

WASHINGTON

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WASHINGTON, June 13, 1870.

The Message of the President on Cuban Affairs.

The President sent the following message to the two houses of Congress to-day:—

TO THE SENATE AND HOUSE OF REPRESENTATIVES:—

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 to 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 of a *de facto* political organization of the insurgents sufficient to justify a recognition of the belligerency. During the six months which have passed since the date of the 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 ill-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 privations of the roaming life of a guerilla. On either side the contest has been conducted and is still carried on with a lamentable disregard of human life and of the usages and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch of Spaniard and Cuban are alike busy in carrying devastation over fertile regions. Murders and revengeful decrees are issued and executed by both parties. Count Valmaceda and Colonel Bolt, 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 upwards of 630 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 contest carried on by both parties alike in such barbarous violation of the rules of civilized nations, and with such continued outrages upon the plainest principles of humanity. We cannot discriminate in our censure of their mode of conducting the contest between the Spaniards and the Cubans. Each commit the same atrocities, and outrage alike the established rules of war. The property of many of our citizens has been destroyed or embargoed. The lives of several have been sacrificed, and the liberties of others have 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, at their request, an account of the steps which I had taken in the hope of bringing this sad conflict to an end and for 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 own 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 scarcely 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 entirely 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 this country and the eminent statesmen of his days, 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 1769 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 he was Secretary of State. He shows that they are measures of national right as well as of national duty; that misguided individual citizens cannot be tolerated in making war according to their own caprice, passions and interests or foreign sympathies; that the agents of foreign governments, recognized or unrecognized, cannot be permitted to abuse our hospitality by usurping the functions of enlisting or equipping military or naval forces within our territory. Washington inaugurated this 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 subverting 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 the constant care of the government in the United States to prevent practical expeditions against the feeble South American republics from leaving our shores.

In no country are men wanting for any enterprise that holds out promise of adventure or gain. In the early days of our national existence the whole continent of America outside of the United States and its islands, were colonial dependencies upon European Powers. The revolutions which, from 1810, spread almost simultaneously throughout the Spanish-American continental colonies, resulted in the establishment of new States, like ourselves of European origin and interest in excluding European politics and the question of dynasty and of balances of power from the 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 place among the family of nations, as well as the preliminary question of the attitude to be observed by this government towards the insurrectionary party pending the contest. Mr. Monroe concisely expressed the rule which he controlled the action of this government with reference to a revolting country pending its 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 of this continent, and which inclined them to rely upon its friendship. In the absence of all signs of conquest, and to look to the United States for example and moral

protection. It has given to 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 dominion the question of belligerency is one of fact, not to be decided by sympathies for or prejudice against either party. The relations between the present state of the insurgents must amount in fact to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war. There must be military forces acting in accordance with the rules and customs of war, flags of truce, cartels, exchange of prisoners, &c. and to justify a recognition of belligerency there must be above all a *de facto* political organization of the insurgents, sufficient in character and resources to constitute, if left to itself, a State among nations, capable of discharging the duties of a State, and of meeting the just responsibilities it may incur as such toward other Powers in the discharge of its national duties.

Applying the best information which I have been able to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to its own side of the question, I am unable to see in the present condition of the contest in Cuba those elements which are requisite to constitute war in the sense of international law. The insurgents hold no town or city, have no established seat of government; they have no prize courts, no organization for the receiving or collecting of revenue, no seaport to which a prize may be carried, or through which access can be had by a foreign Power to the limited interior territory and mountain fastnesses which they occupy.

The existence of a legislature representing any popular constituency is more than doubtful. In the uncertainty that hangs around the entire insurrection there is no probable evidence of any election of any delegated authority or of any government outside the limits of the camps occupied from day to day by the moving companies of insurgent troops. There is no commerce, no trade, either internal or foreign; no manufactures. The late commander-in-chief of the insurgents, having recently come to the United States, publicly declared that "all commercial intercourse or trade with the exterior world has been utterly cut off," and he further added, "to-day we have not ten thousand arms in Cuba."

It is a well established principle of public law that a recognition by a foreign state of belligerent rights of insurgents under circumstances such as now exist in Cuba, if not justified by necessity, is a gratuitous demonstration of moral support to the rebellion. Such necessity may yet hereafter arise, but it had not yet arisen, nor is its probability clear to be seen. If it be war between Spain and Cuba, and be recognized, it is our duty to provide for the consequences which may ensue in the embarrassment of our commerce and interference with our revenue. If belligerency be recognized the commercial marine of the United States becomes liable to search and to seizure by the commissioned cruisers of both parties. They become subject to the adjudication of prize courts. Our large coastwise trade between the Atlantic and the Gulf States, and between both, and the isthmus of Panama and the States of South America, engaging the larger part of our commercial marine, passes, of necessity, almost in sight of the island of Cuba. Under the treaty with Spain of 1795, as well as by the laws of nations, our vessels will be liable to visits on the high seas. In the case of belligerency the carrying of contraband, which now is lawful, becomes liable to the risks of seizure and condemnation.

The present government becomes relieved from responsibility for acts done in the insurgent Territory, and acquires the right to exercise towards neutral commerce all the powers of a party to a maritime war. To what consequences the exercise of those powers may lead is a question which I desire to commend to the serious consideration of Congress. In view of the gravity of this question I have deemed it my duty to invite the attention of the war-making powers of the country to all the relations and bearings of the question in connection with the declaration of neutrality and the granting of belligerent rights. There is not a *de facto* government in the island of Cuba sufficient to execute laws to 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 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 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 protection.

These questions concern our own dignity and responsibility, and they have been made, as I have said, the subject 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 a further communication to Congress. U. S. GRANT.

EXECUTIVE MANSION, June 13, 1870.

How the Message Was Received in Congress—Feeling Among the People.

The special message of the President relative to Cuba reached the House about three o'clock, but was not read until after the passage of the River and Harbor Appropriation bill, about half-past four. As soon as the subject of the message was announced the members were all attention, and the House was as still as death. Every word was taken in and measured. General Banks looked surprised and annoyed, and was quite restless in his seat when it became apparent that the message was nothing less than an attempt at a reply to his own report upon Cuba. The reading of the message occupied half an hour, during all of which time it was easy to distinguish an expression of mingled surprise and regret upon the faces of the members. As soon as the Clerk had finished General Banks was on his feet, with half a dozen other members. Being the chairman of the Foreign Affairs Committee, Banks was recognized by the Speaker, to the exclusion of others anxious to catch his eye. He moved that the message be laid upon the table and printed. Sam Cox, in seconding the motion, took occasion to say that this was a most extraordinary document and came to the House at a strange time, just on the eve of the consideration of the report made to the House by the Foreign Affairs Committee on the same subject. He knew it was the custom of the President to furnish information when called upon by Congress, but he had never heard of a President attempting to influence legislation. He did not think it should receive any other respect than to be laid on the table. But for this speech the House would no doubt have adopted the motion of General Banks. In the light of Cox's remarks, however, many members were of opinion that this would be a mark of discourtesy and disrespect to the President. Mr. Dawes, catching the feeling around him on the republican side, arose and said that after the remarks of Mr. Cox he did not think it would be proper to lay the message on the table. He, therefore, moved its reference to the Committee on Foreign Affairs. This was agreed to, and the House adjourned.

The message has aroused a profound feeling among the members and Senators, and its contents are the talk of the town to-night. The general impression among the majority of both houses is that the document is, to say the least, ill-timed, uncalled for and its transmission to Congress at this particular juncture altogether a strange proceeding. It would appear that the President was slow in making up his mind to send it in. Attorney General Hoar stated this evening to a member of Congress that the message was not signed until two o'clock, an hour before it reached the Capitol. Old Senators and lawyers, familiar with the style of Caleb Cushing, credit him with the authorship of the document, and it is stated that he has been engaged upon it ever since the appearance of General Banks' report in the HERALD. Of the truth of this, however, I have no means of knowing. I simply give the general talk. Mr. Cushing is reported as saying to a prominent political friend soon after the publication of Banks' report that "that document will have to be answered." It is regretted by the republican members that the President should have sent such a message to the two houses at this time. They say it looks as if he wanted to put out an antidote to Banks' report, and to forestall the action of the House. It is argued that the message was unnecessary if it was sent in with the intention of giving information to Congress, especially to the House, inasmuch as the Foreign Affairs Committee of that body has been investigating and discussing the whole question for months past. They have had all the information laid before them that the State Department and the President possessed on the subject of the condition of affairs in Cuba. They have examined many persons conversant with the status of the contending parties, including Secretary Fish himself. In the discussion to-morrow on Banks' report the contents of the message will incidentally come in for their share of praise or criticism, and the debate will, on the whole, be spicy and interesting.

The Memphis, El Paso and Pacific Railroad.

The majority of the sub-committee of the Senate Pacific Railroad Committee have made a report upon the title of the Memphis, El Paso and Pacific Railroad Company to the lands and franchises granted to it by TEXAS. They differ with Senator Howard, of