

# WASHINGTON.

## FAIR SHOW FOR CUBAN BELLIGERENCY.

### Sumner Agrees to Report Sherman's Resolution.

### Southern Cadets' for Massachusetts Gold.

### Shrewd Evasion of a Supreme Court Decision.

## PROPOSED NATIONAL STAY LAW.

WASHINGTON, Feb. 19, 1870.

**The Cuban Question in the Senate—Sumner Listens to the Views of the People and is Ready to Report Sherman's Resolution.**

The pressure brought to bear upon the Senate Committee on Foreign Relations in favor of Sherman's Cuban resolution has, it appears, been too great even for the resistance of Mr. Sumner. That gentleman has consented to a fair consideration of it, as well as Senator Morton's bill, and has condescended to report it favorably, provided a majority of the committee will so instruct him. The committee have given it some attention already, and the main question seems to be whether to report Sherman's resolution or Morton's bill. Sherman says he does not care which is reported, but he thinks both of them should be, as they are not identical and do not conflict with each other. He thinks that if the House should pass Banks' joint resolution relative to Cuba it would go through the Senate. Its provisions meet with his approval, and he would as soon vote for it as for his own proposition. He is of opinion that action will be taken by the House first, because the Senate Committee on Foreign Relations is not likely to report or, indeed, come to any conclusion at an early day. Some measure of the kind, he thinks, will certainly pass Congress at this session.

**Effects of According Belligerent Rights to Cuba—The Spanish Treaty of 1795.**

There has been a good deal of nonsense recently in some of your contemporaries as to the effect of granting belligerent rights upon the course of Spain towards our government. One paper gives it as the opinion of Secretary Fish that it would lead to inevitable war, because, forsooth, the Spanish government would forthwith insist upon her right, under the treaty of 1795, to make a search of all American vessels upon the high sea. A brief reference to the history of the treaty and its conditions will exhibit the folly of this Spanish-American war cry. The treaty of 1795 with Spain provided that in case either party should be engaged in war the ships and vessels belonging to the subjects or people of the other party should be furnished with sea letters, or passports, showing the nationality and character of the ships, which papers were to be made according to the form annexed to the treaty, and renewed every year, if vessels should return home so often. If the ships of either party were met at sea by the vessels of the other, such ships, upon the exhibition of their passports, were to be free to pursue their voyages. Now it appears on examination of the question, that the form of the passports was not annexed to the treaty, and the Supreme Court has held in the case of the "amicable Isabella"—six Wheaton, 1—that this section of the treaty was imperfect and inoperative in consequence of this omission. This decision would seem to be decisive of the rights of both Spaniards and Americans under this section of the treaty, and in fact, there is no doubt it leaves the right of search in precisely the same position as if no provisions on that subject had ever been inserted. The whole object of the section was to embrace in the form of a treaty the American doctrine that free ships make free goods, and to limit and restrict the right of search as claimed by the great maritime nations at the close of the last century. As the old claims of the maritime nations in that regard have since been abandoned there is nothing in the treaty or the rights of Spain that could embarrass our commerce, if we had any. So much, therefore, for the fears of a war with Spain in case we should give belligerent rights or recognition to Cuba, at least so far as the treaty of 1795 is concerned.