

**CAPTURE OF AGUINALDO: A REVIEW OF  
THE FACTS AND THE LAW, BEING A  
REPRINT OF THREE LETTERS  
TO THE EVENING POST DATED,  
RESPECTIVELY, MARCH 31 AN APRIL 12,  
1901, AND JANUARY 17, 1902**

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Capture of Aguinaldo: A Review of the facts and the law, being a reprint of three letters to the evening post dated, respectively, March 31 an April 12, 1901, and January 17, 1902 by Crammond Kennedy

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**CRAMMOND KENNEDY**

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THE  
Capture of Aguinaldo

A REVIEW OF THE FACTS  
AND THE LAW

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*WITH SOME OBSERVATIONS ON THE QUESTION WHETHER  
AGUINALDO OWED ALLEGIANCE TO THE UNITED  
STATES BEFORE HE TOOK THE OATH*

Being a Reprint of Three Letters to The Evening Post  
dated, respectively, March 31 and April 12, 1901,  
and January 17, 1902

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BY  
CRAMMOND KENNEDY

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WASHINGTON, D. C.  
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It were just and honourable for princes being in wars together, that howsoever they prosecute their quarrels and debates by arms and acts of hostility; yea, though the wars be such as they pretend the utter ruin and overthrow of the forces and states one of another, yet they so limit their passions as they preserve two things sacred and inviolable; that is, the life and good name each of other. For the wars are no massacres and confusions; but they are the highest trials of right; when princes and states, that acknowledge no superior upon earth, shall put themselves upon the justice of God for the deciding of their controversies by such success as it shall please Him to give on either side. And as in the process of particular pleas between private men, all things ought to be ordered by the rules of civil laws; so in the proceedings of the war, nothing ought to be done against the law of nations, or the law of honour; which laws have ever pronounced these two sorts of men, the one, conspirators against the persons of princes, the other, libellers against their good fame, to be such enemies of common society as are not to be cherished, no not by enemies. For in the examples of times which were less corrupted, we find that when in the greatest heats and extremities of wars, there have been made offers of murderous and traitorous attempts against the person of a prince to the enemy, they have been not only rejected, but also revealed; and, in like manner, when dishonourable mention hath been made of a prince before an enemy prince, by some that have thought therein to please his honour, he hath showed himself, contrariwise, utterly distasted therewith, and been ready to contest for the honour of an enemy.—*Lord Bacon.*

I do not want to say anything brutal, but, as I say, the Army feels bitterly about this business. I have no quarrel with the man who thinks that we should not at first have taken the Philippine Islands; I have no quarrel with the man who thinks a whole lot of things, but who does not say too much about it now; but all those men who have been writing and talking about this thing and keeping this warfare alive and in the field to-day—I say that I would rather see any one of these men hanged—hanged for treason—hanged for giving aid and comfort to the enemy—than see the humblest soldier in the United States Army lying dead on the field of battle.—*General Funston's speech at the Lotus Club, as cited in the Congressional Record for May 12, 1902, p. 5645.*

This act of General Funston's, approved by his superior officer, was in violation, not only of the laws of war, but of that law of hospitality which governs alike everywhere the civilized Christian or pagan wherever the light of chivalry has penetrated. He went to Aguinaldo under the pretense that he was ahungered, and Aguinaldo fed him. Was not that an act of perfidy? It violated the holy rite of hospitality which even the Oriental nations hold sacred.

In Scott's immortal romance of the Tallsman, the Sultan Saladin interposes to prevent a criminal who had just committed a treacherous murder from partaking of his feast by striking off his head as he approached the banquet. "Had he murdered my father," said the Saladin to Richard Oœur de Lion, "and afterwards partaken of my bowl and cup, not a hair of his head could have been injured by me."

In this case it was not the host sparing the guest, it was not Conrad de Montserat partaking of the bowl and the cup of Saladin, but it was the guest \* who had partaken of the hospitality of the host who betrayed his benefactor, and in doing it represented the United States of America in the Philippines.—*Senator Hoar, Congressional Record, May 22, 1902, p. 6183.*

\* They were coming (according to Funston's forged letters from Lacuna by which Aguinaldo had been deceived and put off his guard), not only as his "guests," but as his compatriots and reinforcements for his bodyguard.



## P R E F A C E .

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The first and second of the letters here reprinted were published in the *Evening Post* of New York and in the *Washington Post*, from which they were copied into other journals in this country, Canada and Great Britain, shortly after the methods used by General Funston in the capture of Aguinaldo were made public. The third letter was published in the *Evening Post* after Aguinaldo and General Funston had each given a narrative of the capture in one of our monthly magazines, and was intended to present the essential facts, as stated by the chief participants themselves, in connection with the law applicable to the case. Since that time General MacArthur, in his testimony before the Philippines Committee of the Senate, has assumed the responsibility of the transaction in its entirety and details,\* on the ground that it was one of the deceptions frequently practiced in war, and I have addressed a letter to him, from which the following extracts are given :

\* \* \* "I should be greatly obliged to you if you would refer me to any case in which a general officer on one side [Funston †] forged the name and used the stamped paper of a general officer on the other side [Lacuna] in the fabrication of letters purporting to be sent by the latter to his superior officer [Aguinaldo] informing him that he was sending him reinforcements and thus preparing the way for the admission of enemies, disguised as friends, to his presence for the purpose of seizing him or killing him. I put the purpose in the alternative, for, of course, the possibility of

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\* "General MacArthur. \* \* \* I might as well say here that Funston is not responsible in any way for the methods which obtained in the capture of Aguinaldo. I am the responsible man in that respect in every way and particular. \* \* \* I know that the letter was written. It was one of the deceptions which are only practiced in war, and whatever responsibility attaches thereto I take."—*Affairs in the Philippine Islands* (testimony taken by the Senate Committee), p. 1890. See also p. 1932.

† General MacArthur's name should be substituted for Funston's. *Qui facti per alium, facti per se.*

"I think we are bound in justice to General Funston to take the declaration of General MacArthur, that he ordered and approved everything that officer did. If that be true, we have no right to hold the subordinate responsible, however odious the act. If it turns out that still higher authority has approved the act, then it becomes still more emphatically our duty to point out its enormity."—Senator Hoar, *Congressional Record*, May 22, 1902, p. 6182.

detection, resistance and resulting casualties must have been considered.

"I enclose the last of the three articles and beg of you (if you will have the goodness to read it), to observe (1) that the facts are taken from General Funston's narrative as published in *Everybody's Monthly*; (2) that the disguise was as carefully thought out and elaborated as possible; and (3) that without giving warning and while being welcomed as friends, Funston's men, so disguised, opened fire on Aguinaldo's bodyguard, wounding several and killing at least one.

"Can you cite any precedent or authority in justification of such conduct? Or do you hold that the attack in disguise was not a necessary part of the plan, and was not authorized by Funston?"

I wrote this letter because of my high regard for General MacArthur (although I had not the honor of his personal acquaintance) and because (as I stated to him in my letter) I was anxious to correct any mistake I might have made, or to qualify any exaggerated statement.

I do not assume, on account of the absence of a reply to the letter, that General MacArthur is unable to cite any precedent or authority in justification of the forgeries of Laeuna's name, or of opening fire under cover of the disguise upon the bodyguard of Aguinaldo (who, by the way, had been addressed in the forgeries, which General MacArthur has endorsed, as "the Honorable President of the Philippine Republic"), or of seizing the person of the Filipino chief and exposing him to death by perfidy and violence. It were to be wished for the memory of the President who so signally rewarded the captor, and for the honor of the army to which General MacArthur and General Funston belong, that the capture, taken in its entirety and detail, had been "one of the deceptions frequently practiced in war," instead of being an act of virtual assassination, which (to use the words of Halleck) "is now deemed infamous and execrable, both in him who executes and in him who commands, encourages or rewards it.

GRAMMOND KENNEDY.

WASHINGTON, D. C., June 2, 1903.

*Letter No. I.*

[From The Evening Post, New York, April 1, 1901.]

**CAPTURE BY TREACHERY.**

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**Mr. Crammond Kennedy Cites the Laws of War  
in the Case of Aguinaldo, and Proposes a  
Motto for Our New Flag in the Philippines.**

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TO THE EDITOR OF THE EVENING POST :

SIR: As the laws of war are part of the law of nations, and the conduct of our armies in the field is of international as well as national interest and concern, we need not be surprised if the manner of Aguinaldo's capture is discussed and criticised abroad even more than at home.

The newspapers of the country published a dispatch from Manila, dated March 28, giving the circumstances of the capture as told by Gen. Funston to an agent of the Associated Press. The two features of the affair which deserve and should receive attention are: (1) the forgery and transmission of letters purporting to be written by the insurgent General Lacuna to his Commander-in-Chief, Aguinaldo, and (2) the disguise of the soldiers who effected the capture.

The forged letters, purporting to come from one of his subordinate generals then in the field, were intended to put Aguinaldo off his guard and lead him to expect the arrival of Lacuna's "best company" at his headquarters. How well the forgery succeeded is told in the