

“KEEPING TABS”: SPANISH CONSULAR ACTIVITIES IN
KEY WEST, 1829-70

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ABSTRACT

This essay describes the work of Spain’s consuls in Key West between 1829 and 1870. Although Spain sold Florida to the United States in 1821, it retained a keen interest in Key West (primarily due to the city’s proximity to Cuba). As their country’s “eyes and ears,” Spain’s consuls were expected to keep their superiors in Madrid briefed on the latest developments, a task they pursued with vigor.

KEYWORDS

Consuls, Criminals, Cuba, Filibusters, Immigration, International Diplomacy, International Law, Key West, Privateering, Slavery, Spain, William Marvin, Wrecks and Wrecking

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I. INTRODUCTION

In July 1821, two years after the signing of the Adam-Onís Treaty,¹ Spain finally transferred Florida to the United States. In response, many Spanish landowners began selling their property to Americans. One such owner was Juan Pablo Salas, who sold “Cayo Hueso” (Bone Island) to John W. Simonton for \$2,000 in December 1821.² Within a decade, the island, by now renamed “Key West,” had grown into an important commercial and strategic center with a U.S. custom house (1823), a U.S. naval base (1823), and a U.S. superior court (1828).

The significance of these developments was not lost on Spanish officials. As a result, in 1829 Spain opened a consulate in Key West. During the next 41 years, its consuls—seven in all—served as the country’s eyes and ears in the rowdy frontier town.³

Even when they were not directly involved in local matters, Spain’s consuls regularly sent reports about them to their superiors. These missives add to our understanding of the 19th century history of Key West and provide important insights into diplomatic practices outside national capitals. The consuls also were part of Key West’s daily milieu. In fact, they could not perform their duties without regular interaction with the city’s residents.⁴ By highlighting the activities of these

¹ See Treaty of Amity, Settlement, and Limits Between the United States of America and His Catholic Majesty, Feb. 22, 1819, 8 Stat. 252.

² For the sale’s details, see Rembert W. Patrick (ed.), *William Adee Whitehead’s Description of Key West*, 12 TEQUESTA 61, 63 (1952).

³ Spain’s first seven consuls in Key West were:

1829-42: John Notlit (also spelled Notliss)
1842-51: Fielding A. Browne
1852-54: Eusebio J. Gómez
1854-58: José María Salas y Quiroga
1858-59: Hipólito de Uriarte
1859-60: Mariano Alvarez
1860-66: Vicente Cubells

Cubells appears to have left Key West prior to the outbreak of the Civil War. In his stead, Fernando J. Moreno served as interim consul. Spain did not send a new consul to Key West until 1870, when Enrique Aniz was appointed to the position. See CONSUELO E. STEBBINS, *CITY OF INTRIGUE, NEST OF REVOLUTION: A DOCUMENTARY HISTORY OF KEY WEST IN THE NINETEENTH CENTURY XXI* (2007).

Today, Spain’s consulate in Florida is in Coral Gables, just outside Miami. See FLORIDA DEPARTMENT OF STATE—OFFICE OF INTERNATIONAL AFFAIRS, *Directory of Consulates, Bi-National Chambers and Sister Cities in Florida* 13 (June 2022), available at <https://files.floridados.gov/media/705775/directory-of-consulates-bi-national-chambers-and-sister-cities-in-fl-updated-june-2022.pdf>. In August 2022, however, Spain authorized the creation of an “honorary consular office” in Key West, thereby marking a return to the city after an absence of more than 80 years. See 13926 *Orden AUC/809/2022, de 12 de Agosto*, at Artículo 2 (“Creación de la Oficina Consular Honoraria de España en San Carlos (Cayo Hueso)”), published in 200 BOLETÍN OFICIAL DEL ESTADO, 20 Aug. 2022, at 119774 (Section 1), available at <https://www.boe.es/boe/dias/2022/08/20/pdfs/BOE-A-2022-13926.pdf>.

⁴ See generally James W. Cortada, *The Information Ecosystem of National Diplomacy: The Case of Spain, 1815-1936*, 48 INFO. & CULTURE: J. HIST. 222 (2013).

relatively anonymous historical figures, this essay provides further context for the three articles by Professor Robert M. Jarvis that headline this special issue of the *British Journal of American Legal Studies*.

II. CONSULAR DUTIES

Spain's consuls were (out of necessity) highly versatile. They dealt with myriad issues, including, most notably, contraband goods, criminal cases, filibusters and privateers, slave ships, and wrecks. The locations of their postings often dictated the direction of their activities.⁵

A. WRECKS

Over the course of the 19th century, Key West stretched Spain's consuls to their limits. In the beginning, consular activity focused on wrecks. Salvage was the principal business in Key West for nearly 40 years (1822-60). Prior to the establishment of Key West, most salvors in the Florida Straits were stationed in Havana or Nassau. Key West's location, however, was ideal for salvage operators. The world of the wreckers was rough-and-tumble, which helps explain Key West's frontier spirit, but it also was a legitimate and profitable business. By the 1830s, Key West's salvage crews were annually recovering approximately \$500,000 worth of goods, the equivalent today of \$13.5 million.⁶

Salvage cases, of course, required agents on the ground to represent the owners, especially as shipwrecked captains and crews often could not make all the arrangements themselves. The growth of the salvage industry led the U.S. government to establish a superior court on the island in 1828 because the existing courts—in Pensacola and St. Augustine—simply were too far away to properly regulate the industry.⁷ The creation of a more formal judicial system in Key West, along with the proliferation of wrecks, led many countries, including Spain, to name consular agents in the city.

Consular agents negotiated settlements with wreckers, hired lawyers, and assisted the crew. In September 1852, for example, consul Eusebio J. Gómez took charge of the Spanish schooner *Adelaide*, which had been damaged in a hurricane, until instructions could be received from its owners in Havana.⁸ They also prepared reports on the salvage industry. In 1857, consul José María Salas y Quiroga noted that there had been 56 shipwrecks on the Florida reefs during the year with "an

⁵ For an overview of Spain's consular service in 19th century America, see Sean T. Perrone, *The Role of Spanish Consuls in the United States, 1795-1898*, in *NATION AND CONFLICT IN MODERN SPAIN: ESSAYS IN HONOR OF STANLEY G. PAYNE* 81 (Brian D. Bunk et al. eds., 2008).

⁶ See S. Morgan Friedman, *The Inflation Calculator*, at <https://westegg.com/inflation/> (converting past dollars to present-day dollars). For more on wrecking and its norms, see MAUREEN OGLE, *KEY WEST: HISTORY OF AN ISLAND OF DREAMS* 11-12, 31-32 (2003); *Key West and Salvage in 1850*, 8 FLA. HIST. Q. 47 (1929).

⁷ See OGLE, *supra* note 6, at 34; *Key West*, NILES' WKLY. REG. (Balt.), May 13, 1826, at 186.

⁸ See *Key West*, N.Y. DAILY TIMES, Sept. 13, 1852, at 1.

estimate[d] value of \$2,662,450, and the salvage costs were approximately \$173,000. Of the 56 vessels, only 12 were . . . settled in court.”⁹

Resolving disputes extra-judicially often proved preferable. In 1856, for example, after the Spanish ship *Rosita* ran aground, its captain agreed to pay \$6,000 to the wreckers. Salas y Quiroga considered this to be a wise decision, because going to court would have resulted in the owners paying more than \$6,000 based on the value of the salvaged cargo.

Possessing greater knowledge about local circumstances (such as salvage awards), Spain’s consuls often were able to provide advice regarding the best course of action. This was especially important when Spanish captains or merchants had no contacts in Key West. Plus, consuls prepared reports on lighthouses and other navigational aids that assisted Spanish mariners plying the dangerous waters of the Florida Straits.¹⁰

On occasion, the consuls’ reports found a wider audience. In 1852, for example, Gómez prepared a table titled “Vessels Wrecked on the Florida Coast, 1844-1851.” This apparently was the first of what Gómez anticipated would be yearly updates. Gómez’s table subsequently was published in various American periodicals.¹¹ Gómez also wrote the editors of the *New Orleans Bee* about ships damaged in a gale in August 1852. Other newspapers in the United States quickly reprinted his bulletin.¹² Thus, consuls were a valuable source of information for people with financial interests in specific vessels as well as those seeking general news about the shipping industry.

B. FILIBUSTERS AND PRIVATEERS

Consuls also kept tabs on filibusters and privateers operating from American shores.¹³ This was especially important in Key West, which quickly became a center for both types of activities. After his stint as U.S. naval commander at Key West (1823-24), for example, Commodore David Porter returned to the port in 1827 in command of the Mexican Navy. Given that Key West did not yet have a federal court or marshal, Porter was able to operate freely, thanks in large part to conniving local officials who readily purchased prize goods from him (in contravention of U.S. neutrality laws). After Spain lodged a formal protest in May 1827, Commodore Charles G. Ridgley was ordered to investigate the situation. Ridgley acquitted Porter of all alleged violations. However, now under greater scrutiny by the government and the press, Porter ordered his squadron to leave the city at the end of August 1827.¹⁴

⁹ STEBBINS, *supra* note 3, at 13.

¹⁰ *Id.* at 3, 11-12.

¹¹ See, e.g., 14 DE BOW’S REVIEW AND INDUSTRIAL RESOURCES, STATISTICS, ETC. 402 (J.D.B. De Bow ed., 1853).

¹² See, e.g., *Key West—The Wrecks*, N.Y. DAILY TIMES, Sept. 22, 1852, at 3.

¹³ A filibuster is a person who seeks to invade and revolutionize a foreign country in disregard of international law. See BLACK’S LAW DICTIONARY 773 (Bryan A. Garner ed., 11th ed. 2019). In contrast, a privateer is a person who has been authorized (through the issuing of a letter of marque) to disrupt the maritime commerce of a hostile foreign nation. *Id.* at 1448. In 1856, at the insistence of France and Great Britain, privateering was outlawed by the Paris Declaration. See C.I. Hamilton, *Anglo-French Seapower and the Declaration of Paris*, 4 INT’L HIST. REV. 166 (1982).

¹⁴ See OGLE, *supra* note 6, at 14-21; T. Frederick Davis, *Pioneer Florida*, 25 FLA. HIST. Q.

Porter, of course, was not the only opportunist who recognized the advantages of operating out of Key West to attack Spanish possessions and shipping. But his activities were a catalyst for Spain's decision to place a consular agent in Key West.

Although the outfitting of privateers from American shores was waning by the 1830s, the outfitting of filibusters was on the rise. Probably the most famous early filibuster was Narciso López, who skillfully manipulated the annexationist fervor in the United States as part of his plan to wrest Cuba from Spain and have it join the union as a slave state.

In 1850, López sailed to Cuba from New Orleans with roughly 500 men. After capturing the Cuban town of Cardenas on May 19, López soon was forced to retreat. His ship, the *Creole*, pursued by the Spanish frigate *Pizarro*, headed for Key West. Flying the American flag, the *Creole* entered the city's port; the *Pizarro*, now within the range of the cannons at Fort Zachary Taylor, retreated. Although Key West's residents welcomed López and his men as heroes, U.S. Marshal Walter C. Maloney immediately seized López's ship as well as its weapons and ammunition. Maloney also detained several slaves, who had stowed away on the *Creole*, and wrote to Washington seeking advice as to what should be done with them.

In the meantime, Fielding A. Browne, Spain's consul, petitioned Key West's federal court for possession of the slaves. U.S. District Judge William Marvin ordered Maloney to surrender the slaves to Browne and instructed Browne to return them to their Cuban owners. Browne's actions might seem dubious to us today, but they underscore consular efforts to protect Spanish "property" and achieve larger policy goals through the courts.¹⁵

While many of his troops were set free, López and the expedition's other leaders were indicted by a New Orleans grand jury for violations of the Neutrality Act of 1818. The government, however, failed to win a conviction.¹⁶ Clearly, popular sentiment favored the filibusters.

A year later, in 1851, López again sailed to Cuba and stopped at Key West along the way. This time, thanks in part to intelligence provide by Browne, Spanish officials in Cuba captured and executed López. On learning of his death, Americans in Key West, Mobile, and New Orleans attacked consular offices as well as Spanish residents and property. The intervention of the Spanish vice-consul in Mobile likely saved 67 Spanish sailors, who had been shipwrecked there, from being lynched. The Spanish minister immediately filed a complaint with the U.S. government.¹⁷ In response, Congress passed various resolutions to compensate Spaniards for their

64 (1946); *Mexican Squadron at Key West*, NILES' WKLY. REG. (Balt.), Sept. 8, 1827, at 23.

¹⁵ For more on the effort to use legal cases to achieve diplomatic ends, see Kevin Arlyck, *Plaintiffs v. Privateers: Litigation and Foreign Affairs in the Federal Courts, 1816-1822*, 30 L. & HIST. REV. 245 (2012); Sean T. Perrone, *John Stoughton and the Divina Pastora Prize Case, 1816-1819*, 28 J. EARLY REPUBLIC 215 (2008).

¹⁶ See INDEX TO EXECUTIVE DOCUMENTS PRINTED BY ORDER OF THE SENATE OF THE UNITED STATES DURING THE FIRST SESSION OF THE THIRTY-FIRST CONGRESS 1849-50, at 129-34 (1850); Lester D. Langley, *The Whigs and the López Expedition to Cuba, 1849-1851: A Chapter in Frustrating Diplomacy*, 71 REVISTA DE HISTORIA DE AMERICA 9, 14-15 (1971).

¹⁷ See FRENCH ENSOR CHADWICK, *THE RELATIONS OF THE UNITED STATES AND SPAIN: DIPLOMACY* 239-40 (1909); *Piratical Expeditions Against Cuba*, 6 BROWNSON'S Q. REV. 66 (1852).

losses in Key West and New Orleans. The total amount appropriated was \$22,450,¹⁸ the equivalent today of \$700,000.¹⁹

Tensions remained high throughout the 1850s.²⁰ In 1857, for example, General José V. Miñón began organizing a filibustering expedition in Key West aimed at fomenting a rebellion in Mexico. Salas y Quiroga reported happily when Miñón failed to raise sufficient funds for his expedition and left Key West.²¹

Salas y Quiroga's good news was short lived, however, for Key West remained a center of filibustering and anti-Spanish sentiment for the rest of the century. In the later part of the 19th century, consuls regularly spied on, and reported on, Cuban activities in the city. In 1871, for example, the Spanish consul in Key West disrupted a plan to launch a small expedition by reporting it to local officials. In retaliation, an angry mob stoned his house.²²

In the 1880s, the Spanish consuls in Key West tirelessly worked to prevent filibuster expeditions from setting sail but faced a hostile public and indifferent officials at the custom house. In 1884, a mob threatened the consul with violence; Secretary of the Treasury Charles J. Folger ordered his agent in Key West (Ethelbert Hubbs) to work with the city's naval authorities to protect the life and property of the consul.²³ In 1885, Frank Wicker, Key West's customs collector, was removed from office after a formal Spanish protest over "his participation in pro-Cuban demonstrations."²⁴ In 1890, the Spanish consul left Key West because the Cuban refugees there threatened his life.²⁵ His public departure may have prompted federal officials to act, because a new consul soon arrived and immediately resumed tracking down filibusters.

The foregoing examples go beyond the period of study of the present essay. Still, the problems with monitoring and preventing filibustering expeditions were all present in the first half of the century. They became more serious threats, and a larger part of the consuls' responsibilities, after the Civil War.²⁶

C. IMMIGRANTS

By the mid-19th century, Key West was a cosmopolitan city inhabited by, among others, Americans, Bahamians, Cubans, and Spaniards. The first Cuban tobacco

¹⁸ See Letter [dated December 6, 1854] of the Secretary of the Treasurer Transmitting Estimates of Appropriations Required for the Service of the Fiscal Year Ending June 30, 1856, in 3 EXECUTIVE DOCUMENTS DURING THE SECOND SESSION OF THE THIRTY-THIRD CONGRESS 66 (1855).

¹⁹ See Friedman, *supra* note 6.

²⁰ See James W. Cortada, *The United States, in SPAIN IN THE NINETEENTH-CENTURY WORLD: ESSAYS ON SPANISH DIPLOMACY, 1789-1898*, at 131, 135 (James W. Cortada ed., 1994).

²¹ See STEBBINS, *supra* note 3, at 215.

²² See Gerald E. Poyo, *Key West and the Cuban Ten Year War*, 57 FLA. HIST. Q. 289, 296 (1979).

²³ See *The Schooner Shoters Seized*, N.Y. TIMES, Apr. 7, 1884, at 1; *A Spanish Consul Threatened*, N.Y. TIMES, May 17, 1884, at 2.

²⁴ See Gerald E. Poyo, *Cuban Patriots in Key West, 1878-1886: Guardians at the Separatist Ideal*, 61 FLA. HIST. Q. 20, 28 (1982).

²⁵ See *A Very Excitable Consul*, N.Y. TIMES, Nov. 3, 1890, at 1.

²⁶ See STEBBINS, *supra* note 3, at 232.

workers arrived in 1831. As the cigar industry grew, more immigrants arrived from Cuba and Spain.²⁷ The consuls in Key West consequently began monitoring the growing number of Spanish subjects residing in the city. In 1852, for example, Gómez announced that "all Spanish citizens and subjects who have been or who henceforth may be in [the United States for] four months [are required] to . . . have a registry made of their names under the penalty of being declared non-subjects of the Queen of Spain."²⁸

Monitoring the activities of tobacco workers and others was especially important as many immigrants favored independence for Cuba. In fact, by the 1870s, Key West was a principal center for financial and political support for Cuban independence. American sentiment also became more anti-Spanish, and this occasionally put the consuls in danger, especially as more Americans, including naturalized Cubans, were arrested by Spain in questionable circumstances.²⁹

D. DESERTERS AND FUGITIVES

In addition to watching legitimate immigrants, consuls also kept an eye out for deserters and fugitives fleeing from Spanish colonies or ships. In April 1857, for example, Manuel de Castro deserted the Spanish vessel *San Juan Baptista* in Key West. The ship's captain immediately asked the local authorities to detain Castro but then weighed anchor and left the port. Salas y Quiroga, as Spain's local representative, followed up on the case and asked Judge Thomas F. King of the Monroe County circuit court to hand Castro over so that he could be tried in a Spanish court. Salas y Quiroga based his argument on the consular regulations existing between France and the United States regarding the arrest of deserters. Salas y Quiroga also noted that the Spanish government "collaborates with the U.S. consuls abroad for the arrest of any deserter."³⁰ Clearly, Salas y Quiroga expected reciprocity.

Stephen R. Mallory, Castro's attorney, eviscerated Salas y Quiroga's argument. Mallory began by pointing out that Salas y Quiroga had provided "no references to how Spanish deserters should be handled in the United States."³¹ Mallory also insisted "that the favored nation status only applies to certain privileges and did not pertain to this case."³² King found Mallory's arguments persuasive and set Castro free.

In a letter to his superiors, Salas y Quiroga expressed reluctance to appeal the case to Marvin,³³ who "is not a supporter of Spain either, so I would end up paying

²⁷ See OGLE, *supra* note 6, at 85-87.

²⁸ *A Spanish Pronunciamiento*, N.Y. DAILY TIMES, May 10, 1852, at 3.

²⁹ For a history of Cuban patriots in Key West, see ALEJANDRO F. PASCUAL, *KEY WEST: PASSION FOR CUBA'S LIBERTY* (2013).

³⁰ STEBBINS, *supra* note 3, at 165.

³¹ *Id.*

³² *Id.*

³³ In 1842, Congress had authorized the appeal of state *habeas corpus* decisions to the federal district courts "in all cases [involving] any prisoner or prisoners . . . where he, she, or they, [are] subjects or citizens of a foreign state, and domiciled therein . . . [and] the validity and effect [of the arrest] . . . depend upon the law of nations, or [is done] under color thereof. . . ." Act of Aug. 29, 1842, 5 Stat. 539-40.

more in court costs.”³⁴ When Salas y Quiroga eventually did decide to appeal the case, Marvin dismissed it. Matters were not finished, however, for the Spanish minister in Washington subsequently lodged a complaint with Secretary of State Lewis Cass. In turn, Cass sought an opinion from Attorney General Jeremiah S. Black.

In September 1857, Black advised Cass that “the apprehension and delivery of a deserter is a judicial duty.”³⁵ He quickly added, however, that Article XIII of the Adam-Onís treaty required Salas y Quiroga to “*exhibit* the ship’s roll, and the name of the deserter must *appear* in it before he can be arrested. . . .”³⁶ In Castro’s case, Salas y Quiroga had produced only an extract from the roll certified by himself—not the original roll as the treaty required. Consequently, although King and Marvin may have erred in their interpretations of the law, Black concluded that their “decision was right.”³⁷

Salas y Quiroga’s failure to repatriate Castro underscores the costs and difficulties of pursuing such cases. It also reminds us that obscure local controversies can have potentially enormous ramifications at the national and international level. Lastly, it points out the necessity of carefully following the words of a treaty.

A few years later, in 1859, consul Mariano Alvarez had more success capturing and repatriating a runaway slave named Regino González Toledo. After obtaining the proper documentation from Cuba, Alvarez paid for González Toledo’s passage back to Cuba.³⁸ Without Alvarez’s efforts, it is unlikely that González Toledo would have been returned to his owner.

Of course, consuls could not intercept every deserter and fugitive. As Jarvis reports in his third article, in 1870 Ensign Elias Moscoso deserted the Spanish Navy after embezzling \$18,000. He then headed to Key West, where he married Dr. Daniel W. Whitehurst’s daughter Kate.³⁹

E. CRIMINALS

Consular agents also monitored criminal activities by Spanish subjects. As Jarvis explains in his first article, in the 1859 *Enterprise* mutiny-murder case, Alvarez did not play an active role in the proceedings. He did, however, send two reports about the incident to his superiors, the latter of which bluntly (and correctly) predicted, “The two Spanish sailors [Carcer and Ortega] who were implicated in the crime are in jail here, and one will probably be hanged.”⁴⁰

At other times, however, consuls and ministry officials did become involved in criminal cases. In 1812, for example, a Spanish citizen was sentenced to two years

³⁴ STEBBINS, *supra* note 3, at 166.

³⁵ ELLERY C. STOWELL, CONSULAR CASES AND OPINIONS FROM THE DECISIONS OF THE ENGLISH AND AMERICAN COURTS AND THE OPINIONS OF THE ATTORNEYS GENERAL 586 (1909).

³⁶ *Id.* (emphasis in original).

³⁷ STOWELL, *supra* note 35, at 586.

³⁸ See STEBBINS, *supra* note 3, at 30. Consuls were involved in extradition cases throughout the 19th century.

³⁹ See Robert M. Jarvis, *A Key West “Jack-of-All-Trades”: The Strange Life, and Peculiar Death, of Dr. Daniel W. Whitehurst*, 12 BRIT. J. AM. LEGAL STUD. 255, 289-90 (2023).

⁴⁰ See Robert M. Jarvis, *The Schooner ENTERPRISE: A Forgotten Key West Murder Case*, 12 BRIT. J. AM. LEGAL STUD. 195, 212 (2023).

in prison for an assault in Philadelphia; minister Luis de Onís obtained a pardon for him on the condition that the man be put on board the first boat to Puerto Rico.⁴¹

In 1823, Thomas Stoughton, Spain's consul in New York, advised the court that Josef Perez, who was on trial for piracy, had been misidentified, thereby lending support to the argument being advanced by Perez's attorneys. The case ended in a hung jury. At his second trial, Perez was found guilty and sentenced to death. Just before his execution, Perez was pardoned by President James Monroe. One can only assume that Spain's minister intervened with the U.S. government to save Perez's life.⁴²

Nearly a decade later, the Spanish consul at Charleston and the Spanish legation in Washington took a very active role in the trial of accused murderer Luis Lliso.⁴³ Their efforts were unsuccessful, however, and Lliso was executed.⁴⁴

Similar diplomatic maneuvering undoubtedly occurred on many occasions. Thus, if we look more closely at these forgotten criminal cases, we will certainly gain new insights into the application of U.S. laws to foreign citizens and Spain's efforts to influence the outcome of U.S. prosecutions.

III. IDENTITIES OF THE CONSULS

So just who were the consuls? Spain's first consul in Key West was John Notlit (also spelled "Notliss").⁴⁵ Its second consul was Browne. Both were Americans. While we know nothing about Notlit/Notliss, Browne was a "large land owner and prominent business man."⁴⁶ In 1852, Gómez became the first Spaniard to be appointed to the position of Key West consul.

In 1860, following the tenures of Salas y Quiroga, Hipólito de Uriarte, and Alvarez, Vicente Cubells became Spain's seventh Key West consul. When the Civil War broke out, he apparently left the city but retained his title (the documentary record is open to interpretation). In his stead, Fernando J. Moreno, a native of Pensacola and a former mayor of Key West, served as Spain's interim consul.⁴⁷

⁴¹ See Archivo Historico Nacional [hereafter AHN], Estado, leg. 5638 (Jan. 26, 1812).

⁴² For more about the case, see A CORRECT REPORT OF THE TRIAL OF JOSEF PEREZ FOR PIRACY, COMMITTED ON BOARD THE SCHOONER BEE, OF CHARLESTON, S.C. BEFORE THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK ON TUESDAY, SEPT. 9TH, 1823 (1823); *Executions*, ZION'S HERALD (Bos.), May 12, 1824, at 3; *Pirate Pardoned*, COLUMBIAN STAR (DC), June 12, 1824, at 2.

⁴³ See Duke University [hereinafter DU], *Spanish Consulate, Charleston, S.C. Papers*, Box 4, Folder 1837-1839, May 12, 1837, June 5, 12, 13, 16, 21, 1837; Jan. 26, Mar. 22, May 28, June 24, and Sept. 28, 1838, at <https://archives.lib.duke.edu/catalog/spanishconsulate>.

⁴⁴ See *Execution*, MORN. HERALD (NY), June 15, 1838, at 3.

⁴⁵ The published lists of foreign agents in the United States indicate that a "John Notlit" was Spain's consul in Key West from 1829 to 1834, while a "John Notliss" held the post from 1834 to 1842. Clearly, however, this is the same person. See 7 PETER FORCE, THE NATIONAL CALENDAR FOR MDCCCXXIX, at 241 (1829); DU, *supra* note 43, at Box 4, Folder 1840-1844 ("Circular Letter from Consul General Chacon, Nov. 14, 1840").

⁴⁶ 1 HISTORY OF FLORIDA: PAST AND PRESENT 422 (Harry Gardner Cutler ed., 1923).

⁴⁷ See *supra* note 3 (explaining that after Cubells's tenure ended in 1866, Spain did not appoint a new consul in Key West until 1870).

We do not know much about Moreno's efforts. We do know, however, that Moreno also was appointed by the Confederate States of America ("CSA") to be the marshal of its new Court of Admiralty and Maritime Jurisdiction at Key West.⁴⁸

Overall, roughly one-third of Spain's consular agents in the United States between 1795 and 1860 were foreigners.⁴⁹ Over time, however, appointments to the consulate in Key West came mainly from career consuls, indicating the growing importance of the post. Two of these agents—Uriarte and Alvarez—both moved up the ranks to more important positions. Uriarte, for example, served as Spain's consul general to the United States from 1874 to 1883.⁵⁰ Alvarez left Key West in 1859 to become the consul general and chargé d'affaires at Santo Domingo.⁵¹

Alvarez's warm relations with Moreno and other prominent citizens in Key West, coupled with his sympathy for the South's cause, led Manuel D. Crugat, an important figure in Cuban political circles, to float Alvarez's name with Mallory—who by this time had become the CSA's Secretary of the Navy—as a potential Spanish minister to the Confederacy.⁵² Although nothing came of this suggestion, it demonstrates that despite the animosity many Key Westers had towards the Spanish consuls, the consuls (whether Americans or Spaniards) managed to build important friendships and social networks.

IV. VALUE OF THE KEY WEST CONSULATE

Although its consuls in Key West became enmeshed in local society and provided useful information, the Spanish government was not one hundred percent sold on the post's value. In November 1853, for example, the Spanish secretary of state asked Juan de la Pezuela, the captain general of Cuba, to: 1) appraise the value of the post; 2) rate the performance of the current consul (Gómez); and 3) make recommendations as to who might fill the position in the future. In March 1854, de la Pezuela sent his assessment to Madrid.

First and foremost, de la Pezuela recommended keeping the consulate open. He explained that if the consulate's only responsibility was supervising commercial relations, which consisted primarily of small ships trading fresh produce, it could be closed. However, he continued, the strategic location of Key West in relation to Cuba, and the danger of adventurers operating out of the sparsely populated

⁴⁸ See STEBBINS, *supra* note 3, at 54; Robert M. Jarvis, *The Confederate Admiralty Court at Key West*, 12 BRIT. J. AM. LEGAL STUD. 227, 237 (2023); U.S. CENSUS BUREAU, *Fernando Joaquin Moreno: Floridian Businessman, Politician, Marshal*, at http://census.gov/history/pdf/fernando_moreno.pdf.

⁴⁹ See Sean T. Perrone, *The Formation of the Spanish Consular Service in the United States (1795-1860)*, in CONSULS ET SERVICES CONSULAIRES AU XIXE SIÈCLE: DIE WELT DER KONSULATE IM 19. JAHRHUNDERT [CONSULSHIP IN THE 19TH CENTURY] 203, 208-10 (Jörg Ulbert & Lukian Prijac eds., 2010) [hereinafter *Formation*].

⁵⁰ See *de Uriarte Died at Fire Escape*, N.Y. TIMES, Aug. 30, 1913, at 5 (reporting on Uriarte's career following his death in a house fire).

⁵¹ See *Personal Intelligence*, N.Y. HERALD, Nov. 15, 1859, at 1.

⁵² See *Letter from Manuel D. Crugat to Stephen R. Mallory (Mar. 24, 1861)*, reprinted in 2 JAMES D. RICHARDSON, A COMPILATION OF THE MESSAGES AND PAPERS OF THE CONFEDERACY, INCLUDING THE DIPLOMATIC CORRESPONDENCE, 1861-1865, at 11-12 (1905).

archipelago, necessitated a presence in the region. In fact, de la Pezuela proposed enlarging the consulate's jurisdiction to include all the Florida Keys rather than just Key West. De la Pezuela likely made this suggestion because Narciso López's 1850 filibustering expedition was still fresh in his mind.

De la Pezuela also recommended that the consul's salary be increased to 2,000 pesos a year, the equivalent today of approximately \$60,000.⁵³ In defending this number, de la Pezuela pointed out that Gómez had just resigned because he could not live on the miserly salary currently being paid.⁵⁴

De la Pezuela's opinion on Gómez's service was mixed, but given that Gómez already had submitted his resignation, de la Pezuela went ahead and recommended José López Arigo as Spain's next consul.⁵⁵

As previously explained, Key West was an important listening post in the United States. Thus, the fact that the Spanish government even discussed closing the office highlights the ongoing debates in Madrid about the best way to watch over Spanish interests in the United States. In the end, the crown decided to keep the consulate open and appointed Salas y Quiroga as Gómez's replacement.⁵⁶

Debates about opening or closing consulates often were tied to remuneration. The Spanish crown struggled to pay its consuls in the early 19th century. In fact, until mid-century, the consuls in Key West derived much of their income from the collection of import-export taxes at the city's "Spanish wharf," as well as the issuing of manifests for ships heading to Cuba.⁵⁷ Any changes in policy or fluctuations in trade therefore could negatively affect the consuls.

To help make ends meet, some consuls served multiple countries despite official disapproval by the Spanish government.⁵⁸ For example, in 1853, a year after being appointed Spain's consul in Key West, Gómez was appointed Guatemala's consul in the city. Gómez apparently served several countries. In an 1854 listing of foreign consuls in the United States, the consular agent for Costa Rica in Key West was E.J. Gómez; for Guatemala, E.J. Gómez; for Sardinia, E. José Gómez; and for Spain, Eusebio J. Gómez.⁵⁹ Undoubtedly, none of these offices generated large commissions because, as just seen, Gómez resigned as Spain's consul in 1854 due to his meager salary.

In addition to Spain, Moreno served at various points as the vice-consul for France, Germany, and Great Britain. Again, it was relatively common for consular agents to serve multiple countries. Because commissions constituted a large share of a consul's income, the more countries one could represent, the greater the likelihood of earning money through commissions. Yet such service did not mean

⁵³ See *Six Ways to Compute the Relative Value of a Spanish Peseta (or Euro) Amount, 1850–Present*, MEASURING WORTH.COM, at <https://www.measuringworth.com/calculators/spaincompare/>.

⁵⁴ Unfortunately, de la Pezuela's report does not give Gómez's salary.

⁵⁵ See AHN, *supra* note 41, at Ultramar 31, Exp. 34.

⁵⁶ It is not known why de la Pezuela's recommendation that Arigo become the new consul was not heeded. Salas y Quiroga died unexpectedly in 1858 (likely during an outbreak of yellow fever in Key West) and was replaced by Uriarte. See STEBBINS, *supra* note 3, at 37.

⁵⁷ *Id.* at 36, 39.

⁵⁸ See *Formation*, *supra* note 49, at 210-11.

⁵⁹ See JOHN LIVINGSTON, *LIVINGSTON'S LAW REGISTER: A GUIDE FOR EVERY MAN OF BUSINESS, AND HAND-BOOK OF USEFUL INFORMATION* 277-79 (1854).

that consuls felt any less zeal for Spain. Indeed, many Spanish consuls, including the ones in Key West, were honored for their service to the homeland. Cubells, for example, was made a Knight of the Order of Isabella the Catholic in 1862.⁶⁰

V. CONCLUSION

The Spanish consuls in Key West were important actors in the local community in the 19th century. Accordingly, bringing them back into the picture provides a richer context in which to understand the various people who passed through the “wild west” of Key West. Of course, many of the challenges that the Spanish consuls faced in Key West also were faced by Spain’s consuls in other parts of the United States.⁶¹ Consequently, consuls regularly shared tips with each other on how to execute their duties, thereby helping to hone their professional expertise and clarify consular powers and privileges in practice.⁶²

Thanks to Key West’s location near Cuba, the consuls there played a significant role in navigating Spanish-American relations during the 19th century. The more we can learn about these men, their activities, and their communications, the better we will be at stitching together various Atlantic stories, from the mundane registration of citizens to more colorful tales of murder and piracy.

⁶⁰ See AHN, *supra* note 41, at Ultramar, 4678, Exp. 4. Established in 1815, the Order recognizes both Spaniards and non-Spaniards who either have rendered extraordinary service to Spain or helped promote good relations between Spain and other countries. For a further look at the Order’s history, see ALFONSO DE CEBALLOS-ESCALERA Y GILA & VIZCONDE DE AYALA, *LA REAL Y AMERICANA ORDEN DE ISABEL LA CATÓLICA* (1815-2015) (2015).

⁶¹ See, e.g., Clifford L. Egan, *Friction in New Orleans: General Butler Versus the Spanish Consul*, 9 LA. HIST.: J. LA. HIST. ASS’N 43 (1968) (describing the many problems faced by Spain’s consul in New Orleans during the Civil War).

⁶² For more on the development of professional consular services and practices, see Jesús Núñez Hernández, *A History of the Spanish Consular Service: An Institution in Its Own Right*, in CONSULAR AFFAIRS AND DIPLOMACY 247 (Jan Melissen & Ana Mara Fernández eds., 2011). See also Robert M. Jarvis, *The Honorary Consul in Modern International Practice: Why Article 68 of the Final Act of the United Nations Conference on Consular Relations Should be Amended to Provide a Uniform Regime for the Sending and Receiving of Honorary Consuls*, 23 DUQ. L. REV. 905, 909-15 (1985).