is against me,' and in order that my soldiers may know how to distinguish you, hearken to the orders given them:

Every man from the age of 15 upward, found beyond his farm, will be shot, unless a justification for his absence be proven.

Every hut that is found uninhabited will be burned by the troops.

Every hamlet where a white cloth in the shape of a flag is not hoisted in token that its inhabitants desire peace, will be reduced to ashes.

The women who are not found in their respective dwellings, or in those of their relatives, will

16 Ibid.
return to the towns of Jiguani or Bayamo, where they will be duly provided for. Those who fail to do so will be taken by compulsion. These orders will be in force on and after the 14th instant. 17

The first engagements with the Spanish were successes for the rebels and occurred in three places on the same day, October 13, 1868, at Yara, Bairi, and Jiguani, in the eastern area. On October 15, the rebels captured the city of Bayamo after a three-day siege. This was made the temporary seat of the Cuban government; but it later fell back into the hands of the Spanish under the command of General Valmaseda after being burned by the rebels before they took flight from that place.

History is replete with examples of fighting involving Latin Americans. These battles have always been noted for their bloody and inhumane characteristics. The "Ten Years' War" in Cuba was no exception. From the very first, the United States showed her disfavor concerning the methods of warfare employed not only by the Spanish, but also by the Cubans. President Grant voiced the opinions of the United States by stating:

"On either side the contest has been conducted, and is still carried on, with a lamentable disregard of human life, and of the rules and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch

17 Johnson, op. cit., p. 171.
19 Ibid.
of Spaniard and Cuban is alike busy in carrying devastation over fertile regions; murderous and revengeful decrees are issued and executed by both parties. Count Valmaseda and Colonel Boet, on the part of Spain, have each startled humanity and aroused the indignation of the civilized world by the execution, each, of a score of prisoners at a time, while General Quesada, the Cuban chief, coolly and with apparent unconsciousness of aught else than a proper act, has admitted the slaughter by his own deliberate order, in one day, of upward of six hundred and fifty prisoners of war.

Each side committed the same atrocities and outraged alike the established rules of war. The incidents mentioned by President Grant were but a few of many similar ones. In an effort to influence the conditions in Cuba, he offered to Spain the good offices of the United States. This offer included: (1) the independence of Cuba to be acknowledged by Spain, (2) Cuba to pay Spain a sum, within a time and in a manner to be agreed upon by them, (3) the abolition of slavery in the island, (4) an armistice pending negotiations. Spain refused the good offices, saying she would not even consider an armistice with the insurgents while they were in arms against the government, and that a full and complete amnesty would be granted as soon as the insurgents laid down their arms. That being done, the whole question would be open for consideration. This condition, however, was impossible because the insurgents, tired of many similar promises, would not quit fighting.

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With the flaring up of actual hostilities, the Cubans, under Cespedes' administration, appealed to President Grant for recognition as belligerents. The appeal, which was signed by Cespedes, held that the United States should accord the island of Cuba recognition of their independence:

Because from the hearts of nineteen-twentieths of the inhabitants of the island to offer up prayers for the success of the armies of the republic; and from the sole and only want of arms and ammunition these patient people are kept under the tyrannical yoke of Spain.

Because the Spanish authorities have almost invariably brutally murdered the soldiers of the armies of the republic who have surrendered to them, and have recently issued an official order requiring their military forces hereafter instantly to kill and murder any prisoner of the republic who surrenders.

Because the United States is the nearest civilized nation to Cuba, whose political institutions strike a responsive chord in the hearts of all Cubans. The commercial and financial interests of the two peoples being largely identical and reciprocal in their nature, Cuba earnestly appeals for the unquestionable right of recognition.

Because the arms and authority of the Republic of Cuba now extend over two thirds of the entire geographical area of the island, embracing a very great majority of the population in every part of the island. 21

The appeal continued in pointing out that the Cuban republic was in the process of construction of a navy which would excel that of the Spaniards in the Cuban waters, and it also pointed to the fact that the revolt was not one of a few

21 Ibid.
discontents, but was the desire of a majority of the people from all walks of life. As a final word, the appeal gave the fact that Cuba was following the footsteps of Spain in her "endeavoring to banish tyrannical rulers,—the people of Cuba having a tenfold more absolute right than Spain had, because Cuba's rulers are sent without her voice or consent by a foreign country...."

In answer to the appeal, President Grant, in his annual message delivered to Congress on December 6, 1869, stated:

As the United States is the freest of all nations, so too, its people sympathize with all people struggling for liberty or self-government; but while so sympathizing it is due to our honor that we should abstain from enforcing our views upon unwilling nations or between governments and their subjects. Our course should always be in conformity with strict justice and law, international and local. . . . For more than a year a valuable province of Spain, and a near neighbor of ours, in whom all our people can not but feel a deep interest, has been struggling for independence and freedom....The people and Government of the United States entertain the same warm feelings and sympathies for the people of Cuba in their pending struggle....But the contest has at no time assumed the conditions which amount to a war in the sense of international law, or which would show the existence of a de facto political organization of the insurgents sufficient to justify a recognition of belligerency. 23

There is no doubt that this refusal by the President of the United States to recognize the insurgent Cuban government dealt it a severe blow, but the disappointment did not

22 Ibid.

23 James D. Richardson, Messages and Papers of the Presidents, VII, 31.
manifest itself materially because the Cubans continued the fight with new vigor gained from the fact that there was a great deal of sympathy for their cause spread throughout the United States. The sympathy with which the Cubans were held by the people of the United States was apparent from the outset of the revolution. Mass Rallies were staged and Cuban sympathy meetings were held, and these feelings were, from time to time, even expressed in the Congress of the United States. In 1869, a resolution was introduced into both the Senate and the House of Representatives declaring sympathy with the people of the island of Cuba "in their patriotic efforts to secure their independence and to establish a republican form of government..." and that Congress would give its constitutional support to the President of the United States"...whenever he may deem it expedient to recognize the independence and sovereignty of such republican government." Petitions from all sections of the United States were circulated by various groups and sent to Congressmen to be read before the Houses. One such, read by Mr. Ward before the House of Representatives, petitioned the House to accord to Cuba the rights of a belligerent power and recognized that island's independence from the "...yoke which for more than a year they have maintained unaided by the triumph of their arms." It was signed by 72,384 people of

\[25\] Ibid., p. 100.
the state of New York. Many of the speeches in Congress made during the revolt in behalf of Cuba, however, were made by the Congressmen without being influenced by any definite group. One of the most dramatic of these was made by Honorable Clinton L. Cobb, of North Carolina, on February 5, 1870. He disclosed an amazing foresight in stating:

Cuba will be free. It is already traced upon the history of the future. The great God of nations will not permit a brave and heroic people, struggling for the freedom which is the inherent right of every man whom He has created, to be crushed beneath the heel of tyranny. 26

But more than having their sympathies toward the Cubans put down on paper and expressed in speeches, the people of the United States began to reveal their feelings in aiding the insurrectionists in a series of filibustering movements which were attempts to get arms and supplies to the islanders and which, on more than one occasion, threatened to precipitate war between Spain and the United States.

CHAPTER II

INJURIES TO THE UNITED STATES

Citizens of the United States began to show their sympathies to the Cubans by sending filibustering units to the island, carrying arms and men to aid in the insurrection. The situation became so bad that the Spanish governor-general, Domingo Dulce, issued a series of proclamations in an attempt to halt these actions. One of the proclamations, dated March 24, 1869, stated:

Vessels which may be captured in Spanish waters or on the high seas near to the island having on board men, arms, munitions, or effects that can in any manner contribute, promote, or foment the insurrection in this province, whatsoever their derivation and destination, after examination of their papers and register, shall be de facto considered as enemies of the integrity of our territory, and treated as pirates, in accordance with the ordinances of the navy.

All persons captured in such vessels, without regard to their number, will be immediately executed. 1

Secretary Fish at once complained, in the name of the president, that the decree was in violation of the Treaty of 1795. 2


2Samuel F. Bemis, Pinckney's Treaty, Appendix No. V, p. 399. Article VII states: "And it is agreed that the Subjects or Citizens of each of the Contracting Parties, their Vessels, or effects shall not be liable to any embargo or detention on the part of the other for any military expedition or private purpose whatever; and in all cases of seizure, detention or arrest for debts contracted or offences committed by any Citizen or Subject of the one Party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only..."
As if the above proclamation were not enough, Dulce issued another on April 1, which prohibited the transfer of property, except by the direct consent of the government, and this prohibition included the sale of produce of all sorts, stocks, shares in mercantile projects, and real estate, together with many minor provisions. The natural result of both decrees was a storm of protest in the United States, where many investors in Cuban property were residing. The United States State Department began correspondence with Spain in an attempt to have the United States citizens exempted from the decrees in accordance with the Treaty of 1795. Before this could be carried out, Dulce issued two more decrees of the same tone, one on April 17, and the other three days later. The former decree created an administrative council for the custody and management of embargoed property and gave to the council full powers in the premises. The decree of April 20, 1869, was the most important of those promulgated by Captain-General Dulce. It consisted of thirty-one articles, many of which were aimed directly at American property-holders, and which practically amounted to confiscation. The most important of these articles declared that:

I. All individuals against whom it may be proved that they have taken part in the insurrection, within

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or without the island, whether with arms in the hand or by aiding it with arms, munitions, money, and articles for subsistence, are declared comprehended... relating to the embargo of property.

II. There are excepted from the preceding disposition the individuals who have opportunely availed themselves of the amnesty and pardon decreed, and who by their subsequent conduct have proved their adhesion to the government.

III. The individuals apprehended with property taken up to the time of the decree are hereby deprived of all the civil and political rights which by our laws they have enjoyed; this resolution taking effect from (retrotrayendose) the 10th of October, when the insurrection commenced at Yara, or from the date on which it may be ascertained they took part in the preparations for the insurrection.

This same circular provided separate proceedings against each individual, and that only when proof was shown of the "culpability of the delinquent" should the embargo on his property be declared. It also prescribed the formalities of the embargo. Article I, above, gave the Spanish officials the right to embargo property of any of those thought to be taking a part in the insurrection, by either direct or indirect means. Many of the embargoes and subsequent arrests of owners were carried out on suspicions alone. It can be seen by article III that the decree was made to have a retroactive effect, dating back even before the revolt began.

It was only natural that many of the embargoes involved owners claiming to be citizens of the United States. Under

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5 Ibid., p. 227.
the provision of Article I, the Spanish officials could claim that those residing in the United States were taking an active part in the insurrection by sending all sorts of aid to the insurgents and by belonging to one of the several juntas within the United States. In order to clear themselves in this respect, each citizen would have to appear before the embargo council and prove to the satisfaction of the members that he had never taken a part in the rebellion. Many of these individuals were fearful of such a mission and protested to the United States government. Naturally, the State Department made a strong protest against such succinct action declaring the various decrees to be in direct violation of the provisions of the Treaty of 1795. The trouble lay in the loose control the Spanish home government had over the Captain-General in the island. It is highly probable that the government in Madrid endorsed the action of the Captain-General in this respect, especially in the case of actual American citizens. The embargoes would serve as an important means of financing the efforts to put down the Cuban patriots.

With the provisions of the decrees mentioned above in mind, the Spanish officials in Cuba began a series of confiscations of property, arrests, and seizures of businesses, which often as not involved American citizens and consequently the United States government. Most of the arrests and embargoes occurred during the first year of the revolution but were a long time in being settled. The seriousness of
the situation was expressed by President, who stated:

The properties of many of our citizens have been destroyed or embargoed, the lives of several have been sacrificed, and the liberty of others has been restrained. In every case that has come to the knowledge of the government, an early and earnest demand for reparation and indemnity has been made, and most emphatic remonstrance has been presented against the manner in which the strife is conducted, and against the reckless disregard of human life, the wanton destruction of material wealth, and the cruel disregard of the established rules of civilized warfare. 6

Various lists of persons said to be citizens of the United States were sent to the United States Senate as part of a series of papers concerning the conditions of affairs in Cuba. These lists included: (1) persons executed, (2) persons unlawfully imprisoned and held "incomunicado," (3) persons unlawfully imprisoned but not held "incomunicado," and (4) persons whose properties were confiscated or embargoed during the hostilities in Cuba.

Below is the list of names of persons said to be citizens of the United States and to have been executed without proper trial during the hostilities in Cuba.

Charles Speakman
Albert Wyeth
George Bodel
Samuel Alexander Cohner
Vicente Dauni (or Dawney)
Juan Francisco Protocolo
Charles J. Polhaums
Ernest McCarty. 7


The cases of these executions were cause for immediate concern in the United States and serve to show the conditions in Cuba during the hostilities, and the apparent disregard for human life at the time. The cases of Speakman and Wyeth alone were inhuman enough to cause a near break in relations between the United States and Spain.

On April 31, 1869, the schooner Grape Shot sailed from New York harbor bound, as stated in the ship's register, to Falmouth, Jamaica, but dropped anchor at the lower bay. During the night a steam tug came alongside and put fifty armed Cubans on board the schooner. Speakman, a sailor on board the Grape Shot, protested to the captain but was assured that the schooner would not touch on the coast of Cuba, but would land the men at Jamaica. When off the eastern end of Cuba, at Cape Mayzi, the Cubans took possession of the vessel, changed her course, and landed the men and her cargo at Bailiquiri, near Guantanamo. Speakman was compelled to assist in the landing, and when the Captain prepared to leave, he refused to take the sailor on board, forcing him to remain on the beach. Spanish troops had arrived by that time and intercepted the Cuban forces. During the ensuing battle, Speakman located a fallen rifle and took it up. However, he gave himself up to two of the Spanish without having fired a single shot. The Cubans who had not been captured along with Speakman had fled into the interior. He was arrested and taken to prison at Santiago.
de Cuba, where the sentence of death was pronounced upon him. The acting United States Consul, Mr. Phillips, got a declaration from Speakman in which the latter asserted his innocence of the fact that the ship was carrying arms and men for the Cuban insurrection. Mr. Phillips then called on the governor of Santiago de Cuba to plead for a stay of execution, hoping the delay would furnish opportunity to discover sufficient evidence to prove the sailor's innocence, but to no avail. The respite was not granted because, as the governor stated, anarchy prevailed and he was impotent. The sailor was executed, leaving a letter for his wife and child, proclaiming his innocence and instructing her to sue the owners of the vessel for damages, and also expressing his belief that the owners of the ship had contracted for the delivery of the men and arms. The United States Department of State began demands upon the government at Madrid to make reparation to the heirs of the executed man. The Spaniards, however, feeling that they were in the right, presented evidence that the deceased had actually signed to take part in the expedition to Cuba.

Meanwhile, on the 21st of June, 1869, another American citizen was executed. He was Albert Wyeth, of Pennsylvania. Before his execution, Wyeth testified to Mr. Phillips, as had Speakman. He had sailed in the schooner, Grape Shot, bound for Falmouth. Unlike Speakman, he was aboard as a passenger. His transportation to Cuba had been paid for by
a certain Mr. Antonio A. Jimenez, who was later proven to be the originator of the expedition. The schooner touched at Turk's Island and left there declaring it was bound for Cuba. Wyeth protested against taking part in the expedition, but was threatened with death in any attempt at desertion. He was forced to land on the island of Cuba and was compelled to take arms on landing. As soon as he was able to do so, he threw away his arms and surrendered himself to the Spanish authorities in San Antonio. In his testimony he certified that Charles Speakman was a sailor on board the Grape Shot and that he was forced to leave the schooner at Cuba. After Wyeth had turned himself over to the Spanish authorities, he was shot without trial in Santiago de Cuba, along with five others. He belonged to a wealthy and influential family at home and his execution received a great deal of attention. Upon receipt of the information concerning the above citizens, Secretary Fish notified General Sickles to protest the inhumanities existing in Cuba and especially the wrongs against the two Americans, Speakman and Wyeth. The captain of the Grape Shot testified that both men were aware of the true intent of the voyage, that they had sworn falsely, and that the schooner had been employed by the Cuban junta. In view of these facts, the Spanish government felt that both

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were proven to have known the true object of the expedition and could have abandoned it at any time, especially at Turk's Island in the presence of the United States Consul. It was also pointed out by the government at Madrid that the junta which furnished the means of carrying out the expedition was in New York, under the jurisdiction of the United States and within judicial proceedings of that government, and there lay the blame. 9

Speakman and Wyeth were not the only casualties of that sort during the hostilities. The others mentioned are of less importance in this instance, but the manner in which they were slain serves to show the conditions under which the United States citizens were forced to live if they chose to remain in the island.

George Bodel was shot at Aguaja, in May, 1870.

Samuel Alexander Cohner was shot and killed during an attack made on the Louvre, a public cafe in Havana, by the Volunteers, on January 24, 1869. A photographer from New York, and a citizen of the United States, Cohner was killed on a side street some six hundred yards from the main attack. General Sickles was notified to demand reparation if any investigation proved that Cohner had been killed deliberately and without justifiable cause. 10

Vicente Dauni was shot in a coffee house brawl in Havana on February 2, 1870.

Juan Francisco Protuondo, a naturalized citizen, was arrested along with some prominent Cubans, on February 10. He was bound and conducted some twelve miles inland under pretense of being taken for trial before General Carlos Boet. The vice consul, Mr. Hall, requested that Protuondo be tried in his presence, but this was refused. Mr. Hall learned from an eye-witness that the prisoners had no form of trial, but that a portion of them had been assured that they would be tried at Santiago, and while being conducted back were shot from behind by the guard and left where they fell, Protuondo being among them.

Charles J. Polhamus, a native of Nuevitas, but a longtime resident of New York, and a naturalized citizen of the United States, arrived at Nuevitas about the middle of May, 1869. He went into the country to visit an uncle. On June 13, he was arrested and was shot the next day. No opportunity was allowed for the United States' consular agent to appeal to the governor in Polhamus's behalf—the agent had no knowledge of the affair until the execution had been carried out.

Ernest Macarty, whose father was a native of New Orleans, was one of the principal leaders of a party of insurgents under the leadership of an officer named Curo. His party
was surprised by the Spanish troops under Antonio Canalejo de Mena, operating against the insurgents on the river Brazo de Cauto. Macarty was shot and killed on a hill called Gato, in July, 1869.

As soon as each of the incidents came to the attention of the United States Department of State, immediate protestations were sent to the Spanish government, along with demands for reparations; but the Spanish government was hesitant and wanted to delay action toward settlement as long as possible, or until each of the incidents had been thoroughly investigated (an investigation was practically impossible).

The list of persons unlawfully imprisoned and held "incomunicado" during the hostilities in Cuba is as follows:

Jose Vicente Brito
Theodore Cabias
Emilio F. Cabada
Lucas A. de Castro
Joseph Duany
Gabriel Suarez del Villar
James M. Edwards
Charles Jemot
Douglas McGregor
Thomas Miranda
John E. Powers
Mrs. William S. Lynn
Mrs. Prats
Misses Eliza and Aurelia Dudlipp
Augustin Santa Rosa
F. A. Schultz
Dr. A. T. Simmons
James Tate.11

11 Ibid., pp. 198-209.
The list of persons unlawfully imprisoned during the hostilities in Cuba, but not held "incomunicado" is as follows:

George Abd
Emilio de Silva
Rafael Estrada
Henry Fritot
Gregorio Gonzalez y Curbelo
John A. Machado
Angel Morales
Jose Maria Ortega
Peter Patchot
Sebastian Piutado
Andres White
Estevan B. Valls
Jose Manuel Ponce de Leon
James M. Miller
John B. Latte
Michael M. Kelley
Juan Francisco Gonzalez
Ramon Duconger
James F. Winters
John Williamson.

The list of persons whose properties were said to have been confiscated or embargoed during the hostilities in Cuba is as follows:

Jose Garcia Augerica
Joaquin Garcia Augarica
Inocencio Casanova
Ramon Fernandez Cirado y Gomez
Joaquin Delgado
Danford, Knowlton and Company
Felix Govin y Pinto
Jose Govin y Pinto
Eusebio Guiteres
Jose de Jesus Hernandez y Macias
Cristobal
Thomas J. More
Fausto Mora
Martin Mueses
Ramon Rivas y Lamar

Ibid., pp. 211-220.
To go into all of these individual cases at this time would be extremely tedious and of insignificance; but a few specific cases serve to show the treatment accorded the property owners by the Spanish officials in the island.

Jose Garcia Augarica went to the United States in 1850, when he was twelve years old. He was educated in Massachusetts, declared his intention to become a United States citizen in 1854, and became fully admitted on February 16, 1869. On completion of his education he established himself in business, first in New York, and then at Cardenas, Cuba, as a commission merchant. His business became extensive and he acquired a large amount of property in Cuba. When the insurrection broke out he was publicly threatened by the Volunteers in an attempt to prevent his return from New York and with a view to divert his business into other hands. His valuable house on the Plaza de la Yglesia was seized by the authorities without accusation, trial, or order of embargo. Part of it was rented to the Casino Espanol and other portions were advertised for rent. Mr. Augarica also declared that he was the legal guardian of the minor children of a brother, Joaquin G. de Augarica, a United States citizen.

Ibid., p. 184.
deceased. The latter's widow was also a citizen of the United States. The Spanish seized all the valuable property left by the brother, and his widow and family were wholly without resources. He also stated that he had never taken part in the political trouble or insurrection in Cuba, and asked the interposition of the United States government. 14

Joaquin Garcia Augarica declared his intention to become a citizen of the United States in 1853, but did not receive his certificate of full citizenship until 1868. He owned property in New York (his residence) and Cuba. He spent a great amount of time in the island on account of the condition of his health, but kept his business and home in New York City. His property was seized by the Spanish authorities primarily because $8,000 in Cardenas bank stock was brought to Havana for him by a Mr. Machado who was arrested. The stock had been given to Machado by Antonio F. Bramoso, supposedly an active partisan in the insurrection. Mr. Augarica denied having ever taken part in the revolt, going so far as to request a statement from the president of the Cuban junta in New York, Miguel de Aldama, denying any complicity on his part in the strife. Aldama furnished the statement, and in the light of this Augarica claimed protection by the United States. 15

14 Ibid., p. 184. 15 Ibid., p. 185.
Inocencio Casanova was a native of the Canary Islands, but became a naturalized citizen of the United States in 1859. He resided in the United States a portion of each year, retaining a part of his large interests in Cuba. He was arrested at Regla, opposite Havana, on the night of March 30, 1869. No cause was given for his arrest. The next month he was released, but his property was held by the Spanish. Fearing that his property would be destroyed, he asked for protection by the United States. His son, Jose N. Casanova, received similar treatment by the Spanish. The younger Casanova became a naturalized citizen in 1857, and was active in business between the United States and Cuba. Because of the gradual emancipation of his slaves, he had been regarded with disfavor by the Spanish, and believed this to be the cause of hostilities shown against him. While on his plantation near Cardenas, he remained unmolested until the fourth of March, 1869, when the police appeared. They shot the engineer of his estate without trial.

Seeing how little protection he had, he became alarmed and abandoned his home, leaving his wife and brother-in-law, both Americans, in charge. On the same day, a band of police came upon his plantation in search of him, insulting and abusing his wife and family, and doing considerable damage to his crops and buildings. Casanova meanwhile reached Havana and

Ibid., p. 187.
an American flag-ship, and was taken to the United States. He was compelled to leave his family to such "indignity and spoliation" as might be offered, and abandon interests to the amount of $2,000,000. 17

The above instances are but a few of the numerous cases brought to the attention of the United States government, each one asking interposition, redress, and indemnity. All the cases were similar in certain respects. In most cases where arrests were made, no cause or charge was given, other than a suspicion of complicity. Authority for the arrests was given by Captain-General Dulce who published a decree in the Official Gazette of Havana to the effect that:

Article I. Crimes of infidencia shall be tried by ordinary court-martial.
Article II. Prosecution already commenced shall follow the legal process prescribed by the laws for the tribunals of justice.
Article III. All aggressions, by acts or by word, against any of the delegates of the government, shall be considered as a crime against authority, and will subject the author to trial by court-martial. 18

The following day the same publication carried an article by the Secretary to the Superior Political Governor which explained the word "infidencia" to be: treason, rebellion, insurrection, conspiracy, sedition, harboring of rebels and criminals, intelligence with the enemy, meeting of journeymen or laborers and leagues; expressions, cries, or voices

17 Ibid., p. 188. 18 Ibid.
subversive or seditious; propagation of alarming news; manifestations, allegations, and all that, with a political end tended to disturb public tranquility and order, or that in any mode attacked the national integrity.

The embargoes in the instances cited amounted to little more than confiscation. It is noticeable, too, that in each case the victim had only recently become a citizen of the United States. This factor was to be one of the important points in the settlement of claims at a later date.

The United States was not at all pleased by the actions of many of those claiming protection. Frequently, the citizenship had been obtained through fraudulent means and the papers had been back-dated to show citizenship had been obtained prior to the insurrection. Many of the people who fled Cuba during the early stages of the revolt gave as their reason the fact that they needed protection and were seeking interposition by the United States to save their property. In trying to obtain protection, they denied having ever taken part in the revolt; but at the same time they were active in attempts to aid the insurrectionists from within the United States. In this regard, President Grant noted:

During the whole contest the remarkable exhibition has been made of large numbers of Cubans escaping

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Ibid.
from the island and avoiding the risks of war; congregating in this country at a safe distance from the scene of danger, and endeavoring to make war from our shores to urge our people into the fight, which they avoid, and to embroil this government in complications and possible hostilities with Spain. It can scarcely be doubted that this last result is the real object of these parties....

Despite the conduct of many of those individuals who claimed protection, their treatment at the hands of the Spanish authorities increased the sympathies of the people of the United States in their behalf. This attitude became even more pronouncedly pro-Cuban when the Spanish authorities began seizing American vessels.

On March 23, 1869, Secretary Fish received a telegram from Mr. Hall to the effect that the American brig Mary Lowell was captured at Ragged Island, in the Bahamas, by a Spanish war steamer. Mr. Walter Wilson, a British custom-house officer who was on board at the time of the capture, was in charge of the Mary Lowell which was lying in British waters. On the fifteenth, late in the evening, he began removing the brig to the harbor for "safety from the elements" when he was ordered to heave to and lower sails by the commander of a Spanish gunboat, the Andalusia. This order was given three times, followed by a threat of an order to open fire on the brig. Mr. Wilson then hove to and a boat came

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James F. Richardson, Messages and Papers of the Presidents, VII, 65.
alongside, the brig was boarded, and the Spanish immediately took possession, sending Mr. Wilson to shore. At the same time the American flag was removed and the brig was towed to sea. On the 25th of March, Secretary Fish received another telegram from Hall stating that the brig had arrived at Cuba, with a cargo reported to be arms and ammunition. The Spanish authorities notified the American representative at Nuevitas, where the ship had been towed, that the brig had been seized on account of suspicious movements, and that her cargo was found to consist of arms and munitions of war. Mr. Gibbs, the agent at Nuevitas demanded to communicate with the crew and to be present at their trial.

The event caused a great deal of excitement in all areas. In *La Voz de Cuba*, a Havana newspaper, an article appeared on May 6 stating the capture of the American brig not only reflected great glory on the Spanish Navy, but did more "to put an end to the insurrection in Cuba than twenty battles in which, as usual, thousands of traitors had bitten the dust."

Meanwhile the British government was asked by the United States to look into the matter since the *Mary Lowell* was under British protection at Ragged Island at the time of seizure. The Marine Court was held at Havana and the documents

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concerning the proceedings were sent to the government at Madrid. A formal request by General Sickles to have the documents sent to the United States was answered to the effect that the papers had been returned to Cuba. These actions were attempts to delay any investigation by the United States officials and thus prevent participation by the United States in the proceedings. The documents were not received by this government until June 10, 1870.

While the correspondence was being held in regard to the Mary Lowell, another American vessel, the steamer Lloyd Aspinwall, was seized on the high seas. This incident came very near involving the recognition of the Cuban insurgents by the government at Spain. When the vessel was seized, it was taken to the harbor at Havana to be placed under trial. The trial was to be held before a so-called Prize Court at Havana where the vessel was condemned as a lawful prize. The United States government denied the jurisdiction of the Prize Court, which could sit only in time of war to make decisions between belligerents. General Sickles pointed out this dilemma to General Prim, who promptly released the vessel, paying damages for her seizure and detention.

In 1870, the United States began taking measures to stop the filibustering to Cuba. President Grant issued a proclamation in which he set forth the wrongs being committed by citizens of the United States in attempts to aid in the revolt.
He stated that quite often "evil-minded persons" had begun military expeditions against dominions of power with whom the United States was at peace. These expeditions were sometimes organized bodies pretending to have powers of government over portions of these dominions. They were financed by levying or collecting money to be used for organizing armed forces and equipping them, and to arm vessels to transport these organized armed forces. In view of the situation, President Grant proclaimed:

Now, therefore, I, . . . do hereby declare and proclaim that all persons hereafter found within the territory or jurisdiction of the United States committing any of the aforesaid violations of the law or any similar violations of the sovereignty of the United States for which punishment is provided by law, will be rigorously prosecuted therefor, and, upon conviction and sentence to punishment, will not be entitled to expect or receive the clemency of the Executive to save them from consequences of their guilt; and I enjoin upon every officer of this Government, civil or military or naval, to use all efforts in his power to arrest for trial and punishment every such offender against the laws providing for the performance of our sacred obligations to friendly powers. . . .22

Despite these measures on the part of the government, the filibustering continued, as did the seizures. Most of the instances were settled after minor difficulties; but for the exception of one particular affair involving the steamer Virginius. This affair occurred in 1873 and came very near causing war between the United States and Spain.

22 James F. Richardson, op. cit., p. 92.
On the 26th of September, 1870, the steamer *Virginius* was duly registered at the port of New York as a part of the commercial marine of the United States. On the 31st of October, 1873, while sailing under the flag of the United States, she was seized forcibly by the Spanish gunboat *Tornado*. The *Tornado* first sighted the *Virginius* at 2:30 P.M. A chase followed, lasting until 10:00 that night, when the *Tornado* caught the fleeing *Virginius* off the coast of Jamaica. During the flight, horses, guns, ammunition, and crates were thrown over the sides of the *Virginius*, and some of the supplies were used for fuel for the furnaces.

The *Virginius* surrendered without having fired a shot. As soon as the Spanish went aboard, the American flag was lowered and the Spanish flag was sent up to replace it.

When the United States Department of State heard of the seizure, she notified the government at Madrid that no harm should come to the passengers and crew. Instructions were sent to the Captain-General of Cuba to await orders from the United States government before inflicting penalties on passengers and crew, but the word arrived too late to save those already executed. General Sickles called on the Minister of State in Madrid for the purpose of suggesting that such capture afforded an opportunity to inaugurate a more generous and humane policy in the conduct of the strife in Cuba. He
pointed out that if it should turn out that the vessel was taken on the high seas it might be the subject of a reclamation, and that in any event it would be well to direct the Captain-General to await orders from the home government before taking any steps in the case.

Wild reports began to be received by the State Department concerning executions. The Havana papers, on November 12, published statements that the captain and 36 of the crew and 16 others were shot on the 7th and 8th of that month. Secretary Fish told General Sickles to ask the Minister of State for confirmation or denial of these reports which, if confirmed, should be protested in the name of civilization and humanity.

Meanwhile, the Spanish presses and people were demanding the blood of the prisoners—passionately assailing petitions which had been laid before the Spanish parliamentary committee praying for interposition of authority to prohibit the infliction of the death penalty on any persons captured on the Virginius. President Castelar sent orders to have the proceedings against the prisoners stopped until further notice, but not before a number of them met death after mock trials. The United States began to demand that the United States consul at Santiago de Cuba be allowed to see and confer with any of the American citizens among the officers, passengers, and crew of the steamer. It was also demanded
that they have accorded to them the rights and privileges stipulated and guaranteed by the seventh article of the treaty of 1795.

The capture of the *Virginius* was looked upon by the Spanish as great military achievement, and everywhere praises were sung of the feat. An article appeared in the *Diario extra* of November 5, 1873, which stated:

This news, we do not doubt, will fill all hearts with joy, for the *Virginius* is the first piratical vessel that has been taken by our brave tars. The filibusters have been taken to Santiago de Cuba, where they are being tried. The article went on to tell that the piratical prisoners were being tried by a "competent tribunal," and continued to congratulate the navy:

... and especially the brave crew of the *Tornado*, his excellency, Captain-General Jovellar, who commences his career on this island with so great success, as a nucleus of future days of complete victory, and the loyal men of Cuba, who will exclaim with us, filled with the most holy enthusiasm, Hurrah for the Spanish navy! Hurrah for the integrity of our country's territory! 24

The event was celebrated as were national holidays. Festoons and similar emblems of rejoicing were hung along the streets. From the *Voz de Cuba* extra of the same day:

We hope that the sword of the law will fall without delay upon these infamous wretches, who deserve no consideration. They have already abused Spanish

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24 Ibid.
clemency to excess, and have laughed at it; it is now time for them to feel Spanish justice. 25

A subscription was even taken up by this publication for the purpose of giving the captain and crew of the Tornado evidence of gratitude by a testimonial to "perpetuate both the remembrance of the very high important service which they... rendered to the cause of Spain and the high estimation in which this service... was held by the loyal men of Cuba."

As the reports of executions continued to be received, the United States increased her demands on the Spanish government. At the same time, the British government learned of what had been done toward the prisoners, and of what was threatened. In consequence, the British cruiser Niobe sped to Santiago harbor, entered it, and her captain went ashore and demanded of General Burriel that there should be no more murders. 26 The executions ceased after this threat, but fifty-three unfortunates had met death.

The United States' demands for reparations went unheeded by the Spanish, and by November 14, nothing definite having been arrived at in this regard, Secretary Fish notified General Sickles that "in case of refusal of satisfactory reparation within twelve days from this date, you will, together

25 Ibid., p. 1057.
26 W. F. Johnson, op. cit., p. 280.
with your secretary, leave Madrid, bringing with you the archives of the legation."^{27}

General Sickles informed Minister Carvajal of his orders but was answered by an ill-tempered note which rejected the protest. The Spanish were resolved to take no definite action on the case until full information could be had.

Meanwhile, in Cuba, the consul at Santiago de Cuba had been refused permission to wire the consul at Kingston, Jamaica, for information relative to the capture of the Virginius which would be pertinent to the defense of those captured on board the steamer.

By the 17th of November, Minister Carvajal notified General Sickles that the Spanish authorities limited their policy to the following declarations: (1) The Spanish government would decide upon nothing to relieve the flag of the United States from an offense until she was certain that the offense existed, and (2) that an offense could only exist in the violation of the treaties and of international law, and if such did exist, she would be glad to repair the wrong according to its just importance.

The following day, General Sickles was planning to close the legation at Madrid and embark at Valencia for France, taking the secretary and archives with him. At the

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{\textsuperscript{27}}Foreign Relations of the United States, 1874, p. 936.
same time, he notified Secretary Fish that popular feeling was running high in the city against the United States and the legation there. The press was violent and abusive, advising the government to order him out of Spain. On the night of the 18th, a mob was collected to attack and sack the legation, but the authorities interfered and preserved the peace.

Spain asked the good offices of the English, but Lord Granville declined unless they were allowed to be made on the basis of ample reparation to the United States. By this time, General Sickles received word from the State Department that the captain-general in Cuba had been right in denying the reports of the number of executions, which officially was fifty-three. He was also ordered to defer his immediate departure from Madrid in order to allow the Spanish to have a proper length of time to learn the exact facts. However, he was still to expect a satisfactory settlement by the 26th.

General Sickles seemed disappointed by this arrangement, stating that the hesitation on the part of the United States would be looked upon in Spain and Cuba as a pause before the attitude assumed by the Spanish government and its people. He also felt that any concession in Washington at that time would corroborate the intimation made in high quarters in Spain that his action in the matter of the Virginius had not been in conformity with instructions from his government, which
did not approve his actions, and that his withdrawal from Spain would convince the officials there of the earnestness of the United States in regard to the reparations demanded. Because of these opinions, he asked for a vessel to be sent to Valencia to pick up him and his family for removal from Spain. 28

Before these arrangements could be made, word was received from Secretary Fish that President Grant felt that public interest required that the minister remain at his post until expiration of the time named, or until further orders were sent. By the 23rd, the Spanish were making desperate overtures to the British and German governments for good offices. On the same day, the Spanish government, through its minister in the United States, proposed an arbitration, but was refused on the grounds that the question was not one for arbitration. The United States held that the subject was one of national honor, of which the nation must be the judge and custodian.

Tension in Madrid was mounting to a peak. General Sickles had received orders to withdraw from there if no settlement was reached by the date set, and the general impression in the city was that the matter was settled and the American legation would be leaving soon. Secretary Fish ordered him to let the entire day of the 26th pass before carrying out the

28 Ibid.
orders he received regarding his withdrawal. On the last day, General Sickles received word from President Castelar that Spain recognized the principles upon which the United States' demand was based, and promised to make the reparation required on or before the 25th of December, if the facts elicited by the investigation which was in process clearly showed that the *Virginia* was a regularly documented American ship. Again, General Sickles felt this to be a dodge by the Spanish government in an attempt to gain time necessary for strengthening their fleet in the Gulf of Mexico.

Despite the anxieties shown by General Sickles, the government in Washington, D.C., decided to follow a policy which would give Spain the desired time for an investigation and thus a war between the two was averted.
CHAPTER III

THE QUESTION OF SLAVERY

The Ten Years' War in Cuba, in which the question of slavery played an important role, was the beginning of the end for that institution; and, although independence was to come some thirty years later, the fight was effective in exchanging the clang of forging of slave chains for the peal of emancipation. One year after the fight for independence had broken out at Yara, Cespedes, at a meeting held for the insurrectionists on Independence Day, at Guaimarillo, said to his countrymen:

By fortune, there is no need for many oratories to remember that a day like today, the country of Cuba, growing like a lion in the jungle, raised up arms and sword to break forever the claws of tyranny...it has been a year that enemy armies soiled it with its blood and the Spanish blood. 1

The scene is remindful of one involving similar forces, the Spaniards and the Cubenos, which saw the Indian leader Hatuey, speaking to his followers some three and one-half centuries earlier.

Hatuey had fled from the Spanish ravages in Hispanola. He told the natives that their enemies were extremely cruel, worshipping gold as a god, and had caused him and his followers to flee to Cuba for their lives. All manner of evil reports

1 Carlos M. de Cespedes and others, Breve Antología del 10 de Octubre, p. 13.
against the Spanish were spread throughout the island. The natural result was a war between the Indians and the Spanish in which Hatuey was captured and the Indians defeated. According to Las Casas, the Indian chief was to be burned to death and while tied to the stake, just before the fire was lighted, he was approached by a Franciscan monk who invited the savage to accept Christianity and be baptized. "Upon which words after Hatuey had a little while pause’d, he asked the Monk if the door of heaven was open to the Spaniards, who answered, 'Yes, to the good Spaniards.' Then replied the other, 'Let me go to Hell that I may not come where they are.' Again, Las Casas wrote of one city of Indians which went forth to do honor to the Spaniards. Having done this, the Indians returned home, where, in the middle of the night, they were set upon by the Spaniards who set fire to their houses, "burning up both men, women, and children, here some they murthred, others whom they spared, they tormented to make them tell where they hid their gold, after which they made them their


3 Bartolomeo de Las Casas, Tears of the Indians, pp. 21-23.
slaves, having first marked them in the body."

At the same time the Spaniards were conquering the Indians in the field, trying to convert them to Christianity. This was a difficult task because "amid the social destruction the Conquest had become a subjective development in the minds of the Indians." This social destruction was carried out by means of an involved colonial administrative system, by which a type of serfdom called the "encomienda" rapidly destroyed the Indians of Cuba.

The encomienda, or repartimiento system was in general as follows. The vecinos, or representatives of the king in ownership of the land, were land-holders and slave-holders who apportioned the land for working among loyal subjects.

These subjects were given large tracts of land contiguous to Indian villages over which they were lords, or encomenderos. The inhabitants of the nearby villages were required

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4. Ibid., p. 24. Rare is the book concerning the Spanish conquest of the New World which does not cite examples from, or make mention of, Las Casas, the "Apostle of the Indies." Questions have arisen from time to time as to the authenticity of his writings—chiefly in instances involving numbers. The examples quoted here, even though they may be colored by the prejudices of Las Casas, serve to show the attitude of the Indian toward the Spanish conquerors, and the sufferings imposed upon him by their cruelty.


to work for the encomendero who was to see to their being taught the Christian religion. Thus, the system was the "means employed for the religious conversion and for the political consolidation which conversion constituted." When carried out properly, the system was humane enough and advantageous to both Indian and Spaniard; but too often human nature prevented this. The fallacy lay in the control of large numbers of Indians being placed in the hands of one man who had little regard for the lives of those under him. The greed which had brought those encomenderos to Cuba was manifest and the repartimiento system lapsed into pure and simple slavery.

The Cubenos enslaved under the repartimiento system suffered extreme hardships and many succumbed to the hard and continuous labor and lack of food to which they were not accustomed. Many killed themselves by taking poison or hanging in order to escape the cruelties imposed upon them by their owners. "The women, rather than be slaves and become mothers of half-breed slaves, committed abortion and suicide." Often the Indians who were required to work in the mines had to leave their families for six or eight months at a time,

9. Ibid., p. 15.
entailing serious burdens for the women left at home, as well as for the men in the mines. The treatment thus received at the hands of the Spaniards caused a rapid decrease in the population of the Cubenos. However, the decline of the Indians was not due to conditions of labor alone. Epidemics of diseases which were often brought over from Europe (against which the natives had built up no protective immunity and to which they were therefore particularly susceptible) were especially destructive in the early years of the conquest.

When it appeared that the harsh dominance over the Cubenos would end, black slaves were insisted upon—"the only change of slaves was in the color of the victim."

The demand for the introduction of the negro slave stemmed from the following reasons:

1. The rapid decline of the native population
2. An increase in the interest in sugar around the middle of the sixteenth century caused to be established a larger number of mills which called for a corresponding increase in the number of black slaves.
3. The African made a satisfactory slave because he came from a social order whose economy was sufficiently complex to permit him to meet the demands of the plantation system.

11 Ibid., p. 27; also H.C. Haring, The Spanish Empire in America, p. 47.
12 Wright, op. cit., p. 200.
The African's immunity was such that various diseases such as smallpox, measles, yellow fever, and malaria, which killed off the Indian, did not equally affect the blacks.

The increased demand for the black slaves brought about the issuance of a royal instruction which authorized the Spaniards to supplement the deficiency in Indian labor by introducing negro slaves from Africa.

The exact date of the negro's introduction into Cuba is somewhat muddled, but occurred circa 1510. The date, however, is nothing compared to the act by which one of the "greatest migrations in recorded history took place—the negro slave trade."

If the Indians suffered from the evils of slavery, the blacks did doubly so—not so much through the system as from the traffic necessary for its existence. Often as not, the blacks arriving in Cuba had been slaves in Africa, where the practice of dealing in men had been established for quite a

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14 Wright, op. cit., p. 196 mentions blacks as having arrived with the early settlers, before the conquest; E.G. Bourne, Spain in America, p. 270, relates of seventeen negroes (Christians) introduced in 1505; H. C. Haring, op. cit., p. 219, gives the date as 1501; Frank Tannenbaum, Slave and Citizen, p. 15, mentions the year 1511 as the date of introduction. The differences in the types of slaves—Christians or heathen. Also, the date of the authorization of introduction has often been considered as the date of actual introduction.

5 Eric Williams, The Negro in the Carribean, p. 11.
long time. War captives, political and criminal prisoners, debtors, and kidnapped individuals were traded by leaders of negro communities to dealers, most of whom were negroes. This middleman would lead his charges to harbors along the coast which were equipped with barracks for keeping the hapless ones. There, the ships would call for boatloads of slaves in return for currency and goods. The territory from which the trade drew material extended from the western tip of Africa, along the circumference of the continent, to Madagascar and the Arab coast of East Africa. The bulk of the slaves were taken from the heavily populated Guinea Coast and the Congo Basin. The Spanish ships descended upon these regions and kidnapped thousands of negroes for service in the Cuban cane and tobacco fields.

The two locations of slave factories in Cuba were established by the South Sea Company in Santiago and Havana. The markets there were never regarded as of much importance during the early days of the trade, the seventeenth century. However, by the eighteenth century the demand became greater. Despite this increased demand, the factory at Santiago was given up because of the lack of business. The trade was


17 Elizabeth Donnan, editor, Documents Illustrative of the History of the Slave Trade to America, II, xlv.
regulated by the mother country in various ways, but illicit trade and trade by foreign nations added to the numbers received. Proposals which called for introduction of negroes in large numbers were opposed on the grounds that it was not only dangerous but would also draw large sums of money from the island.

From the beginning of the trade, in 1521, until a few years after 1760, the total number of slaves imported into Cuba amounted to about 60,000. After this time, however, the traffic increased the numbers there rapidly.

A news item of 1770 reported, "They write from Jamaica that the Spaniards are in great want of negroes at the Havannah, a pestilential distemper: having swept off upwards of 17,000 slaves in the island of Cuba last winter." Between 1763 and 1773, 18,268 slaves were imported, which, if the above newspaper article gave the correct data, kept the number of slaves in Cuba fairly static during the ten-year period mentioned. From 1773 to 1779, 1,400 blacks were delivered, and between 1786 and 1790, 7,832. During the years intervening between 1779 and 1786, the annual absorption of negroes was about 1,500, giving a total of around

18 Donnan, op. cit., p. xlvi.
19 Ibid.
20 This figure was arrived at by taking the difference between the total for the period 1773-1790, and 1763-1790.
21,732 blacks arriving in Cuba between the seventeen-year period. That number, when added to the total number arriving between 1763 and 1773, gives a total of 41,000 slaves transported to Cuba over a period of twenty-seven years.

An amazing increase in the trade developed immediately following the period just mentioned. From 1791 to 1825, 320,000 slaves were delivered to Havana. In the last year of this period 13,832 slaves were taken to that city. The average for each year of the period was something like 13,330, and the average for the period from 1763 to 1790 was 1,500, making a difference of yearly averages of nearly 12,000 slaves! During this latter period, in the year 1775, the number of free colored amounted to about thirty thousand, compared to about forty-six thousand slaves. The census for the same year gives the following figures:

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whites.....</td>
<td>54,555</td>
<td>40,864</td>
</tr>
<tr>
<td>Free colored...</td>
<td>15,980</td>
<td>14,635</td>
</tr>
<tr>
<td>Slaves......</td>
<td>28,274</td>
<td>15,562</td>
</tr>
<tr>
<td></td>
<td>99,309</td>
<td>71,061</td>
</tr>
<tr>
<td>Total......</td>
<td>170,370</td>
<td></td>
</tr>
</tbody>
</table>

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21 Donnan, op. cit., p. xlvii.
22 Humboldt, Travels, VII, 111-112. 23 Ibid.
24 Ibid.
25 Johnson, op. cit., p. 278.
The slave trade was characterized by cruelties to the luckless blacks. The commerce of this human barter brought on methods and conditions beyond belief, and the confounded trade became a black tidal wave washing the shores of Cuba for nearly four centuries. It is difficult even with great imagination to realize the sufferings brought upon so many people by fellow beings. The greatest height of the "black wave" was reached during the period between 1791 and 1820, and it is from this period that most of the tales of woe are drawn.

In order to understand the way in which the slaves were treated, it must be borne in mind that they were considered by the traders to be just so much cargo. The slaves were usually picked up along the coasts of Africa in the manner mentioned earlier and then began the long voyage to Cuba. A striking picture of the customary procedure for transporting slaves was written by the Commander of the United States steamer Mohawk, in a letter to the Secretary of the Navy, Isaac Toucey.

The negroes are packed below in as dense a mass as it is possible for human beings to be crowded; the space allotted them being in general about four feet high between decks, there, of course, can be but little ventilation given. These unfortunate creatures are obliged to pass their days, their nights, amidst the most horridly offensive odors of which the mind can conceive, and this under the scorching heat of the tropical sun, without room enough for sleep; with scarcely space to die in; with daily allowance of food and
water are nearly exhausted, and their sufferings are incredible. 26

To strengthen his description of the conditions, the commander cited two typical examples. One was a bark which had left the coast of Africa with 1200 slaves on board. She reached Sagua la Grande with only ninety remaining alive, and of these, five died while being taken ashore. The other instance was also a bark which landed on the eastern coast of Cuba. She had left Africa with close to 1,000 negroes. "Having a long passage, the water running short, and when within two days of Cuba, two hundred negroes were thrown overboard at night that there might be water enough for the remainder." 27 The cases mentioned here were extreme ones, it is true, but they actually occurred, and in a situation where extremes were the rule.

The slaves, as mentioned, were considered as nothing more than goods of trade and were transported from Africa to Cuba with this idea in mind. They were crammed into ships which were especially designed for the trade, and when filled, represented several decks—or better, shelves—on which the negroes lay during the entire course of a trip. 28


27 Ibid.

28 Donnan, op. cit., p. 592.
The death rate under these conditions was astounding. Those who did not die during the trip from exposure, disease, or starvation, usually arrived at Havana in such a condition that recuperation was necessary; so they were sent to the slave-barracoons on the outskirts of the city. The two cases mentioned in the letter to Toucey gave the death toll to be more than 50 per cent. That figure, taken as the highest possible rate, would give as the number of slaves perishing in the thirty-four year period from 1791 to 1825 as 160,000. However, as stated, that was the highest possible rate. Taking, on the other hand, even as low as 10 per cent as the lowest rate, the number of deaths for the same period would come to 32,000. This too is an extreme, and somewhere between 32,000 and 160,000 lies the actual number. Even if the lowest number were considered to be the actual count, the rate would have been close to 1,000 a year.

The cold bloodedness of the traders in their dealings with the slaves gave rise to an interesting story circulating Havana at the height of the trade. The people knew that the traders threw overboard the bodies of those unfortunate enough to perish enroute to Cuba and suspected that many live ones met a similar fate. In view of this knowledge, they blamed the slave trade for the presence of sharks in the harbor at Havana, saying that they followed the slave ships from the African coast to feast on any slaves thrown overboard.

29 Trumbull White, History of Our War with Spain, p. 85.
When the ships arrived with a load of slaves, they were unloaded at the slave-barrocoons on the outskirts of Havana, where they were confined awaiting sale. The following, from Strode, gives an interesting description of these markets.

Either completely naked or almost so, their emaciated bodies, as well as their agonized faces, were stamped with the horrors of the ocean crossing. Their flesh was indented with the marks of planks where they had lain cramped in the stinking hold. Their hands had scarcely enough strength to worry the gnats and flies feasting on the sores made by the whiplash. Half-perished with hunger and thirst, they sat mumbling to their heathen gods, speculating of the ultimate destiny of their dead companions whom they had seen raked out of the ship's bottom and dumped over the side like offal. 30

However, the slaves, once at the barracoons, were treated rather well. They were given rest and food to get them into condition for the sale, and thus fared much better than those sold directly from the ships. The arrival of the slave ship in port was announced in advance by the firing of a cannon, upon which signal the purchasers rushed to the harbor, onto the ship, and began haggling over and man-handling the frightened negroes lined up for inspection. "So great was the confusion and fright sometimes produced that Negroes had been known to jump overboard in sheer fright at the new and unpredictable meaning of the excitement." 31

30 Strode, op. cit., p. 88.
31 Tannenbaum, op. cit., p. 28.
After this inhumane traffic had continued for almost three centuries, public opinion revolted. Great Britain relinquished her slave trade in 1807 and began a campaign to induce other nations to follow. Ten years later Spain agreed to close at once her slave trade north of the equator, which was between the West Indies and Africa. Finally, in 1820, she gave it up altogether, through a treaty with Great Britain. The abolition of the slave trade, however, by no means stopped the transporting of slaves into Cuba, because the system itself was not abolished, and the conditions under which the slaves were smuggled were just as horrible, if not more so, than they were before the traffic became illegal.

After abolition, the slave trade began to show a rise and fall from year to year. Between the 1820's and the 1840's the trade began to fall off. Much of this was due to a large increase in the number of societies for the abolition of slavery. The Spanish government became quite concerned with the rise of these societies because of the fact that they extended their doctrines through the Antilles.

32 W. L. Mathieson, Great Britain and the Slave Trade, 1838-1865, p. 1.
33 Ibid., p. 13.
35 Manning, Diplomatic Correspondence of the United States, p. 308.
Both the United States and Great Britain did much to suppress the trade during the period mentioned. By 1846, the blockade of the African coast had reduced the imports to Cuba to a trickle of 419; but by 1849 it was back to 8,700.  

The next year the trade fell off, but in 1853 reports showed the importation of 12,500 slaves. When the traffic continued in the late 1850's, the nations of the world began to blame the northern United States. During the same period, the planters began making plans to beat the abolition of the trade. These plans were known as Africanization. One of these schemes called for the introduction of from 70,000 to 100,000 African apprentices. Each planter was to be entitled to double the number of apprentices to the slaves that he liberated. Another scheme became apparent when a memorial was sent to the Queen of Spain from planters and merchants setting forth a plan of African immigration as devised by D. Jose Suarez Argudin, one of the wealthiest proprietors in the island. His plan was according to the following provisions:

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36 Mathieson, op. cit., p. 143.

37 Ibid.

38 Ibid., p. 165.

1. Apprentices introduced were to be bound for ten years and would cost the planter $170.00 each, from which sum $34.00 would be applied to banking or other objects by the importer, unless he should experience losses.

2. Apprentices sick on landing, or who became so afterward, were not remunerated.

3. Wages were $4.00 a month, of which each apprentice received two dollars, the rest was payable at the expiration of ten years.

4. The introduction of women was discouraged. The offspring of such were bound to accept the above contract at the age of eighteen or be forced from the country.

5. The petition subscribed for 80,000 apprentices. These systems made it extremely difficult for the United States and Great Britain to stem the flow of slaves to Cuba, because any ship caught with negroes on board would declare them as apprentices; whereas, if they were not caught, the blacks would be slaves.

Immediately before the Civil War broke out in the United States, the situation had become so bad that President Buchanan stated:

It is truly lamentable that Great Britain and the United States should be obliged to spend such a vast amount of money and treasury for the suppression of the African slave trade, and this when the only portions of the

40 Ibid., p. 47.
civilized world where it is tolerated and encouraged are the Spanish islands of Cuba and Porto Rico. 41

Increased efforts by the two nations, however, caused the slave trade to Cuba to approach a near standstill by the time the Civil War broke out.

During the Civil War in the United States, the eyes of Spain and Cuba were turned there, anxiously awaiting the outcome, which would seriously affect the slave question. When it appeared likely that Spain would accord recognition to the southern states, Secretary Seward stated in a letter to the Minister of Spain that:

The Spanish government can easily determine for itself whether the continued enjoyment of Cuba with slavery is more likely to be secured by a recognition of the insurgents, which would be an act hostile to the United States, than it will be secured by the policy of cordial friendship towards the United States....The United States does not want any more slavehold territories. 42

At the end of the war another problem arose. The slaveholders of the South, rather than give up their slaves, sold them to markets in Cuba. 43

41 J. D. Richardson, Messages and Papers of the Presidents V., 595.
42 Foreign Relations of the U. S., 1863, II, 985.
43 Ibid., 1866, I, 614-624. In May, 1866, the steamer Virgin (later the Virginius) was fitted out at New Orleans for taking a cargo of negroes from a point near Pensacola to Cuba. Another ship was to follow in a day or two. The Spanish minister to the United States was notified and asked to inform the Captain-General of Cuba, with a view to thwarting the attempt. The slaves were landed, but the United States officials were notified that authorities had instituted "requisite proceedings." The Cuban authorities were, by now, strictly enforcing orders for the suppression of the trade.
Meanwhile, in Madrid, a year before the revolt broke out in Cuba, a council was held, lasting some months, to deliberate on the affairs in Cuba and Puerto Rico. It was composed of delegates sent from each island separately and representatives of the government in Spain. The group was to act in an advisory capacity only. The question of slavery was not reported on in the proceedings, but the question was so prominent in the minds of the delegates that they took their seats on one side of their place of session or the other, in accordance with their sentiment on this question. The meeting ended in May, 1867, with the following proposition having been presented by the representatives from Cuba:

1. All children born of slave parents after the proclamation of emancipation to be free, remaining in the capacity of bound apprentices, the females until 18 years of age, and the males until 21.

2. All slaves of sixty years of age to be declared free at once, without any indemnification to their owners, and if such do not accept this freedom, their owners or masters to be obliged to maintain them for life.

3. All slaves under seven years of age to be declared free, but to remain apprentices, the females until 18 years of age, and the males until 21.

4. The slaves not included in any of the foregoing
provisions to be emancipated in thirteen years, with indemnification of owners.

The memorial failed to be put into effect, but was significant in that for the first time since the curse of slavery had afflicted the world, in a country where it had been long established, had owners of the slaves primarily moved in the cause of emancipation themselves. The slaveholders in Cuba were exceedingly sensitive in regard to anything coming from the United States on the subject of slavery and watched with lively interest everything relating to the question in that nation. A large majority of those felt that emancipation would soon come and would be due more to the action and influence of the government of the United States than to that of their own.

During a major part of the life of the slave trade, the negroes were treated by their owners in much the same fashion as they were by the traders—they were beaten into submission, branded, and treated as a higher type of beast. Later, with the abolition of the trade, the risks involved in transporting these slaves illegally caused the prices to go up and demanded that the owners accord them better treatment in order to preserve them. "The Cuban planter reckoned as his most precious possession the flesh and blood attached to his estates."  

Ibid., 1867, I, 527.  
45 Archibald Wilberforce, Spain and Her Colonies, p. 246.
A slave might marry the wife of his choice, buy his freedom, and, if ill-treated, he might choose a new master or appeal to the courts and possibly be declared free. Black children were not permitted to attend school, but were taught the Christian doctrine. All children of black slave women and Spaniards were slaves, and it was quite common for a planter to have his own son be a slave to him.

Not all blacks in the island were slaves. The slave was able to acquire liberty from his owner through a "carta da libertad" or by purchasing himself; consequently, the number of freedmen in Cuba became increasingly large, and began to surpass the number of slaves. The freedmen, however, were often worse off after gaining their liberty. They were regarded as peculiarly inferior and were on the lowest rung of the social ladder. Of their condition, Amelia Murray wrote to a friend: "Free blacks here are profligate and irreligious; and they look far less happy than their brethren in servitude." They were not allowed to appear on the streets after dark, carry arms, or have Indians as servants. They were excluded from public office, although accepted in the militia. The women were forbidden to possess or wear luxurious clothes.

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46 Haring, op. cit., p. 218.
47 Amelia Murray, Letters from the United States, Cuba, and Canada, p. 238.
silk, gold and pearls. The conditions under which they lived were so harsh that when the revolt broke out in 1868, the people of the United States at first believed it to be a black rebellion.

The revolt of Cuba began at the plantation de Cespedes, in Yara, where he freed all of his slaves, proclaiming independence. The official declaration was made, including, as a cause, the desire of the Cubans for the abolition of slavery, gradually and with indemnification. In February, 1869, a decree was issued by the Cuban insurgent assembly containing the following provisions:

1. Slavery is abolished.

2. The owners of those who have been slaves will be indemnified in due time.

3. All those who by this decree obtain their freedom will contribute their efforts to the independence of Cuba.

4. To this end, those who may be found apt and necessary for military service will enter our ranks, enjoying the same compensation and the same consideration as other soldiers of the liberal army.

5. Those who are not destined to military service will continue while the war lasts at the same labors in which they are now employed, to preserve estates in a productive condition, and thus provide subsistence to those who offer their blood to the cause of common liberty, a duty imperative alike on all those citizens now free, of whatever race, exempt from military service.

48 Haring, op. cit., p. 218.
49 Saturday Review of Literature, XXVI (Nov. 21, 1868), 373.
The decree was to be executed by a special regulation to be prescribed at a later date. This decree freed thousands of slaves, bolstering the insurgent army, and gained the sympathies of the nations of the world, especially the United States, for their cause. Later the same year, the Constitution of Free Cuba was drawn up, explicitly stating that "all the inhabitants of the Republic of Cuba are absolutely free." By this one fell swoop, the negro slaves of Cuba were placed on an equal footing with the free, at least in the eyes of the insurgent government.

Fighting, which was of a most inhumane and bloody nature, broke out, and the situation in Cuba was an immediate concern to the United States. In the good offices which President Grant offered to Spain in 1869 was included the stipulation that slavery would be abolished in Cuba. Spain refused the offer saying she would not even consider an armistice with the insurgents while they were in arms against the government, and that a full and complete amnesty would be granted as soon as the insurgents laid down their arms, at which time the whole question would be open for consideration. This condition was impossible because the insurgents, tired of just such promises, would never have quit fighting on the strength of a mere discussion. Marshall Prim added, in regard to emancipation, that Spain would prefer to leave the matter to the

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51 Ibid., p. 2.
Cubans themselves. His idea was open-minded and liberal, but before he could carry it out, he was assassinated. Even though the good offices were rejected, the Spanish government stated that it desired them and was prepared to see Cuba free, but that the consent of Spain must be given in a manner consistent with her self-respect.

The good offices having failed, the United States then proposed a conference in Washington with Spain, the United States, and Cuba. This offer, too, was refused by Prim who stated that Cuba could only be heard through her deputies elected to the Cortes, and that Spain might treat with the United States, not with Cuba. General Sickles, the United States' minister to Madrid at this time, notified Secretary of State Hamilton Fish that he thought the disinclination to emancipate the slaves in Cuba was partly attributed to the embarrassment such action would cause in Puerto Rico, as well as in Cuba, where the slaveholders were usually the most influential partisans of the home government.

As the fighting progressed, the United States became more determined that something should be done. Secretary Fish wrote to General Sickles in Madrid:

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52 Ibid., p. 2.  
53 Ibid., p. 3.  
54 Ibid., p. 4.
I have regarded it, and still regard it, as your duty under your existing instructions, at all times, whenever in your judgment a fitting opportunity offers, to do all in my power to secure emancipation not only in Cuba but also in Porto Rico. It becomes more apparent every day that this contest cannot terminate without the abolition of slavery. 55

Not all of the blacks served on the side of the insurgents as might be expected. Many of them fought with the Spanish, making good soldiers. Those who fought with the Spanish did so out of respect for their masters to whom they looked up to as benefactors and saviours. They were later to be granted freedom because of their efforts in this behalf. Those who fought against Spain did not fare so well in the hands of their enemies. If captured, they were beaten and asked if certain persons were responsible for acts against the government. Not knowing perhaps any of those named, the black would accuse one in order to escape punishment for himself. Armed men would then go to the home of the man named and seize him. The trial consisted of standing the poor man in a line of eleven others, and having the negro pick out the individual "on trial." If the negro failed, he was shot; but if the negro did happen to point out the right man, it meant the man's death. 56

55 Ibid., p. 7.
56 Murray, op. cit., p. 266.
The Spanish were well aware that the problem of slavery was definitely a cause for the continuation of the struggle on the part of the insurgents. In June, 1870, the Moret Law was passed, providing that:

1. All children of slave mothers, born after publication of this law, are declared free.

2. All slaves born between the 18th of September, 1868, and the time of publication of this law, are acquired by the state, by payment to their owners the sum of fifty escudos.

3. All slaves who have served under the Spanish flag, or who have in any way aided the troops during the present insurrection in Cuba, are declared free.

4. Slaves, who, at the time of the publication of this law, shall have attained the age of sixty-five years, are declared free without any indemnification to their owners.

5. All slaves belonging to the state, either as emancipated, or for any other cause, shall at once enter upon the full exercise of their civil rights.

6. Those persons freed by this law, who are mentioned in articles one and two, shall remain under the control (patronato) of the owners of the mother. 57

The law was passed on the 23rd of June, the last day of the session of the Cortes, after certain amendments which included: a change in the age of those mentioned in article four to sixty, forbidding sale or separation from the mother of children under fourteen, and placed certain restrictions against punishment with the lash—a common practice in the past.

At first glance the Moret Law might seem to have been a definite reform. However, that was not the case. The provision was made that all children of slave mothers born after the decree were to be free, but made no provision for their support. Also, it would have taken the average slave the best years of his life to command the sum necessary to purchase his freedom, years which were spent in slavery. Then too, concerning the age at which slaves were to go free, at sixty years of age the powers of labor were mostly gone and the slaves turned loose with no support for their few remaining years. The worst provision concerned the control of those being freed under the first and second articles and was to be a source of evil and later trouble. The law, as stated, was published in Spain, in June, 1870, at which time it became a law; but it was close to two years before it was published in Cuba, where it was hindered by the group of Volunteers. Despite the fact that the Moret Law did very little in the actual abolition of slavery, and came far from meeting the satisfaction of the United States, it was recognized by Grant as a step in the right direction.

President Grant was completely aware that the reforms which had been promised by the Law of 1870 were not forthcoming by the time he gave his annual message in December, 1871. At that time he noticed:

It is a subject for regret that the reforms in this direction which were voluntarily promised by the statesmen of Spain have not been carried out in
its West India colonies. The laws and regulations in Cuba and Porto Rico leave most of the laborers in bondage, with no hope of release until their lives become a burden to their employers. 58

In November, 1871, a bill was introduced in the Spanish Cortes for emancipation of slaves in Puerto Rico. The Cuban slaveholders, anticipating the vigorous agitation of the question, were represented by zealous and able agents, provided with ample means to obtain aid in the press as well as in the legislature, to defeat the passage of any further measure of enfranchisement. The League of Madrid and the provincial journals were formed with the avowed object of opposing the "filibusters and internationalists" but it was believed by many that the real business of that association was to maintain slavery in the Antilles at all hazards and at whatever cost. The United States knew full well that the laws for emancipation were being blocked at every turn, and President Grant noted it in his fourth annual message, but stated that it was a step in the right direction. In August, 1872, the King of Spain signed regulations for the execution of the Moret Law. This act, in reality, hurt the cause for Spain in Cuba, where it snapped the strongest tie between the mother country and the wealthy planters who found it no longer advantageous to support the crown.

58 Richardson, op. cit., VII, 146.
The regulations which were for the enforcement of the Moret Law hurt many citizens of the United States as much as those of Spain. In his previously mentioned message, President Grant told Congress:

I desire to direct your attention to the fact that citizens of the United States are large holders in foreign lands of this species of property, forbidden by the fundamental law of their alleged country. I recommend to Congress to provide stringent legislation to a suitable remedy against the holding, owning, or being interested in slave property, in foreign lands, either as owners, hirers, or mortgagors, by the citizens of the United States. 59

Again, in his message the following year, 1872, he said:

I cannot doubt that the continued maintenance of slavery in Cuba is among the strongest inducements to the continuance of this strife. A terrible wrong is the natural cause of a terrible evil. The abolition of slavery...could not fail to advance the restoration of peace and order.

Deeply impressed with the conviction that the continuance of slavery is one of the most active causes of the continuance of the unhappy condition in Cuba, I regret to believe that citizens of the United States, or those claiming to be such, are large holders in Cuba of what is there claimed to be property, but which is forbidden and denounced by the laws of the United States. They are thus, in defiance of our own laws, contributing to the continuance of this distressing and sickening contest. 60

Early in 1873 a new republican government was set up in Spain and one of the first acts was to abolish slavery in the island of Puerto Rico. Next, several thousand persons illegally held as slaves in Cuba were released. Finally, the

Captain-General of Cuba was deprived of the power to set aside the orders of his superiors at Madrid, a power he had held since 1825. These liberal steps were violently opposed by the reactionary slaveholders of Havana who were "vainly striving to stay the march of ideas which has terminated slavery in Christendom, Cuba only excepted." The action taking the power out of the hands of the Captain-General was a major step toward reform because, in the past, that official had had the final say on laws passed by the Cortes, due to his distance from that body. Then too, the Volunteers who were the chief defenders of the institution of slavery, had practiced a great deal of influence on him and were able to have their ideals catered to.

The policies of President Grant were upheld by Secretary Fish in a letter to Caleb Cushing, in Madrid, on February 6, 1874:

While the attention of this government is fixed on Cuba...we cannot forbear to reflect,...that the existence of slave-labor in Cuba, and its influence over the feelings and interests of the peninsular Spaniards, lie at the foundation of all the calamities which now afflict the island...It cannot long continue in Cuba environs as that island is by the communities of emancipated slaves in the other West India islands and in the United States.

Whether it shall be put to an end by the voluntary act of the Spanish government, by domestic violence, or by the success of the revolution of Yara, or by

61
Ibid., p. 240.
what other possible means is one of the grave problems of the situation, of hardly less interest to the United States than the independence of Cuba. 62

The insurrection continued in its intensity until the nations of the world, and especially the United States, began to look to Spain to bring about a cessation of the hostilities. Because the United States took a lead in this concern, and appeared to be entertaining designs for intervention, the government in Spain wrote to President Grant asking his ideas on what should be done concerning the Cuban question. The answer included:

Not merely gradual and genuine, but rapid emancipation of the slaves, because the government of His Majesty recognizes and unreservedly proclaims that slavery neither can nor ought to be maintained in any of its dominions, by reason of its being an anti-Christian institution and opposed to present civilization. 63

In return President Grant received a letter from the Spanish Minister of State, Calderon y Callantes, stating:

But for the insurrection, there would not now have been for some time a single slave in the island of Cuba, but at the present time, the negroes and mulattoes constituting one of the principal elements of the insurrection, their freedom would be, even in the judgment of those most opposed to slavery, a very grave peril, not only for Spanish

62
Foreign Relations of the U. S., 1874, p. 861.

63
rule for all the Spaniards and Cubans faithful
to the metropolis, but also for the whole white
race of the island. 64

So now the Spanish government was blaming the insurgents
for the continuance of slavery and claiming that immediate
emancipation would only loose the blacks to terrorize the
white race and gain control of the island.

Late in 1873, a decree was published in Madrid announc-
ing the visit of the Minister of Ultramar to Cuba and Puerto
Rico in an attempt to discover means to solve the financial
problems and the problem of slavery which demanded an urgent
solution, and thereby end the insurrection. A short while
later, President Grant received a memorial addressed to him
by Fernando de Castro, President of the Spanish Abolition
Society, in which he was asked to intervene for the sake of
humanity, and to which he replied:

While abstaining from interference...the contiguity
of some of the possessions of Spain to the terri-
tory of the Union has made the continued tolerance
of slavery in one of them an object of solicitude
to the people in the United States...sympathizing
in every effort to remove the blot and scourge of
slavery from the face of the earth,...the President
hopes that for the attainment of these ends no prop-
er exhortations will be spared by the friends of
freedom in Spain, where they must prove more potent
and efficacious there than they can be in the United
States. 65

64  Ibid., p. 157.
65  Foreign Relations of the U. S., 1874, p. 248.
By 1876, the abolition of slavery was admitted by all to be a necessity. Spain freely admitted the political expediency of abandoning her old colonial system, but blamed predatory bands of runaway blacks, engaged in the work of incendiaryism and devastation, keeping all the social forces of the island devoted to self-defense, as the only obstacle to the introduction into the island of radical reforms. She was afraid that if the slaves were emancipated at this time, many of them would take to the mountains as maroons and become additional agents of disorder and bloodshed. Those favoring emancipation pointed to the success of abolition in Puerto Rico where it had, on the whole, been successful, except to the planter who stood a bad chance of being paid for his slaves, and where the tranquility of that place proved it had been honestly and intelligently carried out. They were answered that slavery could never be accomplished in a place suffering the conditions which Cuba was undergoing.

Affairs began to go more rapidly by early 1878. It was quite apparent that the capitulation of the insurgents would be but a matter of time. By this time the island was in a complete state of devastation—plantations were ruin, looting rampant, and the disorder and lack of organization which had been an advantage to the insurgents in the early stages of the war now began to tell on them. On the third day of March, 1878, a decree of the General-in-Chief of the Army of operations in the island was inserted in the Havana
Gazette and given wide publication. The article guaranteed the freedom of all slaves who were in the ranks of the insurgents on the 10th of February, and who surrendered before the 31st of March, 1878. The decree caused a great many liberated slaves to leave the ranks of the insurgents, diminishing the army of the republic to a great extent.

The revolt ended the same year, and by the Treaty of Zanjón the Spanish government was committed to very prompt and comprehensive measures in respect to slavery. The Spanish king's speech to the new Cortes, June 1, 1879, included: "Among these new projects, the first place will be given to those intended to solve the social question of the island of Cuba, hastening the day of the complete extinction of slavery in accordance with principles already established."

CHAPTER IV

COMMERCIAL RELATIONS

It has been pointed out that Cuba was the object of a great deal of interest to the United States just prior to the Civil War between the states. There was a great deal of speculation as to what should become of the island—whether it should remain with Spain, become an independent republic, or be annexed to the United States. Whatever may have been the difference of opinion as to what should be done, there was general agreement as to what should not be done. Cuba should not be permitted to fall into the hands of Great Britain or France. The menace was believed to be much greater with Cuba in the hands of either of these powers than in the hands of a waning power such as Spain. ¹

Political considerations made Cuba a matter of deep concern to American statesmen. The question of slavery was prominent as were other political issues; but hardly less important, especially in the eyes of American businessmen, were the economic considerations. American interests in Cuba, immediately prior to the revolution had changed from slavery to commercial.

¹ Phillip G. Wright, The Cuban Situation and Our Treaty Relations, p. 7.
The island of Cuba was truly the "Pearl of the Antilles." Cuba is about 770 miles long with an average width of 40 miles totalling about 31,468 square miles of fertile soil. The island is characterized by a genial climate and many fine ports which make it a natural for trade and commerce. Two thirds of the island is susceptible to culture, making it ideal for the plantation system that has arisen there.

The trade between the United States and Cuba has been astounding from the start. By 1855 the imports from Cuba totaled $31,216,000, and the exports to the island totaled $34,803,000.

In January, 1859, in an attempt to influence the United States toward acquisition of the island, Secretary of State Slidell reported:

Today, with its increased population and wealth, it is fair to presume that, were Cuba annexed to the United States, with the stimulus afforded by low prices, her annual consumption of our flour would be 600,000 barrels; of our lard, 25,000,000 pounds; of our beef, 20,000,000 pounds, and of our pork, the most solid and nutritious food for the laborer, 10,000,000 pounds. The same ratio of increase would be exhibited in our whole list of exports....The Spanish flag, deprived of the advantage of discriminating duties of tonnage and impost, would soon abandon a competition which it could not sustain on equal terms, and the whole carrying trade, foreign and domestic, would fall into the hands of our enterprising merchants....

With all the disadvantages under which we now labor, the American vessels entering the port of Havana

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alone last year numbered 958, with a tonnage of 403,479. To what figure will this be extended when ours shall be the national flag of Cuba? 3

Secretary Slidell failed in his attempt to have the island annexed, but succeeded in arousing the interest of the nation in the importance of Cuba as a commercial prize. The Civil War in the United States caused the trade with Cuba to decrease and a change in interest in regard to the annexation. However, trade began to revive immediately after the conflict between the North and the South ended. The trade with Cuba was carried on under oppressive and discriminating laws of the Spanish, and, despite these obstacles, grew to enormous proportions.

During the period from 1860 to 1867 the trade had declined slightly. The domestic export trade of the United States to Cuba in 1860 was $11,700,000; in 1867, $10,200,000. The import trade for the same two years was $34,000,000 and $39,000,000, respectively. 4 The import trade to the United States from Cuba for the year, 1860, was exceeded only by the import trade to the United States from France and Great Britain, including England, Scotland, and Ireland. The trade with Cuba made up the largest part of the total trade

3 Ibid., p. 81.

between the United States and Spain and compared with the direct trade of the mother country as follows:

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<thead>
<tr>
<th>Years</th>
<th>Imports of Cuba and Spain to United States</th>
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<tbody>
<tr>
<td>Cuba</td>
<td>Spain</td>
</tr>
<tr>
<td>1860</td>
<td>$34,000,000</td>
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<tr>
<td>1867</td>
<td>39,000,000</td>
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<td></td>
<td>$3,000,000</td>
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<td>3,100,000</td>
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</tbody>
</table>

The importance of the island to both the United States and Spain can readily be seen. The importance of Cuba to the United States consisted of its varied interests there and the large amount of commerce; the importance of the island to the mother country was due to the large amounts of revenue extracted from foreign countries—especially the United States—on trade with Cuba.

In 1859, the Government at Madrid had passed laws regulating commerce and trade with foreign countries. These laws were discriminating and extremely hard on the trading nations. After a time, the laws were allowed to lag, and trade increased. However, in November, 1868, new laws were passed which replaced those of 1859, and which were more stringent in that they were to be strictly enforced. The rules and regulations concerning captains and supercargoes of Spanish and foreign vessels engaged in importing goods to licensed ports of the island of Cuba included:

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6 *Foreign Relations of the United States, 1873*, Part 2, pp. 933-934.
(1) All captains and supercargoes of vessels hailing from foreign ports and engaged in the importing trade to the island were obliged to deliver the statement of cargoes, certified by the Spanish consul, and also the general manifest of the cargo, without any corrections. These should contain the name of the captain and vessel, its nationality, the number of Spanish tons, the port from whence she sailed, the number of bales, packages, and every other article composing the cargo, with their respective marks, numbers, and the class of goods, the names of the shippers and consignees of the goods. It was absolutely forbidden to make any addition or alteration on the manifest or statement of cargo. Any difference between the statement of cargo and the manifest would be punishable according to regulation.

(2) The captains and supercargoes of vessels which had to enter in distress were required to deliver a manifest of their cargo in the same manner as those engaged in the importing trade.

(3) If the captain of a vessel was obliged, by stress of weather, or any other unforeseen cause, to throw away any portion of the cargo overboard, he was required to state on his manifest the quantity, the number of packages, class and kinds, and show his log-book at the customs house to prove his declarations to be true.

(4) If the captain did not immediately present the statement of cargo and the manifest, he was subject to a fine of $500.
(5) In case of corrections or alterations in either, or both, he was liable to trial on charges of forgery.

(6) If the cargo came up short (even one package), fraud was charged and a fine of $200 was placed on each missing package.

(7) Should a vessel discharge merchandise of any quantity, large or small, in a port not open to general commerce, the vessel and the merchandise would be confiscated.

(8) If the fines placed on captains and vessels were not paid, the vessels were seized and held until the fines were paid.

Complaints were received early after the above rules and regulations were issued, especially in regard to the minute requirements as to the manifests of cargoes. It was recognized that Spain had the right to pass any regulations regarding importations into Cuba; but it was felt by the United States to be in the interest of commerce that honest traders be protected from abuse and fraud. The errors which were found in manifests were accounted for by the difference in languages and were accidental. The United States Department of State felt that the revenue laws of Cuba did not provide an equitable and summary relief in the cases where fines were imposed, and Secretary of State Seward notified Mr. Hale to bring the matter to the attention of the Spanish government at Madrid. 7

At the same time, the Cuban officials required a bond on all colored persons arriving on board United States vessels. These bonds made it impossible for these colored people to go ashore while anchored in ports of the island. This rule was held by the United States to be unjust and discriminating; but the Spanish officials did not want free negroes to come in contact with the slaves of the island.

Immediately prior to the outbreak of the revolution in Cuba, the trade between the island and the United States had reached astounding figures. In regard to imports to the United States, 1867, Cuba led the world in shipments of asphaltum, wax and spermaceti, pineapples, plantains, bananas, cocoanuts, jellies of all kinds, honey, syrup and molasses, tobacco and manufactures of tobacco (cigars), sugar, and was high on the list in many other products needed by the United States. The trade with Cuba in regard to sugar was fabulous. In 1867, 595,676, 539 pounds of sugar were imported at three cents per pound, 39,219,353 pounds at 3½ cents per pound, and 7,269,467 pounds at 4 cents per pound. The first rates brought a total of $24,673,952, the second, $1,951,117, and the third, $400,778, making a combined total of around $27,025,847. The total value of the sugar imported was $37,445,726.72.

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9 Ibid., p. lxxii.
In the matter of exports to Cuba from the United States in the same year, the island led the world in importing iron and steel by nearly two times its nearest competitor. These products included nails, pig, sheet, and railroad bars. An idea of the extent of the exports to Cuba in 1867 can be obtained from the following figures for that year: 7,120 cattle at $90,085; 352,905 pounds of bone-black, and lamp black at $23,010; 175,379 pounds of bread at $16,665; 5,633 barrels of Indian meal at $33,693; 17,380 bushels of oats at $13,491; 269,972 pounds of rice at $13,945; 10,545 barrels of wheat at $12,379; and $214,079 worth of drugs and medicines. These are but a few products exported to Cuba, but were among the leading ones.

The island led the world in importing locomotives and coal from the United States and was second in importing bacon and hams. She also led the world in importing saddles, harness, bricks, lime, and cement.

As if in preparation for the insurrection to follow shortly, Cuba was third in the world, which included more than 70 export places, in receiving cutlery, fire-arms, and cannon; and fifth in receiving shipments of gunpowder.

The overall total of exports to Cuba from the United States amounted to $14,171,835 in 1867. The total exports

to Spain including Cuba and the other colonies, was $21,814,054, showing the large portion of the Spanish trade with the United States to be carried on by the island itself.\textsuperscript{12}

Out of the 76 areas of importation to the United States from all parts of the world, Cuba was second in 1867, led only by Great Britain.

By the time the 1868 revolution broke out, large holdings in Cuba were in the hands of Americans. These holdings, coupled with the rising commerce, made the question of the insurrection one of prime importance to the United States.

The trade with Cuba and the interests of citizens of the United States at once suffered from the insurrection. The Spanish officials became more demanding in regard to the commercial relations and the properties of many of the citizens of the United States were embargoed.\textsuperscript{13}

In 1870, Secretary Fish stated:

\textit{Whatever may be the result of the pending contest in Cuba, it appears to be the belief of some of the leading statesmen in Spain, that the relations which now exist between the island and the mother country cannot be long continued. It is understood that the resources for carrying on the struggle have been supplied mainly from Cuba, by the aid of that portion of the population which does not desire to see its political destinies intrusted to the persons who direct the movements of the insurgents; but it does not follow that its political relations with Spain are to remain unchanged.}

\textsuperscript{12} Ibid.

\textsuperscript{13} See Chapter II.
or that even the party which is now dominant in the island will wish to forever continue colonists.

With the Spanish islands of Cuba and Porto Rico we maintain, in spite of their adverse legislation, a large commerce by reason of our necessities and of their proximity. In the year ending June 30, 1869, we imported from them merchandise valued at $65,609, 274. During the same time we sent them goods to the value of only $15,313,919.

The prohibitory duties forced upon them by the policy of Spain shut out much that we might supply. Their tropical productions, for instance, are too valuable to allow their lands to be given up to the growth of breadstuffs; yet, instead of taking these articles from the superabundant fields of their nearest neighbors, they are forced to go to the distant plains of Spain.14

In the above statement Secretary Fish summarized the situation regarding the commercial relations between Cuba and Spain and the United States during the Ten Years' War.

The Spanish policy of oppressive and discriminating revenues had a twofold purpose. On one hand the high duties served to keep down commercial relations between Cuba and nations other than the mother country to a certain extent. On the other hand, the high revenues amounted to a source of payment for the cost of the insurrection in the island. As long as the revolt continued, it would have been suicide for Spain to lower the tariffs in Cuba.

During the first year of the revolt, the Captain-General endeavored to win the favor of many of the Cuban wealthy by issuing a proclamation which declared important concessions

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in tax regulations. A 50 per cent reduction was made in the direct taxation on plantations, on cattle, and on country real estate. However, these concessions were more than nullified by new duties: on muscovado sugar, if shipped under the flag of Spain, a tax of 16 cents a hundred weight, while shipment under a foreign flag called for an additional 4 cent duty; on boxed sugar shipped under the Spanish flag, a tax of 75 cents a box, while if under a foreign flag, 12 cents additional; on every hogshead of sugar shipped under the flag of Spain a tax of $1.00, and if under a foreign flag, 75 cents additional. The discriminating duties against products under foreign flags was characteristic of the Spanish tariff regulations and were a source of friction in the commercial relations with the United States.

About this time President Grant expressed his thoughts toward one of the islands of the Caribbean, and he might well have been speaking of Cuba. The island, or the republic of San Domingo, was being considered for annexation by the United States. Concerning this, the president stated:

The acquisition of San Domingo is desirable because of its geographical position. It commands the entrance to the Caribbean Sea and the Isthmus transit of Commerce. It possesses the richest soil, best and most capacious harbors, most salubrious climate, and the most valuable products of the forest, mine, and soil of any of the West India

Islands. Its possession by us will in a few years build up a coastwise commerce of immense magnitude, which will go far toward restoring to us our lost merchant marine. It will give to us those articles which we consume so largely and do not produce, thus equalizing our exports and imports. In case of foreign war it will give us command of all the islands referred to, and thus prevent an enemy ever again possessing himself of rendezvous upon our very coast.

For each of the reasons given as a cause of acquisition of San Domingo, the island of Cuba was even more important.

By 1873, the situation in regard to the Spanish tariff regulations had not changed. In March of that year attention of the Spanish government was once again called to the onerous burdens placed on trade of the United States by reasons of fines imposed by custom authorities of Cuba. A remedy was desired by ship-owners in the United States.

Spanish law required that a vessel bound for a Cuban port make out a manifest of cargo which was to be certified by the Spanish consul residing at, or nearest to, the port of loading. On arrival in Cuba, if examination of the cargo showed a difference between the packages and the weights, the vessel was fined while the goods escaped all responsibility. Although the generic class of the goods was stated on the manifest, in compliance with the requirements of the Spanish law, and the manifests accepted and certified by the Spanish consul, the vessel was often fined for not stating the specific class.

16Foreign Relations of the United States, 1870, p. 7.
17Foreign Relations of the United States, 1873, pt. 2, p. 932.
The ship owners were entirely dependent on shippers of cargoes for required information (weights, values, contents) from which to make out manifests and irresponsible parties often gave erroneous descriptions of their part of a cargo, resulting in fines imposed on vessels at times greatly in excess of the freight. Customs authorities at various ports in Cuba placed different constructions on laws relative to vessels and manifests of the same, and fines were imposed in one port for stating something in the manifest and imposed in another port for omitting that particular item. The captains were only informed of fines imposed on their ships when they attempted to clear them at the custom-house. Thus, the captain had to pay the fines or detain his vessel indefinitely while contesting the fine.

It was practically impossible for American vessels to clear for Cuban ports without being fined. In cases where fines were imposed, an appeal to the superior authorities at Havana was permitted on payment of the fines under protest; but unless the amount of fine was excessive, the delay occasioned by the detention of the vessel would exceed in most cases the amount of such fine, even if recovered. The objections made by American ship owners were felt by the United States to be reasonable, moderate, and just. The State Department began endeavoring to secure modifications and changes and secure similar action on the part of British, German, and
Swedish and Norwegian governments.

The fines were particularly embarrassing to the trade between the United States and Cuba. Most of the fines were placed upon a captain or vessel for not having manifested the Spanish tonnage. On one occasion, the brig Amos M. Roberts was fined $25 because the manifest expressed the exact number of Spanish tons to be 151.50, but in the manifest at New Orleans, the same tonnage was given as 150.51. One vessel was fined for not stating specifically the types of hoops being imported to Cuba from the United States when only one type was made. The consul of the United States at Matanzas showed 115 American vessels fined at that port alone between November 9, 1869, and December, 1867.

However, the customs and fines were necessary to the Spanish government, whose finances were in bad shape. Huge loans had been floated under guarantee of the customs-revenues of the island and made it necessary for the Spanish to maintain the stringent regulations. In 1874, General Sickles described the condition of the Spanish finances to Secretary Fish as:

A mass of liabilities, constituting what is called the 'floating debt,' and amounting to more than a hundred million dollars....

In truth, the public credit of this country is now lower than that of any other nation. It is nevertheless proposed to assume payment of some

Ibid.  19  Ibid., p. 937.  20  Ibid.
fifty millions of dollars of the notes of the Bank of Havana, issued to the authorities in Cuba and disbursed by them during the past five years, in addition to the enormous revenue raised from the island. You will remember that last year an attempt was made to fund this amount in 8 per cent. bonds issued on account of the Cuban treasury. A small amount was taken in Havana only, and the scheme was abandoned. Much alarm is felt here lest the financial crisis in Cuba, of which this large sum of irredeemable paper is the immediate cause, may yet more seriously hinder the government in its efforts to put down the insurrection. . . .21

General Sickles also attempted to aid the government at Madrid in solving the problem of the financial crisis in the island and the means of improving its revenues by a more liberal commercial policy. He pointed out that the large exports of flour, grain, and meat from the peninsula to European markets proved that Spain was able to compete with the United States and Russia in agricultural productions. It followed therefore, that the large advantage given to this class of Spanish products was a monopoly from which a few traders profited to the prejudice of general interests. Those privileges were especially injurious to the Cuban revenues, burdensome to consumers, and without benefit to the home producers. He also pointed out the discriminating duties were injurious to the island because if they were removed or reduced, American flour entering Cuban ports and paying a moderate duty would yield a large sum annually to the Spanish treasury. The high discriminating duties excluded competition

and was therefore burdensome to consumers. Also, the market price was that of the peninsula, regulated by demand in Europe, not Cuba, so the Spanish farmer was hurt. 22

By 1874, the situation remained unchanged. In January of that year, the Spanish government abolished an export tax known as the port and marine police dues. This tax had never been strictly enforced, but had been the cause of serious complaint and reclamation by Spanish and foreigner.

The next year, President Grant stated:

The protracted continuance of this strife seriously affects the interests of all commercial nations, but those of the United States more than others, by reason of close proximity, its larger trade and intercourse with Cuba, and the frequent and intimate personal and social relations which have grown up between its citizens and those of the island. Moreover, the property of our citizens in Cuba is large, and is rendered insecure and depreciated in value and in capacity of production by the continuance of the strife and the unnatural mode of its conduct. 23

The government in Washington was not the only agent seeking a solution to the problem and an alleviation of the strict tariff laws. A treaty of commerce between the United States and the King of the Hawaiian Islands was completed and scared the Spanish. An article in the October 1, 1876, *La Epoca*, Madrid, pointed out that the population of the United States increased 21.67 per cent during a nine-year period from

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1867 to 1875, but that the consumption of sugar increased 63.22 per cent, showing the importance of this question to all sugar-producing countries. The articles continued:

Well, then; in 1875, when the United States consumed, according to official statistics, 787,941 tons of sugar, our island of Cuba exported thither 545,395 tons, and Puerto Rico 55,011; that is 600,336 between the two, or 76.17 per cent of the total consumption of those states. 24

It was pointed out further that Louisiana accounted for 10.66 per cent of the total United States consumption and Hawaii helped account for 13.17 per cent; but that the free trade with the Hawaiian islands would pose a serious threat. The paper felt the solution lay in helping the government end the war in Cuba and in a measure of an international character which would be mutually advantageous to the commerce of Spain and the United States. This idea did not receive popular support, however, and was abandoned.

The burden of the excessive and increasing exactions from vessels in foreign trade with the Spanish Antilles was becoming unbearable to shippers from the United States. The question was also complicated by the intricate requirements of the insular customs and the ruinous penalties for slight breaches of the rules.

One particular grievance of the United States was the excess tonnage tax. Vessels entering the port of Havana were

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24 *Foreign Relations of the United States, 1876*, p. 465.
taxed from $1.30 to $1.35 per ton; but the same vessels were taxed only thirty cents per ton in the United States. The aggregate sums for the tax during 1876, for eighteen vessels, was $8,934.93 at Havana, and $190.83 at the United States, or a ratio of $46.83 to $1.00. 25 Spanish vessels entering the United States were not required to carry any document authenticated by a United States consular agent, but American vessels were required to carry the papers signed by the Spanish consular agents and were therefore subjected to enormous fines.

Toward the end of the insurrection, the trade relations had become better. The Spanish requirement for re-admeasurement was lifted in regard to Cuba. Reductions were begun on tariffs (sugar was reduced from 22.50 to 17.50 pesetas per hundred kilograms). A reciprocal trade agreement was reached between the United States and Spain which stipulated that only thirty cents per ton would be charged by the United States on Spanish vessels if no higher duties were charged on American vessels in Spanish ports. 26

In a sense the insurrection did not hurt the commerce of the United States except slightly. Commerce actually increased each year during the Ten Years' War. The complaint

25 Foreign Relations of the United States, 1878, p. 765.
26 Foreign Relations of the United States, 1878, p. 808.
of the United States was that the war prevented the commerce from increasing even more. The real wealth and bulk of the population was in the western section of the island and scarcely suffered from the insurrection. The insurgents could not easily raze western plantations and the sugar estates increased to 1070 in the western department, 102 in the central, and 200 in the eastern. 27

The import and export figures between the United States and Cuba for the year 1877 give some idea of the increase during the insurrection when compared with the figures quoted for the year, 1867. Some of the leading exports to Cuba were: 27,388 cattle at $439,969; 149,330 pounds of bone black at $5,100; 241, 269 pounds of bread at $26,408; 1,905 barrels of Indian meal at $7,302; 52,655 bushels of oats at $23,601; 91,122 barrels of wheat at $628,842; and drugs and medicines totalling $152,895. 28 Cuba was still one of the leading recipients of iron and steel, though not first. In imports to the United States Cuba was still first in sugar, amounting to 926,163,842 pounds at $52,702,160, first in molasses, 21,012, 302 pounds at $5,302,975; first in tobacco, 7,319,016 pounds at $3,640,521; and first in cigars, 517,537


pounds at $1,968,339. The total imports from Cuba amounted to $67,699,299; those from all of the Spanish possessions including Cuba, $82,825,021; and those from Spain herself, $3,280,836. The island, after ten bloody years, was still second only to England in trade with the United States.

Trade with the island had increased even though the rules and regulations placed on commerce by Spain were still harsh and discriminating. In June, 1878, a law of estimates and appropriations was passed which added to the tariff laws. This law included the following articles:

Article 35: The government is hereby authorized to impose an additional tax on import-duties and on those of navigation for the products, vessels, and exports of those countries which may in any way especially prejudice our vessels and our commerce....

Article 36: The government is likewise empowered to impose an additional charge upon the import-duties of American and Asiatic products coming directly from foreign depots.

In regard to these laws and the application of them, Spain even went so far as to state: "The reductions of duties which may result from the rectification of the customs tariffs shall only be applied to the products and exports of the nations which concede to Spain the treatment of the most favored nation."
By 1879, the situation had become unbearable to shipping interests in the United States. Attention was called to the Spanish government of extraordinary taxes on American citizens in the island—taxes which German citizens were exempted from.

The same year, in an effort to have the tariff system revised to provide for negotiating liberal reciprocity treaties with various countries whose trade was desirable, Mr. Caldwell of Tennessee, reported to the United States House of Representatives:

"We desire, and should have, a large share of the commerce of Saint Domingo and Cuba....

The negotiations of such treaties would develop production largely in those countries, furnish us a market for our surplus production, and give a vast impulse to our shipping interests, now languishing and sadly in need of encouragement. Though the insurrection that lasted several years has ended, and Spanish authority seems fully restored over the island, it is incredible that the Spanish element, one tenth of the population, can long continue a domination so hateful and galling to the balance of the people. The issue must again and yet again come up until the last of Spanish dependencies in the New World drop from the withered parent stem....I cannot free myself, Mr. Speaker, from the conviction that at no very distant day a difficult problem in relation to Cuba will be presented to this country for solution, involving the question of its incorporation by purchase or conquest or voluntary accession into our great system."

The Cuban tariff at this time classified imports under four heads and applied discriminating duties to each. These were:

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(1) Spanish productions imported in Spanish vessels.
(2) Spanish productions imported in foreign vessels.
(3) Foreign productions imported in Spanish vessels.
(4) Foreign productions imported in foreign vessels.

The way in which the duties were applied according to the four classifications is best illustrated by an example.

A barrel of flour of Spanish production imported into the island in Spanish vessels paid a duty of $2.25. The same product imported in a foreign vessel paid $4.50, or double. Foreign flour in a Spanish vessel imported from any country but the United States paid $4.69½. The same product imported in a foreign vessel paid $5.50. The last named duty was imposed on flour imported directly from the United States in all vessels. However, American flour imported via Canada in Spanish vessels paid a duty of $4.69½. Thus wheat flour imported direct from the United States paid 14½ per cent more duty than flour from Spain in Spanish vessels, and 17½ per cent more than Canadian flour imported in Spanish vessels.

To protect Spanish products in Cuba and give to Spanish vessels the carrying trade of the island, or the most lucrative part of it, the policy of Spain was to exclude as far as possible from the markets of Cuba all importations not of Spanish production or manufacture, unless they were transported
in Spanish ships, and discrimination was heavier against the United States than against any other nation.

At the same time, strangely enough, Spain imposed higher duties than any other countries of the world on sugars. Her duties on these products were 40 per cent more than those of the United States, forcing Cuba to turn to the United States for a market which purchased three fourths of the total production. Of 800,000 tons of sugar consumed annually by the United States, about 70 per cent came from Cuba, which constituted about 80 per cent of the island's yield. This made Cuba dependent on the United States as a market for her principal product. However, Spain demanded the sugar be paid for in gold, and not United States products. Of more than seventy millions of dollars of products furnished by Cuba annually, only fifteen and one-half millions were in products and the balance in gold. The example of Cuba disclosed a very definite need for reciprocal trade agreements if the United States were to continue its commercial relations with Spain.

As late as 1881 Spanish officials were charging ten cents per ton on cargoes of all vessels clearing from an American port to any port of the island of Cuba. The chief objection was the manner in which these charges were collected—in advance and in an American port. The ship was

Ibid.
refused clearance until the impost was paid. The charges actually amounted to a clearance charge upon the ship instead of an import tax. The attention of the king of Spain was invited to the matter and action was promised.
CHAPTER V

LATER STAGES OF THE REVOLT:

CONCLUSION

The later stages of the revolt were little different from the early years. The inhumane practices on both sides continued; the Spanish held the seaports and the Cubans the interior; and the United States continued its policy of watchful waiting. No change in American policy could be noted with each successive annual message of the President of the United States to Congress. For example, in his third annual message, President Grant stated:

It is to be regretted that the disturbed condition of the island of Cuba continues to be a source of annoyance and anxiety. The existence of a protracted struggle in such close proximity to our own territory, without apparent prospect of an early termination, can not be other than an object of concern to a people who, while abstaining from interference in the affairs of other powers, naturally desire to see every country in the undisturbed enjoyment of peace. 1

The following year he noted:

It is with regret that I have again to announce a continuance of the disturbed condition of the island of Cuba. No advance toward the pacification of the discontented part of the population has been made. While the insurrection has gained no advantages and exhibits no more of the elements of power or of the prospects of ultimate success than were exhibited a year

1 J. F. Richardson, Messages and Papers of the Presidents, VI, 147.
ago, Spain, on the other hand, has not succeeded in its repression, and the parties stand apparently in the same relative attitude which they have occupied for a long time past. 2

No significant changes had been made in the insurrection as late even as the end of Grant's second term, at which time he said to Congress:

The past year has furnished no evidence of an approaching termination of the ruinous conflict which has been raging for seven years in the neighboring island of Cuba. The same disregard of the laws of civilized warfare and of the just demands of humanity which has heretofore called forth expressions of condemnation from the nations of Christendom has continued to blacken the sad scene. Desolation, ruin, and pillage are pervading the rich fields of one of the most fertile and productive regions of the earth, and the incendiary and torch, firing plantations and valuable factories and buildings, is the agent marking the alternate advance or retreat of contending parties. 3

In the above message, President Grant expressed doubt that Spain could subdue the insurrection, but at the same time he also felt that no civil organization existed in Cuba which could be recognized as an independent government "capable of its international obligations and entitled to be treated as one of the powers of the earth." The insurrection had already lasted seven bloody years, and still the insurgents were denied recognition, either as independent or as belligerents.

2 *Foreign Relations of the United States, 1872, I, viii.*


One of the most important factors in the denial was the position of the Cubans. They were entirely inland. Despite the terrific struggle they had waged for so many long years, they were still unable to hold any of the coastal towns for any length of time. This position made it practically impossible for them to negotiate in any way with the nations of the world, even though many of these nations sympathized heartily with them.

After the long years of conflict there were still no appreciable changes or advance on either side. The latter half of the war found Cuba to have the appearance of a scale. On one side were the Cuban insurgents, on the other, the Volunteers. Between the two stood the Spanish troops. The Volunteers had arranged themselves away from the Spanish. They felt that the policies of the home government had begun to be too lenient toward the revolters and demanded that reforms be withheld. Spanish control over these Volunteers had lessened each year until it reached the point where there were three definite sides in the revolt. Had the Spanish attempted reforms, the Volunteers would have opposed them. Had Spain not moved toward reform, the insurgents could not be placated. These three points of view were characteristic of the revolt to the last.

President Grant saw little change in the revolt during his entire two-term period as president. The last of his
annual messages to Congress was very similar to the first, in regard to the revolt, even though eight years separated them. A strange situation, it becomes even more so when the message of his successor is noted. In this regard, President Hayes said:

Another year has passed without bringing to a close the protracted contest between the Spanish government and the insurrection in the island of Cuba. While the United States has sedulously abstained from any intervention in this contest, it is impossible not to feel that it is attended with the rights and interests of American citizens. 5

Late in December, 1875, the Spanish government appointed General Jovellar to relieve General Count Valmaseda as the Captain-General of Cuba. Jovellar had been governor of the island from November, 1873, to April, 1874, and during the term of his administration he acquired a reputation of integrity, as well as of justice and humanity, and appeared to be possessed of a conciliatory spirit toward the Cubans. His appointment gave a general satisfaction to the State Department at Washington.

Events began to occur more rapidly. The Spanish were exasperated by the revolt and looked to the possibility of terminating it quickly. Consequently, General Martinez Campos was sent to the island in 1876 to be General-in-Chief of the Army of Operations. There was to be a complete separation of commands between the two offices, with Campos

5 Ibid., p. 468.
handling the military affairs. This was considered by the United States as being a definite step in the right direction.

At the same time the government in Madrid contracted a loan of $15,000,000 to aid in the push against the Cubans, and began increased recruiting in an effort to reach 24,000 replacements for Cuba.

By the middle of 1877, the government in Cuba both politically and militarily had become better organized and the physical strength had increased to the following:

16 battalions of infantry
50 battalions of cazadores
2 battalions of unmounted artillery
4 battalions of gardesmobilis
1 battalion of engineers
2 battalions of Havana militia
1 battalion of freedmen
3 battalions of disciplined colored militia
4 battalions of civil guards.

These figures gave to the Spanish troops a total of 83 battalions without counting militia forces employed on garrison duty, rangers (contraguerrillas) and irregular forces. The strength of the battalions of cazadores was 1,200 men each, and those of the line were 750 strong—giving 72,000 men as the nominal forces in those two arms of the service. An underestimation of the numbers of the remaining organized

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6 Foreign Relations of the United States, 1876, p. 474.
7 Ibid.
8 Foreign Relations of the United States, 1877, p. 577.
battalions at 600 men each gave an additional 10,200 regulars and militia. The irregular troops were roughly estimated at 4,000 more, giving a total of at least 86,200 men.

The termination of the hostilities were popularly regarded as a matter of course. General Campos had not only the advantages of prestige and confidence of the government, but also enjoyed the privilege, withheld from so many of those who preceded him, of having his calls for men, supplies and money promptly responded to. On the 22nd of April, 1878, a law was passed in Spain fixing the permanent army in the peninsula at 100,000 men and calling for the force of the army in the island of Cuba to be "that which may be considered necessary in order to complete the pacification of the said Antilla." The law gave the attempt at immediate termination an added boost.

By June 9, 1878, Mr. Dwight T. Reed, of the United States Legation in Madrid, notified Secretary of State Evarts that he had received word that peace had been definitely established in the island of Cuba. The long awaited news was received in Madrid with great satisfaction by all parties.

An article from the Gaceta de Madrid, June 8, 1878, told of the capitulation as follows:

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9Ibid.

10*Foreign Relations of the United States, 1878*, p. 788.

11Ibid., p. 789.
All the insurgent chiefs have accepted the capitulation, the majority of the parties of the oriental section and of the Tunas having laid down their arms. The rest of them are concentrating in order to do likewise. It is not likely that any armed force will be left, but some isolated bandit-ting may possibly exist.

The war may be considered as terminated.

The above article was in the form of a telegram from Havana signed by General Joaquin Jovellar and General Martinez Campos. Immediately after word of pacification was heard, it was stated in a decree also published in the Gaceta that General Jovellar had resigned as Captain-General of Cuba and would become Secretary of War, and that General Campos was to be appointed as Captain-General of Cuba succeeding Jovellar.

The insurrection ended with the signing of the Treaty at Zanjon.

By 1877 many of the original leaders of the revolt had died in battle, or had been captured and murdered by the enemy. Foreigners, who knew nothing of early ideals and original causes had replaced the Cuban patriots to fight against the Spanish. The island was becoming desolate, and ruined plantations were covered with weeds. Many of the insurgent forces had become bands of bandits and had forgotten why they fought. It seemed a time ripe for the use of proper diplomacy and

Captain-General Campos was not lacking in this respect. On May 6, he issued the following proclamation, which reads:

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Ibid.
Article I. From the date of this decree, all orders of banishment decreed gubernatively by this Government for political motives are hereby rescinded, and all proceedings now under way regarding the same are hereby overruled.

Article II. The embargoes imposed gubernatively on insurgents who have presented or may present themselves for pardon before the termination of the war shall also be raised. There will, however, be excepted from the favor of disembargo the property of backsliding insurgents and that of the leaders of the insurrection, in respect to which this General Government will adopt the measure it deems most convenient, according to the special circumstances of each case.

Article III. The property, embargoed gubernatively of the disloyal ('infidentes') who have since died shall also be released from embargo, and delivered unto their lawful heirs, if these remain faithful to the Spanish nation.

Article IV. The property referred to in the two preceding articles once returned, its owners or holders shall not sell, assign, transfer or burden it in any manner until two years after the official publication of the complete pacification of the island.

Article V. The proceeds of property before its return shall be considered as applied toward the expenses of the war, unless otherwise provided for, and its owners without any right to make reclamation of any nature whatsoever.

Article VI. None of those whose property has been released from embargo shall either have the right to make reclamation for any loss or injury that may have been suffered by the property or object returned them.

Article VII. To assist as far as possible in the return of said property, this Government will authorize the Governors and Lieutenant-Governors of the island to effect the same in each case, to those comprised in this decree, whose property is situated within their respective jurisdictions...
Article VII. The judicial proceedings actually under way against infidentes shall be forwarded until overruled, or judged, as may result in law.

Article IX. Concerning the property adjudged to the State, by sentence of competent tribunals, his Majesty's Government will decide in due time whatever it may deem most convenient.

Article X. The requisite orders shall be issued through the office of the Secretary of this General Government, that the foregoing articles shall be duly complied with by whom it may concern. 13

It was felt that the decree would be effective in inducing the revolutionists to lay down their arms and perhaps seek the protection of the crown. The desired effects were achieved. Many of the Cuban leaders surrendered as early as October, 1877. Fighting continued, however, and once again Campos resorted to diplomacy. In November, he issued another decree providing:

...All estates ruined during the war, and in the way of reconstruction, shall be free from contributions for five years, from the date of the decree. Every new state and all new property acquired in cities or villages of the central and oriental departments will have the same privilege. All industries and commerce in said departments newly established will be exempt for three years from contributions. All female cattle, either Spanish or foreign, imported into Cuba with the exclusive object of raising stock, will be duty free for two years. 14

The insurgents began to surrender in steadily increasing numbers, and by the end of 1877, it was a recognized fact


14 Ibid., p. 298.
that Spain had won. The war ended officially with the negotiations at Zanjón, February 15, 1878. The treaty included the following terms:

**Article I.** The political, organic, and administrative laws enjoyed by Porto Rico shall be established in Cuba.

**Article II.** Free pardon for all political offenses committed from 1868 to date, and freedom for those who are under indictment or are serving sentences within or without the island. Amnesty to all deserters from the Spanish army, regardless of nationality, this clause being extended to include all those who have taken part directly or indirectly in the revolutionary movement.

**Article III.** Freedom for the Asiatic coolies and for the slaves who may be in the insurgent ranks.

**Article IV.** No individual who by virtue of this capitulation shall submit to and remain under the authority of the Spanish government shall be compelled to render any military service before peace be established over the whole territory.

**Article V.** Every individual who by virtue of this capitulation may wish to depart from the island shall be permitted to do so, and the Spanish government shall provide him with the means therefore, without passing through any town or settlement, if he so desires.

**Article VI.** The capitulation of each force shall take place in uninhabited spots, where beforehand the arms and ammunition of war shall be deposited.

**Article VII.** In order to further the acceptance by the insurgents of the other departments of these articles of capitulation, the commander-in-chief of the Spanish army shall furnish them free transportation, by land and sea, over all the lines within his control of the Central Department.

**Article VIII.** This pact with the Committee of the Central Department shall be deemed to have been
made with all the departments of the island which
may accept the conditions. 15

In addition to the Treaty of Zanjón, there was reported
to have been secret agreements providing for a civil governor
as well as the military governor for Cuba, popular elections
for municipal officers, the inclusion of the war debts in
the public estimates of the island, the dissolution of the
Volunteers, organization of a new militia to be composed
alike of Cubans and Spaniards, recognition of the military
rank of the insurgent chiefs and officers, complete aboli-
tion of slavery in five years, with indemnity, and repre-
sentation of the island in the Spanish Cortes. 16

To fulfill these promises, the Spanish officials
passed decrees, giving concessions to the Cubans; but in
actual administration, the government remained much the
same. Representation was allowed in the Cortes, but such
representation was a farce because the Spaniards from the
island far outnumbered the creoles as representatives, mak-
ing the Cuban vote count for nothing.

With the signing of the Treaty of Zanjón, the bloody
Ten Years' War came to an end—temporarily. Fighting

16 W. F. Johnson, The History of Cuba, III, 301.
continued in remote areas by small guerilla forces, but for all practical purposes the revolt ceased. Both sides disregarded the terms of the treaty, chiefly because the promised reforms were not forthcoming. Cuban independence was once more postponed.

The interest of the United States during the latter stages of the war was primarily concerned with the settlement of claims against the Spanish government. In February, 1871, an agreement had been concluded at Madrid for settlement of certain claims of citizens of the United States "on account of Wrongs and Injuries Committed by Authorities of Spain on the Island of Cuba." The agreement included the following items:

(1) All claims to be submitted to arbitrators, one to be appointed by the Secretary of the State of the United States, another by the Envoy Extraordinary and Minister Plenipotentiary of Spain, at Washington, and these two to name an umpire who was to decide all questions upon which the two should happen to disagree.

(2) The arbitrators were to meet at Washington to hear all claims laid before them by the United States government.

(3) Each government could name an advocate to appear

before the arbitrators or the umpire, to represent the interests of the parties respectively.

(4) The arbitrators were to have full power to make rules prescribing the time and manner of the presentation of claims and of the proof thereof, a disagreement on rules to be decided by the umpire.

(5) The arbitrators were to have jurisdiction of all claims presented to them by the government of the United States against the authorities of Spain in Cuba since the first day of October, 1868.

(6) Expenses were to be arranged for by the two governments.

(7) The two governments were to accept the awards made as final.

The settlement of the private claims was the main source of controversy, and the object of a great amount of labor. The Spanish government argued that many of the claimants had a dishonest character to their citizenship, pointing to the fact that many of the persons claiming to be citizens of the United States were actually citizens of Cuba, exercising the rights of Spaniards there, having lived in the United States only a small part of each year. 18

18 James M. Callahan, Cuba and International Relations, p. 466.
the claims were doubtless false, but there were also those of a true nature in which American citizens actually suffered from the wrongs of Cuban authorities. An important feature of the arbitration made it necessary that all the claims be considered. This particular item was as follows:

No judgment of a Spanish tribunal, disallowing the affirmation of a party that he is a citizen of the United States shall prevent the arbitrators from hearing a reclamation presented in behalf of said party by the United States Government. However, in any case heard by the arbitrators, the Spanish government may traverse the allegation of American citizenship and thereupon competent and sufficient proof will be required. 20

The arbitrators were not to have jurisdiction of any reclamation made in behalf of a native-born Spanish subject, naturalized in the United States, if it should appear that the claimant had been adjudicated by a competent tribunal in Cuba and had failed to appear to declare that he was a citizen of the United States. In such a case, it was taken that the individual had renounced, by his own default, his allegiance to the United States. 21

By March, 1877, the claims established by the mixed commission set up by the convention of 1871 were settled and the Spanish government agreed to pay one half of the

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19 Callahan points out that "even if only a few of the complaints were just, the government should be vigilant to protect the few."

20 Malloy, op. cit., p. 1662.

21 Ibid.
amount at that time, and the other half in six months. The entire amount was almost $900,000.00.  

Another important settlement was that in regard to the vessels of the United States that were seized by the Spanish authorities in Cuba. The claim of the owners of the Lloyd Aspinwall was referred to arbitration by mutual consent and resulted in an award to the United States, for the owner, the sum of $19,702.50 in gold. The claims involving other vessels were settled in a similar manner. In 1877, three whaling vessels, the Ellen Rizpah, Rising Sun, and Edward Lee, under the American flag, were captured by Spanish guard-boats twenty miles or more from Cuba. After investigation, the American government demanded $19,500 in indemnity, but the final settlement was at $10,000 with the acknowledgement that similar incidents would be guarded against in the future.  

The most important incident involving the two nations in claims settlements was that of the steamer Virginius. In a previous chapter mention was made of the affair and the near break in relations between the interested parties. 

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22 Foreign Relations of the United States, 1877, p. 500.  
23 Ibid., p. 502.  
24 Foreign Relations of the United States, 1878, p. 777.
On November 14, 1873, Secretary Fish notified General Sickles that unless abundant reparations should be voluntarily tendered, he was to demand the restoration of the *Virginius* and the release and delivery to the United States of the persons captured who had not been massacred. A demand was included calling for the flag of the United States to be saluted in the port of Santiago and the punishment of the officials who were concerned in the capture of the vessel and the execution of the passengers and crew. These demands were accepted with variations concerning mutual consideration of reclamations and an investigation of the conduct of the parties involved. Negotiations had previously been taken up by the Secretary of State because he believed General Sickles to have received his passports.

The settlement of the affair was then being effected in Washington. However, General Sickles still remained at his post in Madrid. He was informed that settlement had been made in the United States, on the basis of return of the vessel and captives, leaving all other questions for subsequent adjustment. The settlement had been reached through an agreement between Secretary Fish and Admiral Polo de Bernabe, Envoy Extraordinary and Minister Pleni-potentiary of Spain on the 8th of December 1873. The agreement included:

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25 *Foreign Relations of the United States, 1874*, p. 936.
(1) The *Virginibus* was to be surrendered and restored by a Spanish vessel of war to a similar vessel of the United States in the harbor of Bahia Hondo, on the 16th day of December, 1873, between the hours of eight o'clock in the morning and four in the afternoon. The vessel was to have the flag of the United States flying at her main-peak at the time of the surrender; but the fact that she was restored with the flag flying was not to be taken as an admission by either party as a right of the vessel to have carried the flag at the time of her capture, nor should it prejudice the right reserved to Spain to prove, on or before the 25th of December, that the vessel was not entitled to carry that flag and was carrying it at the time of her capture without right and improperly. If an accident occurred preventing the surrender and restoration of the *Virginibus* in the manner above, the surrender was to take place in the same port as soon after the arrival there of the vessel.

(2) The survivors of those who were on board the vessel at the time of capture were to be surrendered to the United States and safely escorted on board of a vessel of war of the United States in the harbor of Santiago de Cuba within 48 hours after the notification of the Spanish authorities of the arrival there of such vessel.

(3) On the 25th of December a vessel or vessels of war of the United States would appear in the harbor of
Santiago de Cuba, and at that time, the United States flag was to be raised on the Spanish fort, and a twenty-one gun salute was to be fired. This being done, the United States vessel would raise the Spanish flag, and return the salute. However, if notice was received before this that the conditions had been met according to above protocol, the salute was to be dispensed with and the ceremony was not to take place.

On December 10, Bernabe sent to Secretary Fish various "authenticated documents" which the former felt proved that the Virginius had no right to use the flag of the United States. These documents were certified copies of papers relative to the steamer which were used to clear the vessel at the port of New York, October 4, 1870. Included were affidavits of several of the persons who were aboard the vessel from time to time between that date and the date of her capture. After careful examination of the documents, Secretary Fish notified the Spanish minister that he had been directed by President Grant to say that the papers made it appear satisfactory to the United States government that the steamer was not entitled to carry the flag of the United States, and was carrying it, at the time of her capture, without right and improperly. Orders were given to the naval authorities of the United States to notify the Spanish officials of Santiago de Cuba that the salute to
the flag of the United States was to be spontaneously dis-
pensed with.

The final agreement was reached on February 27, 1875,
between Caleb Cushing and Alejandro Castro, the Spanish
Minister of State. The agreement stipulated that:

I. The Spanish Government engages to deliver
to that of the United States the sum of eighty
thousand dollars in coin, or four hundred thousand
pesetas, for the purpose of relief of the families
or persons of the ship's company and passengers
aforesaid of the Virginius.

II. The Government of the United States engages
to accept the sum mentioned in satisfaction of re-
clamations of any sort which, in the sense of per-
sonal indemnification in this behalf might hereafter
be advanced against the Spanish Government.

III. When the sum referred to in Article One
shall have been received, the President of the United
States will proceed to distribute the same among the
families, or the parties interested in form and man-
ner which he may judge most equitable, without being
obliged to give account of this distribution to the
Spanish Government.

IV. The payment of the eighty thousand dollars,
or four hundred thousand pesetas, shall be effected
by the Spanish Government, at Madrid, in specie, and
in three periods of two months each: thirty thousand
dollars, or one hundred and fifty thousand pesetas,
for each of the first two installments, and twenty
thousand dollars, or one hundred thousand pesetas in
the last.

With the settlement of the Virginius case, it was ex-
pected that the United States' attitude toward the revolt
would change. However, this was not the case. Spanish of-
ficials continued actions against the United States'

\[27\textit{Ibid.}, \textit{p. 975.}\] \[28\textit{Kelley, op. cit., p. 1664.}\]
citizens and thus caused increased demands from the United States. Minor difficulties continued until the Treaty of Zanjon was signed and a cessation of hostilities was brought about.

The Treaty of Zanjon was a signal to all that conditions would improve in the island, as would relations with Spain. This would have been the case had the treaty been followed. The insurgents kept the agreement but Spain "unhesitatingly violated it." The result was that the promised reforms were not forthcoming and the Cubans remained discontented.

In regard to slavery, a plan of emancipation and reform was submitted to the Cortes in Spain on the 5th of November, 1879. It was a compromise between gradualism and immediatism, compensation and no compensation to the masters—but would serve the purpose of complete emancipation without directly recommending it. The first article stated that the condition of slavery should cease in the island of Cuba from the date of publication. The remainder of the law included an involved system of guardianship into which the blacks passed from slavery. The guardian was obliged, in respect to those under his charge, to maintain them, assist them in sickness, pay them monthly wages, and

to give them the education necessary to exercise a trade or calling. At first, this law was a source of satisfaction to the United States because it was looked upon as a great step to the complete and universal emancipation. However, as abuses of this law became more and more pronounced, the island of Cuba was looked upon by the nations of the world, and especially by the United States, as the remaining stronghold of slavery; and these nations began to show their dissatisfaction to Spain. It was evident to all the world that Spain had not lived up to the promise of social reform.

It was expected that the end of hostilities would also bring about better commercial and economic conditions. This, too, was a dream.

A commercial treaty was sought between the United States and Cuba which would alleviate the situation in regard to the tariff, but this was refused. The Spanish government even went so far, in 1877, as to seize the custom houses in the island, declaring that a number of merchants were depriving the government of large revenues. From that time forth, the Spanish officials kept strict surveillance on all custom house matters, adding salt to the open wounds inflicted on the United States by the harsh trade regulations.

30 Foreign Relations of the United States, 1880, p. 391.
The Spanish were far in debt and drew her greatest amount of wealth from Cuba to pay for these debts. As late as 1885, the Consul-General at Havana reported:

There is a system of oppression and torture which enters into every phase of life, eats into the soul of every Cuban, mortifies, injures, and insults him every hour, impoverishes him and his family from day to day, threatens the rich man with bankruptcy and the poor man with beggary. The exactions of the Spanish government and the illegal outrages of its officers are in fact intolerable. They have reduced the island to despondency and ruin.... The government at Madrid is directly answerable for the misery of Cuba and for the rapacity and venality of its subordinates.... No well-informed Spaniard imagines that Cuba will long continue to submit to this tyranny, or at least, that she will long be able to yield this harvest to her oppressors.... The Government does almost nothing to ameliorate any of the evils of the country.... Every interest which might enrich and improve the island is looked upon by the official as one more mine to exploit.... Cuba is held solely for the benefit of Spain and Spanish interests, for the sake of Spanish adventurers. Against this all rebel in thought and feeling if not yet in fact and deed.... They wish protection from the grasping rapacity of Spain and see no way to attain it except by our aid. 31

From this report it can be seen that nothing was accomplished by the Ten Years' War in the way of reform for the Cubans except promises which were not lived up to.

In 1890, the situation was eased some by the McKinley tariff and Cuban products gained freer access to the United States. During this time, Cuban prosperity increased, but this increase was short-lived. The McKinley Act was repealed, due to a change in administration in the United States.

States, prosperity in Cuba dropped, causing discontent and more dissatisfaction, and Cuban patriots began preparing for another insurrection.

The important feature of the revolt had been that the Cubans had proven their strength. They had fought against a giant for ten years, without completely succumbing. With just enough help from any outside nation, the insurgents would have been able to obtain complete freedom from the mother country.

The Ten Years' War taught them a lesson which was not forgotten and when the reforms were not forthcoming, the natural result was that the Cubans began to prepare for more fighting. In the event of another revolt, the United States would be the deciding factor. Spain could not defeat Cuba if the island received any help from the United States. However, the United States could cause the defeat of Cuba by refusing to aid her in a struggle against Spain. The growing interests of Americans in Cuba after the Ten Years' War would make it difficult for the United States to sit idly by and refuse assistance in another Cuban insurrection. The island of Cuba as a part of the United States, would easily become of greater value to the commercial world than it could ever be as a colonial dependency of Spain, and with this attitude, the United States closely watched the events in the Caribbean that were building up to another crisis.
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