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A DIGEST OF INTERNATIONAL LAW

AS EMBODIED IN

DIPLOMATIC DISCUSSIONS, TREATIES AND
OTHER INTERNATIONAL AGREEMENTS, INTERNATIONAL
AWARDS, THE DECISIONS OF MUNICIPAL COURTS, AND
THE WRITINGS OF JURISTS,

AND ESPECIALLY IN

DOCUMENTS, PUBLISHED AND UNPUBLISHED,
ISSUED BY PRESIDENTS AND SECRETARIES OF STATE OF
THE UNITED STATES,
THE OPINIONS OF THE ATTORNEYS-GENERAL, AND THE
DECISIONS OF COURTS, FEDERAL
AND STATE.

BY

JOHN BASSETT MOORE, LL. D.,

Hamilton Fish Professor of International Law and Diplomacy, Columbia University,
New York, Associate of the Institute of International Law, sometime
Third Assistant Secretary of State and Assistant Secre-
tary of State of the United States,

Author of a Treatise on Extradition and Interstate Rendition, of American Notes on
the Conflict of Laws, of a History and Digest of International Arbitra-
tions, of an Exposition of the Spirit and Achievements
of American Diplomacy, etc.

IN EIGHT VOLUMES
(THE EIGHTH BEING INDEXICAL)

VOLUME VI.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1906.

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CHAPTER XIX.

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I. POLITICAL INTERVENTION.

1. GENERAL PRINCIPLES.

§ 897.

"Intervention," says Hall, "takes place when a state interferes in the relations of two other states without the consent of both or either of them, or when it interferes in the domestic affairs of another state irrespectively of the will of the latter for the purpose of either maintaining or altering the actual condition of things within it. *Prima facie* intervention is a hostile act, because it constitutes an attack upon the independence of the state subjected to it. Nevertheless its position in law is somewhat equivocal. Regarded from the point of view of the state intruded upon it must always remain an act which, if not consented to, is an act of war. But from the point of view of the intervening power it is not a means of obtaining redress for a wrong done, but a measure of prevention or of police, undertaken sometimes for the express purpose of avoiding war. . . . Hence although intervention often ends in war, and is sometimes really war from the commencement, it may be conveniently considered abstractedly from the pacific or belligerent character which it assumes in different cases."

Hall, *Int. Law*, 5th ed 284

See Bluntschli, trans. by Lardy, ed 1881, §§ 68-69, 431-441, 471-480; Bonfilis-Fanchille, Manuel, ed 1901, §§ 295-323; (Crosby, *First Platoon*, 279-290; Jeffier, *Belgion's* ed. 1883, §§ 108-111; Phillimore, 3d ed., I. 553-588, Wheaton, Dana's ed., §§ 125-133

Much that is found on the subject of intervention in the books on international law is specially applicable to the situation in Europe, and can be applied only indirectly or by analogy to the situation in America or in other parts of the non-European world.

Thus, coupled with intervention on the ground of self-preservation, which is of course universally applicable, we find intervention to preserve rights of succession, which has never been exemplified in America.

We also find in the books the following additional causes assigned as grounds of intervention: 1. Intervention in restraint of wrongdoing (1) against illegal acts, (2) against immoral acts. 2. Intervention under a treaty of guarantee. 3. Intervention by invitation of a party to a civil war. 4. Intervention under the authority of the body of states.

Hall, *Int. Law*, 5th ed. 285-290

See De Martens, *Précis*, § 73; Calvo, *Le Droit Int.* §§ 141-142; Flore, I. 221-235; Mamiani, 100-101, 112.

- As to intervention to preserve the balance of power in Europe, see Phillimore, 2d ed., I., Preface, vii ix.
- As an example of intervention to put an end to abhorrent conditions, the case of Bulgaria in 1876 may be taken.
- As an example of intervention on the invitation of the parties to a civil war, we may take the case of Belgium, in 1830, which is fully narrated in Wheaton's History of the Law of Nations, pt. I, sec. 26.
- As an example of intervention under the collective authority of a body of states, Rolin-Jacquemyns cites the case of Turkey, as regulated by the concert of the Great Powers. (Rev. de Droit Int. XVIII. 603.) After the war of 1897 the powers intervened in behalf of Greece, and regulated the affairs of Crete.

"As the government of the United States of America is not in any sense founded on the Christian religion; as it has in itself no character of enmity against the laws, religion, or tranquillity of Mussulmen; and as the said States never have entered into any war or act of hostility against any Mohomitan nation, it is declared by the parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries."

Art. X., treaty between the United States and Tripoli, signed by Hassan Bashaw and Joel Barlow, Jan. 3, 1797. See, also, Moore, American Diplomacy, 133-135.

See, also, Art. XIV., treaty with Tripoli, 1805.

"As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation, and as the said States have never entered into any voluntary war or act of hostility except in defense of their just rights on the high seas, it is declared, by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the consuls and agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses." (Art. XV., treaty with Algiers, June 30, 1815, and treaty of Dec. 22, 1816.)

"Phillimore (I. ccccl-iv) is the only writer who seems to sanction intervention on the ground of religion." (Hall, Int. Law, 5th ed., 201.)

The laws of Turkey "whereby the penalty of death is denounced against the Mussulman who embraces Christianity," however outrageous, do not justify an appeal from this Government for their repeal.

Mr. Marcy, Sec. of State, to Mr. Spence, Dec. 28, 1855, MS. Inst. Turkey, I. 392.

"The main difficulty connected with intervention is the following: It may be admitted that there are possibilities of tyrannical usage, barbarous practices, or persistent and hopeless anarchy, out of which the friendly aid of a generous, impartial, and truly disinterested by-

stander may be the only way to a deliverance. But two cautions have to be interposed: First, it has to be provided that the aid is accorded at a time and under circumstances which do not in any way prejudice the issue of a struggle yet undetermined, and which ought, in the interests of the state concerned, to be decided by the real and internal, and not by the factitious and external, elements of victory. The importance of this consideration was signally illustrated in the late insurrection of the Southern States of the American Union, and in the controversy that long hung round the questions whether England had chosen the proper moment for according to the Southern Confederacy the rights of a belligerent state, and what was the meaning and political significance of recognition for belligerent purposes. . . . A second caution in respect of intervention is, that, admitting the propriety and duty of intervention in certain extreme crises, it is always open to a state, influential, designing, and unscrupulous, to foster in another state, subject to moral control, the very condition of things which will, sooner or later, bring about a fit opportunity for its own overt interference. Whether Russia was guilty of this conduct in the case of the late Servian war and the Herzegovinian insurrection, is of less importance here than the fact that she was constantly reproached with it. It is a danger which is almost inherent in the nature of the doctrine of a right of intervention in certain emergencies."

Amos, *Remedies for War* (N. Y. 1880), 60.

See an article by Mr. Senior, 77 *Edinburgh Review* (1843), 334, 358.

See, also, British (Circular, Jan. 19, 1821, 8 Br. & For. State Papers (1820-'21), 1100.

As to the circular issued by Russia, when France and Great Britain suspended diplomatic relations with Naples because of the inhumanity with which the latter was ruled, see Martin, *Life of the Prince Consort*, III. 510.

On Sept. 26, 1815, the Emperors of Austria and Russia and the King of Prussia concluded at Paris a treaty which was known as the Holy Alliance. In course of time this league, the object of which was professedly benevolent, came more and more to assume the form of a league for the protection of the principle of "legitimacy" against the encroachment of liberal ideas. The league was joined by the King of France. Congresses of the allies were held at Aix-la-Chapelle, Troppau, and Laybach; and popular movements were suppressed in Piedmont and Naples. In 1823 France, acting for her associates, intervened in Spain, for the purpose of restoring the absolute monarch Ferdinand VII. A proposal to intervene to restore to Spain her colonies in America led to the promulgation of the Monroe doctrine.

The "sympathy" expressed in the United States with the Greek insurrection against Turkey never took the shape of intervention. Of the intervention of Great Britain, France, and Russia in that struggle, Mr. Abdy, in his edition of Kent, thus speaks; "The intervention was based on three grounds. First, in order to

comply with the request of one of the parties; secondly, on the ground of humanity, in order to stay the effusion of blood; and, thirdly, in order to put a stop to piracy and anarchy. If the recognition of the Greek insurgents and the intervention in their favour are to be looked upon as precedents, it is fitting that all the facts connected with them should be investigated, all the documents examined, and a careful distinction made between the policy and the legality of what was done. And then, in spite of the vigorous defense of the British minister of the day, it is difficult to withhold our assent from the judgment passed by an able writer of our own time [Sir W. Harcourt, in 'Historicus'] upon the event, when he says that 'The emancipation of Greece was a high act of policy above and beyond the domain of law. As an act of policy it may have been and was justifiable; but it was not the less a hostile act, which if she had dared Turkey might properly have resented by war.'

Abdy's Kent (1878), 50.

It is not permissible for one sovereign to address another sovereign on political questions pending in the latter's domains unless invited so to do.

The treaty between France, Great Britain, and Russia, signed at London July 6, 1827, for the pacification of Greece, sets forth the specific grounds on which the three powers intervened. In the preamble the contracting parties declare that, "penetrated with the necessity of putting an end to the sanguinary struggle which, while it abandons the Greek provinces and the islands of the archipelago to all the disorders of anarchy, daily causes fresh impediments to the commerce of the states of Europe, and gives opportunity for acts of piracy which not only expose the subjects of the high contracting parties to grievous losses, but also render necessary measures which are burthensome for their observation and suppression;" and that two of the high contracting parties (France and Great Britain) having besides "received from the Greeks an earnest invitation to interpose their Mediation with the Ottoman Porte," and being, together with the Emperor of Russia, "animated with the desire of putting a stop to the effusion of blood, and of preventing the evils of every kind which the continuance of such a state of affairs may produce," they had all resolved to combine and regulate their efforts by a formal treaty with a view to reestablish peace between the contending parties by means of an arrangement demanded "no less by sentiments of humanity, than by interests for the tranquillity of Europe."

Hertslet's Map of Europe by Treaty, I. 760-770.

"Her Majesty's government deeply lament the outbreak of hostilities in North America, and they would gladly lend their aid to the restoration of peace.

"You are instructed, therefore, in case you should be asked to employ your good offices either singly or in conjunction with the representatives of other powers, to give your assistance in promoting the work of reconciliation.

"But as it is more probable, especially after a recent letter of Mr. Seward, that foreign advice is not likely to be accepted, you will refrain from offering it unasked. Such being the case, and supposing the contest not to be at once ended by signal success on one side or by the return of friendly feeling between the two contending parties, her Majesty's government have to consider what will be the position of Great Britain as a neutral between the two belligerents.

"So far as the position of Great Britain in this respect toward the European powers is concerned, that position has been greatly modified by the Declaration of Paris of April 16, 1856."

Earl Russell, British for. sec., to Lord Lyons, British min. at Washington, May 18, 1861, 55 Brit. & For. State Papers, 550; Dip. Cor. 1861, 131.

"The steadfast determination of the [British] government neither to say nor do anything which could reasonably be construed into an interference [in the civil war in the United States] was tested in November, 1862, when it was proposed by the Emperor of the French that the courts of France, Russia, and Great Britain should tender their good offices to both belligerents, in the hope of preparing the way for an accommodation. M. Dronyn de Lhuys, in addressing himself to the British government, dwelt on the 'innumerable calamities and immense bloodshed' which attended the war, and on the evils which it inflicted upon Europe. The two contending parties, he said, had up to that time fought with balanced success, and there appeared to be no probability that the strife would soon terminate. He proposed, therefore, that the three courts should join in recommending an armistice for six months, during which means might be discovered for effecting a lasting pacification. The British government declined to take part in such a recommendation, being satisfied that there was no reasonable prospect of its being entertained by that of the United States."

Bernard, *The Neutrality of Great Britain during the American Civil War*, 407-408.

The proposal was also rejected by Russia, unless it should be found to be acceptable to both parties. (Dip. Cor. 1863, II. 705, 708.)

"As soon as the news of the second battle of Bull Run reached England, Palmerston sent a note to Russell in which he spoke precisely but unsympathetically of the result as 'a very complete smashing' of the Federals. He also suggested that, in case Baltimore or Washington should fall into the hands of the Confederates,

it would be time for Great Britain and France to address the contending parties and recommend an arrangement upon the basis of separation. Russell expressed the opinion that what was known already would warrant 'offering mediation to the United States, with a view to the recognition of the independence of the Confederates.' . . . (October 30, 1862, he [Louis Napoleon] instructed the French ambassadors to Great Britain and to Russia to invite those powers to join France in requesting the belligerents to agree to an armistice of six months, so as to consider some plan for bringing the war to an end. . . . Great Britain promptly and unqualifiedly declined the proposition. . . . The complete change of mind on the part of Palmerston and Russell was probably due to three facts, which they had not anticipated: The 'smashing' of the Federals at Bull Run did not demoralize the Washington Government or lead to other results that were expected; the Confederates had lost in Maryland the prestige they had won in Virginia; and the preliminary proclamation of emancipation showed that the war was to become positively antislavery. . . . Russia's reply to Napoleon was also discouraging. She was unwilling to adopt the proposed course because she believed that it would not lead to peaceful results; yet if France and Great Britain should agree to act together on this question, Russia's representative at Washington would be instructed to lend to his colleagues, 'if not his official aid, at least moral support.' "

Bancroft, *Life of Seward*, II. 304, 307, 308, citing 2 Walpole's Russell, 340; *Dip. Cor.* 1862, 405; *Dip. Cor.* 1863, I. 3.

"Your private letter of October 7th has been received. There was no mystery in the Department's reply to Prince Gortschakoff. His admirable letter was throughout responsive to our own past communications through Mr. Clay to Russia. We are not prepared to accept counsels of mediation with the rebels, although they were generously offered. We could not, without rudeness, distinctly decline them. We were grateful for the generosity of the Czar, so strikingly in contrast with that of some other potentates, and at the same time thought it proper to avoid any seeming excitement resulting from it. The occasion was a proper one for showing that, as we are not provoked by European hostility, we are not unnaturally flattered by European friendship." (Mr. P. W. Seward, Acting Sec. of State, to Mr. Harvey, No. 16 (private), Nov. 5, 1861, *MS. Inst. Portugal*, XIV. 219.)

"There are speculations in the European press of propositions by some of the southern European powers to the states of northern Europe, for their concurrence in representations to be made to us, with a view to produce a deflexion from the policy of maintaining the union, which has been hitherto so constantly pursued. While we attach no credit to these rumors, the President nevertheless expects that you will be watchful of any such designs. There is only one road to peace in this country, and that is the one which the government has adopted under the inspiration of the will of the na-

tion." (Mr. Seward, Sec. of State, to Mr. Cameron, min. to Russia, No. 6, June 23, 1862, MS. Inst. Russia, XIV. 264.)

"The explanations of the views of the Russian government made to you by Prince Gortchacow, and his assurances of its fidelity and constancy towards the United States are deeply interesting and eminently gratifying. . . . Naturally the first thought which, in a time of apparent danger to our country, occurs to a foreign friend is the desirableness of an adjustment or arrangement of the strife. This suggestion is enforced by a contemplation of the calamities and sufferings which are wrought upon the battlefield. The generous mind, glowing with friendly zeal, refuses to admit the fact, however obvious, that composition of such troubles is impossible. This has been the case, especially with the excellent Russian minister plenipotentiary here. He has for some time pressed upon us the same sentiments which were expressed to you by Prince Gortchacow. Mr. Adams has informed us that Baron Brunnov, at London, has equally urged them, though with great delicacy, upon him. The Russian government need not doubt for a moment that the President will baul the first moment when any proposition of peace can be made which will arrest the strife without a sacrifice of the nation's Constitution and life. That period can not now be far off." (Mr. Seward, Sec. of State, to Mr. Taylor, chargé at St. Petersburg, No. 5, Nov. 22, 1862, MS. Inst. Russia, XIV. 207.)

Dec. 14, 1862, Mr. Seward enclosed to Mr. Taylor, for the latter's information, a copy of his No. 263, of Dec. 13, 1862, relative to the proposal of the French Emperor to Great Britain to unite in recommending an armistice. (Mr. Seward, Sec. of State, to Mr. Taylor, chargé at St. Petersburg, No. 8, Dec. 14, 1862, MS. Inst. Russia, XIV. 301.)

With reference to "the report of an intended new design" on the part of the French Emperor "to propose mediation in our civil war," Mr. Seward wrote: "Any such proceeding would meet with a prompt and decided answer from the United States. The principle of foreign mediation in our affairs can not be, in any form or under any circumstances, admitted. You will make this explanation, or refrain from making it, in the exercise of your own discretion." (Mr. Seward, Sec. of State, to Mr. Dayton, min. to France, No. 621, July 30, 1864, Dip. Cor. 1864, III. 134-135.)

A copy of the foregoing instruction was sent to Mr. Adams, at London. (Mr. Seward, Sec. of State, to Mr. Adams, min. to England, No. 1058, Aug. 1, 1864, MS. Inst. Gr. Br. XIX. 411.)

"I leave the French proposal to take its place among the incidents already past of the lamentable civil war of which we again think we are beginning to see an approaching end."

Mr. Seward, Sec. of State, to Mr. Adams, min. to England, No. 414, Nov. 30, 1862, Dip. Cor. 1863, I. 2.

See circular of Mr. Seward to the diplomatic officers of the United States, No. 20, Aug. 18, 1862, giving the views of the President as to any possible attempt at intervention or mediation by European powers in the American civil war. (Dip. Cor. 1862, 176.)

In a circular to the diplomatic officers of the United States, March 9, 1863, Mr. Seward transmitted a copy of concurrent resolutions of Congress concerning intervention in the civil war. These resolutions recited that it appeared from the diplomatic correspondence submitted to Congress that a proposition, friendly in form, looking to pacification through foreign mediation, had been made to the United States by the Emperor of the French and promptly declined by the President, and that, as the idea of mediation or intervention in some shape might be regarded by foreign governments as practicable, and as such governments might thus be led to proceedings tending to embarrass the friendly relations existing between them and the United States, it seemed fit, in order to remove all chance of misunderstanding on the subject and to secure for the United States the full enjoyment of that freedom from foreign interference which was one of the highest rights of independent states, for Congress to declare its convictions on the subject. The resolutions concluded by announcing it as the "unalterable purpose" of the United States that the war would be "vigorously prosecuted, according to the humane principles of Christian states, until the rebellion shall be overcome."

Dip. Cor. 1863, II. 812-814.

As to rumors of intervention on the part of France, see Dip. Cor. 1862, 173 et seq.

The French minister of foreign affairs declared that no thought of intervention was entertained. (Dip. Cor. 1862, 404.)

"Your despatch of August 20th has been submitted to the President. I give you herewith extracts from Mr. Dayton's latest communication treating of French proposals for British intervention in our affairs, and of the condition of Mexico. We are quite sure that the French government can not practice insincerity in its official communications with us. You will perceive, therefore, that what your informant in Scotland told you in regard to the Emperor is erroneous. You have confirmed the expectations which we had entertained concerning the opinion of Great Britain in regard to the proceedings of the Emperor in relation to Russia, and in relation to Mexico. What seems difficult to understand here, however, is that Great Britain gives no indications of concurrence in these opinions, and that the press of the country seems to become more intolerant of the United States the more clearly the failure of the intervention is revealed." (Mr. Seward, Sec. of State, to Mr. Adams, min. to England, No. 700, Sept. 5, 1863, MS. Inst. Great Britain, XIX. 5.)

"The correspondence which took place between this government and that of Her Majesty at an early stage of the insurrection shows that the United States deemed the formation of a mutual engagement by Great Britain with France, that those two powers would act in concert with regard to the said insurrection to be an unfriendly proceeding, and that the United States, therefore, declined to receive from

either of those powers any communication which avowed the existence of such an arrangement. I have, therefore, now to regret that Earl Russell has thought it necessary to inform this government that Her Majesty's government have found it expedient to consult with the government of France upon the question whether Her Majesty's government will now recognize the restoration of peace in the United States.

"It is a further source of regret that Her Majesty's government avow that they will continue still to require that any United States cruisers which shall hereafter be lying within a British port, harbor, or waters, shall be detained twenty-four hours, so as to afford an opportunity for any insurgent vessel, she actually being within the said port, harbor, or waters, to gain the advantage of the same time for her departure from the same port, harbor, or waters."

Mr. Seward, Sec. of State, to Sir F. Bruce, Brit. min., June 19, 1865, Dip. Cor. 1865, I. 407, 408.

"The fact that the national attachment of this country to France is so pure and so elevated, constitutes just the reason why it could be more easily supplanted by national insult or injustice than our attachment to any other foreign state could be. It is a chivalrous sentiment, and it must be preserved by chivalrous conduct and bearing on both sides. I deduce from the two positions which I have presented a conclusion which has the most solemn interest for both parties, namely, that any attempt at dictation—much more any aggression committed by the government of France against the United States—would more certainly and effectively rouse the American people to an attitude of determined resistance than a similar affront or injury committed by any other power. There is reason to believe that interested sympathizers with the insurrection in this country have reported to the French government that it would find a party here disposed to accept its mediation or intervention. I understand that they reckon upon a supposed sympathy between our Democratic citizens and the French government. It may as well be understood as soon as possible that we have no Democrats who do not cherish the independence of our country as the first element of Democratic faith, while, on the other hand, it is partiality for France that makes us willingly shut our eyes to the fact that that great nation is only advancing towards, instead of having reached, the democratic condition which attracts us in some other countries."

Mr. Seward, Sec. of State, to Mr. Dayton, min. to France, No. 278, Dec. 23, 1862, Dip. Cor. 1863, I. 630, 640-641.

See Mr. Seward, Sec. of State, to Mr. Adams, min. to England, No. 771, Nov. 30, 1863, 1 Dip. Cor. 1863, II. 1321.

By the treaty of peace between China and Japan, concluded at Shimonoseki, April 17, 1895, the Liaotung peninsula, including Port Arthur, was ceded to Japan. Russia, however, secured the support of France and Germany in a "friendly representation" to Japan to the effect that she would not be permitted to retain any increase of territory on the mainland. Japan, on the advice of Great Britain, reluctantly yielded to what appeared to be inevitable, and abandoned her conquest. Subsequently, Russia took possession of Port Arthur under a "lease," and virtually assumed control of the Liaotung peninsula. This incident and its consequences eventually brought about the war of 1904 between Japan and Russia.

Hall, *Int. Law*, 5th ed., 295-296.

See, as to the "lease" of Port Arthur, *supra*, §§ 807, 813.

2. POLICY OF NONINTERVENTION.

(1) DECLARATIONS OF POLICY.

§ 898.

"'You are afraid,' says Mr. Oswald to-day, 'of being made the tools of the powers of Europe.' 'Indeed I am,' says John Adams. I. 'What powers?' said he. 'All of them,' said I. 'It is obvious that all the powers of Europe will be continually manœuvring with us to work us into their real or imaginary balances of power. They will all wish to make of us a make-weight candle, when they are weighing out their pounds. Indeed, it is not surprising; for we shall very often, if not always, be able to turn the scale. But I think it ought to be our rule not to meddle; and that of all the powers of Europe, not to desire us, or, perhaps, even to permit us, to interfere, if they can help it.'"

Mr. John Adams's Diary, Nov. 18, 1782, 3 John Adams's Works, 316.

"Peace is made between Russia and the Porte, and the definitive treaty between England and Holland is expected to be soon signed. May the world continue at peace! But if it should not, I hope we shall have wisdom enough to keep ourselves out of any hroll, as I am quite in sentiment with the Baron de Nolken, the Swedish ambassador at St. James's, who did me the honor to visit me, although I had not visited him. 'Sir,' said he, 'I take it for granted, that you will have sense enough to see us in Europe cut each other's throats with a philosophical tranquillity.'" (Mr. J. Adams to the President of Congress, February 10, 1784, 8 John Adams's Works, 177, 178.)

"Our form of government, inestimable as it is, exposes us more than any other, to the insidious intrigues and pestilent influence of foreign nations. Nothing but our inflexible neutrality can preserve us. The public negotiations and secret intrigues of the English and the French have been employed for centuries in every court and country of Eu-

rope. Look back to the history of Spain, Holland, Germany, Russia, Sweden, Denmark, Prussia, Italy, and Turkey, for the last hundred years. How many revolutions have been caused! How many emperors and kings have fallen victims to the alternate triumphs of parties, excited by Englishmen or Frenchmen! And can we expect to escape the vigilant attention of politicians so experienced, so keensighted, and so rich? If we convince them that our attachment to neutrality is unchangeable, they will let us alone; but as long as a hope remains, in either power, of seducing us to engage in war on his side and against his enemy, we shall be torn and convulsed by their manœuvres."

"Patriot Letters," 1800, 9 John Adams's Works, 277

"The principle of foreign affairs, which I then advocated, has been the invariable guide of my conduct in all situations, as ambassador in France, Holland, and England, and as Vice-President and President of the United States, from that hour to this. . . . This principle was, that we should make no treaties of alliance with any European power; that we should consent to none but treaties of commerce; that we should separate ourselves, as far as possible and as long as possible, from all European politics and wars. In discussing the variety of motions which were made as substitutes for Mr. Chase's, I was remarkably cool, and, for me, unusually eloquent. On no occasion, before or after, did I ever make a greater impression on Congress." (Mr. J. Adams to Dr. Rush, Sept. 30, 1805, 1 John Adams's Works, 200.)

"If I could lay an embargo, or pass a new importation law against corruption and foreign influence, I would not make it a temporary but a perpetual law, and I would not repeal it, though it should raise a clamor as loud as my gag-law, or your grog-law, or Mr. Jefferson's embargo." (Mr. Adams to Mr. Rush, Sept. 27, 1808, 9 John Adams's Works, 601.)

"Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in Washington. frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course."

President Washington's Farewell Address, Sept. 1796, Writings of Washington, by Ford, XIII. 277, 316.

As to the French alliance, see, *supra*, § 821.

"I have ever deemed it fundamental for the United States never to take an active part in the quarrels of Europe.
Jefferson. Their political interests are entirely distinct from ours. Their mutual jealousies, their balance of power, their complicated alliances, their forms and principles of government, are all

foreign to us. They are nations of eternal war. All their energies are expended in the destruction of the labor, property and lives of their people. On our part, never had a people so favorable a chance of trying the opposite system, of peace and fraternity with mankind, and the direction of all our means and faculties to the purposes of improvement instead of destruction."

Mr. Jefferson to the President, June 11, 1823, 7 Jefferson's Works, 287.

See Jefferson's letter of Oct. 24, 1823, to President Monroe, *infra*, § 083.

See Mr. Jefferson, Sec. of State, to Mr. Morris, min. to France, March 12, 1793, *supra*, § 43; Mr. Jefferson, Sec. of State, to Messrs. Carmichael and Short, June 30, 1793, 4 Jefferson's Works, 9.

"A participation in it [a congress proposed by Mr. Canning for the settlement of the difficulties between Spain and her colonies] would not be likely to make converts to our principles; whilst our admission under the wing of England would take from our consequence what it would add to hers. Such an invitation, nevertheless, will be a mark of respect not without a value, and this will be more enhanced by a polite refusal than by an acceptance, not to mention that the acceptance would be a step leading us into a wilderness of politics and a den of conspirators."

Mr. Madison to Mr. Monroe, Dec. 26, 1823, Madison's Works, III. 353, 354.

"Separated as we are from Europe by the Great Atlantic Ocean, we can have no concern in the wars of the European governments nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, can not affect us. It is the interest of the United States to preserve the most friendly relations with every power and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them."

President Monroe's annual message, Dec. 7, 1824, Richardson's Messages, II. 200.

"Compare our situation and the circumstances of that time [that of Washington's farewell address] with those of the present day, and what, from the very words of Washington then, would be his counsels to his countrymen now? Europe has still her set of primary interests, with which we have

little or a remote relation. Our distant and detached situation with reference to Europe remains the same. But we were then the only independent nation of this hemisphere, and we were surrounded by European colonies, with the greater part of which we had no more intercourse than with the inhabitants of another planet. Those colonies have now been transformed into eight independent nations. [We may therefore say that] *America* has a set of primary interests which have none or a remote relation to Europe; that the interference of Europe, therefore, in those concerns should be spontaneously withheld by her upon the same principles that we have never interfered with hers, and that if she should interfere, as she may, by measures which may have a great and dangerous recoil upon ourselves, we might be called in defense of our own altars and firesides to take an attitude which would cause our neutrality to be respected, and choose peace or war, as our interest, guided by justice, should counsel."

President J. Q. Adams, special message, March 15, 1823, Richardson's Messages, II. 337.

Mr Macon, from the Committee of Foreign Relations of the Senate, January 16, 1826, referring to the message of the President nominating Richard C. Anderson and John Sergeant to be envoys extraordinary and ministers plenipotentiary to the assembly of the American nations at Panama, said: "By the principles of this policy, men-
dated by our wisest statesmen in former days and approved by the experience of all subsequent time, the true interest of the United States was supposed to be promoted by avoiding all entangling connections with any other nation whatsoever." (International American Conference, IV 53, 55.)

The government of the United States scrupulously refrains from taking part in the internal dissensions in foreign states, whether in the Old World or the New. (Mr Clay, Sec. of State, to Mr. Revenga, Jan. 30, 1828, MS. Notes to For. Legs. III. 421.)

"The President desires that you should not identify yourself with the feelings or objects of either of the contending parties. It is the ancient and well-settled policy of this government not to interfere with the internal concerns of any foreign country. However deeply the President might regret changes in the governments of the neighboring American States, which he might deem inconsistent with those free and liberal principles which lie at the foundation of our own, he would not, on that account, advise or countenance a departure from this policy."

Van Buren.

Mr. Van Buren, Sec. of State, to Mr. Moore, min. to Colombia, June 9, 1829, MS. Inst. Am. States, XIV. 12.

"An invariable and strict neutrality between belligerents and an entire abstinence from all interference in the concerns of other nations, are cardinal traits of the foreign policy of this Government. The obligatory character of this policy is regarded by its constituents with a degree of reverence and submission but little, if anything, short of that

which is entertained for the Constitution itself. To enable it to preserve the one, we have penal laws which subject to the severest punishment all attempts, within the scope of their authority, to aid or abet either party in a war prosecuted between foreign nations with which the United States are at peace; and it is made a standing instruction to our ministers abroad to observe the other with scrupulous fidelity" (Mr. Van Buren, Sec. of State, to Mr. Butler, min. to Mexico, Oct. 18, 1829, MS. *Inst. Am. States*, XIV. 165.)

"One of the settled principles of this government is that of noninterference in the domestic concerns of nations; and as it would not tolerate it in others, so must every act of its own functionaries, which might be construed into a departure from this principle, incur the decided disapprobation of the President." (Mr. Van Buren, Sec. of State, to Mr. Hann, *chargé d'affaires* to Chile, Oct. 15, 1830, MS. *Inst. Am. States*, XIV. 83.)

See, also, President Van Buren, annual message, Dec. 3, 1838, *Richardson's Messages*, III. 483; and discussion in 2 Benton's *Thirty Years' View*, 270.

"If, indeed, an attempt should be made to disturb them [the Spanish West Indies] by putting arms in the hands of one portion of their population to destroy another, and which, in its influence, would endanger the peace of a portion of the United States, the case might be different. Against such an attempt the United States (being informed that it was in contemplation) have already protested, and warmly remonstrated in their communications, last summer, with the government of Mexico. But the information lately communicated to us, in this regard, was accompanied by a solemn assurance that no such measures will, in any event, be resorted to; and that the contest, if forced upon them, will be carried on, on their part, with strict reference to the established rules of civilized warfare."

Mr. Van Buren, Sec. of State, to Mr. Van Ness, min. to Spain, Oct. 13, 1830, MS. *Inst. U. States Ministers*, XIII. 184.

In the adoption (in 1834-35) by the new South American states of their commercial policy, "the United States, . . . consistent throughout in the disinterestedness of their conduct towards them [the South American states] desire no preference. But they know too well what is due to themselves to be satisfied if a preference be granted to others."

Mr. Forsyth, Sec. of State, to Mr. Butler, min. to Mexico, Nov. 11, 1834, MS. *Inst. Mex.* XV. 42.

"The great communities of the world are regarded as wholly independent, each entitled to maintain its own system of law and government, while all in their mutual intercourse are understood to submit to the established rules and principles governing such intercourse. And the perfecting of this system of communication among nations, requires the strictest application of

the doctrine of nonintervention of any with the domestic concerns of others."

Mr. Webster, Sec. of State, to Mr. Everett, Jan. 20, 1842, *MS. Inst. Great Britain*, XV. 38

For message of President Tyler of Jan. 9, 1843, in reference to quintuple alliance for the suppression of the slave trade, see 6 *MS. Rep. Book*.

"In proclaiming and adhering to the doctrine of neutrality and nonintervention, the United States have not followed the lead of other civilized nations; they have taken the lead themselves and have been followed by others. . . .

"' Friendly relations with all, but entangling alliances with none,' has long been a maxim with us. Our true mission is not to propagate our opinions or impose upon other countries our form of government by artifice or force, but to teach by example and show by our success, moderation, and justice, the blessings of self-government and the advantages of free institutions. Let every people choose for itself, and make and alter its political institutions to suit its own condition and convenience. But while we avow and maintain this neutral policy ourselves, we are anxious to see the same forbearance on the part of other nations, whose forms of government are different from our own. The deep interest which we feel in the spread of liberal principles and the establishment of free governments, and the sympathy with which we witness every struggle against oppression, forbid that we should be indifferent to a case in which the strong arm of a foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country."

President Fillmore, annual message, Dec. 2, 1851 (*Mr. Webster, Sec. of State*), *Richardson's Messages*, V. 116,

See Mr. Webster, Sec. of State, to Mr. Rives, min. to France, Jan. 12, 1852, *supra*, § 43, I. p. 126; also, Mr. Webster, Sec. of State, to Mr. Hülse-mann, Austrian chargé d'affaires, Dec. 21, 1850, *supra*, § 72, I. 223 et seq.

"Your dispatch No. 174 of the 25th of November was received yesterday. It announces the result of the appeal to the
 Everett. people of France, on the subject of the restoration of the Empire, as far as the returns of the votes had come in. That event has already no doubt been consummated and the Empire formally proclaimed. This change will of course in no degree affect the friendly relations between the United States and France. A deep interest was felt by the government and people of this country in those events of February, 1848, which for a while promised to assimilate the institutions of France with our own. But it is the fundamental law of the American Republic, that the will of the people constitutionally expressed is the ultimate principle of government,

and it seems quite evident that the people of France have, with a near approach to unanimity, desired the restoration of the Empire."

Mr. Everett, Sec. of State, to Mr. Rives, Dec. 17, 1852, MS. Inst. France, XV. 165

See Mr. Everett, Sec. of State, to Count Sartiges, French min., Dec. 1, 1852, MS. Notes to France, VI. 196, *infra*, § 951

No matter how strongly the sympathies of the United States may be with the liberal constitutional party in Mexico,
Cass. "our government can not properly intervene in its behalf without violating a cardinal feature of our foreign policy."

Mr. Cass, Sec. of State, to Mr. McLane, min. to Mexico, March 7, 1859, MS. Inst. Mex. XVII. 209. See *supra*, § 51.

"Your despatches to No. 20, inclusive, have been received.

"Having taken into consideration the subject referred to in your No. 19, together with the request of the minister of foreign affairs of Venezuela, that this government would communicate to that of France thro' our minister in that country, the explanations of the Venezuelan government in regard to the recent peremptory dismissal of the French representative in that republic for an alleged interference in the domestic affairs of the country, I have to inform you that the Department does not feel warranted in complying with that wish. The difficulty between the Venezuelan government and the French chargé d'affaires is one in which this government is in no way involved. And while our interest in the peace and prosperity of Venezuela is as earnest and sincere as it ever has been, the interposition which it is proposed we should exercise would be a departure from our general policy in regard to the intervention in the concerns of other nations. I trust, therefore, that, after your explanations in conformity with the foregoing view of the case, the secretary of foreign relations will perceive the reasonableness of our nonintervention and will be convinced that the direct expression of the motives of his government in the course pursued towards Monsieur Levrand would probably be more acceptable to the government of His Majesty the Emperor of the French.

"And yet I can not close this despatch without desiring you to signify to the secretary of relations how highly this government appreciates the confidence which that of Venezuela has manifested in its justice and impartiality as indicated in its choice of the United States as the channel thro' which it preferred to offer explanations to the government of France."

Mr. Cass, Sec. of State, to Mr. Turpin, min. to Venezuela, No. 21, Nov. 5, 1859, MS. Inst. Venezuela, I. 211.

"Your able and very interesting despatch of June 10th, No. 36, has been submitted to the President.

Seward.

"I think that in the main you have rightly apprehended the sentiments of the government and people of this country in regard to the Spanish-American states, as well as the instructions of their history, their present political condition, their resources, their wants, the benefits they offer and the claims they have upon other nations.

"But it would be disingenuous on the part of the United States and injurious to the Spanish-American republics to encourage an expectation on their part that at the present conjuncture treaties guaranteeing their sovereignty can be contracted with this Government. Even if the traditional policy of this country derived from the teachings and practice of Washington could be proved to be erroneous its hold upon the mind of the American people would nevertheless prove to be too strong to be broken at this moment when the distractions of civil war are encouraging foreign intrigues and even inviting foreign aggression.

"The country, however, has tried and proved that policy and has hitherto found its ways to be ways of wisdom and all its paths to be the paths of peace.

"It may well be said that Washington did not enjoin it upon us as a perpetual policy. On the contrary, he inculcated it as the policy to be pursued until the union of the States, which is only another form of expressing the idea of the integrity of the nation, should be established, its resources should be developed and its strength, adequate to the chances of national life, should be matured and perfected. Whatever pleasant dreams upon that subject we have heretofore indulged are now broken by a conclusive shock, and we are trying through a civil war of unexampled severity the great question whether the Union of the States is indeed impregnable, and whether we are to remain, as we hitherto have been, one strong and enduring nation. It is not at such a time that the policy of the fathers which forbids entangling alliances is likely to be reviewed or discussed.

"Nor indeed ought it to be. Assuming the condition of the Spanish-American states to be one urgently demanding our national protection, the question whether we shall accord it is at least a practical one. We can not enter into covenants to render physical aid which we are not able and do not intend to keep. The people of the United States have a sensibility concerning engagements as just as it is peculiar. They never have contracted an obligation which they did not mean to fulfill and did not with all diligence fulfill in its letter and spirit. While we are engaged in a fearful and exhausting civil war at home, it could be only surplus treasure and surplus force that we could send abroad to protect and defend other states. Thus far

we had no such surplus force. True we shall have it when our domestic troubles shall have been ended. But we may well postpone the question how it shall be employed until the superfluous force itself shall be found in our hands. You appeal to us to heal the Spanish-American states. We are ourselves at this moment even more disordered than they, and the national conscience and national heart cry out to us 'Physician, heal thyself.' This is indeed just what we are doing.

"Again, our own difficulties and dangers are present, actual, engaging, absorbing. Those of the Spanish-American states are at most but probable and future.

"Moreover, the most effective aid which we can at any time render them is to be afforded hereafter as heretofore by the moral influences resulting from the stability and strength of our republican institutions. So far as the improvement of society and the increase of national strength are concerned, each of the Spanish-American republics must of course work out the case for itself. It is only foreign intervention, to occur while they are working it out, that they have to fear. No foreign nation disturbed them, all foreign nations grew forbearing towards them, while we remained undivided and impregnable.

"Their exposure and their apprehensions result from our own embarrassments. When we shall have surmounted them, the Spanish-American states will regain their accustomed safety.

"In giving you this view of the President's policy, I am not for a moment to be thought wanting in just apprehension of the importance of the commercial, moral and political advantages of fraternal and affectionate relations with the states in whose behalf your appeal is made. Americanism is one interest and ought to be one sentiment throughout this continent. Republicanism is one interest and has one destiny for the weal or woe of mankind throughout not only this continent, but throughout the world. But the policy which diffuses these two sentiments and advances these two interests is a policy of time, prudence, and peace, not of war and conquest."

Mr. Seward, Sec. of State, to Mr. Riotto, min. to Costa Rica, No. 20, July 7, 1862, MS. Inst. Am. States, XVI. 225.

"Your despatch of Aug. 27th, No. 44, together with the papers enclosed and marked IV., have been submitted to the President.

"These papers contain a letter written by the minister for foreign affairs of Costa Rica to a representative of the revolutionary government in New Granada, concerning a proposed congress of the American States to be held at Panama with a view of effecting arrangements for their mutual stability and safety. In this correspondence, his excellency the minister for foreign affairs of Costa Rica,

Mr. Iglesias, discusses the question whether the United States ought to be invited to attend such congress and become a party to the proposed arrangement. You inform me that the publication of this letter has produced some uneasiness in Costa Rica, on the ground that the remarks of Mr. Iglesias on that subject might be disagreeable to the United States.

"My despatch of July 7th, 1862, No. 20, has already informed you that the United States could not at present depart from their traditional policy so far as to enter into such a congress. You have already communicated to Mr. Iglesias in a general way the effect of that despatch. The President perceives no reason why you should not read to him the despatch itself if, for any reason, you deem it expedient to do so. At the same time you are authorized to assure Mr. Iglesias that so far from experiencing any sensibility concerning the views he has expressed in relation to the character of this Government, its past policy in regard to Spanish-American States, its present views, and its possible change of those views hereafter, the President sees nothing in the letter of Mr. Iglesias but the exercise of a rightful freedom of debate upon a legitimate question in a manner perfectly respectful to the government and people of the United States. The United States are conscious that jealousy of foreign states is an essential element in the political constitution of every nation which intends and hopes to preserve and maintain its own real sovereignty and independence. They would therefore rather encourage than complain of the expression of such jealousies in the republics of Spanish America, even although the watchfulness thus manifested bear upon the United States themselves."

Mr. Seward, Sec. of State, to Mr. Motte, min. to Costa Rica, No. 25, Sept. 17, 1862, MS. Inst. Am. States, XVI. 243.

"This government acts directly and sincerely in its intercourse with foreign nations, and no less directly and sincerely with New Granada than with all others. It regards the government of each state as its head until that government is effectually displaced by the substitution of another. It abstains from any interference with its domestic affairs in foreign countries, and it holds no unnecessary communication, secret or otherwise, with revolutionary parties or factions therein. It neither seeks to prevent social or political reforms in such countries nor lends its aid to reforms of them rightfully of which it has neither the authority nor the means to judge."

Mr. Seward, Sec. of State, to Mr. Burton, Oct. 25, 1862, MS. Inst. Colombia, XVI. 47.

"The first duty of a foreign minister is to maintain and practice in behalf of his government good faith and friendship towards the government to which he is accredited. It is not easy to conceive any case in which a minister could rightfully intervene and give aid or coun-

tenance to an insurrectionary movement in derogation of the sovereign to which he is accredited. Doubtlessly there are revolutions which deserve the sympathies and favor of all civilized states, but even in such cases the representatives of foreign governments should act by their direction and make their protests direct and explicit, taking the responsibilities of the termination of diplomatic intercourse. No such circumstances are known to us as existing in regard to the revolution in New Granada." (Mr Seward, Sec. of State, to Mr Burton, July 18, 1861, MS. Inst. Colombia, XVI. 7.)

"This government has not now, it seldom has had, any special transaction, either commercial or political, to engage the attention of a minister at Rome. Indeed, until a very late period the United States were without any representation at that ancient and interesting capital. The first colonists in this country were chiefly Protestants, who not merely recognized no ecclesiastical authority of the Pope, but were very jealous lest he might exert some ecclesiastical influence here which would be followed by an assumption of political power unfavorable to freedom and self-government on this continent. It was not seen that the political power of the Catholic Church was purely a foreign affair, constituting an important part of the political system of the European continent. . . . It is believed that ever since the tide of emigration set in upon this continent the head of the Roman Church and states has freely recognized and favored the development of this principle of political freedom on the part of the Catholics in this country, while he has never lost an opportunity to express his satisfaction with the growth, prosperity and progress of the American people. It was under these circumstances that this government, in 1848, wisely determined that while it maintained representatives in the capitals of every other civilized state, and even at the capitals of many semicivilized states which reject the whole Christian religion, it was neither wise nor necessary to exclude Rome from the circle of our diplomatic intercourse. Thus far the new relation then established has proved pleasant and beneficial.

"Just now Rome is the seat of profound ecclesiastical and political anxieties, which, more or less, affect all the nations of Europe. The Holy Father claims immunity for the temporal power he exercises, as a right incident to an ecclesiastical authority which is generally respected by the European states.

"On the other hand, some of those states, with large masses in other states, assert that this temporal power is without any religious sanction, is unnecessary and pernicious. I have stated the question merely for the purpose of enabling myself to give you the President's views of what will be your duty with regard to it. That duty is to forbear altogether from taking any part in the controversy. The reasons for this forbearance are three: First, that so far as spiritual

or ecclesiastical matters enter into the question they are beyond your province, for you are a political representative only. Second, so far as it is a question affecting the Roman States, it is a domestic one, and we are a foreign nation. Third, so far as it is a political question merely, it is at the same time purely an European one, and you are an American minister, bound to avoid all entangling connection with the politics of that continent.

"This line of conduct will nevertheless allow you to express, and you are therefore instructed to express, to His Holiness the assurances of the best wishes of the government and of the people of the United States for his health and happiness, and for the safety and prosperity and happiness of the Roman people."

Mr. Seward, Sec. of State, to Mr. Blatchford, Sept. 25, 1862, Dlp. Cor. 1862, 851.

With reference to an invitation from France to cooperate with the governments of Paris, London, and Vienna in the exercise of a moral influence with the Emperor of Russia with reference to affairs in Poland, Mr. Seward said:

"This government is profoundly and agreeably impressed with the consideration which the Emperor has manifested towards the United States by inviting their concurrence in a proceeding having for its object the double interests of public order and humanity. Nor is it less favorably impressed with the sentiments and the prudential considerations which the Emperor has in so becoming a manner expressed to the court of St. Petersburg. . . .

"Notwithstanding, however, the favor with which we thus regard the suggestion of the Emperor of the French, this government finds an insurmountable difficulty in the way of any active cooperation with the governments of France, Austria, and Great Britain, to which it is thus invited.

"Founding our institutions upon the basis of the rights of man, the builders of our Republic came all at once to be regarded as political reformers, and it soon became manifest that revolutionists in every country hailed them in that character, and looked to the United States for effective sympathy, if not for active support and patronage. Our invaluable Constitution had hardly been established when it became necessary for the government of the United States to consider to what extent we could, with propriety, safety, and beneficence, intervene, either by alliance or concerted action with friendly powers or otherwise, in the political affairs of foreign states. An urgent appeal for such aid and sympathy was made in behalf of France, and the appeal was sanctioned and enforced by the treaty then existing of mutual alliance and defense, a treaty without which it may even now be confessed, to the honor of France, our own sovereignty and independence

could not have been so early secured. So deeply did this appeal touch the heart of the American people that only the deference they cherished to the counsels of the Father of our Country, who then was at the fullness of his unapproachable moral greatness, reconciled them to the stern decision that, in view of the location of this republic, the characters, habits, and sentiments of its constituent parts, and especially its complex yet unique and very popular Constitution, the American people must be content to recommend the cause of human progress by the wisdom with which they should exercise the powers of self-government, forbearing at all times, and in every way, from foreign alliances, intervention, and interference.

"It is true that Washington thought a time might come when, our institution being firmly consolidated and working with complete success, we might safely and perhaps beneficially take part in the consultations held by foreign states for the common advantage of the nations. Since that period occasions have frequently happened which presented seductions to a departure from what, superficially viewed, seemed a course of isolation and indifference. It is scarcely necessary to recur to them. One was an invitation to a congress of newly emancipated Spanish-American states; another, an urgent appeal to aid Hungary in a revolution aiming at the restoration of her ancient and illustrious independence; another, the project of a joint guarantee of Cuba to Spain in concurrence with France and Great Britain; and more recently, an invitation to a cooperative demonstration with Spain, France, and Great Britain in Mexico; and, later still, suggestions by some of the Spanish-American states for a common council of the republican states situated upon the American continent. These suggestions were successively disallowed by the government, and its decision was approved in each case by the deliberate judgment of the American people. Our policy of nonintervention, straight, absolute, and peculiar as it may seem to other nations, has thus become a traditional one, which could not be abandoned without the most urgent occasion, amounting to a manifest necessity. Certainly it could not be wisely departed from at this moment, when the existence of a local, although as we trust only a transient disturbance, deprives the government of the counsel of a portion of the American people, to whom so wide a departure from the settled policy of the country must in any case be deeply interesting.

"The President will not allow himself to think for a single moment that the Emperor of the French will see anything but respect and friendship for himself and the people of France, with good wishes for the preservation of peace and order, and the progress of humanity in Europe, in the adherence of the United States on this occasion to

the policy which they have thus far pursued with safety, and not without advantage, as they think, to the interests of mankind."

Mr. Seward, Sec. of State, to Mr. Dayton, min. to France, No. 312, May 11, 1863, *Dip. Cor.* 1863, I. 667.

See, further, Mr. Seward, Sec. of State, to Mr. Motley, min. to Austria, Nos. 34 and 37, June 20, July 14, 1863, *Dip. Cor.* 1863, II. 926.

"Within the last three years it has seen an attempt at revolution in the ancient kingdom of Poland, a successful revolution in what was New Granada, but now is Colombia, a war between France and Mexico, a civil war in Venezuela, a war between three allied Spanish-American republics and Salvador, and a war between Colombia and Ecuador. It now sees a probability of a war between Denmark and Germany. In regard to such of these conflicts as have actually occurred, the United States have pursued the same policy, attended by the same measure of reserve, that they have thus far followed, in regard to the civil war in Santo Domingo. It is by this policy that the United States equally avoid throwing themselves across the way of human progress, or lending encouragement to factious revolutions. Pursuing this course, the United States leave to the government and people of every foreign state the exclusive settlement of their own affairs and the exclusive enjoyment of their own institutions. Whatever may be thought by other nations of this policy, it seems to the undersigned to be in strict conformity with those prudential principles of international law—that nations are equal in their independence and sovereignty, and that each individual state is bound to do unto all other states just what it reasonably expects those states to do unto itself."

Mr. Seward, Sec. of State, to Mr. Tassara, Feb. 3, 1864, *MS. Notes to Spain*, VII. 451.

As to keeping aloof from foreign interests, see 9 John Adams's Works, 108, 160, 118, 129, 136, 202, 277, 579.

As to nonintervention generally, see 3 John Adams's Works, 316; 7 *id.* 151; 8 *id.* 9, 178; (and see also discussions in 103 *N. Am. Rev.* 470, October, 1866).

As to special mission in reference to claims of Costa Rica on Nicaragua, see Mr. Cass, Sec. of State, to Mr. Jones, July 30, 1857, *MS. Inst. Special Missions*, III. 96.

"It is not deemed unreasonable on the part of the government of Hayti that it should ask leading maritime states to guarantee their sovereignty over Samana. The government of Hayti very properly consults the United States government with reference to such a guarantee. The President is gratified, also, that the Haytian government has submitted its views in a proper spirit to Great Britain. Nevertheless, the question unavoidably calls up that ancient and settled policy of the United States which disinclines them to the

constituting of political alliances with foreign states, and especially disinculcates them to engagements with foreign states in regard to subjects which do not fall within the range of necessary and immediate domestic legislation. This policy would oblige the United States to refrain from making such a guarantee as Hayti desires, but disclaiming for themselves all purpose or desire to disturb the peace and security of Hayti, the United States would be gratified if Great Britain and other maritime states should see fit to regard the wish of the government of Hayti in the same spirit of justice and magnanimity."

Mr. Seward, Sec. of State, to Sir F. Bruce, British min., Aug. 15, 1865, *Dip. Cor.* 1865, II. 191.

This note of Mr. Seward's was written in reply to a note from Sir F. Bruce, stating that the *chargé d'affaires* of Hayti had requested the British government to concur in guaranteeing the neutrality of the peninsula of Samana.

"In the opinion of the President, the most beneficent policy which this government can practice with reference to foreign states is to abstain from all authoritative or dictatorial proceedings in regard to their own peculiar affairs, while it employs at all times whatever just influence it enjoys to promote peace, and to recommend to them, by its own fidelity to justice and freedom, the institutions of free popular government. In this respect you have proceeded in harmony with the policy of the United States."

Mr. Seward, Sec. of State, to Mr. Kilpatrick, min. to Chile, No. 6, May 5, 1866, *Dip. Cor.* 1866, II. 411.

This instruction referred to the action of Mr. Kilpatrick in endeavoring to avert the bombardment of Valparaiso. In the course of the instruction, Mr. Seward said: "The conclusion at which you arrived upon an examination of the circumstances, that it was not your duty to advise or instruct Commodore Rodgers to resist the bombardment by force, is accepted and approved." (*Id.* 412.)

The instruction above quoted is recorded in *MS. Inst. Chile*, XV. 327.

The American commissioner and consul-general at Port au Prince having reported that there existed between Hayti and Santo Domingo jealousies which derived support from some imaginary political designs on the part of the United States, Mr. Seward said:

"The United States sincerely desire and hope that Hayti and St. Domingo may become cordial friends, and may dwell together in peaceful neighborhood, each maintaining its own sovereignty, integrity and independence. The forbearing and friendly policy of this government towards all the free states of the American continent and islands has been so often exposed and illustrated during the last five years, that it is deemed unnecessary now to make a distinct utterance on that subject, when no event has occurred which could bring

uncertainty or suspicion over it. If any such uncertainty or suspicion exist, either in Hayti or in St. Domingo, it is exclusively a creation of parties there, who have no grounds for claiming any interest or sympathy here."

Mr. Seward, Sec. of State, to Mr. Peck, No. 13, May 11, 1866, MS. Inst. Hayti, I. 71.

Mr. Seward added: "Perhaps I could not more clearly elucidate the policy of the United States in regard to other American governments than is already done in the correspondence which has recently taken place between the United States and some of the European powers with regard to Mexico. I give you, therefore, for your information, a copy of that correspondence. The President does not think that it would be expedient under the present circumstances to direct a formal conference between yourself and the representative of the United States in St. Domingo. The office of mediation is always a delicate one. It is never to be resorted to where alienation has not become flagrant, and it can not, even then, be safely or wisely resorted to without first obtaining the consent of the alienated parties."

"The intelligent and sympathetic interest which you manifest in the fortunes and destinies of the people of Greece, gives satisfaction to the Department. Although the United States look with favor upon the increase of material power of all governments that represent liberal and progressive ideas, and that are clothed with constitutional forms, even though those forms may not be the ones which we have adopted in our own case, and which, in communities trained to self-government, are the best preservatives of liberty; yet, can we never give to that favor any form other than a moral one. Your course in making that clear to the court and nation to which you are accredited is approved by the Department."

Fish.

Mr. Fish, Sec. of State, to Mr. Tuckerman, min. to Greece, No. 26, Sept. 30, 1869, MS. Inst. Greece, I. 20, acknowledging the receipt of Mr. Tuckerman's No. 78 of the 27th July.

See, also, Mr. Fish to Mr. Tuckerman, No. 42, June 21, 1870, MS. Inst. Greece, I. 29, acknowledging Mr. Tuckerman's No. 134 of the 19th of May.

It is against the policy of the United States to interfere in contests between the titular government of Hayti and insurgents.

Mr. Fish, Sec. of State, to Mr. Bassett, min. to Hayti, No. 16, Oct. 31, 1869, MS. Inst. Hayti, I. 158. Same to same, No. 132, March 26, 1873, MS. Inst. Hayti, I. 287.

"The settled foreign policy of the United States is in the familiar knowledge of all Europe and America. That policy forbids, on our part, all intercourse in the mutual affairs of other governments, and excludes interference by them in ours. It is the policy established by

the venerated founder of the American Republic, under circumstances of great difficulty pending the European wars growing out of the French Revolution. It has been steadfastly adhered to by every successive President of the United States, and is firmly rooted in the conviction and judgment and approval of the American people. It is the well-considered fixed idea, consecrated by experience, which lies at the foundation of all our intercourse with other powers. It has proved of signal benefit to the United States, and in the long run not less so to every friendly power. It commends itself unqualifiedly to the judgment of the President for the time being. Against this fundamental policy of the United States Mr. Catacazy has deliberately offended and is now daily deliberately offending. He has made himself busy, in season and out of season, in efforts to obstruct, embarrass, and defeat the recent negotiations between the United States and Great Britain for the adjustment of their mutual differences; and he continues in the same way now to interfere with the due execution of the treaty of Washington of 8th May last.

"As the government of the United States would not tolerate such conduct on the part of the minister of our close ally, the French Republic, in a similar emergency in the early days of our history, so it will not tolerate that conduct on the part of Mr. Catacazy, intimate as are the ties of amity between us and his government.

"The President directs me to say that he can not look on with indifference to see this extraordinary attempt to introduce at Washington the diplomatic practices of Constantinople."

Mr. Fish, Sec. of State, to Mr. Curtin, min. to Russia, No. 110, Nov. 16, 1871, S. Ex. Doc. 5, 42 Cong. 2 sess. 17.

"Treaties of foreign offensive and defensive alliance are contrary to the declared policy of this government. In the early years of our independence certain compacts of this nature were projected. A notable instance is found in the treaty with France, concluded in 1778, during the Revolutionary war, by the 11th article of which the United States guaranteed the French possessions in this hemisphere. The fulfillment of this stipulation proved to be the occasion of much embarrassment, and eventually of serious misunderstanding between the two countries, which defeated its object and rendered further 'entangling alliances,' as Mr. Jefferson characterized them, objectionable to the people of the United States."

Mr. Frelinghuysen, Sec. of State, to Mr. Baker, min. to Venezuela, No. 326, July 25, 1884, MS. Inst. Venezuela, III. 390.

By treaty of Nov. 18, 1903, the United States guarantees the independence of the Republic of Panama. See *supra*, § 868, vol. 3, p. 261.

See also the treaty with New Granada of 1846, *supra*, § 887.

"It is not our policy to intervene in the affairs of foreign nations to decide territorial questions between them."

Mr. Frelinghuysen, Sec. of State, to Mr. Kasson, min. to Germany, No. 37, Oct. 17, 1884, S. Ex. Doc. 196, 49 Cong. 1 sess. 13, in relation to the Congo question and the Berlin conference of 1884-5

See, also, President Cleveland, annual message, Dec. 8, 1885, *supra*, § 12; Mr. Bayard, Sec. of State, to Mr. Tree, min. to Belgium, No. 5, Sept. 11, 1885, S. Ex. Doc. 196, 49 Cong. 1 sess. 330; For. Rel. 1885, 60.

January 9, 1884, the House of Representatives of the United States, having heard of the death of the German statesman, Dr. Edward Lasker, while on a visit to the United States, adopted a resolution declaring: "His loss is not alone to be mourned by the people of his native land, where his firm and constant exposition of and devotion to free and liberal ideas have materially advanced the social, political, and economic conditions of those people, but by the lovers of liberty throughout the world." It was further resolved that a copy of the resolutions should be forwarded to the family of the deceased, and another copy to the American minister at Berlin for communication to the presiding officer of the Reichstag, of which Dr. Lasker was a member. The resolutions were sent to Mr. Frelinghuysen, Secretary of State, by whom they were transmitted to Mr. Sargent, then American minister in Berlin. Mr. Sargent handed one copy to a brother of Dr. Lasker, and the other he sent to the German foreign office, with the request that it be communicated to the Reichstag. This step Prince Bismarck declined to take, on the ground that the opinion which was expressed in the resolutions, as to the advantageous results of Dr. Lasker's political course, was not in accordance with the facts as he viewed them. "I would not venture," said Prince Bismarck. "to oppose my judgment to that of an illustrious assembly like the House of Representatives of the United States, if I had not gained during an active participation in German internal politics of more than thirty years an experience which encourages me to attach also to my opinion a certain competency *within these limits*." Prince Bismarck instructed the German minister at Washington to communicate these views to Mr. Frelinghuysen and also to leave with him, if he desired it, the engrossed copy of the resolutions. When the German minister carried out these instructions, Mr. Frelinghuysen stated that the President could not be supposed to have any wish as to what the German government might do in regard to the copy of the resolutions after it had decided not to transmit them to the body for which they were intended. The German minister observed that this reply relieved his government from the obligation to return the resolutions, and there the matter appears to have ended.

Message of President Arthur to the House of Representatives, March 10, 1884, H. Ex. Doc. 113, 48 Cong. 1 sess.

"At Cartagena, as at any other point in Colombia, not on the direct line of isthman transit, the only question presented for our consideration is the general one of the protection of the lives and property of citizens of the United States established there. Our right in this respect is of course neither more nor less than that of any other government whose citizens or subjects may be found at such points under similar circumstances. Interests of other nationalities than our own are understood to exist at Cartagena. Consequently no measure could be taken by forces of the United States for the protection of their citizens there, which we would not admit the perfect right of another government—that of England, France, or Germany, for instance—to employ for the like protection of its subjects.

"Generally speaking, persons who quit the shelter of their own flag to take up a voluntary residence in a foreign land do so at their own risk and subject to the vicissitudes of foreign invasion or domestic insurrection in the country where they cast their lot in common with the natives thereof. Their own government could not invade the country of their sojourn there to protect them from the consequences of war from without or from within, without committing a distinctly hostile act. Their rights are simply those of neutrals in a belligerent territory.

"But where the place of their sojourn is a port open to the world's commerce, to which foreign vessels have a right to resort, the presence of war vessels of their nation is proper to protect the national shipping in port and the lives and property of neutral citizens on shore, from any injurious treatment contrary to the received international rules of warfare. Such war vessels may properly afford asylum to our own noncombatant citizens and moral protection to their interests within the limits of legitimate warfare, and extreme cases may be conceived where the supreme law of self-preservation may require more effective measures if the bounds of legitimate warfare be overpassed. In no event, however, should such measures amount to an intervention in the domestic disturbances of that country by aiding one belligerent against the other."

Mr. Bayard, Sec. of State, to Mr. Whitney, Sec. of Navy, April 15, 1885,
155 MS. Dom. Let. 101.

"At this late day, when, after more than a century of national existence, the policy of this nation has been manifested against aggrandizement by conquest and in favor of sustaining by example and counsel the independence of its neighbors, there would seem to be no occasion for denial of any designs on the part of the United States against the political independence and territorial integrity of the sovereign commonwealths which lie between our southern

frontier and the Isthmus of Panama or elsewhere in the Western Hemisphere. The singleness and friendliness of our purposes toward them has been signally evidenced during the late occurrences on the Isthmus and in Central America; and every new proof of the growth among them of the forces of civilization, under the form of constitutional and popular government, is welcomed by this Government.

"I should, however, be sorry if your remark that the people of the United States, 'considering the character and training of the Mexican people, do not think them a desirable accession to our population,' were to leave on the President's mind any impression that we disparage Spanish-American civilization by contrast with our own. Their efforts in the path of progress have been no less earnest, and, in view of the geographical and physical obstacles to be overcome, their success has been scarcely less marked than ours. No question of race contrast, especially with regard to the mixed races which preponderate in certain localities, can enter as a factor in our treatment of peoples to whom we are allied by so many ties of common advantages and political sympathy."

Mr. Bayard, Sec. of State, to Mr. Roberts, min. to Chile, No. 3 (confid.), Aug. 21, 1885, MS. Inst. Chile, XVII. 178.

November 9, 1891, Mr. Blaine, as Secretary of State, instructed the American minister at Rio de Janeiro to express the hope that Brazil would, in her domestic affairs, pursue a policy of wise moderation. This instruction had reference to the action of the President of Brazil in dissolving Congress and declaring martial law. The Brazilian government, November 15, 1891, instructed its minister at Washington to reply that moderation was "born in the character of the Brazilian people, in the sentiment and in the policy of its President, and has been practiced by his government. The President acknowledges with great satisfaction that in this instance, as in so many others, the two Republics find themselves in perfect accord. And you may add that the friendly advice would be cherished with the feelings worthy such a friend."

For. Rel. 1891, 42, 51-52.

"The rule of this government is to observe the most absolute impartiality in respect to questions arising between its neighbors; to refrain from forming a judgment upon the merits of the mutual recriminations which may attend such disputes; to abstain from advising either party to the difference; and to exert mediatorial offices only when acceptable to both parties. "It is moreover an established rule of action with us to refrain from all appearance of union with other neutral powers looking

to intervention or mediation in the affairs of disputing states. It is regretted that you did not recall this salutary rule, and find some discreet way of avoiding even the semblance of concerted action with your British colleague in the sense of advising Guatemala as to its treatment of the questions existing with Mexico. It would be doubly unfortunate if your utterances had left on the mind of the Guatemalan executive an impression that the government of the United States inclined to the Guatemalan view of Mexico's intentions and might even thwart by force a hostile act of Mexico growing out of the present strained situation.

"This government, as the impartial friend of both Guatemala and Mexico, can not but deplore the tension which has arisen between them, and were the way open for our friendly action in a manner equally acceptable to both of them, we would gladly do what we properly might, in the same spirit of impartiality, to induce a friendly composition of their differences. This government conceives that it can only be useful toward such a result by maintaining, for itself and through its agencies, an attitude of unbiased reserve as to the merits of the points at issue. Were it to authorize such declarations as you appear to have made to President Cabrera, the maintenance of that neutral position would be impossible.

"I am therefore constrained to disapprove and disavow your action."

Mr. Day, Sec. of State, to Mr. Hunter, min. to Guatemala, No. 78, Sept. 16, 1898, MS. Inst. Cent. Am. XXI. 364, citing Mr. Adco, Act. Sec. of State, to Mr. Mizner, min. to Guatemala, No. 38, Sept. 10, 1889.

"This government has maintained an attitude of neutrality in the unfortunate contest between Great Britain and the Boer States of Africa. We have remained faithful to the precept of avoiding entangling alliances as to affairs not of our direct concern."

McKinley.

President McKinley, annual message, Dec. 5, 1899, For. Rel. 1899, xxii.

"In asserting the Monroe doctrine, in taking such steps as we have taken in regard to Cuba, Venezuela, and Panama, and in endeavoring to circumscribe the theater of war in the Far East, and to secure the open door in China, we have acted in our own interest as well as in the interest of humanity at large. There are, however, cases in which, while our own interests are not greatly involved, strong appeal is made to our sympathies. Ordinarily it is very much wiser and more useful for us to concern ourselves with striving for our own moral and material betterment here at home than to concern ourselves with trying to better the condition of things in other nations. We have plenty of sins of our own to

Roosevelt.

war against, and under ordinary circumstances we can do more for the general uplifting of humanity by striving with heart and soul to put a stop to civic corruption, to brutal lawlessness and violent race prejudices here at home than by passing resolutions about wrongdoing elsewhere. Nevertheless there are occasional crimes committed on so vast a scale and of such peculiar horror as to make us doubt whether it is not our manifest duty to endeavor at least to show our disapproval of the deed and our sympathy with those who have suffered by it. The cases must be extreme in which such a course is justifiable. There must be no effort made to remove the mote from our brother's eye if we refuse to remove the beam from our own. But in extreme cases action may be justifiable and proper. What form the action shall take must depend upon the circumstances of the case; that is, upon the degree of the atrocity and upon our power to remedy it. The cases in which we could interfere by force of arms as we interfered to put a stop to intolerable conditions in Cuba are necessarily very few. Yet it is not to be expected that a people like ours, which in spite of certain very obvious shortcomings, nevertheless as a whole shows by its consistent practice its belief in the principles of civil and religious liberty and of orderly freedom, a people among whom even the worst crime, like the crime of lynching, is never more than sporadic, so that individuals and not classes are molested in their fundamental rights—it is inevitable that such a nation should desire eagerly to give expression to its horror on an occasion like that of the massacre of the Jews in Kishenev, or when it witnesses such systematic and long-extended cruelty and oppression as the cruelty and oppression of which the Armenians have been the victims, and which have won for them the indignant pity of the civilized world."

President Roosevelt, annual message, Dec. 6, 1904, For. Rel, 1904, xlii.

(2) THE FRENCH REVOLUTION.

§ 899.

Genet, when he came to the United States in 1793, brought instructions to negotiate "a national agreement, in which two great peoples shall suspend their commercial and political interests, and establish a mutual understanding, to defend the empire of liberty, wherever it can be embraced; to guarantee the sovereignty of the people, and punish those powers who still keep up an exclusive colonial and commercial system, by declaring that their vessels shall not be received in the ports of the contracting parties." In a note of May 23, 1793, Genet proposed that the two peoples should by "a true family compact," establish a "commercial and political system," on a "liberal and fraternal basis." Washington had already, by his proclamation

of April 22, 1793, adopted the policy of nonintervention and neutrality.

Am. State Papers, For. Rel. I. 708-709, 147, 110. See *supra*, § 821.

(3) SPAIN AND HER COLONIES.

§ 900.

In the contest between Spain and her colonies, in which the latter achieved their independence, the United States adhered to the policy of neutrality and nonintervention. See *supra*, §§ 28-36; *infra*, § 930-936, 1320.

(4) GREEK INDEPENDENCE.

§ 901.

"The war of the Greeks for independence early attracted attention in this country. Mr. Dwight, of Massachusetts, on the 24th of December, 1822, presented to the House a memorial in their favor. The sentiment of the House was against meddling with the subject, and the memorial was ordered to lie on the table.

"Early in the next session (December 8, 1823), Mr. Webster submitted to the House a resolution that provision ought to be made by law for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the President shall deem it expedient to make such appointment. On the 19th of the same month the House requested the President to lay before it any information he might have received, and which he might deem it improper to communicate, respecting the condition and future prospects of the Greeks.

"On the 29th a memorial was presented from citizens of New York, requesting the recognition of the independence of Greece. On the 31st the President transmitted the desired information to Congress. On the 2d of January, 1824, Mr. Poinsett laid before the House a resolution of the general assembly of South Carolina that that State would hail with pleasure the recognition by the American government of the independence of Greece. On the 5th Webster presented a memorial from citizens of Boston. The debate upon Webster's resolution began upon the 19th of January and continued until the 26th. It took a wide range, developed great diversity of sentiment, and produced no result.

"The sympathy for the Greeks continued to manifest itself. On the 2d of January, 1827, Edward Livingston moved to instruct the Committee on Ways and Means to report a bill appropriating \$50,000 for provisions for their relief. The bill was negatived on the 27th. Private relief was given, and in his annual message to Congress in the

following December the President transmitted to Congress correspondence respecting it with Capo d'Istria and with the president and secretary of the Greek national assembly.

"The first and only treaty with Greece was concluded in London in 1837 between the ministers of the respective powers at that court. It was sent to Congress with the President's message of December 4, 1838."

Davis, *Notes, Treaty Vol.* (1770-1887), 1841; *supra*, § 41.

For correspondence in relation to the Greeks, in 1823-1824, see *Ex Papers* 14, 18 Cong. 1 sess.; *Am. State Papers*, For Rel. V. 231, 252.

(5) HUNGARIAN REVOLUTION.

§ 902.

As to the efforts made to induce the United States to depart from the policy of nonintervention in the Hungarian revolution of 1848, see *supra*, § 72; *infra*, § 905.

(6) CHILE-PERUVIAN WAR.

§ 903.

With reference to an inquiry as to the attitude of the United States in case a proposal should be received from Germany and Great Britain to act with them in a mediation between Chile and Peru in the war in South America, in the interest of the protection of commerce, Mr. Evarts said: "While as keenly alive as the governments of Germany or Great Britain can be to the dangers arising to commerce from the existence of so deplorable a war between kindred peoples, as well as to the greater prospective danger that the Argentine Republic and other South American States may yet be involved in the quarrel, and while it has been from the commencement of the struggle and is now ready to assist in the restoration of peace between the belligerents, whenever its good offices may be usefully proffered, yet this government does not look with favor upon any premature effort, nor any effort in combination with other neutral powers, which would carry the impression of dictation or coercion in disparagement of belligerent rights. Inquiry having been made of this government, through Her Britannic Majesty's minister at this capital, in the same sense as that addressed to you through Mr. Bucher, an identical answer was returned to Sir Edward Thornton. You will, of course, carefully note and report any tendencies you may observe toward further action by Germany in the direction of South American intervention, either with or without the cooperation of other powers."

Mr. Evarts, Sec. of State, to Mr. White, min. to Germany, No. 22, July 10, 1879, *MS. Inst. Germany*, XVI. 486.

In 1879 Mr. S. Newton Pettis, American minister to Bolivia, paid a visit to Lima and to Santiago in the interest of peace between the parties to the war then existing in South America. His mission was avowedly undertaken without the knowledge or direction of his government, and seems to have been limited to the endeavor to make each of the three governments concerned privately acquainted with the others' views with regard to a settlement of differences, especially by arbitration if a direct settlement should be unattainable. "Unauthorized and even rash," said the Department of State, "as Mr. Pettis' experiment might appear, the United States could not but rejoice at the result should the knowledge thus gained by the belligerents of each other's views conduce to an eventual settlement." The United States was "not, however, disposed to dictate a peace, or to take any steps looking to arbitration or intervention in disparagement of belligerent rights, or even to urge the conditions under which it may be reached. Its good offices have not been officially tendered, but if sought, on a practical basis of arbitration submitted by the several parties to the struggle, the President would not hesitate to use them in the interest of peace. . . . The Department dismisses, as unbiased rumor of a hostile press, the statement in some of the Chilean journals that you have indicated a purpose on the part of this government to end the war by intervention or by arbitration on terms proposed by itself."

Mr. Hunter, Act. Sec. of State, to Mr. Pettis, min. to Bolivia, No. 20, Oct. 1, 1879, MS. Inst. Bolivia, I. 262.

See, also, Mr. Evaris, Sec. of State, to Mr. Pettis, No. 25, Sept. 19, 1879, *id.* 261.

"The deplorable condition of Peru, the disorganization of its government, and the absence of precise and trustworthy information as to the state of affairs now existing in that unhappy country, render it impossible to give you instructions as full and definite as I would desire.

"Judging from the most recent dispatches from our ministers, you will probably find on the part of the Chilean authorities in possession of Peru a willingness to facilitate the establishment of the provisional government which has been attempted by Señor Calderon. If so, you will do all you properly can to encourage the Peruvians to accept any reasonable conditions and limitations with which this concession may be accompanied. It is vitally important to Peru that she be allowed to resume the functions of a native and orderly government, both for the purposes of internal administration and the negotiation of peace. To obtain this end it would be far better to accept conditions which may be hard and unwelcome than by demanding too much to force the continuance of the military control of Chile. It is

hoped that you will be able, in your necessary association with the Chilean authorities, to impress upon them that the more liberal and considerate their policy, the surer it will be to obtain a lasting and satisfactory settlement. The Peruvians can not but be aware of the sympathy and interest of the people and government of the United States, and will, I feel confident, be prepared to give to your representations the consideration to which the friendly anxiety of this government entitles them.

"The United States can not refuse to recognize the rights which the Chilean government has acquired by the successes of the war, and it may be that a cession of territory will be the necessary price to be paid for peace. It would seem to be injudicious for Peru to declare that under no circumstances could the loss of territory be accepted as the result of negotiation. The great objects of the provisional authorities of Peru would seem to be to secure the establishment of a constitutional government, and next to succeed in the opening of negotiations for peace without the declaration of preliminary conditions as an *ultimatum* on either side. It will be difficult, perhaps, to obtain this from Chile; but as the Chilean government has distinctly repudiated the idea that this was a war of conquest, the government of Peru may fairly claim the opportunity to make propositions of indemnity and guarantee before submitting to a cession of territory. As far as the influence of the United States will go in Chile, it will be exerted to induce the Chilean government to consent that the question of the cession of territory should be the subject of negotiation and not the condition precedent upon which alone negotiations shall commence. If you aid the government of Peru in securing such a result, you will have rendered the service which seems most pressing. Whether it is in the power of the Peruvian government to make any arrangements at home or abroad, singly or with the assistance of friendly powers, which will furnish the necessary indemnity or supply the required guarantee, you will be better able to advise me after you have reached your post.

"As you are aware, more than one proposition has been submitted to the consideration of this government looking to a friendly intervention by which Peru might be enabled to meet the conditions which would probably be imposed. Circumstances do not seem at present opportune for such action; but if, upon full knowledge of the condition of Peru, you can inform this government that Peru can devise and carry into practical effect a plan by which all the reasonable conditions of Chile can be met without sacrificing the integrity of Peruvian territory, the government of the United States would be willing to offer its good offices toward the execution of such a project.

"As a strictly confidential communication, I inclose you a copy of instructions sent this day to the United States minister at Santiago.

You will thus be advised of the position which this government assumes toward all the parties to this deplorable conflict. It is the desire of the United States to act in a spirit of the sincerest friendship to the three republics, and to use its influences solely in the interest of an honorable and lasting peace."

Mr. Blaine, Sec. of State, to Mr. Hurlbut, min. to Peru, No. 2, June 15, 1881, For. Rel. 1881, 914; War in South America, 500.

For the communication to the American minister at Santiago, see Mr. Blaine, Sec. of State, to Mr. Kilpatrick, min. to Chile, No. 2, June 15, 1881, For. Rel. 1881, 131; War in South America, 157.

In an instruction of November 22, 1881, Mr. Blaine, referring to Mr. Hurlbut's reports of his proceedings, expressed regret that a construction had been put upon the latter's language and conduct indicating a policy of active intervention on the part of the United States beyond the scope of his instructions. Mr. Hurlbut had stated, in a memorandum to Admiral Lynch, that the United States would "regard with disfavor" the annexation by Chile of Peruvian territory by right of conquest. "You were," said Mr. Blaine, "distinctly informed that this government could not refuse to recognize that such annexation might become a necessary condition in a final treaty of peace;" and the main purpose of Mr. Hurlbut's effort was expected to be "not so much a protest against any possible annexation, as an attempt by friendly but unofficial communications with the Chilean authorities (with whom you were daily associated), to induce them to support the policy of giving to Peru, without the imposition of harsh and absolute conditions precedent, the opportunity to show that the rights and interests of Chile could be satisfied without such annexation." Mr. Blaine also criticised some of the language used by Mr. Hurlbut in a letter to Señor García, the secretary of General Piérola—language which might seem to imply that the United States had recognized the government of Calderon instead of that of General Piérola, because of the former's resolution not to cede Peruvian territory. "No such motive," said Mr. Blaine, "has ever been declared by this government. The government of Calderon was recognized because we believed it to the interest of both Chile and Peru that some respectable authority should be established which could restore internal order, and initiate responsible negotiations for peace. We desired that the Peruvian government should have a fair opportunity to obtain the best terms it could, and hoped that it would be able to satisfy the just demands of Chile without the painful sacrifice of the national territory. But we did not make, and never intended to make, any special result of the peace negotiations the basis of our recognition of the Calderon government." Mr. Blaine also expressed his dissatisfaction with Mr. Hurlbut's action in sending a telegram to the American minister at Buenos Ayres suggesting that a

minister be sent by the Argentine government to Peru. Mr. Blaine especially deprecated this action because there then existed a serious difference between Chile and the Argentine Republic, so that such a recommendation would naturally be considered by Chile as an effort to effect a political combination against her. Mr. Blaine also disapproved the course of Mr. Hurlbut in negotiating with regard to a convention by which Peru was to cede to the United States a naval station in the Bay of Chimbote. Mr. Blaine thought such an arrangement desirable, but considered the time inopportune. But, having thus stated his impressions as to Mr. Hurlbut's action, Mr. Blaine said: "It becomes my duty to add that this Government is unable to understand the abolition of the Calderon government and the arrest of President Calderon himself by the Chilean authorities, or I suppose I ought to say by the Chilean government, as the secretary for foreign affairs of that government has in a formal communication to Mr. Kilpatrick declared that the Calderon government 'was at an end.' As we recognized that government in supposed conformity with the wishes of Chile, and as no reason for its destruction has been given us, you will still consider yourself accredited to it, if any legitimate representative exists in the place of President Calderon. If none such exists, you will remain in Lima until you receive further instructions, confining your communications with the Chilean authorities to such limits as your personal convenience and the maintenance of the rights and privileges of your legation may require." In conclusion, Mr. Blaine stated that circumstances had imposed upon the President the necessity of sending out a special mission.

Mr. Blaine, Sec. of State, to Mr. Hurlbut, min. to Peru, No. 10, Nov. 22, 1881, For. Rel. 1881, 948; War in South America, 565.

See, also, Mr. Blaine, Sec. of State, to Mr. Kilpatrick, min. to Chile, No. 16, Nov. 30, 1881, For. Rel. 1881, 141; War in South America, 171.

November 30, 1881, Mr. Blaine enclosed to Mr. William Henry Trescot a commission as special envoy with the rank of minister plenipotentiary to the Republics of Chile, Peru, and Bolivia. This commission was not to supersede the ordinary duties of the ministers plenipotentiary and resident then accredited to those governments, but, as those ministers were informed, all communications and negotiations connected with the settlement of pending difficulties between Chile, Peru, and Bolivia were to be transferred to Mr. Trescot's charge. Mr. Trescot was also informed that the President had directed the Third Assistant Secretary of State, Mr. Walker Blaine, to accompany him and to act under his directions.

Mr. Blaine, Sec. of State, to Mr. Trescot, No. 1, Nov. 30, 1881, For. Rel. 1881, 142; War in South America, 172.

See, also, Mr. Blaine, Sec. of State, to Mr. Walker Blaine, Nov. 30, 1881, For. Rel. 1881, 143; War in South America, 173.

Mr. Blaine's full instructions to Mr. Trescot bear date December 1, 1881. In these instructions Mr. Blaine referred to the defeat of General Piérola in January, 1881, his retreat across the mountains, and the surrender of Lima to the Chilean forces. Some of the leading citizens of Lima and Callao, said to have been encouraged by the Chilean authorities, sought to set up a new government under Señor Calderon. On May 9, 1881, the American minister at Lima was instructed by the Department of State that if the Calderon government was "supported by the character and intelligence of Peru," and was endeavoring to restore constitutional government with a view both to order within and negotiations with Chile for peace, he might recognize it as the existing provisional government and aid it by his advice and good offices. Acting on these instructions, Mr. Christiancy, on June 26, 1881, formally recognized the Calderon government. Subsequently a minister from the Calderon government was received at Washington. The adherents of Piérola gradually gave their adhesion to it, and the Peruvian Congress, which assembled within the neutral zone set apart for that purpose by the Chilean authorities, authorized President Calderon to negotiate a peace, on condition that no territory should be ceded. The Chilean military authorities thereupon issued an order forbidding the Calderon government to exercise its functions within the territory occupied by the Chilean army. Mr. Blaine said that, unable to understand this "sudden" and "unaccountable" change of policy on the part of Chile, the United States had instructed its minister at Lima to continue to recognize the Calderon government till more complete information would enable the Department of State to send further instructions. Immediately afterwards the Chileans arrested President Calderon and extinguished his government. "The President," continued Mr. Blaine, "does not now insist upon the inference which this action would warrant. He hopes that there is some explanation which will relieve him from the painful impression that it was taken in resentful reply to the continued recognition of the Calderon government by the United States. If, unfortunately, he should be mistaken, and such a motive be avowed, your duty will be a brief one. You will say to the Chilean government that the President considers such a proceeding as an intentional and unwarranted offense, and that you will communicate such an avowal to the government of the United States, with the assurance that it will be regarded by the government as an act of such unfriendly import as to require the immediate suspension of all diplomatic intercourse. You will inform me immediately of the happening of such a contingency and instructions will be sent you."

Mr. Blaine added that he did not anticipate such an occurrence, and that the course of the Chilean government would probably be

explained on other grounds. The objects which the President had at heart were, said Mr. Blaine, first, to prevent the misery, confusion, and bloodshed which the existing relations between Chile and Peru seemed only too certain to renew; and, secondly, to take care that in any friendly attempt to reach this desirable end the government of the United States was treated with the respectful consideration to which its disinterested purpose, its legitimate influence, and its established position entitled it. Should the Chilean government, while disclaiming any intention of offense, maintain its right to settle its difficulties with Peru without the friendly intervention of other powers, and refuse to allow the formation of any government in Peru which did not pledge its consent to the cession of territory, it would be Mr. Trescot's duty, "in language as strong as is consistent with the respect due an independent power, to express the disappointment and dissatisfaction felt by the United States at such a deplorable policy." The United States would not interpose to deprive Chile of the fair advantages of military success, nor put any obstacle in the way of the attainment of her future security; but, said Mr. Blaine, "We can not regard with unconcern the destruction of Peruvian nationality. If our good offices are rejected, and this policy of the absorption of an independent state be persisted in, this government will consider itself discharged from any further obligation to be influenced in its action by the position which Chile has assumed, and will hold itself free to appeal to the other republics of this continent to join it in an effort to avert consequences which can not be confined to Chile and Peru, but which threaten with extremest danger the political institutions, the peaceful progress, and the liberal civilization of all America."

Mr. Blaine, Sec. of State, to Mr. Trescot, No. 2, Dec. 1, 1881, For. Rel. 1881, 143; War in South America, 174.

As to the proposed conference of American republics, see Mr. Blaine to Mr. Trescot, No. 3, Dec. 2, 1881, For. Rel. 1881, 150.

"The President wishes in no manner to dictate or make any authoritative utterance to either Peru or Chile as to the merits of the controversy existing between those republics, as to what indemnity should be asked or given, as to a change of boundaries, or as to the personnel of the Government of Peru. The President recognizes Peru and Chile to be independent republics, to which he has no right or inclination to dictate.

"Were the United States to assume an attitude of dictation towards the South American republics, even for the purpose of preventing war, the greatest of evils, or to preserve the autonomy of nations, it must be prepared by army and navy to enforce its mandate, and to this end tax our people for the exclusive benefit of foreign nations.

"The President's policy with the South American republics and other foreign nations is that expressed in the immortal address of Washington, with which you are entirely familiar. What the President does seek to do, is to extend the kindly offices of the United States impartially to both Peru and Chile, whose hostile attitude to each other he seriously laments; and he considers himself fortunate in having one so competent as yourself to bring the powers of reason and persuasion to bear in seeking the termination of the unhappy controversy; and you will consider as revoked that portion of your original instruction which directs you on the contingency therein stated as follows:

"You will say to the Chilean government that the President considers such a proceeding as an intentional and unwarranted offense, and that you will communicate such an avowal to the government of the United States with the assurance that it will be regarded by the government as an act of such unfriendly import as to require the immediate suspension of all diplomatic intercourse. You will inform me immediately of the happening of such a contingency, and instructions will be sent to you."

"Believing that a prolific cause of contention between nations is an irritability which is too readily offended, the President prefers that he shall himself determine after report has been made to him whether there is or is not cause for offense.

"It is also the President's wish that you do not visit (although indicated in your original instruction you should do so), as the envoy of this government, the Atlantic republics after leaving Chile.

"The United States is at peace with all the nations of the earth, and the President wishes hereafter to determine whether it will conduce to that general peace, which he would cherish and promote, for this government to enter into negotiations and consultation for the promotion of peace with selected friendly nationalities without extending a like confidence to other peoples with whom the United States is on equally friendly terms.

"If such partial confidence would create jealousy and ill-will, peace, the object sought by such consultation, would not be promoted."

Mr. Frelinghuysen, Sec. of State, to Mr. Trescot, No. 6, Jan. 9, 1882, For. Rel. 1882, 57; War in South America, 180.

"On the other hand, he remains convinced that the United States has no right which is conferred either by treaty stipulations or by public law to impose upon the belligerents, unasked, its views of a just settlement, and it has no interests at stake commensurate with the evils that might follow an interference, which would authorize it to interpose between these parties, further than warranted by treaties, by public law, or by the voluntary acts of both parties." (Mr. Frelinghuysen, Sec. of State, to Mr. Trescot, No. 7, Feb. 24, 1882, For. Rel. 1882, 73, 75.)

The representatives of the United States in South America were directed by Mr. Frelinghuysen harmoniously to join in a courteous and friendly effort to aid the belligerent powers in reaching an agreement for peace, which, while securing to Chile the legitimate results of success, should at the same time not be unduly severe upon Peru and Bolivia. The American minister at Santiago was instructed to suggest to the Chilean government, as the basis for a treaty of peace, the cession to Chile of the Peruvian territory of Tarapacá and the submission to arbitration of the question whether any additional territory should be ceded, and if so, how much and on what terms. When this instruction reached Santiago, a substantial agreement had been effected by Chile with General Iglesias, as the representative of Peru. By this agreement Chile was to receive the province of Tarapacá and was to occupy for ten years the provinces of Tacna and Arica, at the end of which time a plebiscite was to be taken to determine which of the two powers should permanently hold those provinces, the successful power to pay to the other the sum of \$10,000,000. These terms, said Mr. Frelinghuysen, were more severe upon Peru than those which Chile and previously been willing to grant. It was after Señor Calderon had declined the terms of settlement offered by Chile, through the mediation of the American minister at Santiago, that Chile turned to General Iglesias and obtained from him the settlement above described. Under the existing conditions one of the most delicate and important questions to be decided was as to who should be recognized as the executive representative of the sovereignty of Peru. "It is not for this government," said Mr. Frelinghuysen, "to dictate to sovereign belligerent powers the terms of peace to be accepted by them, nor is it the right or duty of the United States in the premises to do more than to aid by their unprejudiced counsels, their friendly mediation, and their moral support the obtainment of peace—the much-desired end. If such an end can be reached in a manner satisfactory to all parties more speedily through negotiations with Peruvian authority other than that heretofore recognized by this government as the *de facto* ruler of Peru, this government will not, through any spirit of pride or pique, stand in the way of the hoped-for result."

Mr. Frelinghuysen, Sec. of State, to Mr. Phelps, min. to Peru, No. 8, July 26, 1883, For. Rel. 1883, 700.

"I transmit herewith for your information a copy of a dispatch from Mr. Logan, communicating the text of the protocol signed between General Iglesias and the Chilean general, Norva, leading to a definitive treaty of peace.

"An examination of the terms of the protocol shows that the foreign debt of Peru is guaranteed only to a limited extent by a por-

tion only of the guano product, the overplus, as well as all future discoveries of guano, to go to Chile.

"This government does not undertake to speak for any other than the lawful interests of American citizens which may be involved in this settlement, but as to them it must be frankly declared and unmistakably understood that the United States could not look with favor upon any eventual settlement which may disregard such interests.

"It may be difficult for you, in concert with your colleagues, to advocate any determinate solution of the embarrassing questions relating to the other foreign debt of Peru, since this government can not undertake to advocate the interests of any class of bondholders or other legitimate creditors of Peru without exercising a like watchful consideration for the interests of all. It seems, however, to be essential to a just and lasting peace either that Peru should be left in a condition to meet obligations toward other governments which were recognized prior to the war or which may be legitimately established, or that if Chile appropriates the natural resources of Peru as compensation for the expenses of the war she should recognize the obligations which rest upon those resources, and take the property with a fair determination to meet all just incumbrances which rest upon it.

"The President would see with regret any insistence by Chile upon a policy which would impose upon Peru heavier burdens than she has been disposed to impose during the past negotiations.

"Better terms, if offered, would be appreciated by him as a friendly recognition of the earnestness which this government has shown in endeavoring to bring about an honorable and equitable end to the painful strife."

Mr. Frelinghuysen, Sec. of State, to Mr. Phelps, min. to Peru, No. 8, Aug. 25, 1883, For Rel. 1883, 711.

"The opinion of the United States heretofore has been, that as the foreign obligations of Peru, incurred in good faith before the war, rested upon and were secured by the products of her guano deposits, Chile was under a moral obligation not to appropriate that security without recognizing the lien existing thereon. This opinion was frankly made known to Chile, and our belief was expressed that no arrangement would be made between the two countries by which the ability of Peru to meet her honest engagements towards foreigners would be impaired by the direct act of Chile. This government went so far as to announce that it could not be a party, as mediator, or directly lend its sanction to any arrangement which should impair the power of Peru to pay those debts."

Mr. Frelinghuysen, Sec. of State, to Mr. Phelps, min. to Peru, No. 27, Dec. 29, 1883, MS. Inst. Peru, XVII. 83.

See, also, Mr. Frelinghuysen to Mr. Phelps, tel., Feb. 28, 1884, MS. Inst. Peru, XVII. 41.

"Your several dispatches, so far as received to date, reporting the military and political situation in Peru, have been considered with the attention demanded by the importance of the occurrences you narrate. As supplemented by your later telegrams, they show the conclusion of a treaty of peace between General Iglesias and the Chilean plenipotentiary, on what are understood here to be bases substantially in accord with the terms of the protocol previously signed between General Iglesias and the representative of Chile; the evacuation of Lima by the Chilean forces; the installation there of a form of provisional administration under the Presidency of General Iglesias; and the revolt of the residents or garrison of Arequipa against the authority of Vice-President Montero, who thereupon escaped by flight. Besides this, it appears that the first public act of General Iglesias on assuming control of the provisional government thus established, was to issue a convocation for an assembly of delegates, to be chosen by the people of Peru, to whom is to be referred the question of accepting and ratifying the treaty which has been signed, and who are further to decide the Presidency of the Peruvian government.

"Of the terms of the treaty itself I can not at present speak. You are already acquainted with the views of this government upon the main point involved. It remains to be seen whether the people of Peru, in the expression of their national sovereignty, are disposed to accept the terms proposed to them. With this the government of the United States has no desire to interfere. It respects the independence of Peru as a commonwealth entitled to settle its own affairs in its own way. It recognizes too keenly the calamities of protracted strife, or the alternative calamity of prolonged military occupation by an enemy's forces, to seek, by anything it may say or do, to influence an adverse decision of the popular representatives of Peru. And a due respect for their sovereign independence forbids the United States from seeming to exert any positive or indirect pressure upon these representatives to influence their course.

"The state of facts reported by you makes it necessary to give you instructions respecting your relations with the provisional government. With the people of Peru this country aims, as it has always aimed, to maintain relations of friendship and sympathy. With the particular administration which may for the time assume to control the affairs of Peru we have little direct concern, except so far as our attitude towards it shall express our friendliness to the nation; hence we have no partiality for the Calderon-Montero government or desire that you should manifest any. Should the assembly which is about to convene be elected under circumstances entitling it to represent the people of Peru and declare for General Iglesias, this government would no doubt recognize him. This, however, it is unnecessary to say, as such an announcement in advance of the action of the assembly

might in effect exert an influence upon its deliberations, which we seek to avoid. . . .”

Mr. Frelinghuysen, Sec. of State, to Mr. Phelps, min. to Peru, No. 18, Nov. 15, 1883, For. Rel. 1883, 727.

“Your energy in seeking to reach some conclusion is appreciated, but for this government to direct you to tell Peru that it should surrender Tarapacá, Tacna, and Arica, on receiving \$10,000,000, would be assuming to decide a question between two nations when we have not been requested to arbitrate, and it would be telling Chile it might properly make claim for the territory. Peru’s condition may be so deplorable that it is wise for her to accept these terms, but Peru and not the United States as to this must decide.”

Mr. Frelinghuysen, Sec. of State, to Mr. Logan, min. to Chile, tel., Jan. 5, 1883, MS. Inst. Chile, XVII. 48.

(7) SYMPATHY WITH LIBERAL POLITICAL STRUGGLES.

§ 904.

“Born, sir, in a land of liberty; having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my own country, my anxious recollections, my sympathetick feelings, and my best wishes are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom. But above all, the events of the French Revolution have produced the deepest solicitude, as well as the highest admiration. To call your nation brave, were to pronounce but common praise. Wonderful people! Ages to come will read with astonishment the history of your brilliant exploits! I rejoice, that the period of your toils and of your immense sacrifices, is approaching. I rejoice that the interesting revolutionary movements of so many years have issued in the formation of a constitution designed to give permanency to the great object for which you have contended. I rejoice that liberty, which you have so long embraced with enthusiasm—liberty, of which you have been the invincible defenders, now finds an asylum in the bosom of a regularly organized government—a government, which, being formed to secure the happiness of the French people, corresponds with the ardent wishes of my heart, while it gratifies the pride of every citizen of the United States, by its resemblance to their own. On these glorious events, accept, sir, my sincere congratulations.

“In delivering to you these sentiments, I express not my own feelings only, but those of my fellow-citizens, in relation to the commencement, the progress, and the issue of the French Revolution; and they will cordially join with me in purest wishes to the Supreme

Being, that the citizens of our sister Republick, our magnanimous allies, may soon enjoy in peace, that liberty which they have purchased at so great a price, and all the happiness which liberty can bestow.

"I receive, sir, with lively sensibility, the symbol of the triumphs and of the enfranchisement of your nation, the colours of France, which you have now presented to the United States. The transaction will be announced to Congress; and the colours will be deposited with those archives of the United States, which are at once the evidences and the memorials of their freedom and independence. May these be perpetual! and may the friendship of the two Republicks be commensurate with their existence."

Answer of President Washington to the address of the French minister, Mr. Adet, on his presenting the colors of France to the United States, January 1, 1796. (2 *Walt's State Papers*, 98.)

(8) HOSPITALITY TO POLITICAL REFUGEES.

§ 905.

See *supra*, § 72.

"You are well aware that the deepest interest is felt, among the people of the United States, in the fate of Kossuth and his compatriots of Hungary, who have hitherto escaped the vengeance of Austria and Russia by seeking an asylum within the boundaries of the Ottoman Empire. The accounts respecting them have been so conflicting—sometimes representing them as having escaped, and at others as being captive—that we have not known what to credit, and have, therefore, declined to interfere in their behalf; nor do we now desire to interfere by entangling ourselves in any serious controversy with Russia or Austria. But we can not suppose that a compliance with the dictates of humanity, now that the contest with Hungary is over, would involve our friendly relations with any other power. Should you be of the opinion that our good offices would avail anything to secure their safety and their escape from the hands of those who still pursue them, it is desired by your Government that you should intercede with the Sultan in their behalf. The President would be gratified if they could find a retreat under the American flag, and their safe conveyance to this country, by any one of our national ships which may be about to return home, would be hailed with lively satisfaction by the American people."

Mr. Clayton, Sec. of State, to Mr. Marsh, Jan. 12, 1850, *MS. Inst. Turkey*, I. 338. Extracts from this instruction were published in *S. Ex. Doc. 43*, 31 Cong. 1 sess. 13.

"By a dispatch of my predecessor, you were instructed to offer to the Sublime Porte to receive Mr. Kossuth and his companions on

board of one of the national ships of the United States, to convey them to this country.

"It would be extremely gratifying to the government and people of the United States if this proposition could have been, at that time, accepted; but it is understood that its not having been complied with, by the Sublime Porte did not arise from a wish, on His Imperial Majesty's part, to detain them, or from any unwillingness that they should proceed to the United States, but was in consequence of the Sultan's offer to Austria, to detain these persons for one year, at the expiration of which time, unless further conventions should be entered into to prolong their detention, they should be at liberty to depart.

"If this be so, the time is near at hand when their release may be expected, and when they may be permitted to seek an asylum in any part of the world to which they shall be able to procure the means of transportation.

"It is confidently hoped that the Sublime Porte has not made, and will not make, any new stipulation, with any power, for their further detention; and you are directed to address yourself urgently, though respectfully, to the Sublime Porte on this question.

"You will cause it to be strongly represented that while this Government has no desire or intention to interfere, in any manner, with questions of public policy, or international or municipal relations of other governments, not affecting the rights of its own citizens, and while it has entire confidence in the justice and magnanimity and dignity of the Sublime Porte, yet on a matter of such universal interest, it hopes that suggestions proceeding from no other motive, than those of friendship and respect for the Porte, a desire for the continuance and perpetuity of its independence and dignified position among the nations of the earth, and a sentiment of commiseration for the Hungarian exiles, may be received by the Porte in the same friendly spirit in which they are offered, and that the growing good feeling and increasing intercourse between the two governments may be still further fostered and extended by a happy concurrence of opinion and reciprocity of confidence upon this as upon all other subjects. Compliance with the wishes of the government and people of the United States in this respect will be regarded as a friendly recognition of their intercession, and as a proof of national good will and regard.

"The course which the Sublime Porte pursued in refusing to allow the Hungarian exiles to be seized upon its soil by the forces of a foreign state or to arrest and deliver them up itself to their pursuers was hailed with universal approbation, it might be said with gratitude, everywhere throughout the United States, and this sentiment was not the less strong because the demand upon the Sublime Porte was made

by governments confident in their great military power, with armies in the field of vast strength, flushed with recent victory, and whose purposes were not to be thwarted or their pursuit stayed by any obstacle less than the interposition of an empire prepared to maintain the inviolability of its territories and its absolute sovereignty over its own soil.

“ This government, jealous of its own territorial rights, regarded with great respect and hearty approbation the firm and lofty position assumed by His Imperial Majesty at that time, and so proudly maintained under circumstances well calculated to inspire doubt, and against demands urged with such gravity and supported by so formidable an array. His Imperial Majesty felt that he should be no longer an independent prince if he consented to be anything less than the sovereign of his own dominions.

“ While thus regarding the political position and conduct of the Sublime Porte in reference to other powers, His Majesty's generosity in providing for the wants of the fugitives, thus unexpectedly and in so great numbers throwing themselves upon his protection, is considered equally worthy of admiration. . . .

“ For their attempt at independence they have most dearly paid, and now, broken in fortune and in heart, without home or country, a band of exiles, whose only future is a tearful remembrance of the past, whose only request is to spend the remainder of their days in obscure industry, they await the permission of His Imperial Majesty to remove themselves, and all that may remain to them, across the ocean to the uncultivated regions of America, and leave forever a continent which to them has become more gloomy than the wilderness, more lone and dreary than the desert.

“ The people of the United States expect from the generosity of the Turkish monarch that this permission will be given. They wait to receive these exiles on their shores, where, without giving just cause of uneasiness to any government, they may enjoy whatever of consolation can be afforded by sympathy for their sufferings and that assistance in their necessities which this people have never been late in offering to any, and which they are not now for the first time called upon to render. Accustomed themselves to high ideas of national independence, the people of the United States would regret to see the government of the vast Empire of Turkey constrained, by the force of circumstances, to exercise the duty of keeping prisoners for other powers.

“ You will further say to the Sublime Porte that if, as this government hopes and believes, Mr. Kossuth and his companions are allowed to depart from the dominions of His Imperial Majesty at the expiration of the year commencing in May, 1850, they will find conveyance to the United States in some of its national ships now in the

Mediterranean Sea which can be spared for that purpose, and you will, on receiving assurances that these persons will be permitted to embark, ascertain precisely their numbers, and immediately give notice to the commander of the United States squadron on that station, who will receive orders from the proper authorities to be present with such of the ships as may be necessary or can leave the station to furnish conveyance for Kossuth and his companions to the United States."

Mr. Webster, Sec. of State, to Mr. Marsh, Feb. 23, 1851, MS. Inst. Turkey, I. 346.

"On the 3d of March last both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.

"The instruction above referred to was complied with, and, the Turkish government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam frigate *Mississippi*, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the *Mississippi* at Gibraltar for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State he has expressed his grateful acknowledgments for the interposition of this government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom political events have exiled from their own homes in Europe, and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated."

President Fillmore, annual message, Dec. 2, 1851 (Mr. Webster, Secretary of State), *Richardson's Messages*, V. 119.

That the government of the United States contemplated the coming of Kossuth and his companions to America as emigrants is shown not only by Mr. Webster's instructions to Mr. Marsh of Feb. 23, 1851, *supra*, but also by the joint resolution of Congress, which requested the President to employ a public vessel "if it [should] be the wish of these exiles to emigrate to the United States," and by the instructions of the Secretary of the Navy, who directed Commodore Morgan, the commander of the squadron of the United States in the Mediterranean, to send the steamer *Mississippi* to Constantinople as soon as he should be advised that they desired "to seek a home" in the United States, and that the Sultan had consented to their departure.

Kossuth, in his acceptance of the offer, did not refer to this aspect of it,^a but it was soon ascertained by the representative of the United States, diplomatic as well as naval, in the East, that he had other views. He embarked on board the *Mississippi* Sept. 10, 1851. At Smyrna and other Mediterranean ports at which the vessel called his presence gave rise to revolutionary demonstrations, in which he himself participated. Especially was this the case at Marseilles, where he went ashore, expecting to proceed through France to England and afterwards to rejoin the *Mississippi* at Gibraltar. A great commotion ensued, and permission to pass through France was refused him. Leaving Marseilles in the midst of what Mr. Hodge, the United States consul, called a "mob valedictory," the *Mississippi* conveyed him to Gibraltar, where he took a steamer for England. He embarked for the United States on the 24th of November on the American steamer *Humboldt*, at Southampton, and arrived at New York on the night of the 4th of December. At Washington he was presented by Mr. Webster to the President. Jan. 5, 1852, he was received by the Senate, and on the 7th by the House. In the Senate the proceedings were purely formal, and there were no addresses; in the House the same formality was observed, but Kossuth, after his presentation, briefly expressed his thanks for the cordiality of his reception.

On the evening of January 7 Kossuth attended a Congressional banquet, at which Mr. William R. King, President of the Senate, assisted by the Speaker of the House, presided, it having been understood that nothing objectionable to those gentlemen as "nonintervention men" should be said at the dinner. Among the speakers was Mr. Webster, who, in concluding his remarks, said:

"The progress of things is unquestionably onward. It is onward with respect to Hungary; it is onward everywhere. Public opinion, in my estimation at least, is making great progress. It will penetrate all resources; it will come more or less to animate all minds; and, in respect to that country for which our sympathies to-night have been so strongly invoked, I can not but say that I think the people of Hungary are an enlightened, industrious, sober, well-inclined community, and I wish only to add that I do not now enter into any discussion of the form of government that may be proper for Hungary. Of course, all of you, like myself, would be glad to see her, when she becomes independent, embrace that system of government which is most acceptable to ourselves. We shall rejoice to see our American model upon the Lower Danube and on the mountains of Hungary. But this is not the first step. It is not that which will

^a H. Ex. Doc. 78, 32 Cong. 1 sess. 26.

be our first prayer for Hungary. That first prayer shall be that Hungary may become independent of all foreign powers; that her destinies may be intrusted to her own hands and to her own discretion. I do not profess to understand the social relations and connections of races, and of twenty other things that may affect the public institutions of Hungary. All I say is that Hungary can regulate these matters for herself infinitely better than they can be regulated for her by Austria; and, therefore, I limit my aspirations for Hungary, for the present, to that single and simple point—Hungarian independence, Hungarian self-government, Hungarian control of Hungarian destinies.”

Curtis, *Life of Webster*, II. 578. See, as to Mr Webster's presence at the banquet, his letter to President Fillmore, Jan. 7, 1852, Webster's *Private Correspondence*, II. 503

During his visit to Washington Kossuth sought and obtained an interview with Mr. Clay, who was then in feeble health. In the course of an extended conversation Mr. Clay said:

“For the sake of my country you must allow me to protest against the policy you propose to her. Waiving the grave and momentous question of the right of one nation to assume the executive power among nations, for the enforcement of international law, or of the right of the United States to dictate to Russia the character of her relations with the nations around her, let us come at once to the practical consideration of the matter. You tell us yourself, with great truth and propriety, that mere sympathy, or the expression of sympathy, can not advance your purposes. You require material aid. . . . Well, sir, suppose that war should be the issue of the course you propose to us, could we then effect anything for you, ourselves, or the cause of liberty? To transport men and arms across the ocean in sufficient numbers and quantities to be effective against Russia and Austria, would be impossible. . . . Thus, sir, after effecting nothing in such a war, after abandoning our ancient policy of amity and non-intervention in the affairs of other nations, and thus justifying them in abandoning the terms of forbearance and non-interference which they have hitherto preserved toward us; after the downfall, perhaps, of the friends of liberal institutions in Europe, her despots, imitating and provoked by our example, may turn upon us in the hour of weakness and exhaustion, and with an almost irresistible force of reason and of arms, they may say to us: ‘You have set us the example; you have quit your own to stand on foreign ground; you have abandoned the policy you professed in the day of your weakness, to interfere in the affairs of the people upon this continent, in behalf of those principles the supremacy of which you say is necessary to your prosperity, to your existence. We,

in our turn, believing that your anarchical doctrines are destructive of, and that monarchical principles are essential to, the peace, security, and happiness of our subjects, will obliterate the bed which has nourished such noxious weeds; we will crush you, as the propagandists of doctrines so destructive of the peace and good order of the world.' The indomitable spirit of our people might and would be equal to the emergency, and we might remain unsubdued, even by so tremendous a combination, but the consequences to us would be terrible enough. You must allow me, sir, to speak thus freely, as I feel deeply, though my opinion may be of but little import, as the expression of a dying man. . . . By the policy to which we have adhered since the days of Washington we have prospered beyond precedent; we have done more for the cause of liberty in the world than arms could effect; we have shown to other nations the way to greatness and happiness. . . . Far better is it for ourselves, for Hungary and for the cause of liberty, that, adhering to our wise pacific system and avoiding the distant wars of Europe, we should keep our lamp burning brightly on this western shore, as a light to all nations, than to hazard its utter extinction, amid the ruins of fallen and falling republics in Europe."

Report of the special committee appointed by the common council of the city of New York to make arrangements for the reception of Gov. Louis Kossuth, Appendix, 574-577

Kossuth left Washington January 12, 1852. He addressed to President Fillmore a farewell letter, with the request that it might be communicated to Congress. To this request the President, through Mr. Webster, declined to accede, at the same time suggesting that the letter might be sent to the presiding officers of the two Houses. On this suggestion Kossuth subsequently acted, but his letter was coldly received, a motion to print it being carried in the Senate by only one vote, after a debate characterized by much freedom of expression.

After the Congressional banquet Mr. Hülsemann, the Austrian chargé d'affaires, who, in consequence of differences with Mr. Webster, had become unable to communicate with the Department of State, sought an interview with the President, and, although he was not entitled to claim an audience of the head of the state, the President received him and assured him of his desire to maintain friendly relations with Austria. At the end of April, however, Mr. Hülsemann, his relations with the Department of State having undergone no improvement, gave notice of his withdrawal from Washington, assigning as the principal reason therefor the course of Mr. Webster at and previously to the Congressional banquet. Mr. Webster afterwards addressed to Mr. McCurdy, the chargé d'affaires of the United

States at Vienna, a communication in which he maintained that "no foreign government or its representative can take just offense at anything which an officer" of the United States "may say in his private capacity;" that "official communications only are to be regarded as indicating the sentiments and views of the Government of the United States;" and that, if those communications were of a "friendly character," the "foreign government has no right or reason to infer that there is any insincerity in them, or to point to other matters as showing the real sentiments of the government."

S. Ex. Doc. 92, 32 Cong. 1 sess.

Mr. Hülsemann afterwards returned to Washington on an intimation by Mr. Everett, who had succeeded Mr. Webster as Secretary of State, that it would be agreeable to the President if he should resume his post.

The following documents contain correspondence in relation to Kossuth: S. Ex. Doc. 43, 31 Cong. 1 sess., Parts I and II; S. Ex. Doc. 81, 31 Cong. 1 sess.; S. Ex. Doc. 9, 31 Cong. 2 sess.; S. Ex. Doc. 92, 32 Cong. 1 sess.; H. Ex. Doc. 78, 32 Cong. 1 sess.

"M. Kossuth [because of the President's repulse of his appeal for intervention] was in no amiable mood during his visit to Washington. He was reserved and moody, and received the attentions that were lavished upon him with a *distrain* and dissatisfied air, and with a scant return of courtesy. It so happened that I chanced to make my New Year's call on Mr. and Mrs. Webster at the moment that M. Kossuth and his party entered. He stood apart from the few guests that were then present, and his whole bearing threw a chill and restraint over the circle. I remarked to Mrs. Webster that her illustrious guest seemed to be in an unsocial mood, and she replied that when she had attempted to open conversation with him by remarking upon the brightness of the day, he replied that he took no interest in the weather—that his mind was absorbed in painful thoughts about his country—and the conversation, naturally enough, proceeded no further.

"I think it was on the following day that the President gave a dinner to M. Kossuth, to which General Scott and the Cabinet and a few other public men, and to which also I and my wife were invited. As we were about to proceed to the reception room we encountered Mr. and Mrs. Webster, and at the suggestion of the latter Mrs. Webster took my arm and he gave his own to my wife. As we were about to move in this order, a servant announced that M. Kossuth was immediately behind us, whereupon Mr. Webster turned to welcome him, announcing to his wife at the same moment—against her remonstrances, for she felt that he had been rude to her—that we must change 'the order of our going,' and that she must take M. Kossuth's arm. During and after dinner the bearing of the guest, in behalf of whom the banquet had been given, was stately and constrained. It was evident that he felt sore and angry. He stood apart after dinner, in a manner which repelled attempts to enter into conversation with him. His whole appearance, alike by his picturesque cos-

time and his attitude and expression, suggested a moody Hamlet, whom neither man nor woman pleased. After a vain attempt to engage him in conversation on Hungarian topics, I asked Mr. Fillmore what had happened to his illustrious guest to have thrown him into such an evidently ungenial state of feeling. He said it was in consequence of what had occurred at his presentation. Mr. Fillmore told me that there had been an explicit understanding with M. Kossuth, through his secretary, that there was to be no allusion in his speech, upon being presented, to the subject of aid or intervention on the part of the Government of the United States, in behalf of the party in Hungary that aimed to secure its independence of Austria, and that he had prepared his reply on the assumption that such would be the character of the address. His surprise was therefore great when M. Kossuth in his address invoked that aid, and expressed the hope that it would be given. The President was compelled, on the spur of the moment, to omit what he had prepared to say, and to declare to him, with perfect courtesy, but with equal explicitness, that nothing like sanction, much less material aid, for the cause of the independence of Hungary could be given by the Government of the United States. The reply was admirable, and could not have been improved had Mr. Fillmore anticipated the tenor of Kossuth's address and prepared his answer. It was courteous, yet extremely dignified and decided. Indeed, it may be regarded as fortunate that an occasion so conspicuous occurred for proclaiming at home and to foreign states that the policy of the Government was then, as it had always been, that of absolute nonintervention in the affairs of European nations.

"Mr. Webster, who presented M. Kossuth to the President, wrote on the same day to a friend that 'Mr. Fillmore received him with great propriety, and his address was all right—sympathy, personal respect, and kindness, but no departure from our established policy.' I inferred from Mr. Fillmore's animated description of the scene that he regarded it as an unfair attempt to entrap him into some expression or some omission which might seem to countenance M. Kossuth's cherished hope of inducing the Government to give both its moral and material aid to renew the struggle for Hungarian independence. It is not strange that he should have passionately desired such a result; but it was a singular delusion to suppose it possible that our Government would enter upon the quixotic career of making the United States the armed champion of European nationalities struggling for liberty and independence.

"At the Congressional dinner given to M. Kossuth his reception was most enthusiastic. In common with all the audience, I was completely entranced by his singularly captivating eloquence. I was assigned a seat next to Mr. Seward, and his demonstrations of applause by hands and feet and voice were excessive. The 'Hungarian Whirlwind' certainly carried away everything on that occasion, and mingled all parties into one confused mass of admirers prostrate at Kossuth's feet. The speech seemed to me wanting in no element of a consummate masterpiece of eloquence. The orator's picturesque appearance, his archaic English style, his vibrant and thrilling voice, and his skillfully selected and arranged topics, all concurred in the production of an effect upon his audience such as I have never seen surpassed. As addressed to American statesmen, it exhibited, what

was very rare among foreigners, a perfect understanding of our Government, as the union of separate states with their autonomy in a given sphere, under a general constitution. His eulogium of this arrangement, and his description of its adaptation and its probable adoption by various nationalities in Europe, was very skillful. The union of Germany in one empire may be regarded by some as the first step toward that confederated German republic which he foretold.

"It was doubtful up to the last moment before Mr. Webster's appearance whether he would come and make a speech on that occasion. . . .

"The speech which Mr. Webster made, as we now read it, seems very appropriate to the occasion and to his own position; but his manner was constrained, and after the high pitch of enthusiasm to which the audience had been wrought up, it fell rather heavily upon them, and did not give that measure of encomium of M. Kossuth which their feelings at the moment craved. But Mr. Webster spoke to an audience, many of whom were bitter political foes or alienated friends, and his recent experience in connection with M. Kossuth, while it had not diminished his admiration of his brilliant ability, had convinced him that, though matchless as an orator, he was no statesman. Moreover, his position as Secretary of State made it incumbent upon him to speak with great caution. If there was an intention on the part of Mr. Seward to entrap Mr. Webster into any compromising declarations by which his influence or his prospects might be injured, it was not successful. The speech might not be vehemently admired; it could not justly be condemned." (The Rev. C. M. Butler, *Reminiscences of Mr. Webster* (pamphlet).)

"The sober second thought brought our public men and our people back to a sense of the true destiny of the Republic, and in this way they were greatly aided by Kossuth's own indiscreet conduct. It soon became apparent that in all this Hungarian business we had departed from the policy marked out by Washington to abstain from intermeddling in the political affairs of Europe, and that our action was inconsistent with the Monroe doctrine, whereby we sought to exclude European nations from extending their political influence on the American hemisphere." (Mr. John W. Foster, *A Century of American Diplomacy*, 331-332.)

Mr. Marcy, Secretary of State, in a letter to Mr. Mason, chairman of the Senate Committee on Foreign Relations, July 25, 1854, presented the claim of Mr. Marsh, United States minister at Constantinople, and of the United States consul at the same place, for reimbursement for expenses which they had incurred in respect of the Hungarian refugees. "The original number of the refugees," said Mr. Marcy, "was much diminished during their stay in Turkey; a large number escaped through the connivance of the Turkish authorities, and made their way by means of passports or official certificates, given by the United States agents, to different parts of Europe, and even to the United States, some returned to Hungary, others wandered into the interior, and many arrived in Constantinople. . . . Their necessities compelled the legation and the consulate of the United States—the latter then and for a considerable period previously in charge of the memorialist—to contribute, as it is alleged by both, to their relief to an extent which, as stated by Mr. Marsh, was a serious embarrassment to him. He was aware that he could not lawfully

claim any allowance for this expenditure in his account with the contingent fund, but the action of the Government and the expression of public sympathy in America had put him in a position which absolutely compelled him to go much beyond his means in supplying the wants of these suffering outcasts." (7 MS Report Book, 126.)

With reference to the reception of Mr. A. Dudley Mann, when a Confederate agent, by His Holiness the Pope, and the letter of the Pope to Mr. Davis, see *supra*, § 72, I. 211. See, for another version of the letter, translated from the *Moniteur*, of Paris, and the letter of Mr. Davis, taken from the same journal, *Idp.* Cor. 1864, III. 13-14.

In *Dip. Cor.* 1862, 561, there is printed a dispatch from Mr. Motley, then minister to Austria, of February 12, 1862. From the dispatch, as printed, a passage is omitted. This passage related to an interview which Mr. Motley had had with the Austrian minister of foreign affairs, Count Rechberg, in which the latter stated that he had been informed of an intention on the part of those hostile to the United States Government to publish the secret instructions given by the United States to Mr. Mann when he was sent as an emissary to Hungary. In 1849. Count Rechberg declared that he did not mention the matter in an unfriendly spirit, but declared that, while the United States was "maintaining the principles of legal authority against insurrection and rebellion," the Austrian Government "had no disposition to throw impediments in their path, or to do them any injury." Count Rechberg referred to the instructions as being "secret," and later furnished Mr. Motley with a copy of them. The so-called "secret" instructions were Mr. Clayton's instructions to Mr. Mann, of June 18, 1849, which were published in full with President Taylor's message of March 28, 1850, S. Ex. Doc. 43, 31 Cong. 1 sess., which Mr. Motley had not seen. It was in reality the publication of the instructions in 1850 that led to the Webster-Hillsmann correspondence. Mr. Seward wrote to Mr. Motley that it was not worth while to take much trouble about Mr. Mann's revival of the Hungarian question, and that he had not taken the trouble to look it up. (Mr. Seward, Sec. of State, to Mr. Motley, min. to Austria (confd.), March 10, 1862, MS. Inst. Austria, I. 100.)

3. INTERVENTION IN CUBA.

(1) RELATIONS, 1825-1867.

§ 906.

"It appears, on looking into the papers of 1825 and 1826, that so far from our having prohibited Mexico and Colombia from making any attack upon Cuba, we uniformly abstained from doing anything of the kind. The Americans declared they could not see with indifference any state other than Spain in possession of Cuba, and further their disposition to interpose their power should war be conducted in Cuba in a *devastating* manner, and with a view to the excitement of a servile war."

2 Diary of Lord Ellenborough, 188, under date of Feb. 8, 1830, his lordship being then a cabinet minister in the Duke of Wellington's administration.

"The colonies of Spain are near to our own shores. Our commerce with them is large and important, and the records of *Lopez expedition.* the diplomatic intercourse between the two countries will show to Her Catholic Majesty's government how sincerely and how steadily the United States has manifested the hope that no political changes might lead to a transfer of these colonies from Her Majesty's Crown. If there is one among the existing governments of the civilized world which for a long course of years has diligently sought to maintain amicable relations with Spain, it is the government of the United States.

"Not only does the correspondence between the two governments show this, but the same truth is established by the history of the legislation of the country, and the general course of the executive government. In this recent invasion, Lopez and his fellow-subjects in the United States succeeded in deluding a few hundred men, by a long-continued and systematic misrepresentation of the political condition of the island, and of the wishes of its inhabitants. And it is not for the purpose of reviving unpleasant recollections that Her Majesty's government is reminded that it is not many years since the commerce of the United States suffered severely from armed boats and vessels which found refuge and shelter in the ports of the Spanish islands. These violations of the law, these authors of gross violence towards the citizens of this republic, were finally suppressed, not by any effort of the Spanish authorities, but by the activity and vigilance of our Navy. This, however, was not accomplished but by the efforts of several years, nor until many valuable lives, as well as a vast amount of property, had been lost. Among others, Lieutenant Allen, a very valuable and distinguished officer in the naval service of the United States, was killed in an action with these banditti."

Mr. Webster, Sec. of State, to Mr. Barringer, Nov. 26, 1851, 6 Webster's Works, 513, 514; cited in 2 Curtis's Life of Webster, 537.

See further, as to the Lopez expedition, 6 Webster's Works, 535; S. Ex. Doc. 41, 31 Cong. 2 sess.; H. Ex. Doc. 2, 32 Cong. 1 sess. pt. 1; H. Ex. Doc. 19, 32 Cong. 1 sess.

As to the cases of the *Georgiana* and *Susan Loud*, and the Contoy prisoners, see Mr. Bayard, Sec. of State, to Mr. King, Oct. 30, 1885, 157 MS. Dom. Let. 490; to Mr. Allison, March 5, 1886, 159 id. 232, both citing H. Ex. Doc. 83, 32 Cong. 1 sess.

In September, 1852, the Spanish authorities at Havana, on the arrival at that port of the American mail steamer *Crescent City*, ordered the captain to keep Mr. Smith, the purser, on board, and not to permit him to come on shore, on the ground that he had written calumnies against the captain-general of the island. The political secretary of the island

Case of the "Crescent City."

subsequently stated that no vessel belonging to the company which owned the *Crescent City* would be permitted to enter the port of Havana with Mr. Smith on board, or with any other person who made use of his position in the line to write abusive articles against the captain-general. The captain denied that Mr. Smith had written or composed any such article as he was charged with having produced. The *Crescent City* returned to Havana in October, again having Mr. Smith on board as purser, and was at once ordered to sea. Neither mails nor passengers were permitted to land, and the ship was obliged to leave in a gale. The government of the United States complained of the action of the Cuban authorities. The right of the captain-general to prohibit the entrance into the island of any person whose presence might be dangerous was not questioned, but it was maintained that this right ought to be exercised on reasonable grounds, and that, in refusing to permit the passengers or mails of the *Crescent City* to be landed because Purser Smith was on board, or even to permit the vessel to enter the harbor, the captain-general had gone far beyond the necessities of the case, and had taken a step of which the United States had a right to complain.

Mr. Everett, Sec. of State, to Mr. Sharkey, consul at Havana, No. 18, Nov. 30, 1852, II. Ex. Doc. 86, 33 Cong. 1 sess. 45; Mr. Everett, Sec. of State, to Mr. Barringer, min. to Spain, No. 66, Dec. 4, 1852, *id.* 47; same to same, No. 73, Feb. 4, 1853, *id.* 69.

For a complaint of the United States as to the unnecessary detention at Havana of the American mail steamer *Ohio*, see Mr. Marcy, Sec. of State, to Mr. Barringer, min. to Spain, No. 77, April 10, 1853, II. Ex. Doc. 86, 33 Cong. 1 sess. 73.

As to the opening of the mails of the United States by the Cuban authorities, see II. Ex. Doc. 86, 33 Cong. 1 sess.

"The affairs of Cuba formed a prominent topic in my last annual message. They remain in an uneasy condition, and a feeling of alarm and irritation on the part of the Cuban authorities appears to exist. This feeling has interfered with the regular commercial intercourse between the United States and the island and led to some acts of which we have a right to complain. But the captain-general of Cuba is clothed with no power to treat with foreign governments, nor is he in any degree under the control of the Spanish minister at Washington. Any communication which he may hold with an agent of a foreign power is informal and a matter of courtesy. Anxious to put an end to the existing inconveniences (which seemed to rest on a misconception), I directed the newly appointed minister to Mexico to visit Havana on his way to Vera Cruz. He was respectfully received by the captain-general, who conferred with him freely on the recent occurrences, but no permanent arrangement was effected. In the meantime the refusal of the captain-general to allow pas-

sengers and the mail to be landed in certain cases, for a reason which does not furnish, in the opinion of this government, even a good presumptive ground for such a prohibition, has been made the subject of a serious remonstrance at Madrid; and I have no reason to doubt that due respect will be paid by the government of His Catholic Majesty to the representations which our minister has been instructed to make on the subject.

"It is but justice to the captain-general to add that his conduct toward the steamers employed to carry the mails of the United States to Havana has, with the exceptions above alluded to, been marked with kindness and liberality, and indicates no general purpose of interfering with the commercial correspondence and intercourse between the island and this country."

President Fillmore, annual message, Dec. 6, 1852, Richardson's Messages, V. 164.

"The reply of Mr. Calderon de la Barca, Her Catholic Majesty's minister of foreign relations, to the demand for indemnity and satisfaction which you were instructed to make, is, as you must have anticipated, very unsatisfactory to the President. What further steps should be taken in respect to that case [of the *Black Warrior*], has been with him a matter of very serious deliberation. He has determined to make a final appeal for the adjustment of past difficulties, and for future quiet, in a way which he hopes will impress Spain with the solemn conviction that an adjustment, embracing the future as well as the past, must be made. He will not, however, recommend a resort to an extreme measure until milder means are exhausted. Satisfied with the spirited manner in which you have performed the duties of your mission, in his opinion it would give weight, and perhaps efficiency, to this final appeal he proposes to make, if he should associate with you, in presenting and enforcing it, two other of our most distinguished citizens. By a commission of this high character this country will evince, in the most emphatic manner, its deep solicitude to accomplish the objects in view without the hazard of those protracted delays which usually attend the ordinary course of diplomacy, particularly with such a court as Spain. In order to carry out this purpose of the President, the concurrence of Congress will be required, and it is proposed soon to bring this subject to its consideration.

"With this despatch you will receive another, commenting upon the reply of the Spanish government to the demand you made in the case of the *Black Warrior*, and exposing its unsatisfactory character. Though the President does not think it advisable, in view of what I have stated as to a commission, that you should take any further steps

at present in regard to that case, he has no objection, but on the contrary desires, that Her Catholic Majesty's government should know in what light he views its reply to our claim to reparation.

"You are therefore at liberty to read the accompanying despatch to the Spanish minister of foreign relations and may furnish him with a copy if he desires it."

Mr. Marcy, Sec. of State, to Mr. Soulé, min. to Spain (confidential), June 24, 1854, MS. Inst. Special Missions, III 60.

See also Mr. Marcy to Mr. Soulé, March 11, March 17, June 22, and Aug. 16, 1854, MS. Inst. Spain, XV. 39, 43, 69.

"It was not until the 22d instant that I received your despatch, written so long ago as the 28th of July, at Barcelona, marked No. 2, separate.

"The survey of the condition of Spain which you have made, while it agrees with the opinion which I have constantly entertained, at the same time presents the salient points of the subject with a distinctness that renders the paper very valuable. The deplorable condition of the finances of that great country seems to be practically incurable by any process which could be endured by the Spanish nation. In the early part of the present year I received, indirectly, information that the Spanish government was then applying for a loan in Paris upon the hypothecation of the government chest of Cuba. Without asking for any explanation I took pains immediately to make it known to the Spanish government that while the United States will remain entirely content with the present relations of the island of Cuba to Spain, they would nevertheless claim a right to be informed of any proceeding in regard to the island which would involve, either directly or indirectly, its resignation by the Spanish Crown. I expressly stated on that occasion that I solicited no reply, but was content to leave the question with the simple but direct intimation which I now recite.

"Since that intimation was given, nothing has been heard or read by me on the subject of a transfer or hypothecation of the Spanish possessions in America. The situation in Spain, as you have described, is sufficiently grave to justify constant vigilance on the part of this government.

"I shall endeavor to practice it."

Mr. Seward, Sec. of State, to Mr. Bancroft, min. to Prussia, No. 22, Oct. 28, 1867, MS. Inst. Prussia, XIV. 48a

(2) TEN YEARS' WAR, 1808-1878.

§ 907.

"As the United States is the freest of all nations, so, too, its people sympathize with all peoples struggling for liberty and self-government. But while so sympathizing, it is due to our honor that we should abstain from enforcing our views upon unwilling nations, and from taking an interested part, *without invitation*, in the quarrels between different nations or between governments and their subjects. Our course should always be in conformity with strict justice and law, international and local. Such has been the policy of the administration in dealing with these questions. 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 that they manifested throughout the previous struggles between Spain and her former colonies in behalf of the latter. 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.

"The principle is maintained, however, that this nation is its own judge when to accord the rights of belligerency, either to a people struggling to free themselves from a government they believe to be oppressive or to independent nations at war with each other.

"The United States has no disposition to interfere with the existing relations of Spain to her colonial possessions on this continent. They believe that in due time Spain and other European powers will find their interest in terminating those relations and establishing their present dependencies as independent powers—members of the family of nations. These dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers.

"The United States, in order to put a stop to bloodshed in Cuba, and in the interest of a neighboring people, proposed their good offices to bring the existing contest to a termination. The offer, not being accepted by Spain on a basis which we believed could be received by Cuba, was withdrawn. It is hoped that the good offices of the United States may yet prove advantageous for the settlement of this unhappy strife. Meanwhile a number of illegal expeditions against Cuba have been broken up. It has been the endeavor of

the Administration to execute the neutrality laws in good faith, no matter how unpleasant the task, made so by the sufferings we have endured from lack of like good faith towards us by other nations."

President Grant, annual message, Dec. 6, 1869, Richardson's Messages, VII. 31.

"On the 26th of March last the United States schooner *Lizzie Major* was arrested on the high seas by a Spanish frigate, and two passengers taken from it and carried as prisoners to Cuba. Representations of these facts were made to the Spanish government as soon as official information of them reached Washington. The two passengers were set at liberty, and the Spanish Government assured the United States that the captain of the frigate in making the capture had acted without law, that he had been reprimanded for the irregularity of his conduct, and that the Spanish authorities in Cuba would not sanction any act that could violate the rights or treat with disrespect the sovereignty of this nation."

President Grant, annual message, Dec. 6, 1869, Richardson's Messages, VII. 32.

"Your despatch of the 13th ultimo, No. 55, in which you announce the definite postponement, in the Cortes, of the consideration of the subject of the proposed reforms in the government of Porto Rico has been received.

"As we have a material and moral interest in those reforms and have made representations on the subject to the Spanish government which have not only been received without objection but have led to a promise on their part that the reforms should be adopted, we necessarily feel pained at the hesitation and delay on this subject. Indeed, these may be regarded as so much having the aspect of bad faith, that you will firmly but with due consideration of national sensibilities protest against the delay which has already taken place in the matter and the seeming purpose indefinitely to postpone it."

Mr. Fish, Sec. of State, to Gen. Sickles, min. to Spain, No. 36, March 11, 1870, MS. Inst. Spain, XVI. 92.

"In my annual message to Congress, at the beginning of its present session, I referred to the contest which had then for more than a year existed in the island of Cuba between a portion of its inhabitants and the government of Spain, and the feelings and sympathies of the people and government of the United States for the people of Cuba, as for all peoples struggling for liberty and self-government, and said that 'the contest has at no time assumed the conditions which amount to war in the sense of international law, or which would show the existence

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of a *de facto* political organization of the insurgents sufficient to justify a recognition of belligerency.'

"During the six months which have passed since the date of that message, the condition of the insurgents has not improved; and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities, carried on by small and illy armed bands of men, roaming, without concentration, through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

"But if the insurrection has not gained ground, it is equally true that Spain has not suppressed it. Climate, disease, and the occasional bullet have worked destruction among the soldiers of Spain; and although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the native inhabitants of the island to armed resistance against Spain, and still leads them to endure the dangers and the privations of a roaming life of guerrilla warfare.

"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 of Spaniard and of Cuban is alike busy in carry 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.

"A summary trial, with few, if any, escapes from conviction, followed by immediate execution, is the fate of those arrested on either side on suspicion of infidelity to the cause of the party making the arrest.

"Whatever may be the sympathies of the people or of the government of the United States for the cause or objects for which a part of the people of Cuba are understood to have put themselves in armed resistance to the government of Spain, there can be no just sympathy in a conflict carried on by both parties alike in such barbarous violation of the rules of civilized nations, and with such continued outrage upon the plainest principles of humanity.

"We can not discriminate in our censure of their mode of conducting their contest between the Spaniards and the Cubans; each commit the same atrocities and outrage alike the established rules of war.

"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.

"I have, since the beginning of the present session of Congress, communicated to the House of Representatives, upon their request, an account of the steps which I had taken, in the hope of bringing this sad conflict to an end, and of securing to the people of Cuba the blessings and the right of independent self-government. The efforts thus made failed, but not without an assurance from Spain that the good offices of this government might still avail for the objects to which they had been addressed.

"During the whole contest the remarkable exhibition has been made of large numbers of Cubans escaping 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 scarce be doubted that this last result is the real object of these parties, although carefully covered under the deceptive and apparently plausible demand for a mere recognition of belligerency.

"It is stated, on what I have reason to regard as good authority, that Cuban bonds have been prepared to a large amount, whose payment is made dependent upon the recognition by the United States of either Cuban belligerency or independence. The object of making their value thus contingent upon the action of this government is a subject for serious reflection.

"In determining the course to be adopted on the demand thus made for a recognition of belligerency, the liberal and peaceful principles adopted by the 'Father of his Country' and the eminent statesmen of his day, and followed by succeeding Chief Magistrates and the men of their day, may furnish a safe guide to those of us now charged with the direction and control of the public safety.

"From 1789 to 1815 the dominant thought of our statesmen was to keep the United States out of the wars which were devastating Europe. The discussion of measures of neutrality begins with the

state papers of Mr. Jefferson when Secretary of State. He shows that they are measures of national right as well as of national duty; that misguided individual citizens can not be tolerated in making war according to their own caprice, passions, interests, or foreign sympathies; that the agents of foreign governments, recognized or unrecognized, can not be permitted to abuse our hospitality by usurping the functions of enlisting or equipping military or naval forces within our territory. Washington inaugurated the policy of neutrality and of absolute abstinence from all foreign entangling alliances, which resulted, in 1794, in the first municipal enactment for the observance of neutrality.

"The duty of opposition to filibustering has been admitted by every President. Washington encountered the efforts of Genet and the French revolutionists; John Adams, the projects of Miranda; Jefferson, the schemes of Aaron Burr. Madison and subsequent Presidents had to deal with the question of foreign enlistment or equipment in the United States, and since the days of John Quincy Adams it has been one of the constant cares of government in the United States to prevent piratical expeditions against the feeble Spanish-American republics from leaving our shores. In no country are men wanting for any enterprise that holds out promise of adventure or of gain.

"In the early days of our national existence the whole continent of America (outside of the limits of the United States), and all its islands, were in colonial dependence upon European powers.

"The revolutions which, from 1810, spread almost simultaneously through all the Spanish-American continental colonies, resulted in the establishment of new states, like ourselves, of European origin, and interested in excluding European politics and the questions of dynasty and of balances of power from further influence in the New World.

"The American policy of neutrality, important before, became doubly so from the fact that it became applicable to the new republics as well as to the mother country.

"It then devolved upon us to determine the great international question, at what time and under what circumstances to recognize a new power as entitled to a place among the family of nations, as well as the preliminary question of the attitude to be observed by this government toward the insurrectionary party, pending the contest.

"Mr. Monroe concisely expressed the rule which has controlled the action of this government with reference to revolting colonies pending their struggle, by saying, 'As soon as the movement assumed such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled, by the laws of nations as equal parties to a civil war, were extended to them.'

"The strict adherence to this rule of public policy has been one of the highest honors of American statesmanship, and has secured to this government the confidence of the feeble powers on this continent, which induces them to rely upon its friendship and absence of designs of conquest, and to look to the United States for example and moral protection. It has given this government a position of prominence and of influence which it should not abdicate, but which imposes upon it the most delicate duties of right and of honor regarding American questions, whether those questions affect emancipated colonies or colonies still subject to European dominions. [President Grant here discusses the "question of belligerency" as "one of fact," and argues that the circumstances do not warrant the recognition of Cuban belligerency. The passage may be found in Chapter III., § 67, vol. 1, pp. 194-196.] . . .

"In view of the gravity of this question, I have deemed it my duty to invite the attention of the war-making power of the country to all the relations and bearings of the question in connection with the declaration of neutrality and granting of belligerent rights.

"There is not a *de facto* government in the island of Cuba sufficient to execute law and maintain just relations with other nations. Spain has not been able to suppress the opposition to Spanish rule on the island, nor to award speedy justice to other nations, or citizens of other nations, when their rights have been invaded.

"There are serious complications growing out of the seizure of American vessels upon the high seas, executing American citizens without proper trial, and confiscating or embargoing the property of American citizens. Solemn protests have been made against every infraction of the rights either of individual citizens of the United States or the rights of our flag upon the high seas, and all proper steps have been taken and are being pressed for the proper reparation of every indignity complained of.

"The question of belligerency, however, which is to be decided upon definite principles and according to ascertained facts, is entirely different from and unconnected with the other questions of the manner in which the strife is carried on on both sides, and the treatment of our citizens entitled to our protection.

"These questions concern our own dignity and responsibility, and they have been made, as I have said, the subjects of repeated communications with Spain, and of protests and demands for redress on our part. It is hoped that these will not be disregarded; but should they be, these questions will be made the subject of further communication to Congress."

President Grant, special message, June 13, 1870, Richardson's Messages, VII. 64

"I inclose a copy of a decree said to have been made by a military tribunal in Cuba, and published in the *Diario de la Marina* on the 9th of November, current.

"This decree purports to condemn to death sundry persons named in it as the central republican junta of Cuba and Porto Rico, established in New York, and to confiscate their property. It appears affirmatively in the decree that none of the condemned had appeared before the court.

"This revolutionary body, known as the Cuban junta, voluntarily disbanded itself about one month before this decree was made, and announced its intention to discontinue any hostile purpose it might have entertained against Spanish rule in Cuba. During its previous history its acts, so far as conflicting with the laws of the United States and the international duties of this government, were repressed by the President. This Department has also been officially informed by Mr. Roberts that the state of affairs in Cuba is regarded as a favorable one by the Spanish government, and that in consequence of that the extraordinary powers previously vested in him had been withdrawn. This government has, therefore, seen with surprise and regret the announcement of a policy in Cuba which is apparently uncalled for by any present emergencies, which is not in harmony with the ideas now entertained by the most enlightened nations as to the treatment of political offenses, and which, as it appears to us, will tend to continue the unhappy disturbances which exist in Cuba. We recognize, however, that, so far as this is a purely domestic question between the government of Spain and the persons or properties of those who are subject to that government, the United States have no other right to interpose than that growing out of the friendly relations which have always existed between them and Spain, and the good faith with which they have observed their duties and obligations in this contest. It appears, however, that on this list are to be found the names of some persons who claim to be citizens of the United States. As to each such person you will inform the minister for foreign affairs that, if it shall appear that his claim to be a citizen of the United States is valid, and that he has done no act to forfeit his rights as such, it will be claimed and insisted that he is entitled to the trial by civil tribunal, and in the ordinary forms of law which are guaranteed to citizens of the United States by the article of the treaty of 1795 which has already been made the subject of correspondence between you and the Spanish government."

Mr. Fish, Sec. of State, to Mr. Sickles, min. to Spain, No. 111, Nov. 25, 1870, For. Rel. 1871, 733.

"Although this [a proclamation by the governor-general of Cuba threatening death to insurgents taken prisoners with arms in

their hands] is a measure touching the internal affairs of a country which is within the exclusive jurisdiction of the government of that country, it seems to be of a character so inhuman and so much at variance with the practice of Christian and civilized states in modern times under similar circumstances, that this government regards it as its duty merely as a friend of Spain, to protest and remonstrate against the carrying it into effect."

Mr. Fish, Sec. of State, to Mr. Roberts, Jan. 8, 1872, MIS. Notes to Spain, IX. 61.

For Mr Webster's letter of intercession for the participants in the Lopez expedition, see 6 Webster's Works, 513; S. Ex. Doc. 41, 31 Cong. 2 sess; II. Ex. Docs. 2 and 10, 32 Cong. 1 sess.

As to interposition with the British Government in favor of certain Fenian prisoners captured in Canada, see Mr. Seward, Report to the President, July 26, 1866; MIS Report Book No. 9. (See, also, II. Ex. Doc. 151, 39 Cong 1 sess.)

For the application of Mr. Fish, Sec. of State, to the Spanish Government for the release of Santa Rosa, in 1872, see Mr. Fish to Admiral Polo, Dec. 17, 1872, For. Rel. 1873, II. 1047.

"It is not understood that the condition of the insurrection in Cuba has materially changed since the close of the last session of Congress. In an early stage of the contest the authorities of Spain inaugurated a system of arbitrary arrests, of close confinement and of military trial, and execution of persons suspected of complicity with the insurgents, and of summary embargo of their properties, and sequestration of their revenues by executive warrant. Such proceedings, so far as they affected the persons or property of citizens of the United States, were in violation of the provisions of the treaty of 1795 between the United States and Spain. Representations of injuries resulting to several persons claiming to be citizens of the United States, by reason of such violations, were made to the Spanish government. From April, 1869, to June last the Spanish minister at Washington had been clothed with a limited power to aid in redressing such wrongs. That power was found to be withdrawn, 'in view,' as it was said, 'of the favorable situation in which the island of Cuba' then 'was;' which, however, did not lead to a revocation or suspension of the extraordinary and arbitrary functions exercised by the executive power in Cuba, and we were obliged to make our complaints at Madrid. In the negotiations thus opened, and still pending there, the United States only claimed that, for the future, the rights secured to their citizens by treaty should be respected in Cuba, and that, as to the past, a joint tribunal should be established in the United States, with full jurisdiction over all such claims. Before such an impartial tribunal each claimant would be required to prove his case. On the other hand, Spain

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would be at liberty to traverse every material fact, and thus complete equity would be done. A case which, at one time, threatened seriously to affect the relations between the United States and Spain has already been disposed of in this way. The claim of the owners of the *Colonel Lloyd Aspinwall*, for the illegal seizure and detention of that vessel, was referred to arbitration, by mutual consent, and has resulted in an award to the United States, for the owners, of the sum of nineteen thousand seven hundred and two dollars and fifty cents, in gold. Another and long-pending claim of like nature, that of the whaleship *Canada*, has been disposed of by friendly arbitrament during the present year. It was referred, by joint consent of Brazil and the United States, to the decision of Sir Edward Thornton, Her Britannic Majesty's minister at Washington, who kindly undertook the laborious task of examining the voluminous mass of correspondence and testimony submitted by the two governments, and awarded to the United States the sum of one hundred thousand and seven hundred and forty dollars and nine cents, in gold, which has since been paid by the imperial government. These recent examples show that the mode which the United States has proposed to Spain for adjusting the pending claims is just and feasible, and that it may be agreed to by either nation without dishonor. It is to be hoped that this moderate demand may be acceded to by Spain without further delay. Should the pending negotiations, unfortunately and unexpectedly, be without result, it will then become my duty to communicate that fact to Congress and invite its action on the subject."

President Grant, annual message, Dec. 5, 1870, For. Rel. 1870, 4.

"It is to be regretted that the disturbed condition of the island of Cuba continues to be a source of annoyance and of
 Annual message, anxiety. The existence of a protracted struggle in
 1871. such close proximity to our own territory, without apparent prospect of an early termination, cannot 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, liberty, and the blessings of free institutions.

"Our naval commanders in Cuban waters have been instructed, in case it should become necessary, to spare no effort to protect the lives and property of bona fide American citizens, and to maintain the dignity of the flag.

"It is hoped that all pending questions with Spain growing out of the affairs in Cuba may be adjusted in the spirit of peace and conciliation which has hitherto guided the two powers in their treatment of such questions."

President Grant, annual message, Dec. 4, 1871, For. Rel. 1871, vii.

September 26, 1872, Señor Jil Columje, secretary of interior and foreign relations of Colombia, issued a circular to the governments of America in relation to the Cuban question. He referred to the fact that the contest had lasted for four years, and that there was no prospect of its termination. Its horrors multiplied as time advanced. All "means of extermination," "from devastation to burning, and from confiscation to the gibbet," were brought into action; and the island would become "a field of ruin and desolation." The nations of the American continent could not remain "calm spectators of so desperate a struggle." Everything combined to "awaken the most earnest sympathy," which had been expressed by the President of the United States in his annual message of December, 1869. The rights of Cuba should no longer be ignored. Moreover, the elevation of Cuba to the rank of a nation would signify the disappearance of slavery. The government of Colombia therefore felt itself justified in proposing that all the governments of Spanish America in accord with the United States take "common action for the obtainment from that of Spain of the recognition of the independence of Cuba." Should the expenses incurred in the war be an obstacle to Spain's acceding to the views of the mediating governments, they might agree to reimburse her pro rata, while they themselves would require no reimbursement, though, if it should be required, the resources of Cuba would be ample. Should the proposal of mediation be accepted, the first step to be taken, in view of the possible protraction of the negotiations, would be "immediate regulation of the war by the discontinuance of confiscation and capital punishment for political offenses, as well as all other illegitimate means of warfare."

A copy of this circular was sent by Mr. Fish to certain diplomatic officers.

Mr. Fish, Sec. of State, to certain diplomatic officers, confidential circular, Jan. 30, 1873, enclosing a copy of Señor Jil Columje's circular, MS. Inst. Argentine Republic, XVI. 29.

"Your despatch No. 56, of the 26th ultimo, relative to the circular of the Colombian government in regard to Cuban affairs, has been received. It is accompanied by a copy and translation of a note upon the subject, of the 3d of February last, addressed by the minister for foreign affairs of Peru to the minister for foreign affairs of Colombia. I am not, however, certain that I fully understand the views and purposes of the Peruvian government upon the subject as expressed in that paper. It contains at least one expression, however, to which I must take exception. At the close of the 4th paragraph of his note Mr. Aguero speaks of the inefficiency of the arbitrament (arbitrer, as translated by you) to attain the object sought.

This seems to imply that the arbitrament of this government between the Spaniards and the insurgents in Cuba had been employed, but had failed. This is contrary to the fact. No such measure has been undertaken. In no event would it be attempted pursuant to the Colombian circular unless the answers of the Spanish-American states to that circular and the condition of affairs in Cuba had given ground to expect that our intervention would be successful. This event has not yet happened, and there does not seem to be any immediate prospect of its occurrence. It is certain, however, that our zeal in behalf of the step proposed by Colombia would not be increased by her having taken it for granted that our intervention would in any event be employed. The measure would have been much more acceptable to us, whatever might be the probability of its success, if, before the circular had been issued, we had been consulted as to our disposition to accept the functions of an arbiter."

Mr. Fish, Sec. of State, to Mr. Thomas, No. 50, June 23, 1873, MS. Inst. Peru, XVI 252

"The present ministry in Spain has given assurance to the public, through their organs of the press, and have confirmed the assurance to you personally, (as you have reported in recent dispatches,) of their intention to put in operation a series of extensive reforms, embracing among them some of those which this government has been earnest in urging upon their consideration in relation to the colonies which are our near neighbors.

"Sustained, as is the present ministry, by the large popular vote which has recently returned to the Cortes an overwhelming majority in its support, there can be no more room to doubt their ability to carry into operation the reforms of which they have given promise than there can be justification to question the sincerity with which the assurance was given. It seems, therefore, to be a fitting occasion to look back upon the relations between the United States and Spain, and to mark the progress which may have been made in accomplishing those objects in which we have been promised her co-operation. It must be acknowledged with regret that little or no advance has been made. The tardiness in this respect, however, cannot be said to be in any way imputable to a want of diligence, zeal, or ability in the legation of the United States at Madrid. The Department is persuaded that no persons, however gifted with those qualities and faculties, could have better succeeded against the apparent apathy or indifference of the Spanish authorities, if, indeed, their past omission to do what we have expected should not be ascribable to other causes.

"The Spanish government, partly at our instance, passed a law providing for the gradual emancipation of slaves in the West India

colonies. This law, so far as this Department is aware, remains unexecuted, and it is feared that the recently issued regulations, professedly for its execution, are wholly inadequate to any practical result in favor of emancipation, if they be not really in the interest of the slaveholder and of the continuance of the institution of slavery. While we fully acknowledge our obligation to the general rule, which requires a nation to abstain from interference in the domestic concerns of others, circumstances warrant partial exceptions to this rule. The United States have emancipated all the slaves in their own territory, as the result of a civil war of four years, attended by a vast effusion of blood and expenditure of treasure. The slaves in the Spanish possessions near us are of the same race as those who were bondsmen here. It is natural and inevitable for the latter to sympathize in the oppression of their brethren, and especially in the waste of life, occasioned by inhuman punishments and excessive toil. Nor is this sympathy confined to those who were recently in bondage among us. It is universal, as it is natural and just. It rests upon the instincts of humanity, and is the recognition of those rights of man which are now universally admitted. Governments can not resist a conviction so general and so righteous as that which condemns as a crime the tolerance of human slavery, nor can governments be in fault in raising their voice against the further tolerance of so grievous a blot upon humanity. You will, consequently, in decisive but respectful terms, remonstrate against the apparent failure of Spain to carry into full effect the act referred to. We acknowledge that this may be a difficult task. The reproaches, open or covert, of those whose supposed interests may be affected by it, to say nothing of other underhand proceedings, must be trying to the patience and highly embarrassing to the statesmen who may be the best disposed toward the measure. All, however, who countenance lukewarmness or neglect in carrying it into effect must, more or less, be liable to the charge of duplicity or bad faith, a charge which every man of honor in high station ought to endeavor to avoid.

“By the enactment of the law of July, 1870, the government of Spain is practically committed to the policy of emancipation. It is true that the law was far from being as comprehensive a measure as was hoped for by the friends of emancipation both in Spain and throughout Christendom, but it was regarded as the entering wedge and the first step toward the extermination of a great wrong, and as the inauguration of a measure of justice and of peace, whereby Spain, to her high honor, declared herself in harmony with the general sentiment of modern civilization and with the principles of unquestioned human rights. It is so manifestly due to that sentiment and to those principles that their recognition, as thus evidenced, be made practical and effective by the enforcement of the law, that it can not be ques-

tioned that Spain, with the pride and the honor that mark her history, will no longer delay the execution of the law and the observance of the pledge to humanity and to justice which was implied in the enactment.

"There is another view which may be taken of this subject. The Spanish government and the Spanish people are understood to be almost unanimously adverse to the independence of Cuba. It will not be denied that the resistance to the enforcement of the emancipation law proceeds almost entirely from those interested in slave property in the island of Cuba, who have, through the successive ministries to which the government of Spain has been intrusted since the enactment of the law in July, 1870, been enabled hitherto to delay and to defeat its execution by preventing the promulgation of regulations effective for the end to which the law was directed.

"An important law is thus nullified through the influence and agency of a class in Cuba who are the most loud in profession of devotion to the integrity of the Spanish territory and to the continuance of Spanish dominion over the island. The example of disregard to laws thus set can not be without its influence. If Spain permits her authority to be virtually and practically defied in that island by a refusal or neglect to carry into effect acts of the home government of a humane tendency, is not this tantamount to an acknowledgment of inability to control? If she refuse to enforce her authority in one instance, why may it not be spurned in others, and will not her supremacy, sooner or later, become nominal only, with no real advantage to herself or her colonies, but to the serious detriment of both, as well as of those other powers whose relations, whether of neighborhood or of commerce, give them special interest in the welfare of those possessions?

"It is also represented that the grasping cupidity of sugar planters in Cuba has succeeded in enabling them virtually to annul their contracts with coolies for a limited term of service, coupled with the privilege of returning to their homes at its close, and that those unfortunate Asiatics, under regulations for an enforced re-engagement when their former contract may have expired, are being practically reduced to the same abject condition as the African slaves. If this be true, it is impossible for the government of any civilized country to be indifferent to so atrocious a proceeding. You will mention this subject to the Spanish minister for foreign affairs, and will not conceal the view which we take of it.

"The insurrection in Cuba has now lasted four years. Attempts to suppress it, so far futile, have been made probably at a sacrifice of more than a hundred thousand lives and an incalculable amount of property. Our commercial and other connections with that island

compel us to take a warm interest in its peaceful and orderly condition, without which there can not be prosperity.

"Cuba being separated from this country by a narrow passage, the temptations for reckless adventurers here to violate our law and embark in hostile expeditions thither is great, despite the unquestioned vigilance of this government to maintain its duty and the efforts with which the approaches to the island have been guarded by the Spanish cruisers. The said proximity has led Cubans and others, partisans of the insurgents, to take up their abode in the United States, actuated by the hope that that proximity would enable them advantageously to plot and act for the advancement of their cause in the island. We certainly have reason to expect that the great strain upon our watchfulness to thwart those schemes occasioned by the long duration of hostilities in Cuba, should have some termination through a cessation of the cause which hitherto has been supposed to make it necessary for the discharge of our duties as a neutral.

"Ever since the insurrection began, we have repeatedly been called upon to discharge those duties. In the performance of them we are conscious of no neglect, but the trial to our impartiality by the want of success on the part of Spain in suppressing the revolt is necessarily so severe that unless she shall soon be more successful it will force upon this government the consideration of the question whether duty to itself and to the commercial interests of its citizens may not demand some change in the line of action it has thus far pursued.

"It is intimated, and is probably true, that the corruption which is more or less inseparable from such protracted contests is itself a principal agent in prolonging hostilities in Cuba. The extortions incident to furnishing supplies for the troops, the hope of sharing in the proceeds of insurgent or alleged insurgent property, would of course be put an end to by the restoration of tranquillity. These must be powerful agencies in fettering the arm which ought to strike home for peace, for order, and the quiet enjoyment of the citizen. It is reasonable to suppose, too, that the saving of the public money which must result from a termination of the conflict would alone be a sufficient incentive for a patriotic government to exert itself to the utmost for that purpose.

"Besides a measure for the abolition of slavery, and assurances of the speedy termination of the contest in Cuba, we have been assured that extensive municipal reforms would be introduced in the colonies, and that their government would be liberalized. Certainly the Spanish government, with its experience of the past, and with the knowledge which it cannot fail to have of the tendencies of the age, can never expect peaceably to maintain the ancient colonial system in

those islands. The abuses of that system press heavily upon the numerous educated natives of the same race, and, if not reformed, must be a constant source of bitter antipathy to the mother country. The repeated assurances of the intention of the government to abolish slavery and to grant liberal reforms in the administration of the island are admissions by Spain of the wrong of slavery and of the existence of evils which need reform, but are still allowed on the illogical and indefensible ground that concession can not be made while resistance continues.

"A nation gives justification to resistance while admitted wrongs remain unredressed; resistance ceases to be justifiable when no wrongs are either admitted or alleged. Redress wrongs and resistance will cease.

"Spain is too great a power to fear to do what she admits to be right because it is asked vehemently; or because its attainment is sought improperly she need not apprehend that the reforming of abuses and of wrongs, which she admits to exist, and declares herself ready to correct, will be attributed to an unworthy motive, while delay in removing admitted wrongs which it is within her power to remove places her in a false position, and goes far to justify and to attract sympathy to those who are sufferers from the unredressed wrongs.

"Spain itself has been the scene of civil commotion, but prisoners taken in arms have not been put to death as they are in Cuba, nor have amnesties been regarded as dangerous in the peninsula; why should they be so regarded in the colonies? or why should concessions be dishonorable in Cuba that are not so considered at home? The suggestion that they would be is the offspring of the selfishness of those interested in prolonging the contest for private gain.

"A just, lenient, and humane policy toward Cuba, if it would not bring quiet and order and contentedness, would at least modify the judgment of the world that most of the evils of which Cuba is the scene are the necessary results of harsh treatment, and of the maladministration of the colonial government.

"You are aware that many citizens of the United States, owners of estates in Cuba, have suffered injury by the causeless seizure, in violation of treaty obligations, of those estates, and by the appropriation of their proceeds by those into whose hands they had fallen. Though in some one or two instances the property has been ordered to be restored, so far there has been no indemnification for the damage sustained. In other instances, where restitution has been promised, it has been evaded and put off in a way which cannot fail to excite the just resentment of the sufferers and of their government, whose duty it is to protect their interests.

"The decree of 31st August last, prescribing regulations for the proceedings concerning sequestered property in Cuba, so far as it recognized the embargo or confiscation of the property of those charged with complicity in the insurrection, as a judicial proceeding, in which the parties are entitled to be fairly heard, may be regarded as a concession to the frequent remonstrances of this government, as well as to the requirements of justice. But, unless the action of the board to be constituted under that decree exhibit a very different measure of promptness and of activity from that which has been given to the remonstrances of this government against the proceedings whereby the property of citizens of the United States has heretofore been seized, the organization of the board will serve only to increase the very just causes of complaint of this government. It is hoped that it will not be allowed to become the means or the excuse of further procrastination, or of delaying beyond the extremest limits of patience, which have already been reached, the decision upon the many cases which have been the subject of protracted diplomatic correspondence. There will readily occur to you several cases, which need not be specifically enumerated, which have been referred backward and forward between Madrid and Havana to the very verge of the exhaustion of all patience. In the mean time the property of citizens of the United States has been held in violation of the treaty between this country and Spain.

"In some of these cases you have been promised the release of the embargo. It is expected that the tardy redress thus promised will not be further delayed by any alleged necessity of reference to this newly constituted board.

"It is hoped that you will present the views above set forth, and the present grievances of which this government so justly complains, to the government to which you are accredited, in a way which, without giving offense, will leave a conviction that we are in earnest in the expression of those views, and that we expect redress, and that if it should not soon be afforded Spain must not be surprised to find, as the inevitable result of the delay, a marked change in the feeling and in the temper of the people and of the government of the United States. Believing that the present ministry of Spain is in a sufficiently confirmed position of power to carry out the measures which it announces, and the reforms which have been promised, and to do justice by the removal of the causes of our well-founded complaints, and not doubting the sincerity of the assurances which have been given, the United States look confidently for the realization of those hopes which have been encouraged by repeated promises that all causes for estrangement, or for the interruption of those friendly feelings which are traditional, as they are sincere, on the part of this Government toward Spain, will be speedily and forever removed."

Mr. Fish, Sec. of State, to Mr. Sickles, min. to Spain, No. 270, Oct. 20, 1872, For. Rel. 1872, 580.

On April 19, 1872, General Sickles, on his return to Madrid to resume the active duties of his mission, was furnished with a letter of recall with a view to the suspension of diplomatic intercourse through a minister, leaving the business of the legation in the hands of the *chargé d'affaires ad interim*. This step was proposed in view of the apparent hopelessness at that time of bringing about any essential change in the situation in Cuba. It was declared that the President, in spite of the unsatisfactory relations between the two countries, had no disposition to foment a rupture with Spain, but that, on the contrary, he still hoped that the best understanding might be preserved with that government. But, in case General Sickles withdrew, no new minister was to be accredited to the government of Spain until there should be reason to expect such a change in the disposition of that government with reference to the execution of reforms in Cuba as might lead to greater hope of their success. (Mr. Fish, Sec. of State, to Gen. Sickles, min. to Spain, No. 219, April 19, 1872, MS. Inst. Spain, XVI. 300.)

In a dispatch, No. 452, of October 20, 1872, General Sickles reported an unofficial and confidential inquiry by the Spanish minister of foreign affairs whether the President would consent to exert his good offices for the purpose of endeavoring to restore peace in Cuba on the basis of reforms in the political, social, and administrative system, which reforms were to embrace municipal government, a provincial legislature, and the gradual abolition of slavery. The minister of foreign affairs stated that if assurances to this effect were given to the insurgents by the President, and if, accompanied by his advice and counsel, they should happily induce the insurgents to lay down their arms, Spain would at once proceed to the fulfillment of her promise. Commenting upon these suggestions, Mr. Fish remarked that an accommodation between contending parties should proceed with mutual and reciprocal advances, and that the proposal of the minister of foreign affairs involved an extreme concession on the one side with only an indefinite promise on the other. But, passing this question by, Mr. Fish said that, if Spain was in earnest in the desire for the President's interposition, the minister's informal and unofficial inquiry would be followed by a formal request to that effect. More than three years previously the President was induced to offer to the Spanish cabinet his good offices for the purposes of bringing the war in Cuba to a close. Those good offices were accepted by the then president of the council, but it was subsequently signified that their withdrawal would be convenient. The President was convinced that his good offices would be of no avail unless both parties were disposed to accept reasonable counsels. A definite statement of the particular reforms, and of the degree of self-government and of local administration, which Spain was prepared to concede was essential to any hope of success in an effort by a third party to promote a practical reconciliation. But, if Spain should officially and formally make the request which Mr. Martos's informal and unofficial conversation foreshadowed and should be prepared to state the extent of reforms, embracing among them a provincial legislature to be chosen by the free voice of the inhabitants, the abolition of slavery in all its forms, municipal governments, self-taxation, ample

guarantees of the rights of persons and of property, a strict limitation of the power of officials, exemption from standing armies, and the general control of the internal affairs of the island and of its inhabitants, the President would undertake to present such suggested reforms to those in Cuba who were resisting the authority of Spain and would use his influence to induce their acceptance. In this case it would probably be necessary to embody in a protocol the particulars of the several reforms which Spain proposed. In conclusion, Mr. Fish observed that, if no practical result could be attained, it would seem to be of little avail to continue an envoy extraordinary at Madrid. (Mr. Fish, Sec. of State, to General Sickles, min. to Spain, No. 272, Nov. 16, 1872, MS. Inst. Spain, XVI. 371.)

As to the previous tender of the President's good offices, mentioned by Mr. Fish, see Moore, *Int. Arbitrations*, II. 1026 et seq.

In acknowledging the receipt of dispatches from General Sickles, Nos. 670 and 672, of July 27 and 31, 1873, Mr. Fish expressed regret that the effort to establish a republican form of government in Spain did not give greater promise of success. The United States had promptly and cordially recognized that government and extended to it the moral effects of its sympathy, and had further manifested its friendly interest by abstaining from the exercise of pressure with regard to affairs in Cuba. Recent information from Havana showed, however, that the decree for the release of embargoed estates had not been proclaimed there and that influences were at work to prevent its publication and to nullify its effects. The President had also heard with deep concern and regret the announcement said to have been made by a member of the ministry of Spain that no reforms will be granted and no notice taken of the demands of the Cuban insurgents so long as they did not lay down their arms. In the interest of Spain, no less than in that of Cuba, of the United States, and of humanity, the President hoped that this might not be the determination of Spain, and General Sickles was to urge upon the ministry the disavowal or abandonment of a policy so inconsistent with the possibility of restoring peace.

Mr. Fish, Sec. of State, to Gen. Sickles, min. to Spain, No. 360, Aug. 27, 1873, *For. Rel.* 1873, II. 1082.

"Whatever general instructions you may need at the present time for your guidance in representing this government at Madrid have reference entirely to the actual state of the island of Cuba and its relation to the United States as well as to Spain.

"It is now more than five years since an organized body of the inhabitants of that island assembled at Yara, issued a declaration of independence, and took up arms to maintain the declaration. The movement rapidly spread, so as to occupy extensive regions of the

eastern and central portions of the island, and all the resources of the Spanish government have been exerted ineffectually to suppress the revolution and reclaim the districts in insurrection to the authority of Spain. The prosecution of the war on both sides has given rise to many questions, seriously affecting the interests and the honor of the United States, which have become the subject of diplomatic discussion between this government and that of Spain.

"You will receive herewith a selection, in chronological order, of the numerous dispatches in this relation which have passed between the two governments. From these documents you will derive ample information, not only respecting special questions, which have arisen from time to time, but also respecting the general purposes and policy of the President in the premises.

"Those purposes and that policy, as indicated in the accompanying documents, have continued to be substantially the same during the whole period of these events, except in so far as they may have been modified by special circumstances, seeming to impart greater or less prominence to the various aspects of the general question, and thus, without producing any change of principle, yet, according to the particular emergency, to direct the action of the United States.

"It will suffice, therefore, on the present occasion, first, briefly to state these general views of the President; and, secondly, to show their application to the several incidents of this desperate struggle on the part of the Cubans to acquire independence, and of Spain to maintain her sovereignty, in so far as those incidents have immediately affected the United States.

"Cuba is the largest insular possession still retained by any European power in America. It is almost contiguous to the United States. It is pre-eminently fertile in the production of objects of commerce which are of constant demand in this country, and, with just regulations for reciprocal interchange of commodities, it would afford a large and lucrative market for the productions of this country. Commercially, as well as geographically, it is by nature more closely connected with the United States than with Spain.

"Civil dissensions in Cuba, and especially sanguinary hostilities, such as are now raging there, produce effects in the United States second in gravity only to those which they produce in Spain.

"Meanwhile our political relation to Cuba is altogether anomalous, seeing that for any injury done to the United States or their citizens in Cuba we have no direct means of redress there, and can obtain it only by slow and circuitous action by way of Madrid. The captain-general of Cuba has, in effect, by the laws of Spain, supreme and absolute authority there for all purposes of wrong to our citizens; but this government has no adequate means of demanding immediate reparation of such wrongs on the spot, except through a

consul, who does not possess diplomatic character, and to whose representations, therefore, the captain-general may, if he choose, absolutely refuse to listen. And, grievous as this inconvenience is to the United States in ordinary times, it is more intolerable now, seeing that, as abundantly appears, the contest in Cuba is between peninsular Spaniards on the one hand and native-born Spanish-Americans on the other; the former being the real representatives of Spanish force in Cuba, and exerting that force when they choose, with little, if any, respect for the metropolitan power of Spain. The captain-general is efficient to injure, but not to redress, and if disposed to redress, he may be hampered, if not prevented, by resolute opposition on the part of the Spaniards around him, disobedient alike to him and to the supreme government.

"In fine, Cuba, like the former continental colonies of Spain in America, ought to belong to the great family of American republics, with political forms and public policy of their own, and attached to Europe by no ties save those of international amity, and of intellectual, commercial, and social intercourse. The desire of independence on the part of the Cubans is a natural and legitimate aspiration of theirs, because they are Americans. And while such independence is the manifest exigency of the political interests of the Cubans themselves, it is equally so that of the rest of America, including the United States.

"That the ultimate issue of events in Cuba will be its independence, however that issue may be produced, whether by means of negotiation, or as the result of military operations or of one of those unexpected incidents which so frequently determine the fate of nations, it is impossible to doubt. If there be one lesson in history more cogent in its teachings than any other, it is that no part of America large enough to constitute a self-sustaining state can be permanently held in forced colonial subjection to Europe. Complete separation between the metropolis and its colony may be postponed by the former conceding to the latter a greater or less degree of local autonomy, nearly approaching to independence. But in all cases where a positive antagonism has come to exist between the mother country and its colonial subjects, where the sense of oppression is strongly felt by the latter, and especially where years of relentless warfare have alienated the parties, one from another, more widely than they are sundered by the ocean itself, their political separation is inevitable. It is one of those conclusions which have been aptly called the inexorable logic of events.

"Entertaining these views, the President at an early day tendered to the Spanish government the good offices of the United States for the purpose of effecting, by negotiation, the peaceful separation of Cuba from Spain, and thus putting a stop to the further effusion of

blood in the island, and relieving both Cuba and Spain from the calamities and charges of a protracted civil war, and of delivering the United States from the constant hazard of inconvenient complications on the side either of Spain or of Cuba. But the well-intended proffers of the United States on that occasion were unwisely rejected by Spain, and, as it was then already foreseen, the struggle has continued in Cuba, with incidents of desperate tenacity on the part of the Cubans, and of angry fierceness on the part of the Spaniards, unparalleled in the annals of modern warfare.

"True it is that now, when the war has raged for more than five years, there is no material change in the military situation. The Cubans continue to occupy, unsubdued, the eastern and central parts of the island, with exception of the larger cities or towns, and of fortified points held by the government, but their capacity of resistance appears to be undiminished, and with no abatement of their resolution to persevere to the end in repelling the domination of Spain.

"Meanwhile this condition of things grows, day by day, more and more insupportable to the United States. The government is compelled to exert constantly the utmost vigilance to prevent infringement of our law on the part of Cubans purchasing munitions or materials of war, or laboring to fit out military expeditions in our ports; we are constrained to maintain a large naval force to prevent violations of our sovereignty, either by the Cubans or the Spaniards; our people are horrified and agitated by the spectacle, at our very doors, of war, not only with all its ordinary attendants of devastation and carnage, but with accompaniments of barbarous shooting of prisoners of war, or their summary execution by military commissions, to the scandal and disgrace of the age; we are under the necessity of interposing continually for the protection of our citizens against wrongful acts of the local authorities of Spain in Cuba; and the public peace is every moment subject to be interrupted by some unforeseen event, like that which recently occurred, to drive us at once to the brink of war with Spain. In short, the state of Cuba is the one great cause of perpetual solicitude in the foreign relations of the United States.

"While the attention of this government is fixed on Cuba, in the interest of humanity, by the horrors of civil war prevailing there, we can not forbear to reflect, as well in the interest of humanity as in other relations, 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. Except in Brazil and in Cuba, servitude has almost disappeared from the world. Not in the Spanish-American republics alone, nor in the

British possessions, nor in the United States, nor in Russia, not in those countries alone, but even in Asia, and in Africa herself, the bonds of the slave have been struck off, and personal freedom is the all but universal rule and public law, at least to the nations of Christendom. It can not long continue in Cuba, envisioned as that island is by communities of emancipated slaves in the other West India Islands and in the United States.

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

"The President has not been without hope that all these questions might be settled by the spontaneous act of Spain herself, she being more deeply interested in that settlement than all the rest of the world. It seemed for awhile that such a solution was at hand, during the time when the government of Spain was administered by one of the greatest and wisest of the statesmen of that country, or indeed of Europe, President Castelar. Before attaining power he had announced a line of policy applicable to Cuba, which, though falling short of the concession of absolute independence, yet was of a nature to command the approbation of the United States.

" 'Let us,' he declared, on a memorable occasion, 'let us reduce to formulas our policy in America.

" 'First, *the immediate abolition of slavery.*

" 'Secondly, autonomy of the islands of Puerto Rico and Cuba, which shall have a parliamentary assembly of their own, their own administration, their own government, and a federal tie to unite them with Spain, as Canada is united with England, in order that we may found the liberty of those states and at the same time conserve the national integrity. I desire that the islands of Cuba and Puerto Rico shall be our sisters, and I do not desire that they shall be trans-Atlantic Polands.'

"I repeat, that to such a line of policy as this, especially as it relates to Cuba, the United States would make no objection; nay, they could accord to it hearty co-operation and support, as the next best thing to the absolute independence of Cuba.

"Of course, the United States would prefer to see all that remains of colonial America pass from that condition to the condition of absolute independence of Europe.

"But we might well accept such a solution of present questions as, while terminating the cruel war which now desolates the island and disturbs our political intercourse, should primarily and at the outset abolish the iniquitous institution of slavery, and, in the second place, should place Cuba practically in the possession of herself by means

of political institutions of self-government, and enable her, while nominally subject to Spain, yet to cease to be the victim of Spanish colonial interests, and to be capable of direct and immediate relations of interests and intercourse with the other states of America. . . .

"In these circumstances, the question what decision the United States shall take is a serious and difficult one, not to be determined without careful consideration of its complex elements of domestic and foreign policy, but the determination of which may at any moment be forced upon us by occurrences either in Spain or in Cuba.

"Withal the President can not but regard *independence*, and emancipation, of course, as the only certain, and even the necessary, solution of the question of Cuba. And, in his mind, all incidental questions are quite subordinate to those, the larger objects of the United States in this respect.

"It requires to be borne in mind that, in so far as we may contribute to the solution of these questions, this government is not actuated by any selfish or interested motive. The President does not meditate or desire the annexation of Cuba to the United States, but its elevation into an independent republic of freemen, in harmony with ourselves and with the other republics of America.

"You will understand, therefore, that the policy of the United States in reference to Cuba at the present time is one of expectancy, but with positive and fixed convictions as to the duty of the United States when the time or emergency of action shall arrive. When it shall arrive you will receive specific instructions what to do. Meantime, instructed as you now are as to the intimate purposes of the government, you are to act in conformity therewith in the absence of any specific instructions, and to comport yourself accordingly in all your communications and intercourse, official or unofficial, with persons or public men in Spain.

"In conclusion, it remains to be said that, in accordance with the established policy of the United States in such cases, as exemplified in the many changes of government in France during the last eighty years, and in the Mexican Republic since the time of its first recognition by us, and in other cases which have occurred in Europe and America, you will present your credentials to the persons or authorities whom you may find in the actual exercise of the executive power of Spain.

"The President has not, as yet, received any official notice of the termination of the authority of President Castelar and the accession of President Serrano, and, of course, we have no precise information as to the intention or views of the new executive of the Spanish Republic.

"While we can not expect from him any more hearty friendship for the United States than his predecessor entertained, it is to be hoped

that he may not be moved by any unfriendly sentiments toward us. If, however, such should, unhappily, prove to be the case, it would be all the more necessary that you should be vigilantly watchful to detect and report any signs of possible action in Spain to the prejudice of the United States."

Mr. Fish, Sec. of State, to Mr. Cushing, min. to Spain, No. 2, Feb. 6, 1874, For. Rel. 1874, 859.

In a separate instruction, bearing the same date as the foregoing, Mr. Fish discussed the subject of the embargoed estates of American citizens under the decree of April 20, 1869. These estates, said Mr. Fish, had been seized by arbitrary executive act, without judicial hearing or judgment, and in manifest violation of the provisions of the treaty of 1795. Promises had from time to time been made to release some of the estates, but they remained unfulfilled. No relief in such cases could be obtained by the action of the mixed commission sitting at Washington, and the government of the United States had continually insisted that the property itself should be restored to the owners by the same executive authority which made the seizure, leaving only the question of resulting damages to the consideration of the commission. On July 12, 1873, the late government of Spain, on the recommendation of the minister of the colonies, had declared the embargoes to be removed, had ordered the property to be delivered up to its owners, and had appointed a commission to hear and decide summarily on the applications of interested parties. But for a long time no regard was paid to the decree in Cuba. It was not officially published there, and the local authorities even proceeded to advertise for sale embargoed property belonging to American citizens. These things led to further remonstrances by the United States. At length, contemporaneously with the official visit of Señor Soler y Pla, minister of ultramar, to Cuba, partial execution was given to the decree of July 12, 1873, but it was afterwards learned that the delivery of some of the estates covered by the decree was obstructed on the allegation that the estates were subject to leases to third parties for a series of years, although some of the leases were understood to have been given by some pretended authority subsequently to the act of embargo. Moreover, in some of the cases the authorities claimed that the property was under judicial embargo and finally confiscated. Mr. Cushing was instructed to say that the President expected the estates of American citizens seized in Cuba in violation of the provisions of the treaty of 1795, whether by embargo or by confiscation, restored to them without further delay and without any incumbrance imposed by Spanish authority in Cuba. (Mr. Fish, Sec. of State, to Mr. Cushing, min. to Spain, No. 3, Feb. 6, 1874, For. Rel. 1874, 868.)

On April 24, 1874, Mr. Fish transmitted to some of the American ministers, for their confidential information, copies of further correspondence between the Department of State and the Spanish minister at Washington, respecting the case of the *Virginias* and the course of the United States toward the insurrection in Cuba.

Case of the
"Virginias."

Mr. Fish, Sec. of State, to Mr. Jay, min. to Austria, No. 402 (confd.), April 24, 1874, MS. Inst. Austria, II. 227.

The instruction enclosed the following notes: Admiral Polo, Span. min., to Mr. Fish, Dec. 30, 1873; Mr. Fish to Admiral Polo, Jan. 9, 1874; Admiral Polo to Mr. Fish, Feb. 2, 1874; Mr. Fish to Admiral Polo, April 18, 1874.

As to the case of the *Virginus*, see message of President Grant to Congress, Jan. 5, 1874, II. Ex. Doc. 30, 43 Cong. 1 sess.; message of President Grant to Senate, March 15, 1875, S. Ex. B, special sess. The injunction of secrecy was removed from the latter message and correspondence.

As to instructions to American naval commanders in Cuban waters, see message of President Grant to the Senate, Feb. 13, 1872, S. Ex. Doc. 32, 42 Cong. 2 sess.

"The deplorable strife in Cuba continues without any marked change in the relative advantages of the contending forces. The insurrection continues, but Spain has gained no superiority. Six years of strife give to the insurrection a significance which can not be denied. Its duration and the tenacity of its adherence, together with the absence of manifested power of suppression on the part of Spain, can not be controverted, and may make some positive steps on the part of other powers a matter of self-necessity. I had confidently hoped, at this time, to be able to announce the arrangement of some of the important questions between this government and that of Spain, but the negotiations have been protracted. The unhappy intestine dissensions of Spain command our profound sympathy, and must be accepted as perhaps a cause of some delay. An early settlement, in part at least, of the questions between the government is hoped. In the meantime, awaiting the results of immediately pending negotiations, I defer a further and fuller communication on the subject of the relations of this country and Spain."

President Grant, annual message, Dec. 7, 1874, For. Rel. 1874, ix.

It seems that a spurious text of this message was fabricated, upon the strength of which Spain made overtures to European governments looking to some joint action of the European powers in her favor. The correct text of the message was cabled to Mr. Cushing at Madrid on December 15, 1874. (Mr. Fish, Sec. of State, to Mr. Cushing, min. to Spain, tel., Dec. 15, 1874, MS. Inst. Spain, XVII. 148; Mr. Fish, Sec. of State, to Mr. Davis, min. to Germany, No. 50, Jan. 21, 1875, MS. Inst. Germany, XVI. 12, acknowledging the receipt of Mr. Davis's No. 55, confidential, narrating the substance of an interview with Mr. Von Buelow in reference to Cuba and Spanish affairs.)

On January 21, 1876, President Grant sent to the House of Representatives, in response to a resolution of the 17th Instruction No. 266, of that month, a report from the Secretary of State, Nov. 5, 1875. with accompanying correspondence with Spain in relation to Cuba.

First and most important among the documents transmitted was an instruction from Mr. Fish to Mr. Cushing, No. 206, of November 5, 1875. This instruction referred to the questions pending between the two countries, the most prominent of which were those arising from the embargo and confiscation of estates of American citizens in Cuba, those relating to the trial of American citizens in that island in violation of treaty obligations, and the claims arising out of the capture of the *Virginias*, including the trial and punishment of General Burriel. On all these subjects, said Mr. Fish, Mr. Cushing was instructed when he went to Madrid, and since that time more than eighteen months had elapsed. With regard to the embargo estates, no effectual result had been accomplished. The general question had been pending for more than six years. The kindred question as to the trial of American citizens in Cuba by court-martial, and their arrest and punishment without trial, in violation of the provisions of the treaty of 1795, was in substantially the same position. This simple narration of facts as to these two questions, the promises made and repeated, the assurances given from time to time that something should be done, the admission of the demands of justice at least to the extent of expressing regret for wrongs and promising redress, followed by absolutely no performance and no practical steps towards performance, needed, said Mr. Fish, no extended comment. As to the *Virginias*, he observed that the particulars of the delivery of the vessel to the United States and the payment of indemnities both to that government and to Great Britain had passed into history. But the higher and more imperative duty, which the Government of Spain assumed by the protocol of November 29, 1873, to bring to justice General Burriel and the other principal offenders in the tragedy, had been evaded and entirely neglected.

Having touched upon these particular questions, Mr. Fish referred to the general condition of affairs in Cuba as affecting the relations between the United States and Spain. It was more than five years, he said, since an organized insurrection had broken out, which the government of Spain had been entirely unable to suppress. Continuing, he said:

"At that time the firm conviction of the President was announced that whatever might be the vicissitudes of the struggle, and whatever efforts might be put forth by the Spanish power in Cuba, no doubt could be entertained that the final issue of the conflict would be to break the bonds which attached Cuba as a colony to Spain.

"While remembering and observing the duties which this government, as one of the family of nations, owes to another member, by public law, treaties or the particular statutes of the United States, it would be idle to attempt to conceal the interest and sympathy with which Americans in the United States regard any attempt of a

numerous people on this continent to be relieved of ties which hold them in the position of colonial subjection to a distant power, and to assume the independence and right of self-control which natural rights and the spirit of the age accord to them.

"When, moreover, this struggle, in progress on our very borders, from its commencement has involved the property and interests of citizens of the United States; has disturbed our tranquillity and commerce; has called upon us not infrequently to witness barbarous violations of the rules of civilized warfare, and compelled us for the sake of humanity to raise our voice by way of protest, and when more than all we see in the contest the final struggle in this hemisphere between slavery and freedom, it would be strange indeed if the Government and people of this country failed at any time to take peculiar interest in the determination of such contest.

"In this early instruction was expressed the sincere and unselfish hope of the President that the government of Spain would seek some honorable and satisfactory adjustment, based upon emancipation and self-government, which would restore peace and afford a prospect of a return of prosperity to Cuba.

"Almost two years have passed since those instructions were issued and those strong hopes expressed, and it would appear that the situation has in no respect improved.

"The horrors of war have in no perceptible measure abated; the inconvenience and injuries which we then suffered have remained, and others have been added; the ravages of war have touched new parts of the island and well-nigh ruined its financial and agricultural system and its relations to the commerce of the world. No effective steps have been taken to establish reforms or remedy abuses, and the effort to suppress the insurrection, by force alone, has been a complete failure.

"In the meantime the material interests of trade and of commerce are impaired to a degree which calls for remonstrance, if not for another line of conduct, on the part of all commercial nations.

"Whether it be from the severity and inhumanity with which the effort has been made to suppress the insurrection and from a supposed justification of retaliation for violations of the rules of civilized warfare by other violations and by acts of barbarism, of incendiarism and outrage, the world is witnessing on the part of the insurgents, whom Spain still claims as subjects, and for whose acts, if subjects, Spain must be held accountable in the judgment of the world, a warfare, not of the legitimate strife of relative force and strength, but of pillage and incendiarism, the burning of estates and of sugar mills, the destruction of the means of production and of the wealth of the island.

"The United States purchases more largely than any other people of the productions of the island of Cuba and therefore, more than any other for this reason, and still more by reason of its immediate neighborhood, is interested in the arrest of a system of wanton destruction which disgraces the age and affects every commercial people on the face of the globe.

"Under these circumstances, and in view of the fact that Spain has rejected all suggestions of reform or offers of mediation made by this government, and has refused all measures looking to a reconciliation, except on terms which make reconciliation an impossibility, the difficulty of the situation becomes increased.

"When, however, in addition to these general causes of difficulty, we find the Spanish government neglectful also of the obligations of treaties and solemn compacts, and unwilling to afford any redress for long-continued and well-founded wrongs suffered by our citizens, it becomes a serious question how long such a condition of things can or should be allowed to exist, and compels us to enquire whether the point has not been reached where longer endurance ceases to be possible.

"During all this time, and under these aggravated circumstances, this government has not failed to perform her obligations to Spain as scrupulously as toward other nations.

"In fact, it might be said that we have not only been long suffering because of the embarrassments surrounding the Spanish government, but particularly careful to give no occasion for complaint for the same reason.

"I regret to say that the authorities of Spain have not at all times appreciated our intentions or our purposes in these respects, and while insisting that a state of war does not exist in Cuba, and that no rights as belligerents should be accorded to the insurrectionists, have at the same time demanded for themselves all the rights and privileges which flow from actual and acknowledged war.

"It will be apparent that such a state of things can not continue. It is absolutely necessary to the maintenance of our relations with Spain, even on their present footing, that our just demands for the return to citizens of the United States of their estates in Cuba, uncumbered, and for securing to them a trial for offenses according to treaty provisions, and all other rights guaranteed by treaty and by public law, should be complied with.

"Whether the Spanish government, appreciating the forbearance of this country, will speedily and satisfactorily adjust the pending questions—not by the issue of empty orders or decrees without force or effect in Cuba, but by comprehensive and firm measures which shall everywhere be respected—I anxiously await further intelligence.

"Moreover, apart from these particular questions, in the opinion of the President, the time has arrived when the interests of this country, the preservation of its commerce and the instincts of humanity alike demand that some speedy and satisfactory ending be made of the strife that is devastating Cuba.

"A disastrous conflict of more than seven years' duration has demonstrated the inability of Spain to maintain peace and order in an island lying at our door. Desolation and destruction of life and property have been the only results of this conflict.

"The United States sympathize in the fact that this inability results in a large degree from the unhappy condition of Spain at home, and to some extent from the distractions which are dividing her people. But the fact remains. Added to this are the large expanse of ocean separating the peninsula from the island, and the want of harmony and of personal sympathy between the inhabitants of the territory of the home government and those of the colony—the distinction of classes in the latter, between rulers and subjects—the want of adaptation of the ancient colonial system of Spain to the present times, and to the ideas which the events of the past age have impressed upon the peoples of every reading and thinking country.

"Great Britain, wisely, has relaxed the old system of colonial dependence, and is reaping the benefits in the contentedness and peaceful prosecution of the arts of peace, and in the channels of commerce and of industry, in colonies which under restraint might have questioned and resisted the power of control from a distant government, and might have exhibited, as does Cuba, a chronic condition of insurrection, turbulence, and rebellion.

"In addition to all this, it can not be questioned, that the continued maintenance, in the face of decrees and enactments to the contrary, of a compulsory system of slave labor, is a cause of disquiet and of excitement to a large class in the island, as also in the United States, which the government of Spain has led us, by very distinct assurances, to expect should be removed, and which the enlightened Christianity of the age condemns.

"The contest and disorder in Cuba affect the United States directly and injuriously by the presence in this country of partisans of the revolt who have fled hither (in consequence of the proximity of territory) as to a political asylum, and who, by their plottings, are disturbers of the public peace.

"The United States has exerted itself to the utmost, for seven years, to repress unlawful acts, on the part of these self-exiled subjects of Spain, relying on the promise of Spain to pacify the island. Seven years of strain on the powers of this government to fulfill all that the most exacting demands of one government can make, under any doctrine or claim of international obligation, upon another, have not

witnessed the much hoped for pacification. The United States feels itself entitled to be relieved of this strain.

"The severe measures, injurious to the United States and often in conflict with public law, which the colonial officers have taken to subdue the insurrection—the indifference, and oftentimes the offensive assaults upon the just susceptibilities of the people of the United States and their government which have characterized that portion of the peninsular population of Havana which has sustained and upheld, if it has not controlled, successive governors-general, and which have led to the disregard of orders and decrees which the more enlarged wisdom and the more friendly councils of the home government had enacted, the cruelty and inhumanity which have characterized the contest, both on the part of the colonial government and of the revolt, for seven years—and the destruction of valuable properties and industries by arson and pillage, which Spain appears unable, however desirous to prevent and stop, in an island three thousand miles distant from her shores but lying within sight of our coast, with which trade and constant intercourse are unavoidable, are causes of annoyance and of injury to the United States which a people can not be expected to tolerate without the assured prospect of their termination.

"The United States has more than once been solicited by the insurgents to extend to them its aid, but has for years hitherto resisted such solicitation, and has endeavored by the tender of their good offices in the way of mediation, advice and remonstrance, to bring to an end a great evil, which has pressed sorely upon the interests both of the government and of the people of the United States, as also upon the commercial interests of other nations.

"A sincere friendship for Spain, and for her people, whether peninsular or insular, and an equally sincere reluctance to adopt any measures which might injure or humble this ancient ally of the United States, has characterized the conduct of this government in every step during these sad and distressing years, and the President is still animated by the same feelings, and desires above all things to aid her and her people to enter once more upon the path of safety and repose.

"It will be remembered that the President, in the year 1869, tendered the good offices of the United States for the purpose of bringing to a close the civil war in Cuba. This offer was made delicately, in good faith and in friendship, to both parties to the contest.

"General Prim, as the representative of the Spanish government, while recognizing the good faith and friendship with which this offer was made, replied: 'We can better proceed in the present situation of things without even this friendly intervention. A time will come when the good offices of the United States will be not only useful, but indispensable, in the final arrangements between Spain and

Cuba. We will ascertain the form in which they can be employed and confidently count upon your assistance.'

"The United States replied that its good offices for that object would be at any time at the service of the parties to the conflict. This government has ever since been ready thus to aid in restoring peace and quiet.

"The government of the United States has heretofore given expression to no policy in reference to the insurrection in Cuba, because it has honestly and sincerely hoped that no declaration of policy on its part would be required.

"The President feels that longer reticence would be inconsistent with the interests of both governments.

"Our relations with Spain are in that critical position that another seizure similar to that of the 'Virginus;' other executions of citizens of the United States in Cuba; other wrongs of a less objectionable character even than many which have been already suffered by our citizens with simple remonstrance, or possibly even some new act of exceptional severity in Cuba, may suddenly produce a feeling and excitement which might force events which this Government anxiously desires to avoid.

"The President hopes that Spain may spontaneously adopt measures looking to a reconciliation, and to the speedy restoration of peace and the organization of a stable and satisfactory system of government in the island of Cuba.

"In the absence of any prospect of a termination of the war, or of any change in the manner in which it has been conducted on either side, he feels that the time is at hand when it may be the duty of other governments to intervene, solely with the view of bringing to an end a disastrous and destructive conflict and of restoring peace in the island of Cuba. No government is more deeply interested in the order and peaceful administration of this island than is that of the United States, and none has suffered as has the United States from the condition which has obtained there during the past six or seven years. He will therefore feel it his duty at an early day to submit the subject in this light, and accompanied by an expression of the views above presented, for the consideration of Congress.

"This conclusion is reached with reluctance and regret.

"It is reached after every other expedient has been attempted and proved a failure, and in the firm conviction that the period has at last arrived when no other course remains for this government.

"It is believed to be a just and friendly act to frankly communicate this conclusion to the Spanish government.

"You will therefore take an early occasion thus to inform that government.

"In making the communication it is the earnest desire of the President to impress upon the authorities of Spain the continued friendly disposition of this government, and that it has no ulterior or selfish objects in view, and no desire to become a party in the conflict, but is moved solely by the imperative necessities of a proper regard to its own protection and its own interests and the interests of humanity, and, as we firmly believe, in the ultimate interest of Spain itself.

"In informing the Spanish government of these conclusions pursuant hereto, you are authorized to read this instruction to the minister of state, or to state the substance and purport thereof, as you may deem most advisable.

"You will, of course, keep me advised, by telegraph and by post, of your proceedings pursuant to this instruction."

Mr. Fish, Sec. of State, to Mr. Cushing, min. to Spain, No. 266, Nov. 5, 1875, II Ex. Doc. 90, 44 Cong. 1 sess. 3, S. Doc. 213, 54 Cong. 1 sess. 2

This instruction is recorded in MS Circulars, II 100

In an instruction to Mr. Cushing, November 5, 1875, Mr. Fish stated that a copy of the foregoing instruction, No. 266, had been sent confidentially to General Schenck, American minister at London, with instructions to read it to Lord Derby, and to suggest that it would be agreeable to the United States and tend to the adjustment of the question of the pacification of Cuba, if not to the preservation of general peace, if the British government would support by its influence the position assumed by the United States.

Mr. Cushing was directed to postpone action in communicating the conclusions of the United States to Spain till General Schenck should have communicated the views of the British government by telegraph to the Department of State and telegraphic instructions could be sent based thereon.

Mr. Fish also stated that a copy of instruction No. 266 would shortly be sent to all the diplomatic representatives of the United States in confidence, for their information, and that the ministers to the principal European courts would be instructed to communicate its purport to the government to which they were respectively accredited.

Mr. Fish, Sec. of State, to Mr. Cushing, min. to Spain, No. 267, Nov. 5, 1875, S. Doc. 213, 54 Cong. 1 sess.

A copy of the foregoing instruction, No. 267, to Gen. Schenck was published with President Grant's message to the House of Representatives of January 21, 1876, but the last paragraph, saying that a copy of instruction No. 266 would be sent to other ministers and that the American ministers to the principal European courts would be instructed to communicate its purport to the governments to which

they were respectively accredited, was omitted. (H. Ex. Doc. 90, 44 Cong. 1 sess. 12.)

For the instructions to General Schenck, see Mr. Fish, Sec. of State, to General Schenck, min. to England, No. 805 (confd.), Nov. 5, 1875, MS. Inst. Great Britain, XXIV. 135; and, for extract, S. Rept. 885, 55 Cong. 2 sess. 152, containing a reprint of S. Doc. 213, 54 Cong. 1 sess.

November 15, 1875, a circular instruction, enclosing a copy of instruction to Mr. Cushing, No. 266, was sent to the ministers of the United States at Paris, Berlin, St. Petersburg, Vienna, and Rome. Each of the ministers was directed to read No. 266, or to state orally the substance thereof, to the minister of foreign affairs confidentially, but not to give him a copy, and to assure him of the sincere and earnest desire of the President for a termination of the disastrous conflict in Cuba by the spontaneous action of Spain or by the agreement of the parties thereto, and further to state that the President was of opinion that, if the government to which the minister was accredited should find it consistent with its views, to urge upon Spain the importance and necessity of either terminating the contest or abandoning it, the friendly expression of such views to Spain might lead her to a dispassionate consideration of the hopelessness of the contest and tend to the earlier restoration of the peace and prosperity of Cuba, if not to the preservation of the peace of the world. A postscript stated, however, that, since the circular was prepared, a telegram had been received from Mr. Cushing which rendered it inadvisable that instruction No. 266 should be communicated to the governments in question till further directions should be sent by telegraph.

. II. Ex. Doc. 90, 44 Cong. 1 sess. 13.

The circular is recorded in MS. Circulars, II. 107.

See, also, Mr. Fish, Sec. of State, to Mr. Moran, Nos. 21 and 22, Nov. 15, 1875, MS. Inst. Portugal, XV. 115.

The telegram from Mr. Cushing, referred to by Mr. Fish, stated that a note from the Spanish government, eminently amicable in spirit, had been received; that it conceded everything in effect or substance, and that it gave repeated assurances of the trial of General Burriel. (II. Ex. Doc. 90, 44 Cong. 1 sess. 14.)

Nov. 15, 1875, Mr. Fish sent out a circular to the diplomatic officers of the United States, inclosing a copy of his No. 265 to Mr. Cushing, of Nov. 5, 1875, in relation to the proceedings against Gen. Burriel and the authorities at Santiago in the matter of the *Virginius*. This instruction was communicated to them confidentially for their information. (MS. Inst. Argentine Republic, XVI. 93; MS. Circulars, II. 98.)

"Read inclosure to 805 as soon as opportunity will admit. You will explain that intervention is not contemplated as an immediate resort, but as a contingent necessity in case the contest be prosecuted, and satisfactory adjustment of existing griefs be not reached, and

that we sincerely desire to avoid any rupture, and are anxious to maintain peace and establish our relations with Spain on a permanent basis of friendship. I now state further, for your own information, and for your guidance in your interview with minister, that message will discountenance recognition of belligerency or independence; will allude to intervention as a possible necessity, but will not advise its present adoption. Cushing is instructed to communicate to minister without waiting result of your interview, but you will communicate with him in cipher after your interview."

Mr. Fish, Sec. of State, to Gen. Schenck, tel., Nov. 27, 1875, II Ex. Doc. 90, 44 Cong. 1 sess. 16

To the telegram, as thus published, there was added in the original the following sentence "Take precaution that the purport of instruction or of information above be not given through minister to press or public" (MS. Inst. Great Britain, XXIV. 145.)

In saying "Read inclosure to 805," Mr. Fish referred to his No. 206 to Mr. Cushing, which formed an inclosure with Mr. Fish's confidential instruction to Gen. Schenck, No. 805, of Nov. 5, 1875

November 27, 1875, Mr. Fish cabled Mr. Cushing that he might give a copy of instruction No. 206 to the Spanish minister of state. A copy was delivered by Mr. Cushing to the minister on the 30th of November. (II. Ex. Doc. 90, 44 Cong. 1 sess. 15-16)

See Mr. Cushing to Mr. Fish, No. 602, Nov. 30, 1875, S. Ex. Doc. 213, 51 Cong. 1 sess. 17.

"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 incendiaries' torch, firing plantations and valuable factories and buildings, is the agent marking the alternate advance or retreat of contending parties.

"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. The same is true, differing only in degree, with respect to the interests and people of other nations; and the absence of any reasonable assurance of a near termination of the conflict must, of necessity, soon compel the states thus suffering to consider what the

interests of their own people and their duty toward themselves may demand.

"I have hoped that Spain would be enabled to establish peace in her colony, to afford security to the property and the interests of our citizens, and allow legitimate scope to trade and commerce and the natural productions of the island. Because of this hope, and from an extreme reluctance to interfere in the most remote manner in the affairs of another and a friendly nation, especially of one whose sympathy and friendship in the struggling infancy of our own existence must ever be remembered with gratitude, I have patiently and anxiously waited the progress of events. Our own civil conflict is too recent for us not to consider the difficulties which surround a government distracted by a dynastic rebellion at home, at the same time that it has to cope with a separate insurrection in a distant colony. But whatever causes may have produced the situation which so grievously affects our interests, it exists, with all its attendant evils operating directly upon this country and its people. Thus far all the efforts of Spain have proved abortive, and time has marked no improvement in the situation. The armed bands of either side now occupy nearly the same ground as in the past, with the difference, from time to time, of more lives sacrificed, more property destroyed, and wider extents of fertile and productive fields and more and more of valuable property constantly wantonly sacrificed to the incendiaries' torch. . . . [At this point the President discussed the questions of the recognition of independence and the recognition of belligerency. The passages are given under those titles, *supra*, §§ 40, 67, vol. 1, pp. 107, 196.] The recognition of independence or of belligerency being thus, in my judgment, equally inadmissible, it remains to consider what course shall be adopted should the conflict not soon be brought to an end by acts of the parties themselves, and should the evils which result therefrom, affecting all nations, and particularly the United States, continue. .

"In such event, I am of opinion that other nations will be compelled to assume the responsibility which devolves upon them, and to seriously consider the only remaining measures possible, mediation and intervention. Owing, perhaps, to the large expanse of water separating the island from the peninsula, the want of harmony and of personal sympathy between the inhabitants of the colony and those sent thither to rule them, and want of adaptation of the ancient colonial system of Europe to the present times and to the ideas which the events of the past century have developed, the contending parties appear to have within themselves no depository of common confidence, to suggest wisdom when passion and excitement have their sway, and to assume the part of peacemaker. In this view, in the earlier days of the contest the good offices of the United States as a mediator were

tendered in good faith, without any selfish purpose, in the interest of humanity and in sincere friendship for both parties, but were at the time declined by Spain, with the declaration, nevertheless, that at a future time they would be indispensable. No intimation has been received that in the opinion of Spain that time has been reached. And yet the strife continues, with all its dread horrors and all its injuries to the interests of the United States and of other nations. Each party seems quite capable of working great injury and damage to the other, as well as to all the relations and interests dependent on the existence of peace in the island; but they seem incapable of reaching any adjustment, and both have thus far failed of achieving any success whereby one party shall possess and control the island to the exclusion of the other. Under these circumstances, the agency of others, either by mediation or by intervention, seems to be the only alternative which must, sooner or later, be invoked for the termination of the strife. At the same time, while thus impressed, I do not at this time recommend the adoption of any measure of intervention. I shall be ready at all times, and as the equal friend of both parties, to respond to a suggestion that the good offices of the United States will be acceptable to aid in bringing about a peace honorable to both. It is due to Spain, so far as this government is concerned, that the agency of a third power, to which I have adverted, shall be adopted only as a last expedient. Had it been the desire of the United States to interfere in the affairs of Cuba, repeated opportunities for so doing have been presented within the last few years; but we have remained passive, and have performed our whole duty and all international obligations to Spain with friendship, fairness, and fidelity, and with a spirit of patience and forbearance which negatives every possible suggestion of desire to interfere or to add to the difficulties with which she has been surrounded.

"The government of Spain has recently submitted to our minister at Madrid certain proposals which, it is hoped, may be found to be the basis, if not the actual submission, of terms to meet the requirements of the particular griefs of which this government has felt itself entitled to complain. These proposals have not yet reached me in their full text. On their arrival they will be taken into careful examination, and may, I hope, lead to a satisfactory adjustment of the questions to which they refer, and remove the possibility of future occurrences, such as have given rise to our just complaints.

"It is understood also that renewed efforts are being made to introduce reforms in the internal administration of the island. Persuaded, however, that a proper regard for the interests of the United States and of its citizens entitle it to relief from the strain to which it has been subjected by the difficulties of the questions and the wrongs and losses which arise from the contest in Cuba, and that the inter-

ests of humanity itself demand the cessation of the strife before the whole island shall be laid waste and larger sacrifices of life be made, I shall feel it my duty, should my hopes of a satisfactory adjustment and of the early restoration of peace and the removal of future causes of complaint be, unhappily, disappointed, to make a further communication to Congress at some period not far remote, and during the present session, recommending what may then seem to me to be necessary."

President Grant, annual message, Dec. 7, 1875, *For. Rel.* 1875, vi.

On December 6, 1875, Mr. Washburne was instructed to proceed as directed in the circular of November 15, 1875, and was informed that the President's message, which had just been sent in, would discountenance recognition of belligerency or independence, but would refer to the continuance of the struggle in Cuba and intimate that mediation or intervention by other powers would be an ultimate necessity unless an adjustment was reached.

December 13, 1875, Mr. Orth, at Vienna, and Mr. Boker, at St. Petersburg, were directed to proceed in accordance with the circular in question.

Mr. Fish, Sec. of State, to Mr. Washburne, min. to France, tel., Dec. 6, 1875, *MS. Inst. France*, XIX. 326; Mr. Fish, Sec. of State, to Mr. Orth, min. to Austria, Dec. 13, 1875, *MS. Inst. Austria*, II. 380; Mr. Fish, Sec. of State, to Mr. Boker, min. to Russia, tel., Dec. 13, 1875, *MS. Inst. Russia*, XV. 541.

December 19, 1875, Mr. Cushing cabled that the Spanish government had just heard from Austria of a circular addressed to European governments suggesting intervention in Cuba, and that instruction No. 266 was evidently intended. Mr. Cushing wished to know what he should say if he should be interrogated on the subject.

Mr. Fish replied that the instruction had been communicated to Russia, Italy, and Austria; that Prince Gortschakoff had promised, if the Emperor should consent, to make representations to Spain towards the preservation of good relations, but doubted Russian influence; that Italy would instruct her minister to urge upon Spain the expediency of fulfilling her duties towards the United States and pacifying Cuba, without specifying measures; and that Austria promised an answer during the week, which answer would probably be unsatisfactory. "Intervention of foreign powers," added Mr. Fish, "was neither asked nor suggested at present, but expression of their views desired to impress on Spain necessity of terminating contest, and to avoid necessity of intervention. This course adopted in the direction of friendship and of peace and to exhaust every effort,

and avoid all possible suspicion of selfish, unfriendly, or ulterior purposes. You may so reply if interrogated."

Mr. Fish, Sec. of State, to Mr. Cushing, min. to Spain, tel., Dec. 20, 1875,
S. Doc. 213, 51 Cong. 1 sess.

"Referring to my No. 505 of the 5th of November, to my telegrams of November 19th and 27th, and December 6th, and to your telegram received November 30th, and to that of December 2d, I now enclose, confidentially, and for your information, a copy of Mr. Cushing's despatches No. 692, dated November 30; 698, dated December 3; 703, dated December 5th, and 705, dated December 6th, all in reference to the same question, and also of a despatch, No. 1263, from Mr. Witt, chargé d'affaires at Paris, dated December 10th, reporting his proceedings on reading No. 266, addressed to Mr. Cushing, to the Duke Decazes.

"With his 692, Mr. Cushing reports the delivery of a copy of No. 266 to the minister of state, and the reading of a memorandum by way of explanation.

"As appears by 698, Mr. Layard called upon Mr. Cushing on December 2d (or as is supposed, on December 1st), and expressed his readiness to back him in the matter of Cuba, so soon as a line of action should be agreed on by the two governments.

"Mr. Cushing in his 703 reports in full an interview with the minister of state on December 4th, relating, however, entirely to the particular causes of grievance of the United States, as distinguished from the general question of the condition of Cuba; and in his 705 refers to a telegram received from yourself, and states that Mr. Layard is prepared to cooperate with him now, if there should be any occasion toward keeping the peace, but that his interview with the minister of state of the 4th, as reported in his 703, was deemed so satisfactory that there seemed to be no present occasion for the friendly interposition of Mr. Layard, who concurred in the opinion of the inexpediency of further steps until the arrival of more definite instructions from Lord Derby.

"As considerable misapprehension seems to exist, I refer to the matter in some detail. Mr. Cushing seems to have presented No. 266 to the minister of state, and to have been of the opinion that the Spanish note, as to our particular griefs, under date of November 15th, might, when received, modify the views which it was intended to insert in the President's message, and in some manner affect the general question of the condition of Cuba, treated of in instruction 266.

"Your telegram of December 2d stated that Lord Derby had received a telegram from Mr. Layard, stating that Mr. Cushing had

delivered to the Spanish government the note of the 5th, but had requested no definite action upon it until he might communicate with me, and that some expectation existed that the note of the 15th November, from the Spanish government, might afford reason for modification of the views of the President as expressed in his message.

"As you will remember, I replied to your telegram, under date of December 6th, as soon as the text of the Spanish note was received, stating that, while this communication afforded hope of an adjustment of our particular grievances, it did not suggest an alteration in the message upon the general question.

"It was hoped that information being thus given, to the effect that the President saw no reason to modify the views which had been communicated to the English government, a conclusion would be reached by Lord Derby and instructions sent to Mr. Layard. It is not impossible that such is the case, but the Department has not been advised of any further communication between yourself and Lord Derby since the receipt of your 839, of December 9, received December 22, acknowledging the receipt of my telegram of December 6, nor has the Department ever been informed by you, other than by your telegrams, of what passed between yourself and Lord Derby.

"I had hoped before this to have been fully informed upon the question as to what occurred at the interview, the manner in which the statement and representation made by you were received, with your comments on the whole question, and to have been advised of any subsequent steps by the British government.

"It is proper to state, in this connection, that instruction 266 was brought to the attention of the governments of France, Germany, Russia, Italy, and Austria, although not precisely in the same terms in which it was communicated to the government of Great Britain, and the suggestion was made that should these governments, in view of the statements in instruction 266, which had been communicated to the Spanish government, see fit to urge upon Spain the necessity of abandoning or terminating the contest in Cuba, such course would be satisfactory to this government, and conducive to the interests of all commercial nations.

"Information has been received by telegraph that Germany, Russia, and Italy have instructed their representatives at Madrid, to urge upon the Spanish government the wisdom of restoring peace to Cuba.

"You will also perceive, from Mr. Hitt's despatch, that the Duke Decazes contemplated consulting the government of Great Britain, before deciding on the course which France should adopt. The Department is not advised whether any such conference has been had, nor as to the conclusion which the Duke Decazes may have

reached. An instruction has, however, been addressed to Mr. Hitt, on that subject.

"It is proper also to say, that the note of the 15th of November from the minister of foreign affairs of Spain, in reference to the particular reclamations of the United States, while it holds out hopes of an adjustment of our particular griefs, at the same time makes it necessary to obtain information on several points, and renders considerable delay in reaching any conclusion necessary.

"Under these circumstances, and as certain of the European governments have issued instructions to their representatives on the question, it is hoped that no misapprehension exists on the part of the British government to delay instructions which it may be willing to give, as suggested in my No. 805 to you, supporting the views of this government as to the necessity of ending the contest in Cuba."

Mr. Fish, Sec of State to Gen Schenck, mem to England, No 833 (confid), Jan 11, 1876, MIS Inst Great Britain, XXIV 162

With reference to the foregoing instruction, further developments of the negotiations founded on Mr. Fish's No. 266 to Mr. Cushing may be noted, as follows:

Mr. Orth, the American minister at Vienna, brought the subject to the attention of the Austrian foreign office, and was subsequently advised that Count Andrassy desired a copy of instruction No. 266, to which Mr. Orth had referred. Mr. Fish finally cabled to Mr. Orth that he might give a copy of the instruction to Count Andrassy if it was desired. Mr. Orth communicated a copy to the Count with a formal note of January 24, 1876. Mr. Fish, when he heard of what had been done, instructed Mr. Orth by cable that the permission previously given "did not contemplate a written communication" of the instruction, but merely an informal handing of it to Count Andrassy; and Mr. Orth was directed not to press for a formal answer. Count Andrassy was duly acquainted with the wishes of the United States on this subject, and no answer was given. While negotiations were pending, the substance of Mr. Orth's interviews with the foreign office from time to time appeared in the Vienna press.

In France the Duke Decazes summed up the views of his Government by saying, first, that they were sincerely desirous of assisting the United States and Spain in the matter; and, second, that the situation in Cuba affected French interests, and that France would be willing to cooperate with the United States in bringing it to an end if they thought the opportunity was favorable, but that it would be necessary to wait, especially in view of the embarrassed situation of Spain at home.

After sending his instruction of January 11, 1876, to General Schenck, Mr. Fish had an interview at the Department of State with Mr. Schlozer, the German minister, who stated that he had been instructed to express thanks for the friendly communication to the German government of instruction No. 266, and to state that, while his government appreciated the seriousness of the situation in Cuba, it did not feel disposed at present to take any decided step. Mr. Fish remarked that he had understood from the American chargé d'affaires at Berlin that the German minister at Madrid would be instructed to represent to the Spanish government that in the opinion of Germany the United States was justified in its complaint and in the wish for the early termination of the conflict in Cuba. Mr. Schlozer replied: "Oh, yes; but you know in these matters the governments of Europe like to act in concert." Mr. Fish answered that this was the object in view in communicating with the great powers simultaneously, since it was believed that they would feel the fairness of the position of the United States, and that a simultaneous expression to that effect could not fail to exercise a powerful influence in inducing Spain to appreciate the necessity of ending a war which had lasted more than seven years and which was threatening the destruction of the productive capacity of the island. Mr. Fish further called attention to the fact that the United States "neither sought nor desired any physical force or pressure, but simply the moral influence of concurrence of opinion as to the protraction of the contest." On January 26, 1876, Mr. Davis, American minister at Berlin, reported that he had just had an interview with Mr. Von Bülow concerning Cuba. Mr. Davis inquired what answer had been made to the German representation concerning the duration of the war. Mr. Von Bülow replied that the Spanish government had assured Count Hatzfeldt that the insurrection would be shortly suppressed, and that, as soon as this was done, liberal reforms would be given to Cuba. In these circumstances the German government was indisposed to take any action.

Lord Derby stated that the British government would be willing, in the interest of humanity and friendship, to cooperate in any way that promised to bring about a settlement of troubles in Cuba, but that it was not prepared to put any pressure on the Spanish government or to put forward proposals which he had reason to think that that government would not be inclined to accept. He thought that Spain, for the purpose of saving her dignity, might be willing to accept some interposition, in which case Great Britain would not object to using her good offices. But she could not employ her good offices if Spain stood off and declined any interference. He expressed the belief that Spain would certainly reject any proposal for giving up Cuba, and would never yield that point except to force, but that

she might be willing to agree on a basis of self government for the islands.

The answer of Italy has been given above, in the instruction to General Schenck.

As the result of conferences with the foreign office, the American minister at Lisbon expressed the belief that Portugal would under no circumstances at the moment venture to urge upon the Spanish government the importance of a speedy termination of the conflict in Cuba.

On December 23, 1875, Mr. Boker, American minister at St. Petersburg, reported that Prince Gortschakoff had informed him that the Emperor had acquiesced in the proposal that diplomatic representations should be made by Russia to the Spanish government, and that instructions had been sent to the Russian minister at Madrid to use his good office and friendly advice with the intention of effecting an equitable adjustment of questions at issue; but Prince Gortschakoff seemed to refer to the use of good offices to avert a conflict between the United States and Spain, rather than to the object which Mr. Fish had in view.

See S. Report No. 885, 55 Cong. 2 sess. 129-179, containing a reprint of S. Ex. Doc. 213, 54 Cong. 1 sess.; Mr. Fish, Sec. of State, to Mr. Davis, min. to Germany, No. 173 (confd.), Jan. 20, 1876, MS. Inst. Germany, XVI. 147.

"Upon reading your No. 956 of the 20th May, enclosing an extract from the *Independencia* of New York, professing to contain a 'programme' of the revolutionists in Cuba, with your comments as to the extremities to which the insurgents have proceeded, I am reminded of your two despatches Nos. 911 and 914, both dated April 19, 1876, informing me of the communication to the minister of state of instruction No. 323 of the 1st of March.

"You will remember that this instruction was addressed to you because the minister of state was pleased to invite a frank statement concerning the precise thing which this government would advise or wish Spain to do, pursuant to which intimation I frankly informed you of the views of this government as to what course might be adopted with a view to the restoration of peace in Cuba.

"On almost every occasion heretofore, when complaints have been made of the damage to this country, and to all countries having relations with Cuba, growing out of the insurrection, or when friendly suggestion has been made, as in this case, substantially the same answer has been returned, namely, that the insurrection was about to be suppressed, and when that had happened, then, but not before, reforms which were admitted to be required, would be inaugurated, and measures necessary to the peace or prosperity of the island

adopted. The insurrectionists on the other hand have been unwilling to rely on these assurances or to lay down their arms. Thus things have proceeded and the insurrection is no nearer a suppression now than years ago, and the needed reforms as distant as some years since.

"It has been averred that certain high authorities in Spain did not at first object to a show of revolution or revolt in Cuba as such a condition of affairs gave ready excuse for increased taxation and new burdens. Of this I say nothing and express no opinion, but it seems to me indisputable that the determination of Spain to do nothing by way of reforms or to aid in any improvement in affairs until the insurrection had been suppressed, has prevented its suppression and virtually prevented the introduction of any better state of affairs in the island.

"With therefore a continuation of the same policy on the part of the authorities of Spain, as is foreshadowed by the minister of state in his communications to you touching my instruction of the 1st of March, and in other quarters, and with the determination of the insurgents, if such can be said to be foreshadowed in this extract from the *Independencia*, or if the same be genuine, with the extreme views of the two parties, neither willing or intending to yield to the other, and with the want of power or ability of either to coerce the other, there seems little hope that anything is soon to be expected in the interest either of good government in Cuba, or which will lead to peace and prosperity in the island."

Mr. Fish, Sec. of State, to Mr. Cushing, min. to Spain, No. 383, June 16, 1876, MS. Inst. Spain, XVII. 550.

See also, as to intervention in Cuba, Mr. Fish, Sec. of State, to Mr. Cushing, min. to Spain, No. 342, March 22, 1876, MS. Inst. Spain, XVII. 494.

"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 have sedulously abstained from any intervention in this contest, it is impossible not to feel that it is attended with incidents affecting the rights and interests of American citizens. Apart from the effect of the hostilities upon trade between the United States and Cuba, their progress is inevitably accompanied by complaints, having more or less foundation, of searches, arrests, embargoes, and oppressive taxes upon the property of American residents, and of unprovoked interference with American vessels and commerce. It is due to the government of Spain to say that during the past year it has promptly disavowed and offered reparation for any unauthorized acts of unduly zealous subordinates whenever such acts have been brought to its attention. Nevertheless, such occurrences can not but tend to excite feelings of

annoyance, suspicion, and resentment, which are greatly to be deprecated, between the respective subjects and citizens of two friendly powers."

President Hayes, annual message, Dec. 3, 1877, For. Rel. 1877, xii.

"This government has more than once been called upon of late to take action in fulfillment of its international obligations toward Spain. Agitation in the island of Cuba hostile to the Spanish Crown having been fomented by persons abusing the sacred rights of hospitality which our territory affords, the officers of this Government have been instructed to exercise vigilance to prevent infractions of our neutrality laws at Key West and at other points near the Cuban coast. I am happy to say that in the only instance where these precautionary measures were successfully eluded, the offenders, when found in our territory, were subsequently tried and convicted."

President Arthur, annual message, Dec. 1, 1884, For. Rel. 1884, vii.

The following citations are taken from the list of papers concerning foreign relations attached to the Register of the Department of State (1884):

Neutrality between Spain and Cuba. Resolution requesting the President to issue a neutrality proclamation containing the same provisions as that issued by Spain in 1861 on the occasion of the outbreak of the civil war in United States. January 10, 1876. (S. Mss. Doc. 29, 41 Cong. 1 sess.)

Intervention of foreign powers proposed by the United States to restore order in Cuba; condition of affairs in; correspondence respecting the trial of General Juan Burriel for the massacre of the passengers and crew of the *Virginus*. President's message. January 21, 1876. (II. Ex. Doc. 90, 41 Cong. 1 sess.) As to the *Virginus*, see *supra*, §§ 309, 311, 315.

Cuban insurrection. Terms and conditions upon which the surrender of the insurgents has been made. President's message. May 14, 1878. (S. Ex. Doc. 79, 45 Cong. 2 sess.)

Certain diplomatic correspondence with Spain in 1876, in cases of citizens of the United States condemned to death in Cuba. President's message. May 3, 1882. (S. Ex. Doc. 165, 47 Cong. 1 sess.)

Cuba and Porto Rico. Discriminating duties on commerce between the United States and. President's message, transmitting report from the Secretary of State. January 15, 1884. (S. Ex. Doc. 58, 48 Cong. 1 sess.) January 30, 1884, part 2, additional papers.

An elaborate exposition of the relations of the United States to Cuba down to 1868 is given in Mr. W. B. Lawrence's *Com. sur Droit Int.*, II. 316 et seq.

"Unreasonable and unjust fines imposed by Spain on the vessels and commerce of the United States have demanded from time to time during the last twenty years earnest remonstrance on the part of our government. In the immediate past exorbitant penalties have been imposed upon our vessels and goods by customs authorities of Cuba and Porto Rico for clerical errors of the most trivial character in the

manifests or bills of lading. In some cases fines amounting to thousands of dollars have been levied upon cargoes or the carrying vessels when the goods in question were entitled to free entry. Fines have been exacted even when the error had been detected and the Spanish authorities notified before the arrival of the goods in port.

"This conduct is in strange contrast with the considerate and liberal treatment extended to Spanish vessels and cargoes in our ports in like cases. No satisfactory settlement of these vexatious questions has yet been reached."

President Cleveland, annual message, Dec. 3, 1894, For Rel 1894, xiv.

(3) INSURRECTION OF 1895.

§ 908.

"It might well be deemed a dereliction of duty to the government of the United States, as well as a censurable want of candor to that of Spain, if I were longer to defer official expression as well of the anxiety with which the President regards the existing situation in Cuba as of his earnest desire for the prompt and permanent pacification of that island. Any plan giving reasonable assurance of that result and not inconsistent with the just rights and reasonable demands of all concerned would be earnestly promoted by him by all means which the Constitution and laws of this country place at his disposal.

"It is now some nine or ten months since the nature and prospects of the insurrection were first discussed between us. In explanation of its rapid and, up to that time, quite unopposed growth and progress, you called attention to the rainy season which from May or June until November renders regular military operations impracticable. Spain was pouring such numbers of troops into Cuba that your theory and opinion that, when they could be used in an active campaign, the insurrection would be almost instantly suppressed, seemed reasonable and probable. In this particular you believed, and sincerely believed, that the present insurrection would offer a most marked contrast to that which began in 1868, and which, being feebly encountered with comparatively small forces, prolonged its life for upward of ten years.

"It is impossible to deny that the expectations thus entertained by you in the summer and fall of 1895, and shared not merely by all Spaniards but by most disinterested observers as well, have been completely disappointed. The insurgents seem to-day to command a larger part of the island than ever before. Their men under arms, estimated a year ago at from ten to twenty thousand, are now conceded to be at least two or three times as many. Meanwhile, their discipline has been improved and their supply of modern weapons and equipment has been greatly enlarged, while the mere fact that

they have held out to this time has given them confidence in their own eyes and prestige with the world at large. In short, it can hardly be questioned that the insurrection, instead of being quelled, is to-day more formidable than ever, and enters upon the second year of its existence with decidedly improved prospects of successful results.

"Whether a condition of things entitling the insurgents to recognition as belligerents has yet been brought about may, for the purposes of the present communication, be regarded as immaterial. If it has not been, it is because they are still without an established and organized civil government, having an ascertained situs, presiding over a defined territory, controlling the armed forces in the field, and not only fulfilling the functions of a regular government within its own frontiers, but capable internationally of exercising those powers and discharging those obligations which necessarily devolve upon every member of the family of nations. It is immaterial for present purposes that such is the present political status of the insurgents, *because their defiance of the authority of Spain remains none the less pronounced and successful, and their displacement of that authority throughout a very large portion of the island is none the less obvious and real.*

"When, in 1877, the President of the so-called Cuban Republic was captured, its legislative chamber surprised in the mountains and dispersed, and its presiding officer and other principal functionaries killed, it was asserted in some quarters that the insurrection had received its deathblow and might well be deemed to be extinct. The leading organ of the insurrectionists, however, made this response:

"The organization of the liberating army is such that a brigade, a regiment, a battalion, a company, or a party of twenty-five men can operate independently against the enemy in any department without requiring any instructions save those of their immediate military officers, because their purpose is but one, and that is known by heart as well by the general as the soldier, by the negro as well as the white man or the Chinese, viz, to make war on the enemy at all times, in all places, and by all means, with the gun, the machete, and the firebrand. In order to do this, which is the duty of every Cuban soldier, the direction of a government or a legislative chamber is not needed; the order of a subaltern officer, serving under the general in chief, is sufficient. Thus it is that the government and chamber have in reality been a superfluous luxury for the revolution."

"The situation thus vividly described in 1877 is reproduced to-day. Even if it be granted that a condition of insurgency prevails and nothing more, it is on so large a scale and diffused over so extensive a region, and is so favored by the physical features and the climate of the country, that the authority of Spain is subverted and the functions of its government are in abeyance or practically suspended

throughout a great part of the island. Spain still holds the seaports and most, if not all, of the large towns in the interior. Nevertheless, a vast area of the territory of the island is in effect under the control of roving bands of insurgents, which, if driven from one place to-day by an exhibition of superior force, abandon it only to return to-morrow when that force has moved on for their dislodgment in other quarters.

"The consequences of this state of things can not be disguised. Outside of the towns still under Spanish rule, anarchy, lawlessness, and terrorism are rampant. The insurgents realize that the wholesale destruction of crops, factories, and machinery advances their cause in two ways. It cripples the resources of Spain on the one hand. On the other, it drives into their ranks the laborers who are thus thrown out of employment. The result is a systematic war upon the industries of the island and upon all the means by which they are carried on, and whereas the normal annual product of the island is valued at something like eighty or a hundred millions, its value for the present year is estimated by competent authority as not exceeding twenty millions.

"Bad as is this showing for the present year, it must be even worse for the next year and for every succeeding year during which the rebellion continues to live. Some planters have made their crops this year who will not be allowed to make them again. Some have worked their fields and operated their mills this year in the face of a certain loss who have neither the heart nor the means to do so again under the present even more depressing conditions. Not only is it certain that no fresh money is being invested on the island, but it is no secret that capital is fast withdrawing from it, frightened away by the utter hopelessness of the outlook. Why should it not be? What can a prudent man foresee as the outcome of existing conditions except the complete devastation of the island, the entire annihilation of its industries, and the absolute impoverishment of such of its inhabitants as are unwise or unfortunate enough not to seasonably escape from it?

"The last preceding insurrection lasted for ten years and then was not subdued, but only succumbed to the influence of certain promised reforms. Where is found the promise that the present rebellion will have a shorter lease of life, unless the end is sooner reached through the exhaustion of Spain herself? Taught by experience, Spain wisely undertook to make its struggle with the present insurrection short, sharp, and decisive, to stamp it out in its very beginnings by concentrating upon it large and well-organized armies, armies infinitely superior in numbers, in discipline, and in equipment to any the insurgents could oppose to them.

"Those armies were put under the command of its ablest general, as well as its most renowned statesman—of one whose very name was an assurance to the insurgents both of the skillful generalship with which they would be fought and of the reasonable and liberal temper in which just demands for redress of grievances would be received. Yet the efforts of Campos seem to have utterly failed, and his successor, a man who, rightfully or wrongfully, seems to have intensified all the acerbities of the struggle, is now being reenforced with additional troops. It may well be feared, therefore, that if the present is to be of shorter duration than the last insurrection, it will be because the end is to come sooner or later through the inability of Spain to prolong the conflict, and through her abandonment of the island to the heterogeneous combination of elements and of races now in arms against her.

"Such a conclusion of the struggle can not be viewed even by the most devoted friend of Cuba and the most enthusiastic advocate of popular government except with the gravest apprehension. There are only too strong reasons to fear that, once Spain were withdrawn from the island, the sole bond of union between the different factions of the insurgents would disappear; that a war of races would be precipitated, all the more sanguinary for the discipline and experience acquired during the insurrection, and that, even if there were to be temporary peace, it could only be through the establishment of a white and a black republic, which, even if agreeing at the outset upon a division of the island between them, would be enemies from the start, and would never rest until the one had been completely vanquished and subdued by the other.

"The situation thus described is of great interest to the people of the United States. They are interested in any struggle anywhere for freer political institutions, but necessarily and in special measure in a struggle that is raging almost in sight of our shores. They are interested, as a civilized and Christian nation, in the speedy termination of a civil strife characterized by exceptional bitterness and exceptional excesses on the part of both combatants. They are interested in the noninterruption of extensive trade relations which have been and should continue to be of great advantage to both countries. They are interested in the prevention of that wholesale destruction of property on the island which, making no discrimination between enemies and neutrals, is utterly destroying American investments that should be of immense value, and is utterly impoverishing great numbers of American citizens.

"On all these grounds and in all these ways the interest of the United States in the existing situation in Cuba yields in extent only to that of Spain herself, and has led many good and honest persons to insist that intervention to terminate the conflict is the immediate

and imperative duty of the United States. It is not proposed now to consider whether existing conditions would justify such intervention at the present time, or how much longer those conditions should be endured before such intervention would be justified. That the United States can not contemplate with complacency another ten years of Cuban insurrection, with all its injurious and distressing incidents, may certainly be taken for granted.

"The object of the present communication, however, is not to discuss intervention, nor to propose intervention, nor to pave the way for intervention. The purpose is exactly the reverse—to suggest whether a solution of present troubles can not be found which will prevent all thought of intervention by rendering it unnecessary. What the United States desires to do, if the way can be pointed out, is to co-operate with Spain in the immediate pacification of the island on such a plan as, leaving Spain her rights of sovereignty, shall yet secure to the people of the island all such rights and powers of local self-government as they can reasonably ask. To that end the United States offers and will use her good offices at such time and in such manner as may be deemed most advisable. Its mediation, it is believed, should not be rejected in any quarter, since none could misconceive or mistrust its purpose.

"Spain could not, because our respect for her sovereignty and our determination to do nothing to impair it have been maintained for many years at great cost and in spite of many temptations. The insurgents could not, because anything assented to by this government which did not satisfy the reasonable demands and aspirations of Cuba, would arouse the indignation of our whole people. It only remains to suggest that, if anything can be done in the direction indicated, it should be done at once and on the initiative of Spain.

"The more the contest is prolonged, the more bitter and more irreconcilable is the antagonism created, while there is danger that concessions may be so delayed as to be chargeable to weakness and fear of the issue of the contest, and thus be infinitely less acceptable and persuasive than if made while the result still hangs in the balance, and they could be properly credited in some degree at least to a sense of right and justice. Thus far Spain has faced the insurrection sword in hand, and has made no sign to show that surrender and submission would be followed by anything but a return to the old order of things. Would it not be wise to modify that policy and to accompany the application of military force with an authentic declaration of the organic changes that are meditated in the administration of the island with a view to remove all just grounds of complaint?

"It is for Spain to consider and determine what those changes would be. But should they be such that the United States could urge their adoption, as substantially removing well-founded grievances,

its influence would be exerted for their acceptance, and it can hardly be doubted, would be most potential for the termination of hostilities and the restoration of peace and order to the island. One result of the course of proceeding outlined, if no other, would be sure to follow, namely, that the rebellion would lose largely, if not altogether, the moral countenance and support it now enjoys from the people of the United States.

"In closing this communication it is hardly necessary to repeat that it is prompted by the friendliest feelings toward Spain and the Spanish people. To attribute to the United States any hostile or hidden purposes would be a grave and most lamentable error. The United States has no designs upon Cuba and no designs against the sovereignty of Spain. Neither is it actuated by any spirit of meddlesomeness nor by any desire to force its will upon another nation. Its geographical proximity and all the considerations above detailed compel it to be interested in the solution of the Cuban problem whether it will or no. Its only anxiety is that that solution should be speedy, and, by being founded on truth and justice, should also be permanent.

"To aid in that solution it offers the suggestions herein contained. They will be totally misapprehended unless the United States be credited with entertaining no other purpose toward Spain than that of lending its assistance to such termination of a fratricidal contest as will leave her honor and dignity unimpaired at the same time that it promotes and conserves the true interests of all parties concerned."

Mr. Olney, Sec. of State, to Mr. Dupuy de Lôme, Span. min., April 1, 1890,
For. Rel. 1897, 540.

"As I had the honor to inform your excellency some time ago, I lost no time in communicating to the minister of state of His Majesty the King of Spain the text of the note that your excellency was pleased to address to me, under date of the 4th of April last, in regard to the events that are taking place in the island of Cuba.

"In his answer, dated May 22 last, the Duke of Tetuan tells me that the importance of the communication here referred to has led the government of His Majesty to examine it with the greatest care and to postpone an answer until such time as its own views on the complicated and delicate Cuban question should be officially made public.

"The minister of state adds that since the extensive and liberal purposes of Spain toward Cuba have been laid before the Cortes by the august lips of His Majesty in the speech from the throne, the previous voluntary decisions of the Spanish government in the matter may serve, as they are now serving, as the basis of a reply to your excellency's note.

"The government of His Majesty appreciates to its full value the noble frankness with which that of the United States has informed it

of the very definite opinion it has formed in regard to the legal impossibility of granting the recognition of belligerency to the Cuban insurgents.

"Indeed, those who are now fighting in Cuba against the integrity of the Spanish fatherland possess no qualifications entitling them to the respect, or even to the consideration, of the other countries. They do not, as your excellency expresses it, possess any civil government, established and organized, with a known seat and administration of defined territory, and they have not succeeded in permanently occupying any town, much less any city, large or small.

"Your excellency declares, in the note to which I am now replying, with great legal acumen and spontaneously, that it is impossible for the Cuban insurgents to perform the functions of a regular government within its own frontiers, and much less to exercise the rights and fulfill the obligations that are incumbent on all the members of the family of nations. Moreover, their systematic campaign of destruction against all the industries on the island, and the means by which they are worked, would, of itself, be sufficient to keep them without the pale of the universally recognized rules of international law.

"His Majesty's government has read with no less gratification the explicit and spontaneous declarations to the effect that the government of the United States seeks no advantage in connection with the Cuban question, its only wish being that the ineluctable and lawful sovereignty of Spain be maintained and even strengthened, through the submission of the rebels, which, as your excellency states in your note, is of paramount necessity to the Spanish government for the maintenance of its authority and its honor.

"While expressing the high gratification with which His Majesty's government took note of the emphatic statements which your excellency was pleased to make in your note of the 4th of April with regard to the sovereignty of Spain and the determination of the United States not to do anything derogatory to it, and acknowledging with pleasure all the weight they carry, the Duke of Tetuan says that nothing else was to be expected of the lofty sense of right cherished by the government of the United States.

"It is unnecessary, as your excellency remarks, and in view of so correct and so friendly an attitude, to discuss the hypothesis of intervention, as it would be utterly inconsistent with the above views.

"The government of His Majesty the King of Spain fully concurs in the opinion that your excellency was pleased to express in regard to the future of the island in the event, which can not and shall not be, of the insurrection terminating in its triumph.

"There can be no greater accuracy of judgment than that displayed by your excellency, and, as you said with great reason, such a termination of the conflict would be looked upon with the most seri-

ous misgivings even by the most enthusiastic advocates of popular government; because, as remarked by your excellency, with the heterogeneous combination of races that exist there the disappearance of Spain would be the disappearance of the only bond of union which can keep them in balance, and an unavoidable struggle among the men of different color, contrary to the spirit of Christian civilization, would supervene.

"The accuracy of your excellency's statement is all the more striking, as owing to the conditions of population in the island no part of the natives can be conceded superiority over the others if the assistance of the Spaniards from Europe is not taken into account.

"The island of Cuba has been exclusively Spanish since its discovery; the great normal development of its resources, whatever it is, whatever its value, and whatever it represents in the community of mankind, it owes in its entirety to the mother country; and even at this day, among the various groups of people that inhabit it, whatever be the standpoint from which the question be examined, the natives of the peninsula are there absolutely necessary for the peace and advancement of the island.

"All these reasons fully and clearly demonstrate that it is not possible to think that the island of Cuba can be benefited except through the agency of Spain, acting under her own impulse, and actuated, as she has long been, by the principles of liberty and justice.

"The Spanish government is aware of the fact that far from having justice done it on all sides on these points, there are many persons, obviously deceived by incessant slanders, who honestly believe that a ferocious despotism prevails in our Antilles, instead of one of the most liberal political systems in the world, being enjoyed there now as well as before the outbreak of the insurrection.

"One need only run over the laws governing the Antilles, laws which ought to be sufficiently known in the United States at this day, to perceive how absolutely groundless such impressions are.

"A collection of the Cuban newspapers published in recent years would suffice to show that few civilized countries then enjoyed to an equal degree freedom of thought and of the press—the foundation of all liberties.

"The government of His Majesty and the people of Spain wish and even long for the speedy pacification of Cuba. In order to secure it, they are ready to exert their best efforts and at the same time to adopt such reforms as may be useful or necessary and compatible, of course, with their inalienable sovereignty, as soon as the submission of the insurgents be an accomplished fact.

"The minister of state, while directing me to bring to the knowledge of your excellency the foregoing views, instructs me to remark

how pleased he was to observe that his opinion on this point also agrees with yours.

"No one is more fully aware of the serious evils suffered by Spaniards and aliens in consequence of the insurrection than the government of His Majesty. It realizes the immense injury inflicted on Spain by the putting forth, with the unanimous cooperation and approbation of her people, of such efforts as were never before made in America by any European country. It knows at the same time that the interests of foreign industry and trade suffer, as well as the Spanish interests, from the insurgent system of devastation; but if the insurrection should triumph, the interests of all would not merely suffer, but would entirely and forever disappear amid the madness of perpetual anarchy.

"It has already been said that, in order to prevent evils of such magnitude, the cabinet of Madrid does not and will not confine itself exclusively to the employment of armed force.

"The speech from the throne, read before the national representatives, formally promised *motu proprio*, not only that all that was previously granted, voted by the Cortes, and sanctioned by His Majesty on the 15th of March, 1895, would be carried into effect as soon as the opportunity offered, but also by fresh authorization of the Cortes, all the new extensions and amendments of the original reforms, to the end that both islands may in the administrative department possess a personnel of a local character, that the intervention of the mother country in their domestic concerns may be dispensed with, with the single reservation that nothing will be done to impair the rights of sovereignty or the powers of the government to preserve the same.

"This solemn promise, guaranteed by the august word of His Majesty, will be fulfilled by the Spanish government with a true liberality of views.

"The foregoing facts, being better known every day, will make it patent to the fair people of other nations that Spain, far from proposing that her subjects in the West Indies should return to a régime unfit for the times when she enjoys such liberal laws, would never have withheld these same laws from the islands had it not been for the increasing separatist conspiracies which compelled her to look above all to self-defense.

"The government of His Majesty most heartily thanks that of the United States for the kind advice it bestows on Spain; but it wishes to state, and entertains the confidence that your excellency will readily see, that it has been forestalling it for a long time past. It follows, therefore, as a matter of course, that it will comply with it in a practical manner as soon as circumstances make it possible.

"Your excellency will have seen, nevertheless, how the announcement of this concurrence of views has been received.

"The insurgents, elated by the strength which they have acquired through the aid of a certain number of citizens of the United States, have contemptuously repelled, by the medium of the Cubans residing in this Republic, any idea that the government of Washington can intervene in the contest, either with its advice or in any other manner, on the supposition that the declarations of disinterestedness on the part of the government of the United States are false and that it wishes to get possession of the island one of these days. Hence it is evident that no success would attend such possible mediation, which they repel, even admitting that the mother country would condescend to treat with its rebellious subject as one power with another, thus surely jeopardizing its future authority, detracting from its national dignity, and impairing its independence, for which it has at all times shown such great earnestness, as history teaches. In brief, there is no effectual way to pacify Cuba unless it begins with the actual submission of the armed rebels to the mother country.

"Notwithstanding this, the government of the United States could, by the use of proper means, contribute greatly to the pacification of the island of Cuba.

"The government of His Majesty is already very grateful to that of the United States for its intention to prosecute the unlawful expeditions to Cuba of some of its citizens with more vigor than in the past, after making a judicial investigation as to the adequacy of its laws when honestly enforced.

"Still, the high moral sense of the government of Washington will undoubtedly suggest to it other more effectual means of preventing henceforth what is now the case, a struggle which is going on so near its frontiers, and which is proving so injurious to its industry and commerce, a fact justly deplored by your excellency, being prolonged so exclusively by the powerful assistance which the rebellion finds in the territory of this great republic, against the wishes of all those who love order and law.

"The constant violation of international law in its territory is especially manifest on the part of Cuban emigrants, who care nothing for the losses suffered in the meanwhile by the citizens of the United States and of Spain through the prolongation of the war.

"The Spanish government, on its part, has done much and will do more every day in order to achieve such a desirable end, by endeavoring to correct the mistakes of public opinion in the United States and by exposing the plots and calumnies of its rebellious subjects,

"It may well happen that the declarations recently made in the most solemn form by the government of His Majesty concerning its intentions for the future will also contribute in a large measure to

gratify the wish that your excellency clearly expressed in your note, namely—that all the people of the United States, convinced that we are in the right, will completely cease to extend unlawful aid to the insurgents.

“ If, with that object in view, further particulars on the Cuban question should be desired, in addition to those it already has, by the government of the United States, which shows itself so hopeful that the justice of Spain may be recognized by all, the government of His Majesty will take the greatest pleasure in supplying that information with the utmost accuracy of detail.

“ When the government of the United States shall once be convinced of our being in the right, and when that honest conviction shall in some manner be made public, but little more will be required in order that all those in Cuba who are not merely striving to accomplish the total ruin of the beautiful country in which they *being then hopeless of outside help and powerless by themselves*, will lay down their arms.

“ Until that happy state of things has been attained Spain will, in the just defense not only of her rights but also of her duty and honor, continue the efforts for an early victory which she is now exerting regardless of the greatest sacrifices.”

Mr. Dupuy de Lôme, Span min., to Mr. Olney, Sec. of State, June 4, 1896, For. Rel. 1897, 514.

“ The Secretary of the Treasury has brought under my notice an elaborate report of the Supervising Surgeon-General of the Marine-Hospital Service, concerning the continuous danger to the health of the seaports on the Atlantic coast, and particularly those of the Southern States, and in the Gulf of Mexico, by reason of the epidemic existence of yellow fever in the city and harbor of Havana.

“ Dr. Wyman, whose responsible position as the officer charged with the conduct of quarantine and health precautions so far as the same fall under the purview of the Federal government, especially qualifies him for intelligent observation of the conditions of infection existing in neighboring foreign ports with which this country maintains extended commerce, has fortified his report on this subject with a table showing the years in which yellow fever has invaded the seaboard cities of the United States, the cities so visited and the source of the infection, from which it will be seen that during a recent period of over thirty years in which time more accurate and specific observations have been recorded than in the early years of the century, a very large proportion of the epidemics which have desolated the coast States of this Union have had their origin in infection directly traceable to Havana, while of those epidemics theretofore generally described as originating in the West Indies since 1668 the

appended remarks show that Havana was likewise in many cases the source of the disease.

"The sanitary condition thus described has necessarily been a source of anxiety and well-grounded alarm to the authorities of the United States and of the several seaboard States calling for sanitary precautions and measures of effective quarantine which bear onerously upon the intercourse between the United States and the chief commercial port of the island of Cuba, through which the bulk of our Antillean commerce passes. From time to time, also, the development and spread of actual epidemics, besides ravaging populous districts and entailing rigorous domestic quarantine, has paralyzed commerce and caused widespread hardships, not only as respects the Cuban trade, but as respects the trade of the United States themselves with other countries.

"The correspondence of this Department with your legation for many years past shows that these restrictions upon the Cuban traffic in the ports of the United States have not infrequently been the occasion of remonstrance on the part of the Spanish representatives here, while on the other hand the sanitary condition of Havana has furnished obvious justification for the course pursued by the Federal and State health officers.

"I am not unaware of the actual situation of the island of Cuba, and I can not assume that the present time is auspicious for inviting consideration of the sanitary condition of the harbor and city of Havana with a view to removing the danger which perennially lurks there and imperils the health of neighboring communities. I feel, however, that it is my duty to lay this report before you and invite the most earnest consideration thereof by your government. Another summer is not far distant, and with the advent of warmer weather renewal of the annual precautions against the introduction of yellow fever will be necessary, with all their concomitant restrictions and burdens upon a mutually beneficial commerce. Sooner or later the problem of attacking the pestilential condition which exists and has existed for more than a century at Havana will demand the attention not only of Spain but of other endangered countries, with a view to devising an effective remedy for the state of things disclosed in Surgeon-General Wyman's report, and the gravity of the situation invites timely attention and action."

Mr. Olney, Sec. of State, to Señor Don Enrique Dupuy de Lôme, Spanish min., No. 76, Feb. 7, 1896, MS. Notes to Spain, XI. 126.

“The situation in the island of Cuba has largely engrossed the attention of the Department of State during the past year. Its efforts to obtain trustworthy information and to insure due protection to citizens of the United States and their property and interests within the theater of disturbance have been ably seconded by the consular representatives in that island.

Mr Onley's report
Dec. 7, 1896

“As regards the character and scope of the hostile operations which now affect the greater part of Cuba, the reports of our consuls are properly confidential, and while precise as to the several districts touching which reports have been received, the nature and sources of the information obtained are such as to make detailed publication impracticable, so that the Department is not in a position to do more at present than state its general deductions as to the position of the contending parties.

Confined in the outset, as in the ten years' insurrection which began at Yara in October, 1868, to the eastern portion of the island, where the topography and absence of settled centers especially favored the desultory warfare apparently normal to this class of contests, the present insurrection very early took proportions beyond those of its predecessor and therewith assumed an aggressive phase, invading the populous central and western districts. Passing the defensive lines or trochas traversing the island from north to south, formidable bodies of the revolutionary forces early in the year established themselves in the rich sugar-planting districts of Santa Clara, Cienfuegos, and Matanzas, made hostile forays almost in sight of Havana itself, and, advancing westward, effected a lodgment in the fertile tobacco fields of Pinar del Rio, which has so far resisted all efforts of the Spanish forces to overcome.

“No prominent seaport has been attacked by the insurgents or even menaced beyond occasional raids upon the outskirts. A large part of the twenty-two hundred miles of the irregular coast line of Cuba, comprising the comparatively unsettled stretches of its western extremity and the inhospitable mountain shores of its eastern part, is practically in the hands of the revolutionists. The character of these shores, filled to the westward with shallow indentations inaccessible to any but light vessels of small tonnage, and to the eastward with rocky nooks dangerous to approach by night and affording insecure anchorage for larger craft, lends itself peculiarly to the guerrilla warfare of the interior, so that the insurgents, being relieved of the need of maintaining and garrisoning points upon the coast, are effectively able to utilize a considerable part of it as occasion offers to communicate with the outside world and to receive clandestine supplies of men, arms, and ammunition. The situation

in that quarter, as regards the ease of surreptitious access and the difficulty of repressing illicit traffic, finds a not unapt parallel in that of the Cornish and Welsh coasts of England or the Scottish Highlands in the last century, where a few adventurers were able to smuggle supplies and land rebel emissaries or forces, baffling the watch of maritime forces much greater than those maintained by Spain along the diversified shores of Cuba.

"While thus in fact controlling the larger part of the internal area of the whole island of Cuba, from Cape San Antonio to Cape Maisi, and enjoying practically unlimited use of an equally large part of the coast, the revolutionary forces are scattered, being nowhere united for any length of time to form an army capable of attack or siege and fit to take the defensive in a pitched battle. Assembling suddenly at a given point, often in a single night, they make unexpected sallies or carry destruction to the tobacco and cane fields of Cuba, and at the first sign of pursuit or organized assault they disperse only to re-assemble in like manner at some other spot.

"So far as our information shows, there is not only no effective local government by the insurgents in the territories they overrun, but there is not even a tangible pretence to establish administration anywhere. Their organization, confined to the shifting exigencies of the military operations of the hour, is nomadic, without definite centers and lacking the most elementary features of municipal government. There nowhere appears the nucleus of statehood. The machinery for exercising the legitimate rights and powers of sovereignty and responding to the obligations which *de facto* sovereignty entails in the face of equal rights of other states is conspicuously lacking. It is not possible to discern a homogeneous political entity, possessing and exercising the functions of administration and capable, if left to itself, of maintaining orderly government in its own territory and sustaining normal relations with the external family of governments.

"To illustrate these conditions, the insurgent chiefs assert the military power to compel peaceable citizens of the United States within their reach to desist from planting or grinding cane, under the decreed penalty of death and of destruction of their crops and mills; but the measure is one of sheer force, without justification under public law. The wrongs so committed against the citizens of a foreign state are without an international forum of redress to which the government of the United States may have recourse as regards its relation to the perpetrators. The acts are those of anarchy, and in default of the responsibilities of *de facto* statehood in the case, there remains only the territorial accountability of the titular sovereign within the limits of its competency to repress the wrongs complained of.

"In opposition to the nomadic control of the interior and the undefended coast by the insurgents, the Spanish authority continues in the capital cities and the seaports. Its garrisons are there established; from them its naval operations are directed and executed. Most of its functions proceed as in time of peace. Its customs and municipal revenues are regularly collected, and with exception of the temporary restraints, alleged to be due to the admitted existence of a state of hostilities, foreign commerce with the island is kept up, although largely diminished by the natural contraction of the Cuban market of supply and demand. As to those parts of the island with which this country and its citizens maintain legitimately normal intercourse, the Spanish power is supreme, although often exercised in a vexatious and arbitrary way, calling for just remonstrance.

"So far, therefore, as the relative position of the Spanish and insurgent forces is comparable with the situation during the Yara insurrection, while the same phases of organized administration in the capital and seaports and effective relations of trade with the outside world on the one hand, and on the other a nomadic association without the insignia of orderly government and strong only to wage harassing warfare in the interior, are now as then apparent, the present insurrection stands in notable contrast with its predecessors both as to force and scale of operations.

"Although statistics of their military strength are attainable with difficulty and are not always trustworthy when obtained, enough is certainly known to show that the revolutionists in the field greatly exceed in numbers any organization heretofore attempted; that with large accessions from the central and western districts of the island a better military discipline is added to increased strength; that instead of mainly drawing as heretofore upon the comparatively primitive population of eastern Cuba, the insurgent armies fairly represent the intelligent aspirations of a large proportion of the people of the whole island; and that they purpose to wage this contest, on these better grounds of vantage, to the end and to make the present struggle a supreme test of the capacity of the Cuban people to win for themselves and their children the heritage of self-government.

"A notable feature of the actual situation is the tactical skill displayed by its leaders. When the disparity of numbers and the comparatively indefensible character of the central and western Vega country are considered, the passage of a considerable force into Pinar del Rio followed by its successful maintenance there for many months must be regarded as a military success of a pronounced character.

"So, too, the Spanish force, in the field, in garrison on the island, or on its way thither from the mother country, is largely beyond any

military display yet called for by a Cuban rising, thus affording an independent measure of the strength of the insurrection.

"From every accessible indication it is clear that the present rebellion is on a far more formidable scale as to numbers, intelligence, and representative features than any of the preceding revolts of this century; that the corresponding effort of Spain for its repression has been enormously augmented; and that, despite the constant influx of fresh armies and material of war from the metropolis, the rebellion, after nearly two years of successful resistance, appears to-day to be in a condition to indefinitely prolong the contest on its present lines.

"The nature of the struggle, however, deserves most earnest consideration. The increased scale on which it is waged brings into bolder relief all the appalling phases which often appear to mark contests for supremacy among the Latin races of the Western Hemisphere. Excesses before confined to a portion of the island become more impressive when wrought throughout its whole extent, as now. The insurgent authority, as has been seen, finds no regular administrative expression; it is asserted only by the sporadic and irresponsible force of arms. The Spanish power, outside of the larger towns and their immediate suburbs, when manifested at all, is equally forceful and arbitrary.

"The only apparent aim on either side is to cripple the adversary by indiscriminate destruction of all that by any chance may benefit him. The populous and wealthy districts of the center and the west, which have escaped harm in former contests, are now ravaged and laid waste by the blind fury of the respective partisans. The principles of civilized warfare, according to the code made sacred by the universal acquiescence of nations, are only too often violated with impunity by irresponsible subordinates, acting at a distance from the central authority and able to shield themselves from just censure or punishment by false or falsified versions of the facts.

"The killing and summary execution of noncombatants is frequently reported, and while the circumstances of the strife are such as to preclude accurate or general information in this regard, enough is known to show that the number of such cases is considerable. In some instances, happily few, American citizens have fallen victims to these savage acts.

"A large part of the correspondence of the State Department with its agents in Cuba has been devoted to these cases of assault upon the rights of our citizens. In no instance has earnest remonstrance and energetic appeal been omitted. But the representatives of the Spanish power often find it easily practicable to postpone explanations and reparation on the ground of alleged ignorance of facts or for other plausible reasons.

"Its effect upon the personal security of our citizens in Cuba is not the only alarming feature of the reign of arbitrary anarchy in that island. Its influence upon the fortunes of those who have invested their capital and enterprise there, on the assumed assurance of respect for law and treaty rights, is no less in point. In the nature of things, and having regard to the normal productions and trade of the island, most of these ventures have been made in the sugar and tobacco growing and stock-raising districts now given over to civil war. Exact statistics of the amount of such investments are not readily attainable, but an approximate statement shows that American interests in actual property in the district of Cienfuegos reach some \$12,000,000; in the province of Matanzas some \$9,000,000; in Sagua, for estates and crops alone not less than \$9,229,000, while in Santiago the investments in mining operations probably exceed \$15,000,000. For Pinar del Rio, Santa Clara, and the other interior districts tabulated statements are wanting, and so also with regard to commercial and manufacturing establishments, railway enterprises, and the like.

"A gross estimate of \$50,000,000 would be more likely to fall under than over the mark. A large proportion of these investments is now exposed to the exceptional vicissitudes of the war. Estates have been desolated and crops destroyed by the insurgents and Spaniards alike. Upon those not actually ravaged operations have been compulsorily suspended owing to the warnings served by the revolutionists or the withdrawal of protection by the Spanish authorities, often accompanied by a similar prohibition against continuing work thereon or by forbidding communication and residence, thus entailing enforced abandonment of the premises. Provisions and stock have been seized by either force for military use without compensation. Dwellings have been pillaged.

"In short, the cessation of all remunerative production accompanies actual or probable loss of the invested capital. Numerous claims on these several accounts have been filed, but in many instances the sufferers are known to abstain from formal claim or complaint for prudential reasons, lest worse should befall them at the hands of the insurgents and the Spaniards in turn, accordingly as either may gain temporary control of their property. A partial estimate of material claims and injuries of this class already aggregates a trifle under \$19,000,000.

"Nor does the loss fall upon capital alone. Large numbers of the agricultural laboring classes are driven from the fields to the nearest towns, partly by the peremptory orders of the local military commanders and partly by the cessation or destruction of their only means of livelihood. They are well-nigh destitute. Among them are many citizens of the United States. Some idea of the extent

of this calamitous condition is given by the reports which reach the Department from a single district. It is officially reported that there are in one provincial city alone some 1,000 necessitous refugees from the surrounding country to whom the municipal authorities can afford little or no relief. Over 300 of these are American citizens, engaged in prosperous farming and stock raising at the beginning of the outbreak, whose employment and resources have been swept away by eighteen months of civil strife, reducing them from affluence to penury and throwing them upon the charity of an exhausted community in a devastated land.

"All these disastrous conditions, with the evils and disorders necessarily following in their train, are interfering with the insular avenues of trade and very gravely impairing the business operations of Cuba. A measure of the general falling off is instructively found in the monthly returns of the customs receipts at the fifteen ports of entry of Cuba, which, from \$5,469,255.77 during the first seven months of 1895, sank to \$3,728,107.80 in the corresponding period of 1896. This is but one of many accessible examples to show that the industrial value of the island of Cuba is fast decreasing under the prevalent conditions.

"From whatever point of view we regard the matter, it is impossible not to discern that a state of things exists at our doors alike dangerous to good relations, destructive of legitimate commerce, fatal to the internal resources of Cuba, and most vexatious and trying because entailing upon this government excessive burdens in its domestic administration and in its outward relations. This situation can not indefinitely continue without growing still worse, and the time may not be far distant when the United States must seriously consider whether its rights and interests as well as its international duties in view of its peculiar relations to the island do not call for some decided change in the policy hitherto pursued.

"Besides the cases growing out of the acts of the combatants in the interior, complaints have not been infrequent touching the course of the insular government in the centers where the Spanish authorities assert politico-military powers. Numerous instances of interference with the persons, property, vessels, and interests of citizens of the United States have been brought to notice in the past twelve-month. In every case where the facts sufficed to impute culpability or responsibility to the agents of the Spanish power redress has been promptly and vigorously sought.

"The right of every citizen arrested in Cuba to have the benefit of the ordinary criminal proceedings guaranteed by existing treaties has been energetically insisted upon; the claim of the insular authorities to seize the persons of our citizens without process or charge of crime, and to detain them as suspects upon mere administrative order,

has been met with prompt demand for immediate regular trial or release; arbitrary restrictions upon ordinary commerce, decreed by the military power, and tending to impair existing contracts of our citizens, have called forth impressive remonstrance and promise of redress; the right of our consular representatives to address the local authorities in defence of any assailed interests of Americans, when questioned, has been successfully defended; and unwarrantable acts of interference with our vessels have been at once resisted. The particulars of many of these cases will be found in the collected annual volume entitled 'Foreign Relations of the United States.'

"In April last the *Comptitor*, a small schooner of American registry, eluding the vigilance of the Federal authorities, took on board men and supplies presumably intended to aid the Cuban insurrection, and reached the coast of that island near San Cayetano. Being discovered by the Spanish coast guard, a conflict ensued, resulting in the capture of a number of those on board as well as the seizure of the vessel. The prisoners, among them several American citizens, were subjected to a summary military trial, which, although conducted by an admiralty court, alleged to be competent, appeared to have lacked the essential safeguards of procedure stipulated by the existing conventions between the United States and Spain. This government promptly intervened to secure for its implicated citizens all the rights to which they were clearly entitled, including appeal from the pronounced sentence of death. Their cases were subsequently carried to the higher tribunal at Madrid, which has set the conviction aside and remanded the cases for retrial.

"This government has been constrained to enter earnest protest against a recent decree of the governor-general of Cuba, ordering the registration of all aliens in the island, and pronouncing all those not registered within a certain time as debarred from appealing to the provisions of existing law. The treaty rights of American citizens obviously depend on their actual allegiance to their own government, not upon any arbitrary inscription as aliens by the State wherein they may be sojourning; and while this government is well disposed to admit the convenience of the proposed registry as an additional evidence of the right of such citizens in Cuba to the protection of the authorities, and has signified its willingness to facilitate their registration, it can never consent that the omission of a merely local formality can operate to outlaw any persons entitled to its protection as citizens, or to abrogate the right to the orderly recourses of Spanish law solemnly guaranteed to them by treaty."

Report of Mr. Olney, Sec. of State, to the President, Dec. 7, 1896, For.
Rel 1896, LXIV.

“The insurrection in Cuba still continues with all its perplexities. It is difficult to perceive that any progress has thus far been made towards the pacification of the island or that the situation of affairs as depicted in my last annual message has in the least improved. If Spain still holds Havana and the seaports and all the considerable towns, the insurgents still roam at will over at least two-thirds of the inland country. If the determination of Spain to put down the insurrection seems but to strengthen with the lapse of time, and is evinced by her unhesitating devotion of largely increased military and naval forces to the task, there is much reason to believe that the insurgents have gained in point of numbers, and character, and resources, and are none the less inflexible in their resolve not to succumb, without practically securing the great objects for which they took up arms. If Spain has not yet reestablished her authority, neither have the insurgents yet made good their title to be regarded as an independent state. Indeed, as the contest has gone on, the pretense that civil government exists on the island, except so far as Spain is able to maintain it, has been practically abandoned. Spain does keep on foot such a government, more or less imperfectly, in the large towns and their immediate suburbs. But, that exception being made, the entire country is either given over to anarchy or is subject to the military occupation of one or the other party. It is reported, indeed, on reliable authority that, at the demand of the commander in chief of the insurgent army, the putative Cuban government has now given up all attempt to exercise its functions, leaving that government confessedly (what there is the best reason for supposing it always to have been in fact) a government merely on paper.

“Were the Spanish armies able to meet their antagonists in the open, or in pitched battle, prompt and decisive results might be looked for, and the immense superiority of the Spanish forces in numbers, discipline, and equipment, could hardly fail to tell greatly to their advantage. But they are called upon to face a foe that shuns general engagements, that can choose and does choose its own ground, that from the nature of the country is visible or invisible at pleasure, and that fights only from ambuscade and when all the advantages of position and numbers are on its side. In a country where all that is indispensable to life in the way of food, clothing, and shelter is so easily obtainable, especially by those born and bred on the soil, it is obvious that there is hardly a limit to the time during which hostilities of this sort may be prolonged. Meanwhile, as in all cases of protracted civil strife, the passions of the combatants grow more and more inflamed and excesses on both sides become more frequent and more deplorable. They are also participated in by bands of marauders, who, now in the name of one party and now in

the name of the other, as may best suit the occasion, harry the country at will and plunder its wretched inhabitants for their own advantage. Such a condition of things would inevitably entail immense destruction of property even if it were the policy of both parties to prevent it as far as practicable. But while such seemed to be the original policy of the Spanish government, it has now apparently abandoned it and is acting upon the same theory as the insurgents, namely, that the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use and advantage to the enemy.

"It is to the same end that in pursuance of general orders, Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns. The sure result would seem to be that the industrial value of the island is fast diminishing, and that unless there is a speedy and radical change in existing conditions, it will soon disappear altogether. That value consists very largely, of course, in its capacity to produce sugar—a capacity already much reduced by the interruptions to tillage, which have taken place during the last two years. It is reliably asserted that should these interruptions continue during the current year and practically extend, as is now threatened, to the entire sugar-producing territory of the island, so much time and so much money will be required to restore the land to its normal productiveness that it is extremely doubtful if capital can be induced to even make the attempt.

"The spectacle of the utter ruin of an adjoining country, by nature one of the most fertile and charming on the globe, would engage the serious attention of the government and people of the United States in any circumstances. In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest in it is second only to that of the people and government of Spain. It is reasonably estimated that at least from \$30,000,000 to \$50,000,000 of American capital are invested in plantations and in railroad, mining, and other business enterprises on the island. The volume of trade between the United States and Cuba, which in 1889 amounted to about \$64,000,000, rose in 1893 to about \$103,000,000, and in 1894, the year before the present insurrection broke out, amounted to nearly \$96,000,000. Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways both vexatious and costly.

"Many Cubans reside in this country and indirectly promote the insurrection through the press, by public meetings, by the purchase and shipment of arms, by the raising of funds, and by other means, which the spirit of our institutions and the tenor of our laws do not

permit to be made the subject of criminal prosecutions. Some of them, though Cubans at heart and in all their feelings and interests, have taken out papers as naturalized citizens of the United States, a proceeding resorted to with a view to possible protection by this government, and not unnaturally regarded with much indignation by the country of their origin. The insurgents are undoubtedly encouraged and supported by the widespread sympathy the people of this country always and instinctively feel for every struggle for better and freer government, and which, in the case of the more adventurous and restless elements of our population, leads in only too many instances to active and personal participation in the contest. The result is that this government is constantly called upon to protect American citizens, to claim damages for injuries to persons and property, now estimated at many millions of dollars, and to ask explanations and apologies for the acts of Spanish officials, whose zeal for the repression of rebellion sometimes blinds them to the immunities belonging to the unoffending citizens of a friendly power. It follows from the same causes that the United States is compelled to actively police a long line of seacoast against unlawful expeditions, the escape of which the utmost vigilance will not always suffice to prevent.

"These inevitable entanglements of the United States with the rebellion in Cuba, the large American property interests affected, and considerations of philanthropy and humanity in general, have led to a vehement demand in various quarters, for some sort of positive intervention on the part of the United States. It was at first proposed that belligerent rights should be accorded to the insurgents—a proposition no longer urged because untimely and in practical operation clearly perilous and injurious to our own interests. It has since been and is now sometimes contended that the independence of the insurgents should be recognized. But imperfect and restricted as the Spanish government of the island may be, no other exists there—unless the will of the military officer in temporary command of a particular district can be dignified as a species of government. It is now also suggested that the United States should buy the island—a suggestion possibly worthy of consideration if there were any evidence of a desire or willingness on the part of Spain to entertain such a proposal. It is urged, finally, that, all other methods failing, the existing internecine strife in Cuba should be terminated by our intervention, even at the cost of a war between the United States and Spain—a war which its advocates confidently prophesy could be neither large in its proportions nor doubtful in its issue.

"The correctness of this forecast need be neither affirmed nor denied. The United States has nevertheless a character to maintain as

a nation, which plainly dictates that right and not might should be the rule of its conduct. Further, though the United States is not a nation to which peace is a necessity, it is in truth the most pacific of powers, and desires nothing so much as to live in amity with all the world. Its own ample and diversified domains satisfy all possible longings for territory, preclude all dreams of conquest, and prevent any casting of covetous eyes upon neighboring regions, however attractive. That our conduct towards Spain and her dominions has constituted no exception to this national disposition is made manifest by the course of our government, not only thus far during the present insurrection, but during the ten years that followed the rising at Yara in 1868. No other great power, it may safely be said, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endurance. It may also be said that this persistent attitude of the United States towards Spain in connection with Cuba unquestionably evinces no slight respect and regard for Spain on the part of the American people. They in truth do not forget her connection with the discovery of the Western Hemisphere, nor do they underestimate the great qualities of the Spanish people, nor fail to fully recognize their splendid patriotism and their chivalrous devotion to the national honor.

"They view with wonder and admiration the cheerful resolution with which vast bodies of men are sent across thousands of miles of ocean, and an enormous debt accumulated, that the costly possession of the Gem of the Antilles may still hold its place in the Spanish Crown. And yet neither the government nor the people of the United States have shut their eyes to the course of events in Cuba, or have failed to realize the existence of conceded grievances, which have led to the present revolt from the authority of Spain—grievances recognized by the Queen Regent and by the Cortes, voiced by the most patriotic and enlightened of Spanish statesmen, without regard to party, and demonstrated by reforms proposed by the executive and approved by the legislative branch of the Spanish government. It is in the assumed temper and disposition of the Spanish government to remedy these grievances, fortified by indications of influential public opinion in Spain, that this government has hoped to discover the most promising and effective means of composing the present strife, with honor and advantage to Spain and with the achievement of all the reasonable objects of the insurrection.

"It would seem that if Spain should offer to Cuba genuine autonomy—a measure of home rule which, while preserving the sovereignty of Spain, would satisfy all rational requirements of her Spanish subjects—there should be no just reason why the pacification of the island might not be effected on that basis. Such a result would appear to be in the true interest of all concerned. It would

at once stop the conflict which is now consuming the resources of the island and making it worthless for whichever party may ultimately prevail. It would keep intact the possessions of Spain without touching her honor, which will be consulted rather than impugned by the adequate redress of admitted grievances. It would put the prosperity of the island and the fortunes of its inhabitants within their own control, without severing the natural and ancient ties which bind them to the mother country, and would yet enable them to test their capacity for self-government under the most favorable conditions. It has been objected on the one side that Spain should not promise autonomy until her insurgent subjects lay down their arms; on the other side, that promised autonomy, however liberal, is insufficient, because without assurance of the promise being fulfilled.

"But the reasonableness of a requirement by Spain, of unconditional surrender on the part of the insurgent Cubans before their autonomy is conceded, is not altogether apparent. It ignores important features of the situation—the stability two years' duration has given to the insurrection; the feasibility of its indefinite prolongation in the nature of things, and as shown by past experience; the utter and imminent ruin of the island, unless the present strife is speedily composed; above all, the rank abuses which all parties in Spain, all branches of her government, and all her leading public men concede to exist and profess a desire to remove. Facing such circumstances, to withhold the proffer of needed reforms until the parties demanding them put themselves at mercy by throwing down their arms has the appearance of neglecting the gravest of perils and inviting suspicion as to the sincerity of any professed willingness to grant reforms. The objection on behalf of the insurgents—that promised reforms can not be relied upon—must of course be considered, though we have no right to assume, and no reason for assuming, that anything Spain undertakes to do for the relief of Cuba will not be done according to both the spirit and the letter of the undertaking.

"Nevertheless, realizing that suspicions and precautions on the part of the weaker of two combatants are always natural and not always unjustifiable—being sincerely desirous in the interest of both as well as on its own account that the Cuban problem should be solved with the least possible delay—it was intimated by this government to the government of Spain some months ago that, if a satisfactory measure of home rule were tendered the Cuban insurgents, and would be accepted by them upon a guaranty of its execution, the United States would endeavor to find a way not objectionable to Spain of furnishing such guaranty. While no definite response to this intimation has yet been received from the Spanish government, it is believed to be not altogether unwelcome, while,

as already suggested, no reason is perceived why it should not be approved by the insurgents. Neither party can fail to see the importance of early action and both must realize that to prolong the present state of things for even a short period will add enormously to the time and labor and expenditure necessary to bring about the industrial recuperation of the island. It is therefore fervently hoped on all grounds that earnest efforts for healing the breach between Spain and the insurgent Cubans, upon the lines above indicated, may be at once inaugurated and pushed to an immediate and successful issue. The friendly offices of the United States, either in the manner above outlined or in any other way consistent with our Constitution and laws, will always be at the disposal of either party.

"Whatever circumstances may arise, our policy and our interests would constrain us to object to the acquisition of the island or an interference with its control by any other power.

"It should be added that it can not be reasonably assumed that the hitherto expectant attitude of the United States will be indefinitely maintained. While we are anxious to accord all due respect to the sovereignty of Spain, we can not view the pending conflict in all its features, and properly apprehend our inevitably close relations to it, and its possible results, without considering that by the course of events we may be drawn into such an unusual and unprecedented condition, as will fix a limit to our patient waiting for Spain to end the contest, either alone and in her own way, or with our friendly cooperation.

"When the inability of Spain to deal successfully with the insurrection has become manifest, and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest, or the international duty we owe to Spain. Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedi-

ence to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

"A contemplation of emergencies that may arise should plainly lead us to avoid their creation, either through a careless disregard of present duty or even an undue stimulation and ill-timed expression of feeling. But I have deemed it not amiss to remind the Congress that a time may arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens, joined by considerations of humanity and a desire to see a rich and fertile country, intimately related to us, saved from complete devastation, will constrain our government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace."

President Cleveland, annual message, Dec. 7, 1896, *For Rel* 1896, xlix.

"Referring to the conversation which the Assistant Secretary, Mr. Day, had the honor to have with you on the 8th instant, it now becomes my duty, obeying the direction of the President, to invite through your representation the urgent attention of the government of Spain to the manner of conducting operations in the neighboring island of Cuba.

**Protest against
reconcentration.**

"By successive orders and proclamations of the captain-general of the island of Cuba, some of which have been promulgated while others are known only by their effects, a policy of devastation and interference with the most elementary rights of human existence has been established in that territory tending to inflict suffering on innocent noncombatants, to destroy the value of legitimate investments, and to extinguish the natural resources of the country in the apparent hope of crippling the insurgents and restoring Spanish rule in the island.

"No incident has so deeply affected the sensibilities of the American people or so painfully impressed their government as the proclamations of General Weyler, ordering the burning or unroofing of dwellings, the destruction of growing crops, the suspension of tillage, the devastation of fields, and the removal of the rural population from their homes to suffer privation and disease in the overcrowded and ill-supplied garrison towns. The latter aspect of this campaign of devastation has especially attracted the attention of this government, inasmuch as several hundreds of American citizens among the thousands of *concentrados* of the central and eastern provinces of Cuba were ascertained to be destitute of the necessities of life to a degree demanding immediate relief through the agencies of the United States, to save them from death by sheer starvation and from the ravages of pestilence. From all parts of the productive zones of the island, where the enterprise and capital of Americans

have established mills and farms worked in large part by citizens of the United States, comes the same story of interference with the operations of tillage and manufacture, due to the systematic enforcement of a policy aptly described in General Weyler's bando of May 27 last as 'the concentration of the inhabitants of the rural country and the destruction of resources in all places where the instructions given are not carried into effect.' Meanwhile the burden of contribution remains, arrears of taxation necessarily keep pace with the deprivations of the means of paying taxes, to say nothing of the destruction of the ordinary means of livelihood, and the relief held out by another bando of the same date is illusory, for the resumption of industrial pursuits in limited areas is made conditional upon the payment of all arrears of taxation and the maintenance of a protecting garrison. Such relief can not obviously reach the numerous class of *concentrados*, the women and children deported from their ruined homes and desolated farms to the garrison towns.

"For the larger industrial ventures, capital may find its remedy, sooner or later, at the bar of international justice, but for the labor dependent upon the slow rehabilitation of capital there appears to be intended only the doom of privation and distress.

"Against these phases of the conflict, against this deliberate infliction of suffering on innocent noncombatants, against such resort to instrumentalities condemned by the voice of humane civilization, against the cruel employment of fire and famine to accomplish by uncertain indirection what the military arm seems powerless to directly accomplish, the President is constrained to protest, in the name of the American people and in the name of common humanity. The inclusion of a thousand or more of our own citizens among the victims of this policy, the wanton destruction of the legitimate investments of Americans to the amount of millions of dollars, and the stoppage of avenues of normal trade—all these give the President the right of specific remonstrance; but in the just fulfillment of his duty he can not limit himself to these formal grounds of complaint. He is bound by the higher obligations of his representative office to protest against the uncivilized and inhumane conduct of the campaign in the island of Cuba. He conceives that he has a right to demand that a war, conducted almost within sight of our shores and grievously affecting American citizens and their interests throughout the length and breadth of the land, shall at least be conducted according to the military codes of civilization.

"It is the President's hope that this earnest representation will be received in the same kindly spirit in which it is intended. The history of the recent thirteen years of warfare in Cuba, divided between two protracted periods of strife, has shown the desire of the United States that the contest be conducted and ended in ways alike honor-

able to both parties and promising a stable settlement. If the friendly attitude of this government and its difficult observance of the dictates of neutrality is to bear fruit, it can only be when supplemented by Spain's own conduct of the war in a manner responsive to the precepts of ordinary humanity and calculated to invite as well the expectant forbearance of this Government as the confidence of the Cuban people in the beneficence of Spanish control."

Mr. Sherman, Sec. of State, to Señor Don Enrique Dupuy de Lôme, Spanish min., No. 209, June 24, 1897, For. Rel. 1897, 307; MS. Notes to Spain, XI. 307.

August 6, 1897, the consul of the United States at Santiago de Cuba reported that he had received a request from the military governor of the province asking for a list of all American property within that zone. The consul furnished a list containing the names of all Americans registered at the consulate whose houses were or had lately been within the zone in question, but stated that owing to the absence of any register at the consulate the subject was beset with difficulties, and that very few American citizens had left any list of their property at the consulate.^a

With reference to this correspondence the Department of State instructed the consul-general of the United States as follows: "In the absence of any provision of United States law or treaty requiring the consular registration of American property in Spanish jurisdiction, the furnishing of lists based upon information voluntarily supplied by our citizens to our consuls in Cuba can not be suffered to prejudice in any way the rights of any other American property holders whose names may not so appear. Their rights under treaty and under public law are inherent in their national character and can not be impaired by any arbitrary formality of registration prescribed by local authority. The principle is much the same as in regard to the attempt last year to debar unregistered American citizens from their lawful rights. (See Foreign Relations, 1896, pp. 680-682.) This government is disposed to facilitate any reasonable resort to registration as a convenient means of announcing and making patent the rights of our citizens in case of need, but it can not admit that omission of a formality not required by our treaty or our laws can impair the mutual relation of allegiance and protection between the government of the United States and its citizens in a foreign land."^b

^a For. Rel. 1897, 527.

^b Mr. Cridler, Third Assistant Secretary of State, to Mr. Lee, consul-general at Havana, August 24, 1897, For. Rel. 1897, 529.

A copy of this correspondence was sent to the minister of the United States at Madrid as setting forth the position of the United States on the subject.^a

President McKin-
ley's annual
message, Dec. 6,
1897.

"The most important problem with which this government is now called upon to deal pertaining to its foreign relations concerns its duty toward Spain and the Cuban insurrection. Problems and conditions more or less in common with those now existing have confronted this government at various times in the past. The story of Cuba for many years has been one of unrest; growing discontent; an effort toward a larger enjoyment of liberty and self-control; of organized resistance to the mother country; of depression after distress and warfare and of ineffectual settlement to be followed by renewed revolt. For no enduring period since the enfranchisement of the continental possessions of Spain in the western continent has the condition of Cuba or the policy of Spain toward Cuba not caused concern to the United States.

"The prospect from time to time that the weakness of Spain's hold upon the island and the political vicissitudes and embarrassments of the home government might lead to the transfer of Cuba to a continental power called forth, between 1823 and 1860, various emphatic declarations of the policy of the United States to permit no disturbance of Cuba's connection with Spain unless in the direction of independence or acquisition by us through purchase; nor has there been any change of this declared policy since upon the part of the Government.

"The revolution which began in 1868 lasted for ten years despite the strenuous efforts of the successive peninsular governments to suppress it. Then as now the government of the United States testified its grave concern and offered its aid to put an end to bloodshed in Cuba. The overtures made by General Grant were refused and the war dragged on, entailing great loss of life and treasure and increased injury to American interests besides throwing enhanced burdens of neutrality upon this government. In 1878 peace was brought about by the truce of Zanjón, obtained by negotiations between the Spanish commander, Martínez de Campos, and the insurgent leaders.

"The present insurrection broke out in February, 1895. It is not my purpose at this time to recall its remarkable increase or to characterize its tenacious resistance against the enormous forces massed against it by Spain. The revolt and the efforts to subdue it carried destruction to every quarter of the island, developing wide proportions and defying the efforts of Spain for its suppression. The

^a Mr. Sherman, Sec. of State, to Mr. Woodford, min. to Spain, August 28, 1897. For. Rel. 1897, 527.

civilized code of war has been disregarded, no less so by the Spaniards than by the Cubans.

"The existing conditions can not but fill this government and the American people with the gravest apprehension. There is no desire on the part of our people to profit by the misfortunes of Spain. We have only the desire to see the Cubans prosperous and contented, enjoying that measure of self-control which is the inalienable right of man, protected in their right to reap the benefit of the exhaustless treasures of their country.

"The offer made by my predecessor in April, 1896, tendering the friendly offices of this government failed. Any mediation on our part was not accepted. In brief the answer read: 'There is no effectual way to pacify Cuba unless it begins with the actual submission of the rebels to the mother country.' Then only could Spain act in the promised direction, of her own motion and after her own plans.

"The cruel policy of concentration was initiated February 16, 1896. The productive districts controlled by the Spanish armies were depopulated. The agricultural inhabitants were herded in and about the garrison towns, their lands laid waste and their dwellings destroyed. This policy the late cabinet of Spain justified as a necessary measure of war and as a means of cutting off supplies from the insurgents. It has utterly failed as a war measure. It was not civilized warfare. It was extermination.

"Against this abuse of the rights of war I have felt constrained on repeated occasions to enter the firm and earnest protest of this government. There was much of public condemnation of the treatment of American citizens by alleged illegal arrests and long imprisonment awaiting trial or pending protracted judicial proceedings. I felt it my first duty to make instant demand for the release or speedy trial of all American citizens under arrest. Before the change of the Spanish cabinet in October last twenty-two prisoners, citizens of the United States, had been given their freedom.

"For the relief of our own citizens suffering because of the conflict the aid of Congress was sought in a special message, and under the appropriation of April 4, 1897, effective aid has been given to American citizens in Cuba, many of them at their own request having been returned to the United States.

"The instructions given to our new minister to Spain before his departure for his post directed him to impress upon that government the sincere wish of the United States to lend its aid toward the ending of the war in Cuba by reaching a peaceful and lasting result, just and honorable alike to Spain and to the Cuban people. These instructions recited the character and duration of the contest, the widespread losses it entails, the burdens and restraints it imposes upon us, with constant disturbance of national interests, and the injury re-

sulting from an indefinite continuance of this state of things. It was stated that at this juncture our government was constrained to seriously inquire if the time was not ripe when Spain of her own volition, moved by her own interests and every sentiment of humanity, should put a stop to this destructive war and make proposals of settlement honorable to herself and just to her Cuban colony. It was urged that as a neighboring nation, with large interests in Cuba, we could be required to wait only a reasonable time for the mother country to establish its authority and restore peace and order within the borders of the island; that we could not contemplate an indefinite period for the accomplishment of this result.

"No solution was proposed to which the slightest idea of humiliation to Spain could attach, and indeed precise proposals were withheld to avoid embarrassment to that government. All that was asked or expected was that some safe way might be speedily provided and permanent peace restored. It so chanced that the consideration of this offer, addressed to the same Spanish administration which had declined the tenders of my predecessor and which for more than two years had poured men and treasure into Cuba in the fruitless effort to suppress the revolt, fell to others. Between the departure of General Woodford, the new envoy, and his arrival in Spain, the statesman who had shaped the policy of his country fell by the hand of an assassin, and although the cabinet of the late premier still held office and received from our envoy the proposals he bore, that cabinet gave place within a few days thereafter to a new administration, under the leadership of Sagasta.

"The reply to our note was received on the 23d day of October. It is in the direction of a better understanding. It appreciates the friendly purposes of this government. It admits that our country is deeply affected by the war in Cuba and that its desires for peace are just. It declares that the present Spanish government is bound by every consideration to a change of policy that should satisfy the United States and pacify Cuba within a reasonable time. To this end Spain has decided to put into effect the political reforms heretofore advocated by the present premier, without halting for any consideration in the path which in its judgment leads to peace. The military operations, it is said, will continue but will be humane and conducted with all regard for private rights, being accompanied by political action leading to the autonomy of Cuba while guarding Spanish sovereignty. This, it is claimed, will result in investing Cuba with a distinct personality; the island to be governed by an executive and by a local council or chamber, reserving to Spain the control of the foreign relations, the army and navy and the judicial administration. To accomplish this the present government proposes to modify existing legislation by decree, leaving the Spanish Cortes,

with the aid of Cuban senators and deputies, to solve the economic problem and properly distribute the existing debt.

"In the absence of a declaration of the measures that this government proposes to take in carrying out its proffer of good offices it suggests that Spain be left free to conduct military operations and grant political reforms, while the United States for its part shall enforce its neutral obligations and cut off the assistance which it is asserted the insurgents receive from this country. The supposition of an indefinite prolongation of the war is denied. It is asserted that the western provinces are already well-nigh reclaimed; that the planting of cane and tobacco therein has been resumed, and that by force of arms and new and ample reforms very early and complete pacification is hoped for.

"The immediate amelioration of existing conditions under the new administration of Cuban affairs is predicted, and therewithal the disturbance and all occasion for any change of attitude on the part of the United States. Discussion of the question of the international duties and responsibilities of the United States as Spain understands them is presented, with an apparent disposition to charge us with failure in this regard. This charge is without any basis in fact. It could not have been made if Spain had been cognizant of the constant efforts this government has made at the cost of millions and by the employment of the administrative machinery of the nation at command to perform its full duty according to the law of nations. That it has successfully prevented the departure of a single military expedition or armed vessel from our shores in violation of our laws would seem to be a sufficient answer. But of this aspect of the Spanish note it is not necessary to speak further now. Firm in the conviction of a wholly performed obligation, due response to this charge has been made in diplomatic course.

"Throughout all these horrors and dangers to our own peace this government has never in any way abrogated its sovereign prerogative of reserving to itself the determination of its policy and course according to its own high sense of right and in consonance with the dearest interests and convictions of our own people should the prolongation of the strife so demand.

"Of the untried measures there remain only: Recognition of the insurgents as belligerents; recognition of the independence of Cuba; neutral intervention to end the war by imposing a rational compromise between the contestants, and intervention in favor of one or the other party. I speak not of forcible annexation, for that can not be thought of. That by our code of morality would be criminal aggression. . . ."

* For omitted passage, which relates to the question of the recognition of Cuban belligerency, see *supra*, § 67, I. 106.

"I regard the recognition of the belligerency of the Cuban insurgents as now unwise and therefore inadmissible. Should that step hereafter be deemed wise as a measure of right and duty the Executive will take it.

"Intervention upon humanitarian grounds has been frequently suggested and has not failed to receive my most anxious and earnest consideration. But should such a step be now taken when it is apparent that a hopeful change has supervened in the policy of Spain toward Cuba? A new government has taken office in the mother country. It is pledged in advance to the declaration that all the effort in the world can not suffice to maintain peace in Cuba by the bayonet; that vague promises of reform after subjugation afford no solution of the insular problem; that with a substitution of commanders must come a change of the past system of warfare for one in harmony with a new policy which shall no longer aim to drive the Cubans to the 'horrible alternative of taking to the thicket or succumbing in misery;' that reforms must be instituted in accordance with the needs and circumstances of the time, and that these reforms, while designed to give full autonomy to the colony and to create a virtual entity and self-controlled administration, shall yet conserve and affirm the sovereignty of Spain by a just distribution of powers and burdens upon a basis of mutual interest untainted by methods of selfish expediency.

"The first acts of the new government lie in these honorable paths. The policy of cruel rapine and extermination that so long shocked the universal sentiment of humanity has been reversed. Under the new military commander a broad clemency is proffered. Measures have already been set on foot to relieve the horrors of starvation. The power of the Spanish armies it is asserted is to be used not to spread ruin and desolation but to protect the resumption of peaceful agricultural pursuits and productive industries. That past methods are futile to force a peace by subjugation is freely admitted, and that ruin without conciliation must inevitably fail to win for Spain the fidelity of a contented dependency.

"Decrees in application of the foreshadowed reforms have already been promulgated. The full text of these decrees has not been received, but as furnished in a telegraphic summary from our minister are: All civil and electoral rights of peninsular Spaniards are, in virtue of existing constitutional authority, forthwith extended to colonial Spaniards. A scheme of autonomy has been proclaimed by decree, to become effective upon ratification by the Cortes. It creates a Cuban parliament which, with the insular executive, can consider and vote upon all subjects affecting local order and interests, possessing unlimited powers save as to matters of state, war and the navy as to which the governor-general acts by his own authority

as the delegate of the central government. This parliament receives the oath of the governor-general to preserve faithfully the liberties and privileges of the colony, and to it the colonial secretaries are responsible. It has the right to propose to the central government, through the governor-general, modifications of the national charter and to invite new projects of law or executive measures in the interest of the colony.

"Besides its local powers it is competent, first, to regulate electoral registration and procedure and prescribe the qualifications of electors and the manner of exercising suffrage; second, to organize courts of justice with native judges from members of the local bar; third, to frame the insular budget both as to expenditures and revenues, without limitation of any kind, and to set apart the revenues to meet the Cuban share of the national budget, which latter will be voted by the national Cortes with the assistance of Cuban senators and deputies; fourth, to initiate or take part in the negotiations of the national government for commercial treaties which may affect Cuban interests; fifth, to accept or reject commercial treaties which the national government may have concluded without the participation of the Cuban government; sixth, to frame the colonial tariff, acting in accord with the peninsular government in scheduling articles of mutual commerce between the mother country and the colonies. Before introducing or voting upon a bill, the Cuban government or the chambers will lay the project before the central government and hear its opinion thereon, all the correspondence in such regard being made public. Finally, all conflicts of jurisdiction arising between the different municipal, provincial and insular assemblies, or between the latter and the insular executive power, and which from their nature may not be referable to the central government for decision, shall be submitted to the courts.

"That the government of Sagasta has entered upon a course from which recession with honor is impossible can hardly be questioned; that in the few weeks it has existed it has made earnest of the sincerity of its professions is undeniable. I shall not impugn its sincerity, nor should impatience be suffered to embarrass it in the task it has undertaken. It is honestly due to Spain and to our friendly relations with Spain that she should be given a reasonable chance to realize her expectations and to prove the asserted efficacy of the new order of things to which she stands irrevocably committed. She has recalled the commander whose brutal orders inflamed the American mind and shocked the civilized world. She has modified the horrible order of concentration and has undertaken to care for the helpless and permit those who desire to resume the cultivation of their fields to do so and assures them of the protection of the Spanish government in their lawful occupations. She has just released the

'Competitor' prisoners heretofore sentenced to death and who have been the subject of repeated diplomatic correspondence during both this and the preceding administration.

"Not a single American citizen is now in arrest or confinement in Cuba of whom this government has any knowledge. The near future will demonstrate whether the indispensable condition of a righteous peace, just alike to the Cubans and to Spain as well as equitable to all our interests so intimately involved in the welfare of Cuba, is likely to be attained. If not, the exigency of further and other action by the United States will remain to be taken. When that time comes that action will be determined in the line of indisputable right and duty. It will be faced, without misgiving or hesitancy in the light of the obligation this government owes to itself, to the people who have confided to it the protection of their interests and honor, and to humanity.

"Sure of the right, keeping free from all offense ourselves, actuated only by upright and patriotic considerations, moved neither by passion nor selfishness, the government will continue its watchful care over the rights and property of American citizens and will abate none of its efforts to bring about by peaceful agencies a peace which shall be honorable and enduring. If it shall hereafter appear to be a duty imposed by our obligations to ourselves, to civilization and humanity to intervene with force, it shall be without fault on our part and only because the necessity for such action will be so clear as to command the support and approval of the civilized world."

President McKinley, annual message, Dec. 6, 1897, For. Rel. 1897, vi

Instructions to
Gen. Woodford. "Before you go to your post it is proper to state to you the President's views on the relation of your government to the contest which is now being waged in Cuba. The same occasion requires that you should be made acquainted with the course which has been deemed best for the United States to follow under existing conditions.

"During thirteen years of the past twenty-nine years the island of Cuba has been the scene of grave disorder and sanguinary conflict. On two distinct occasions the power and authority of the Spanish Crown have been arrayed against a serious and persistent effort of a large proportion of the population of the island to achieve independence.

"The insurrection which began at Yara in October, 1868, lasted for ten years, and ended not so much because of the physical repression of the revolt by force of arms as by reason of the exhaustion of the combatants and the conclusion of a truce based upon the concession to the Cubans of certain measures of autonomous reform in 1877 and

1878. The peace thus brought about proved unstable, and, after some sixteen years of more or less unsatisfactory continuance, was broken by a renewed manifestation of the deeply rooted aspirations of the native Cuban elements toward more complete enjoyment of self-government. Beginning in February, 1895, in an uprising which, like the previous insurrection of Yara, was local and unorganized, the movement rapidly spread until, on the 27th of that month, the superior authority of the island deemed it necessary to issue a proclamation declaring the rich and populous districts about Matanzas and Santiago de Cuba in a 'state of siege.' Thereafter, notwithstanding the extensive military operations undertaken to crush the revolt, and despite the unprecedented exertions put forth by Spain and the armies and treasure poured into the disturbed territory, the conflict extended over the greater part of the island and invaded the western provinces, which the insurrection of Yara had failed to arouse.

"For more than two years a wholly unexampled struggle has raged in Cuba between the discontented native population and the mother power. Not only has its attendant ruin spread over a larger area than in any previous contest, but its effects have been more widely felt and the cost of life and treasure to Spain has been far greater. The strife continues on a footing of mutual destruction and devastation. Day by day the conviction gathers strength that it is visionary for Spain to hope that Cuba, even if eventually subjugated by sheer exhaustion, can ever bear to her anything like the relation of dependence and profit she once bore. The policy which obviously attempts to make Cuba worthless to the Cubans, should they prevail, must inevitably make the island equally worthless to Spain in the event of reconquest, whether it be regained as a subject possession or endowed with a reasonable measure of self-administration.

"The recuperative processes, always painfully slow in an exhausted community, would necessarily be doubly remote in either of the latter contingencies, for in the light of events of the past twenty-nine years capital and industry would shrink from again engaging in costly enterprises in a field where neither proximate return nor permanent security is to be expected. To fix the truth of this assertion one need only regard the fate of the extraordinary efforts to rehabilitate the fortunes of Cuba that followed the truce of 1878. The capital and intelligence contributed by citizens of the United States and other countries, which at that time poured into Cuba seeking to endow the island with the marvelous resources of modern invention and advanced industrial processes, have now become submerged in the common ruin. The commerce of Cuba has dwindled to such unprofitable proportions that its ability for self-support is questionable even if peace was restored to-day. Its capacity to yield anything like ade-

quate return toward the support of the mother country, even granting the disposition to do so, is a matter of the gravest doubt.

" Weighing all these facts carefully and without prejudice, in the judgment of the President the time has come for this Government to soberly consider and clearly decide the nature and methods of its duty both to its neighbors and itself.

" This government has labored and is still laboring under signal difficulties in its administration of its neutrality laws. It is ceaselessly confronted with questions affecting the inherent and treaty rights of its citizens in Cuba. It beholds the island suffering an almost complete paralysis of many of its most necessary commercial functions by reason of the impediments imposed and the ruinous injuries wrought by this internecine warfare at its very doors; and above all, it is naturally and rightfully apprehensive lest some untoward incident may abruptly supervene to inflame mutual passions beyond control and thus raise issues which, however deplorable, can not be avoided.

" In short, it may not be reasonably asked or expected that a policy of mere inaction can be safely prolonged. There is no longer question that the sentiment of the American people strongly demands that if the attitude of neutrality is to be maintained toward these combatants it must be a genuine neutrality as between combatants, fully recognized as such in fact as well as in name. The problem of recognition of belligerency has been often presented, but never perhaps more explicitly than now. Both Houses of Congress, nearly a year ago, adopted by an almost unanimous vote a concurrent resolution recognizing belligerency in Cuba, and latterly the Senate, by a large majority, has voted a joint resolution of like purport, which is now pending in the House of Representatives.

" At this juncture our government must seriously inquire whether the time has not arrived when Spain, of her own volition, moved by her own interests and by every paramount sentiment of humanity, will put a stop to this destructive war and make proposals of settlement honorable to herself and just to her Cuban colony and to mankind. The United States stands ready to assist her and tender good offices to that end.

" It should by no means be forgotten that besides and beyond the question of recognition of belligerency, with its usual proclamation of neutrality and its concession of equal rights and impartial imposition of identical disabilities in respect to the contending parties within our municipal jurisdiction, there lies the larger ulterior problem of intervention, which the President does not now discuss. It is with no unfriendly intent that this subject has been mentioned, but simply to show that this government does not and can not ignore the possibilities of duty hidden in the future, nor be unprepared to