

THE MABINI CASE.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

TO THE SENATE A LETTER FROM THE ACTING SECRETARY OF THE NAVY, WITH INCLOSURES, RELATING TO THE GOVERNMENT EXISTING IN GUAM AND THE MABINI CASE, ETC., IN RESPONSE TO SENATE RESOLUTION OF JANUARY 15, 1903.

JANUARY 26, 1903.—Read; ordered to lie on the table and to be printed.

To the Senate:

In response to the resolution of January 15, I transmit the attached letter from the Acting Secretary of the Navy, with inclosures, which contain fully and specifically the information asked for.

In reference to the case of Mabini, especial attention is drawn to the communications of the Secretary of War, notably his communication to the Department of the Navy of July 18, 1902; the special dispatch of July 18 from the War Department to General Chaffee, commanding the Division of the Philippines, and to the communication of the Acting Secretary of the Navy of July 26 to the governor of Guam, inclosing said letter from the Secretary of War and directing that action in accordance therewith be taken.

By these letters the governor of Guam is explicitly directed to release from detention all prisoners, and it is presumed that he has acted accordingly, but to provide against the slightest chance of misapprehension he has been specifically directed that all persons found in the island under the direction of the War Department shall be released in accordance with the terms of the Secretary of War's letter of July 18. In other words, the inhabitant of the Philippines named Mabini, concerning whom a special inquiry is made in the resolution of the Senate, is at liberty to go on a Government transport anywhere outside of the Philippine Islands where such transports touch, without taking any oath of allegiance whatsoever, and is allowed to go to any part of the world save the Philippine Islands without taking the oath of allegiance; and he will be allowed to go on any private vessel

to the Philippine Islands, but he can not land there save on condition of complying with the act of the Philippine Commission demanding that he take the oath of allegiance. This is also a condition of the proclamation of peace and amnesty.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 24, 1903.*

NAVY DEPARTMENT,
Washington, January 23, 1903.

[Memorandum for the President].

The government of Guam was established by the following Executive order:

EXECUTIVE MANSION,
Washington, D. C., December 23, 1898.

The island of Guam, in the Ladronez, is hereby placed under the control of the Department of the Navy. The Secretary of the Navy will take such steps as may be necessary to establish the authority of the United States and to give it the necessary protection and government.

WILLIAM MCKINLEY.

The census of the island, taken on September 1, 1901, is as follows:

	Males.	Females.	Total.
Citizens of the United States of America	6	8	14
Citizens of island of Guam	4,539	5,091	9,630
Aliens:			
Spaniards	6	8	14
Italians		2	2
Japanese	12	1	13
Chinese	3		3
Total	4,566	5,110	9,676

This does not include officers of the Navy or Marine Corps or their families, or the enlisted men, or the civil employees of the naval station temporarily imported from the United States.

There are three marines in prison on the island, having been tried and condemned for larceny by the civil courts. They were tried under the laws in force during the Spanish occupation of the island, which laws are followed in the government of the island.

In a letter dated June 16, 1902, the governor of Guam reported the man, Juan de la Cruz Perez, in jail awaiting sentence, having been convicted of murder. He stated that the case had been appealed and the proceedings stopped and action suspended pending a decision as to the possibility of higher recourse.

The remainder of the questions in the Senate resolution relate to Filipino prisoners, and are answered by the inclosed documents.

H. C. TAYLOR, *Acting Secretary.*

WAR DEPARTMENT,
Washington, January 17, 1903.

SIR: In compliance with your oral request I inclose herewith copies of the papers on file in the War Department showing, first, the

authority for the imprisonment of Apolinario Mabini in the island of Guam; second, the authority given, so far as the War Department was concerned, for the termination of that imprisonment following the proclamation of peace and amnesty of July 4, 1902; third, the law and instructions relating to the conditions upon which said Mabini is to be taken back to the Philippine Islands by an army transport:

(1) Senate Document No. 135, Fifty-sixth Congress, second session, showing authority for imprisonment.

(2) Cable dispatch to Major-General Chaffee, commanding Division of the Philippines, dated July 18, 1902, directing that imprisonment end.

(3) Letter of the Secretary of War to the Secretary of the Navy, dated July 18, 1902.

(4) Letter from the Secretary of the Navy to the Secretary of War, dated July 26, 1902.

(5) Reference of the two letters last mentioned to the governor of the Philippine Islands.

(6) Indorsement on the last-mentioned letter by the Acting Secretary of War to the Quartermaster-General directing transportation to be furnished accordingly.

(7) Indorsement of Quartermaster-General on the same, stating that instructions for transportation have been issued accordingly.

(8) Philippine act No. 265, of October 15, 1900, requiring oath of allegiance on return of insurrectionists to the Philippine Islands.

(9) Memorandum to the President, dated December 29, 1902, in response to an inquiry as to the imprisonment and return of Mabini.

No application has been received by this Department to afford the facilities of its transport service to enable Mabini to go from Guam to any other place. Should such application be made, the Department will cheerfully give him transportation to Manila if he is willing to take the oath of allegiance, or, without his taking the oath of allegiance, to any other port outside of the Philippine Islands touched by the United States army transports.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The SECRETARY OF THE NAVY.

[Senate Document No. 135, Fifty-sixth Congress, second session.]

WAR DEPARTMENT,
Washington, February 2, 1901.

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate, dated January 24, 1901:

That the Secretary of War be, and is hereby, directed to inform the Senate whether A. Mabini, a citizen of the Philippine Islands, has been deported to Guam or any other place as a political prisoner; and if so, for what offense, together with all papers on file in relation to the matter.

A. Mabini, the person referred to, is a prisoner of war, captured by the military forces of the United States on the 10th day of December, 1899. While such prisoner he was found to be maintaining correspondence with insurgents engaged in armed resistance to the authority of the United States, and his place of confinement has been, during the past month of January, changed from Manila to the island of Guam.

I inclose herewith the papers on file in relation to the matter, together with a copy of the regulations governing the armies of the United States, under which the action in this case has been taken.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

BAUTISTA, P. I., *December 31, 1899.*

SIR: In obedience to verbal instructions, I have the honor to submit the following report concerning the work of the scouting detachment of the Second Division during the recent operations against the insurgent army in the Philippines.

* * * * *

On December 10 a detachment of scouts from Bautista, accompanied by Troops E and K, Fourth Cavalry, marched to Rosales; on the 11th to Quiapo, and arrested Mabini, returning to Bautista on the 13th.

* * * * *

• Very respectfully, your obedient servant,

THOMAS H. SLAVENS,

First Lieutenant, Fourth Cavalry, Aid-de-Camp.

ASSISTANT ADJUTANT-GENERAL,

Second Division, Eighth Army Corps.

[Telegram.]

MANILA, *December 13, 1899.*

AGWAR, *Washington:*

Bates, Zamboanga, reports affairs satisfactory; nearly all rifles surrendered; MacArthur, Bayambang, that he holds as prisoner of war Mabini, ablest of insurgents, founder of late government.

OTIS.

[Cablegram received in cipher December 25, 1900.]

MANILA.

ADJUTANT-GENERAL, *Washington:*

Expectations, based on result of election, have not been realized. Progress of pacification apparent to me, but still very slow. Condition very inflexible and likely to become chronic. I have therefore initiated a more rigid policy by issue of proclamation enjoining precise observance of laws of war, with special reference to sending supplies and information to enemy in field from towns occupied by our troops, and also warning leaders that intimidation of natives by kidnapping or assassination must sooner or later lead to their trial for felonious crimes, unless they become fugitive criminals beyond the jurisdiction of the United States, which latter course would mean lifelong expatriation. Proclamation well received, but country expectant and awaiting practical application thereof. Am considering expediency of closing ports of both Camarines, Albay, Samar, and Leyte. Would like to emphasize new policy by deporting to Guam at early date a few prominent leaders now in my hands. Request authority accordingly. Pro-American natives, Manila, with chief justice at the head, have organized party, which apparently has some elements of cohesion and usefulness. Field movements outlined in my message of October 26 will probably be somewhat interrupted by early return of volunteers. It is difficult to convince people, especially natives, that any of the volunteers will be replaced. Early information of purpose of Department in regard to army legislation and the prospect of the passage of an army bill would greatly strengthen my administration here.

MACARTHUR.

[Cablegram sent in cipher.]

ADJUTANT-GENERAL'S OFFICE,
Washington, December 26, 1900.

MACARTHUR, *Manila*:

Secretary War authorizes you to deport insurgent leaders to Guam. Send them under orders to deliver the custody of naval officer in command, who will be instructed by Secretary Navy to receive and keep. Secretary War does not approve closing ports in Camarines, Albay, Samar, and Leyte.

CORBIN.

WAR DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 26, 1900.

SIR: In a confidential dispatch from General MacArthur, commanding the Division of the Philippines, and the military governor, dated December 25, 1900, he outlines a plan that he has initiated for "a more rigid policy enjoining precise observance of laws of war," with special reference to sending supplies and information to the enemy and intimidation of natives. He has issued a proclamation warning leaders that these offenses will lead to trial for felonious crimes, unless the principals become fugitives beyond the jurisdiction of the United States, and to emphasize the sincerity of the Government's purpose, and as a practical example to the natives, General MacArthur desires to deport certain of the prominent insurgent leaders to the island of Guam.

Substantially the same plan as recommended by General MacArthur has been discussed by us, and our conclusions approved by the President. It is now requested that definite instructions be issued by you to the naval officer in command of the island of Guam to receive and care for such prisoners as may be sent to the island by the commanding general, Division of the Philippines. A copy of this letter has been furnished General MacArthur for his guidance, and it is requested that a copy of such instructions as you may see proper to give to the commanding officer of Guam be furnished this Department in order that our agreement may be made of record, and that there may be no misunderstanding on the part of the subordinates of either Department in the Philippines and Guam.

I have the honor to be, sir, very respectfully,

ELIHU ROOT, *Secretary of War*.

The SECRETARY OF THE NAVY.

NAVY DEPARTMENT,
Washington, December 31, 1900.

SIR: The Department quotes below, for the information of the War Department, the plain language of a cable message received in code on the 30th instant from the commander in chief of the Asiatic Station, and the Department's reply to the same, of this date:

SECRETARY OF THE NAVY, *Washington*:

DECEMBER 30, 1900.

United States governor-general desires to exile to Guam 25 revolutionary leaders, United States military authorities furnishing maintenance and transportation. Will

Department authorize them to be delivered to the custody of United States governor, Guam? Shall I offer passage on *Solace*?

REMEY.

DECEMBER 31, 1900.

REMEY, *Manila*:

Direct governor, Guam, to receive revolutionary leaders. Offer passage by *Solace*.

HACKETT.

The above dispatches have not been given to the press.

Very respectfully,

F. W. HACKETT, *Acting Secretary*.

The SECRETARY OF WAR.

[Cablegram, received in cipher, January 17, 1901.]

MANILA.

ADJUTANT-GENERAL, *Washington*:

Rosecrans sailed January 16, Guam; 32 deported insurgents.

MACARTHUR.

[Cablegram, sent in cipher, January 25, 1901.]

ADJUTANT-GENERAL'S OFFICE,
Washington, January 25, 1901.

MACARTHUR, *Manila*:

Telegraph for information Senate whether Mabini been deported Guam, as political prisoner, and offense. * * *

CORBIN.

[Cablegram, received in cipher, January 26, 1901.]

MANILA.

ADJUTANT-GENERAL, *Washington*:

Mabini deported; a most active agitator; persistently and defiantly refusing amnesty, and maintaining correspondence with insurgents in the field while living in Manila, Luzon, under protection of the United States; also for offensive statement in regard to recent proclamation enforcing laws of war. His deportation absolutely essential.

MACARTHUR.

TROOPS IN CAMPAIGN.

[Regulations for the Army of the United States.]

WAR DEPARTMENT, *January 16, 1892.*

The President of the United States directs that the following regulations for troops in campaign be published for the government of all concerned, and that they be strictly observed. Nothing contrary to the tenor of these regulations will be enjoined in any part of the forces of the United States by any commander whatsoever.

S. B. ELKINS, *Secretary of War*.

* * * * *

PRISONERS OF WAR.

79. A prisoner of war is a person who, by capture or surrender, falls into the hands of the enemy.

80. The following persons or classes of persons are subject to capture and detention as prisoners of war: All soldiers of the enemy of every grade, to whatever arm of the service they may belong; all individuals who take part in a rising en masse in hostile territory; all persons attached to an army who contribute to its efficiency and promote directly the object of the war; the sovereign or chief executive of a hostile state; members of his family; the chief officers of the government; its diplomatic agents and, in general, any civil officer whose services are of importance to the enemy or whose detention would be prejudicial to his military operations; citizens who are authorized to accompany an army for any purpose, as sutlers, traders, or correspondents of newspapers.

* * * * *

90. Prisoners of war are subject to such confinement or restraint as may be deemed necessary, but they are to be subjected to no other intentional suffering or indignity. The confinement of a prisoner may be varied during his captivity, according to the demands of safety.

* * * * *

[Copy of cablegram.]

JULY 18, 1902.

CHAFFEE, *Manila*:

Prisoners of war at Guam are no longer to be kept in confinement, but will be at liberty to go wherever they please, except that Secretary of War thinks the Philippine government should prohibit their return to the archipelago except on condition of taking the oath of allegiance prescribed in the amnesty proclamation. If any considerable number of the prisoners wish to take the oath of allegiance and return to Manila, a transport will be directed to stop at Guam for them.

CORBIN.

WAR DEPARTMENT,
Washington, July 18, 1902.

SIR: During the pendency of the insurrection in the Philippine Islands a number of natives who had participated as leaders in the insurrectionary movement, and who had been captured by the United States forces, were deported to the island of Guam in January, 1901, by order of the commanding general of the Division of the Philippines, and have since been detained there as prisoners of war. Thirty-two persons, together with fifteen servants, two of whom occupy the status of prisoners of war, are now under restraint at Guam, where they are guarded by a detachment of naval forces acting under your exclusive control.

As the insurrection in the Philippine Islands has been suppressed and the military government has ceased to exist, the further detention

of the persons above described should be terminated, being no longer warranted by military necessity.

Should any of the prisoners desire to return to the Philippine Islands they should be advised that they will be permitted to do so when they have taken the oath of allegiance which is prescribed in the President's proclamation of amnesty, a copy of which is inclosed herewith. If any considerable number desire to return under the conditions named, they will be furnished transportation to Manila on a vessel of the transport service.

I will be very much indebted to you if you will cause such instructions to be conveyed to the governor of the island of Guam as will enable the foregoing views of this Department to be carried into effect. And I remain,

Very respectfully,

ELIHU ROOT,
Secretary of War.

The SECRETARY OF THE NAVY.

GENERAL ORDERS, }
No. 69. }

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 7, 1902.

By direction of the Secretary of War, the following proclamation by the President of the United States is published to the Army for the information and guidance of all concerned:

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas many of the inhabitants of the Philippine Archipelago were in insurrection against the authority and sovereignty of the Kingdom of Spain at divers times from August, eighteen hundred and ninety-six, until the cession of the archipelago by that Kingdom to the United States of America, and since such cession many of the persons so engaged in insurrection have until recently resisted the authority and sovereignty of the United States; and

Whereas the insurrection against the authority and sovereignty of the United States is now at an end, and peace has been established in all parts of the archipelago except in the country inhabited by the Moro tribes, to which this proclamation does not apply; and

Whereas during the course of the insurrection against the Kingdom of Spain and against the Government of the United States, persons engaged therein, or those in sympathy with and abetting them, committed many acts in violation of the laws of civilized warfare; but it is believed that such acts were generally committed in ignorance of those laws, and under orders issued by the civil or insurrectionary leaders; and

Whereas it is deemed to be wise and humane, in accordance with the beneficent purposes of the Government of the United States towards the Filipino people, and conducive to peace, order, and loyalty among them, that the doers of such acts who have not already suffered punishment shall not be held criminally responsible, but shall be relieved from punishment for participation in these insurrections, and for unlawful acts committed during the course thereof, by a general amnesty and pardon:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, by virtue of the power and authority vested in me by the Constitution, do hereby proclaim and declare, without reservation or condition, except as hereinafter provided, a full and complete pardon and amnesty to all persons in the Philippine Archipelago who have participated in the insurrections aforesaid, or who have given aid and comfort to persons participating in said insurrections, for the offenses of treason or sedition and for all offenses political in their character committed in the course of such insurrections pursuant to orders issued by the civil or military insurrectionary authorities, or which grew out of internal political feuds or

dissensions between Filipinos and Spaniards or the Spanish authorities, or which resulted from internal political feuds or dissensions among the Filipinos themselves, during either of said insurrections:

Provided, however, That the pardon and amnesty hereby granted shall not include such persons committing crimes since May first, nineteen hundred and two, in any province of the archipelago in which at the time civil government was established, nor shall it include such persons as have been heretofore finally convicted of the crimes of murder, rape, arson, or robbery by any military or civil tribunal organized under the authority of Spain, or of the United States of America, but special application may be made to the proper authority for pardon by any person belonging to the exempted classes, and such clemency as is consistent with humanity and justice will be liberally extended; and

Further provided, That this amnesty and pardon shall not affect the title or right of the Government of the United States, or that of the Philippine Islands, to any property or property rights heretofore used or appropriated by the military or civil authorities of the Government of the United States, or that of the Philippine Islands, organized under authority of the United States, by way of confiscation or otherwise; and

Provided further, That every person who shall seek to avail himself of this proclamation shall take and subscribe the following oath before any authority in the Philippine Archipelago authorized to administer oaths, namely:

"I, _____, solemnly swear (or affirm) that I recognize and accept the supreme authority of the United States of America in the Philippine Islands and will maintain true faith and allegiance thereto; that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion. So help me God."

Given under my hand at the city of Washington this fourth day of July in the year of our Lord one thousand nine hundred and two, and in the one hundred and twenty-seventh year of the Independence of the United States.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT, *Secretary of War.*

By command of Lieutenant-General Miles:

H. C. CORBIN,
Adjutant-General, Major-General, U. S. Army.

NAVY DEPARTMENT,
Washington, July 26, 1902.

SIR: Referring to your letter of the 18th instant, inclosing a copy of General Order, No. 69, of the War Department, embodying the President's proclamation of amnesty with regard to the inhabitants of the Philippine Archipelago who have participated in the insurrections in the Philippines, or who have given aid and comfort to persons participating in said insurrections, and stating that the natives of the Philippine Islands who had participated as leaders in the insurrectionary movement, and who, after capture by United States forces, were deported to the island of Guam in January, 1901, by order of the commanding general of the Division of the Philippines, and have since been detained there as prisoners of war, should be advised, through the governor of the island of Guam, that they will be permitted to return to the Philippine Islands, if desired, when they have taken the oath of allegiance which is prescribed in the President's proclamation of amnesty; also, that if any considerable number desire to return under the conditions named, they will be furnished transportation to Manila on a vessel of the transport service, I have the honor to inform you that the Chief of the Bureau of Navigation, to whom your letter was referred, reports as follows:

This Bureau recommends that instructions be sent to the governor of Guam to comply with the within request. It is believed that the presence of these Filipinos in Guam is not considered desirable by the governor, as there is racial antipathy for

them among the natives of Guam. Their return to the Philippines after release from confinement would therefore seem to be desirable in the interests of Guam. Attention is invited to the last paragraph of the report of the commander in chief on Asiatic Station for 1901, page 114 of the Report of the Chief of Bureau of Navigation, 1901. The majority of these prisoners were sent to Guam by army transport, and a few by the *Solace*. So far as known by this Bureau all their expenses have been borne by the War Department.

In accordance with the above report, which is approved, the Department has this day instructed the governor of Guam to take such steps as may be necessary to carry into effect the views as expressed in your letter of the 18th instant, with the understanding that any expense which may be incurred in connection with the return of the above-mentioned prisoners to the Philippines must be borne by the War Department or by the insular government.

Very respectfully,

H. C. TAYLOR,
Acting Secretary.

The SECRETARY OF WAR.

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, July 31, 1902.

Official copy respectfully referred to the civil governor of the Philippine Islands for his information.

By order of the Acting Secretary of War:

J. VAN NESS PHILIP,
Assistant Chief of Bureau.

(Inclosure: Copy of the Secretary's letter to the Secretary of the Navy dated the 18th of July, 1902.)

WAR DEPARTMENT, *August 12, 1902.*

Respectfully returned, through the chief of the Insular Bureau, to the Quartermaster-General, who will please cause the necessary orders to be given to the quartermaster of the transport leaving San Francisco on September 1 to furnish transportation to Manila to such of the released prisoners of war at Guam as desire to return to the Philippine Islands, provided that, prior to their departure, they take the oath of allegiance prescribed in the amnesty proclamation of July 4, 1902, a copy of which is inclosed. The oaths will be transmitted through the commanding general, Division of the Philippines, to the civil governor on the arrival of the transport at Manila.

W. SANGER,
Acting Secretary of War.

(Insular Bureau, War Department. Received August 14, 1902.)

[Third indorsement.]

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, August 19, 1902.

Respectfully returned to the Adjutant-General of the Army, inviting attention to the preceding indorsement of the Acting Secretary of War.

The general superintendent army transportation service, San Francisco, Cal., has been directed by this office to give proper instructions to the transport quartermaster of the army transport sailing from San Francisco to Manila, via Guam, on September 1, proximo, to transport from Guam to Manila such released prisoners of war as may be turned over to him by the governor of Guam, provided every person taken on board has taken the prescribed oath of allegiance, and upon arrival in Manila to forward the oaths to the commanding general Division of the Philippines, to be transmitted to the civil governor, as directed by the Acting Secretary of War.

M. I. LUDINGTON,
Quartermaster-General U. S. Army.

[No. 265.]

AN ACT requiring persons whom the collector of customs has reasonable grounds for believing guilty of aiding insurrection seeking to land in the Philippines to take an oath of allegiance and prescribing punishment for the violation thereof.

By authority of the President of the United States, be it enacted by the United States Philippine Commission, that:

SECTION 1. Any person whom the collector of customs of any port of the Philippine Islands has reasonable ground to believe guilty of having aided, abetted, or incited insurrection in these islands against the authority and sovereignty of the United States herein, or against the government constituted by the United States herein, or of coming to these islands for that purpose, and who, coming from a foreign country, seeks to land at such port, shall not be permitted to land until after he shall take and subscribe before the collector or his authorized deputy the following oath:

I hereby solemnly swear that I acknowledge the sovereignty and authority of the United States in the Philippine Islands and of the government constituted by the United States herein, and that while in the islands I will support and maintain the same, and that I will not at any time hereafter or at any place aid, abet, or incite resistance to the authority of the United States or of the government established by the United States in these islands, and that I take this oath voluntarily, without any mental reservation whatsoever. So help me God.

In case the person shall refuse to take and subscribe such oath, he shall be detained in custody until the departure of the next steamer leaving for the port from which he last came, and then shall be deported at the expense of the insular government. The collector of customs may, while awaiting the sailing of the proper steamer, turn the person over to the police authorities of the port where the landing is sought to be made for safe custody.

SEC. 2. Any person who, having taken and subscribed the oath prescribed in the foregoing section, shall thereafter aid or abet resistance to the authority of the United States in these islands or of the government established herein by the United States, or who shall incite in any manner whatsoever others to take up or continue in arms against the authority and sovereignty of the United States in these islands or of the government established herein by the United States, shall be deemed guilty of perjury and shall be punished by imprisonment at hard labor for not less than two and not more than ten years.

SEC. 3. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with

section 2 of "An act prescribing the order of procedure by the Commission in the enactment of laws," passed September 26, 1900.

SEC. 4. This act shall take effect on its passage.

Enacted October 15, 1901.

[Memorandum for the President.]

Respectfully returned to the President.

I do not think it is in the interest of peace and public order in the Philippines that Mabini should be permitted to return without taking the oath of allegiance. His refusal gives us fair notice that if he returns he will continue to plot for insurrection as he has hitherto. It seems clear to me that the practical duty which rests upon us to preserve the peace of the community in the Philippine Islands, and to prevent the great body of ignorant natives from being led again into the horrors of insurrection and civil war, should prevail over any sentimental considerations affecting this one individual. Mabini is not a prisoner. He is at liberty to go anywhere in the world, at his own will, provided that he does not return to the Philippines without taking the oath of allegiance.

DECEMBER 29, 1902.

ELIHU ROOT,
Secretary of War.

NAVY DEPARTMENT,
Washington, July 26, 1902.

SIR: I herewith inclose, for your information and guidance, a copy of a letter dated the 18th instant, from the honorable the Secretary of War, inclosing a copy of General Order, No. 69, of the War Department, embodying the President's proclamation of amnesty with regard to the inhabitants of the Philippine Archipelago who have participated in the insurrections in the Philippines, or who have given aid and comfort to persons participating in said insurrections.

The Chief of the Bureau of Navigation, to whom the above-mentioned letter of the Secretary of War was referred for comment and recommendation, reports as follows:

This Bureau recommends that instructions be sent to the governor of Guam to comply with the within request. It is believed that the presence of these Filipinos in Guam is not considered desirable by the Government, as there is racial antipathy among the natives of Guam. Their return to the Philippines after release from confinement would therefore seem to be desirable in the interests of Guam. Attention is invited to the last paragraph of a report of the commander in chief on the Asiatic station for 1901, page 114 of the report of the Chief of Bureau of Navigation, 1901. The majority of these prisoners were sent to Guam by army transport, and a few by the *Solace*. So far as known by this Bureau all their expenses have been borne by the War Department.

The Department concurs in the views of the Secretary of War and of the Chief of Bureau of Navigation, and you will therefore take such steps as may be necessary to carry the same into effect. It will be understood, of course, that any expense which may be incurred in connection with the return of the above-mentioned prisoners to the Philippines must be borne by the War Department, or by the insular government.

Very respectfully,

H. C. TAYLOR,
Acting Secretary.

The GOVERNOR OF GUAM,
Island of Guam.

[Extract referred to in report of commander-in-chief of Asiatic Station, 1901.]

In January a number of Filipino prisoners were deported to Guam, to be housed and cared for under the supervision of army officers and at army expense, and only in the safe-keeping of the governor. This measure, in my opinion, exerted a powerful effect on the decline of the insurrection.

GOVERNMENT HOUSE,
Agana, Island of Guam, August 27, 1902.

SIR: I have the honor to acknowledge receipt of Department's letter of July 26, inclosing copy of letter from the War Department relating to repatriation of Filipino prisoners and directing compliance with the request.

2. The prisoners will be sent to Manila in the first army transport touching here bound for that port.

3. It is noted that the proclamation of amnesty provides that those who seek to avail themselves of it shall subscribe to the prescribed oath before any authority "in the Philippine Archipelago" authorized to administer oaths. It is assumed that subscription to the oath in Guam will avail to the same end, and this will be exacted before allowing them to leave the island.

Very respectfully,

SEATON SCHROEDER,
Commander, U. S. Navy, Governor.

The ASSISTANT SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

[First indorsement.]

NAVY DEPARTMENT, *September 27, 1902.*

Referred to the honorable the Secretary of War for his information. The return of this letter is respectfully requested.

W. H. MOODY, *Secretary.*

[Second indorsement.]

OFFICE OF THE SECRETARY,
Washington, D. C., October 3, 1902.

Respectfully returned to the honorable the Secretary of the Navy.

Official copies of this letter and its inclosure have been furnished the Adjutant-General of the Army and the civil governor of the Philippines, Manila, P. I.

E. ROOT, *Secretary of War.*

GOVERNMENT HOUSE,
Agana, Island of Guam, August 28, 1902.

SIR: On the eve of sailing of the *Solace*, to-day, I have the honor to state that word has just been received from the commanding officer of the presidio of Asan that two of the Filipino prisoners deported here from Manila refuse to take the oath of allegiance prescribed in the amnesty proclamation by the President. These two persons are Mr. Apolinario Mabini and General Ricarte. Pending further instructions, I

will detain them here and notify the major-general commanding the Military Division of the Philippines by the next steamer bound west.

Very respectfully,

SEATON SCHROEDER,
Commander, U. S. Navy, Governor.

The ASSISTANT SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

[First indorsement.]

NAVY DEPARTMENT, *September 27, 1902.*

Referred to the honorable the Secretary of War for his information.
The return of this letter is respectfully requested.

W. H. MOODY, *Secretary.*

NAVY DEPARTMENT,
Washington, January 23, 1903.

SIR: It is presumed that since receipt of the Department's letter of July 26 neither Mabini nor any other person referred to in said letter is detained in the island against his will; but if by any chance such is the case, you will inform him or them that he or they can leave the island without taking the oath of allegiance, by a Government transport, to go to any port outside of the Philippine Islands touched by the U. S. Army transports; and that on a private vessel he or they can go wherever he or they will, it being understood, however, that they will not be allowed to land in the Philippines without taking the oath of allegiance.

Very respectfully,

H. C. TAYLOR,
Acting Secretary.

The GOVERNOR, ISLAND OF GUAM.

(Confirming telegram of same date and text.)

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