

Department of Justice.

PORTO RICO.

OFFICE OF THE ATTORNEY GENERAL.

SAN JUAN, November 17th, 1900

Brigadier General George W. Davis,

San Juan, P. R.

Dear General Davis:

I thank you for your favor of November 17th, just received, and I return, as requested, the paper regarding habeas corpus signed by Mr. Herminio Diaz on April 15th, 1899. I have read the same with great interest, and thank you for sending it to me.

I also note your remark that it is difficult to understand that the signification which I indicated to you as to the words "correctional imprisonment", can be properly given. In this connection I permit myself to say that these two English words, if they mean anything, certainly refer to limited imprisonment for petty misdemeanors; but the responding Spanish words, to wit:- prisión correccional, possess a definite, exact, legal meaning. This is shown by the table which is found at the end of the Penal Code. You will observe that these two words signify imprisonment for some period less than six years.

The local courts, of course, have construed this law according to the Spanish copy. If there was a mistranslation, I do not know whether it arose from a misunderstanding of the two Spanish words, or from a misunderstanding of the two English words; but it is safe to presume that the latter is the case. The two English words having no fixed definite limitation of time, it was evidently thought that their true signification could be properly expressed by literal translation into Spanish; but unfortunately, the two Spanish words had a technical meaning, as

Department of Justice.

PORTO RICO.

OFFICE OF THE ATTORNEY GENERAL.

SAN JUAN,

190

(G.W.D.2)

above stated.

I will take pleasure in interviewing Mr. Rossy and Mr. Nieto as soon as I have an opportunity, and will report to you whatever explanation they may make.

Very sincerely yours,

*Arthur F. Olin*