

PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

The United States,

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 1, 1873.

PRECEDED BY A

LIST OF PAPERS, AND A LIST OF PERSONS WHOSE CORRESPONDENCE
IS CONTAINED IN THIS VOLUME, AND FOLLOWED BY
AN INDEX OF PERSONS AND SUBJECTS.

PART I.—GENERAL CORRESPONDENCE; AND PAPERS RELATING TO
NATURALIZATION AND EXPATRIATION.

VOLUME I.



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M E S S A G E .

To the Senate and House of Representatives :

The year that has passed since the submission of my last message to Congress has—especially during the latter part of it—been an eventful one to the country. In the midst of great national prosperity a financial crisis has occurred that has brought low fortunes of gigantic proportions; political partisanship has almost ceased to exist, especially in the agricultural regions; and finally, the capture upon the high seas of a vessel bearing our flag has for a time threatened the most serious consequences, and has agitated the public mind from one end of the country to the other. But this, happily, now is in the course of satisfactory adjustment, honorable to both nations concerned.

The relations of the United States, however, with most of the other powers continue to be friendly and cordial. With France, Germany, Russia, Italy, and the minor European powers; with Brazil and most of the South American republics, and with Japan, nothing has occurred during the year to demand special notice. The correspondence between the Department of State and various diplomatic representatives in or from those countries is transmitted herewith.

In executing the will of Congress, as expressed in its joint resolution of the 14th of February last, and in accordance with the provisions of the resolution, a number of "practical artisans," of "scientific men," and of "honorary commissioners" were authorized to attend the exposition at Vienna as commissioners on the part of the United States. It is believed that we have obtained the object which Congress had in view when it passed the joint resolution, "in order to enable the people of the United States to participate in the advantages of the international exhibition of the products of agriculture, manufactures, and the fine arts to be held at Vienna." I take pleasure in adding that the American exhibitors have received a gratifying number of diplomas and of medals.

During the exposition a conference was held at Vienna for the purpose of consultation on the systems prevailing in different countries for the protection of inventions. I authorized a representative from the Patent-Office to be present at Vienna at the time when this conference was to take place, in order to aid, as far as he might, in securing any possible additional protection to American inventors in Europe. The report of this agent will be laid before Congress.

It is my pleasant duty to announce to Congress that the Emperor of China, on attaining his majority, received the diplomatic representa-

tives of the western powers in person. An account of these ceremonies, and of the interesting discussions which preceded them, will be found in the documents transmitted herewith. The accompanying papers show that some advance, although slight, has been made during the past year toward the suppression of the infamous Chinese cooly-trade. I recommend Congress to inquire whether additional legislation be not needed on this subject.

The money awarded to the United States by the tribunal of arbitration at Geneva was paid by Her Majesty's government a few days in advance of the time when it would have become payable according to the terms of the treaty. In compliance with the provisions of the act of March 3, 1873, it was at once paid into the Treasury, and used to redeem, so far as it might, the public debt of the United States; and the amount so redeemed was invested in a five per cent. registered bond of the United States for fifteen million five hundred thousand dollars, which is now held by the Secretary of State, subject to the future disposition of Congress.

I renew my recommendation, made at the opening of the last session of Congress, that a commission be created for the purpose of auditing and determining the amounts of the several "direct losses growing out of the destruction of vessels and their cargoes" by the Alabama, the Florida, or the Shenandoah, after leaving Melbourne, for which the sufferers have received no equivalent or compensation, and of ascertaining the names of the persons entitled to receive compensation for the same, making the computations upon the basis indicated by the tribunal of arbitration at Geneva; and that payment of such losses be authorized to an extent not to exceed the awards of the tribunal at Geneva.

By an act approved on the 14th day of February last, Congress made provision for completing, jointly with an officer or commissioner to be named by Her Britannic Majesty, the determination of so much of the boundary-line between the territory of the United States and the possessions of Great Britain as was left uncompleted by the commissioners appointed under the act of Congress of August 11, 1856. Under the provisions of this act the northwest water-boundary of the United States has been determined and marked in accordance with the award of the Emperor of Germany. A protocol and a copy of the map upon which the line was thus marked are contained in the papers submitted herewith.

I also transmit a copy of the report of the commissioner for marking the northern boundary between the United States and the British possessions west of the Lake of the Woods, of the operations of the commission during the past season. Surveys have been made to a point four hundred and ninety-seven miles west of the Lake of the Woods, leaving about three hundred and fifty miles to be surveyed, the field-work of which can be completed during the next season.

The mixed commission organized under the provisions of the treaty

of Washington for settling and determining the claims of citizens of either power against the other arising out of the acts committed against their persons or property during the period between April 13, 1861, and April 9, 1865, made its final award on the 25th day of September last. It was awarded that the Government of the United States should pay to the government of Her Britannic Majesty, within twelve months from the date of the award, the sum of \$1,929,819 in gold. The commission disallowed or dismissed all other claims of British subjects against the United States. The amount of the claims presented by the British government, but disallowed or dismissed, is understood to be about \$93,000,000. It also disallowed all claims of citizens of the United States against Great Britain which were referred to it.

I recommend the early passage of an act appropriating the amount necessary to pay this award against the United States.

I have caused to be communicated to the government of the King of Italy the thanks of this Government for the eminent services rendered by Count Corti as the third commissioner on this commission. With dignity, learning, and impartiality he discharged duties requiring great labor and constant patience, to the satisfaction, I believe, of both governments. I recommend legislation to create a special court, to consist of three judges, who shall be empowered to hear and determine all claims of aliens upon the United States arising out of acts committed against their persons or property during the insurrection. The recent reference under the treaty of Washington was confined to claims of British subjects arising during the period named in the treaty; but it is understood that there are other British claims of a similar nature, arising after the 9th of April, 1865, and it is known that other claims of a like nature are advanced by citizens or subjects of other powers. It is desirable to have these claims also examined and disposed of.

Official information being received from the Dutch government of a state of war between the King of the Netherlands and the Sultan of Acheen, the officers of the United States who were near the seat of the war were instructed to observe an impartial neutrality. It is believed that they have done so.

The joint commission under the convention with Mexico of 1868 having again been legally prolonged, has resumed its business, which, it is hoped, may be brought to an early conclusion. The distinguished representative of Her Britannic Majesty at Washington has kindly consented, with the approval of his government, to assume the arduous and responsible duties of umpire in this commission, and to lend the weight of his character and name to such decisions as may not receive the acquiescence of both the arbitrators appointed by the respective governments.

The commissioners appointed pursuant to the authority of Congress to examine into the nature and extent of the forays by trespassers from

that country upon the herds of Texas, have made a report, which will be submitted for your consideration.

The Venezuelan government has been apprised of the sense of Congress in regard to the awards of the joint commission under the convention of 25th April, 1866, as expressed in the act of the 25th of February last.

It is apprehended that that government does not realize the character of its obligations under that convention. As there is reason to believe, however, that its hesitancy in recognizing them springs in part at least from real difficulty in discharging them in connection with its obligations to other governments, the expediency of further forbearance on our part is believed to be worthy of your consideration.

The Ottoman government and that of Egypt have latterly shown a disposition to relieve foreign consuls of the judicial powers which heretofore they have exercised in the Turkish dominions, by organizing other tribunals. As Congress, however, has by law provided for the discharge of judicial functions by consuls of the United States in that quarter under the treaty of 1830, I have not felt at liberty formally to accept the proposed change without the assent of Congress, whose decision upon the subject, at as early a period as may be convenient, is earnestly requested.

I transmit herewith for the consideration and determination of Congress an application of the republic of Santo Domingo to this Government to exercise a protectorate over that republic.

Since the adjournment of Congress the following treaties with foreign powers have been proclaimed: A naturalization convention with Denmark; a convention with Mexico for renewing the claim commission; a convention of friendship, commerce, and extradition with the Orange Free State, and a naturalization convention with Ecuador.

I renew the recommendation made in my message of December, 1870, that Congress authorize the Postmaster-General to issue all commissions to officials appointed through his Department.

I invite the earnest attention of Congress to the existing laws of the United States respecting expatriation and the election of nationality by individuals. Many citizens of the United States reside permanently abroad with their families. Under the provisions of the act approved February 10, 1855, the children of such persons are to be deemed and taken to be citizens of the United States, but the rights of citizenship are not to descend to persons whose fathers never resided in the United States.

It thus happens that persons who have never resided within the United States have been enabled to put forward a pretension to the protection of the United States against the claim to military service of the government under whose protection they were born and have been reared. In some cases even naturalized citizens of the United States have returned to the land of their birth, with intent to remain there,

and their children, the issue of a marriage contracted there after their return, and who have never been in the United States, have laid claim to our protection, when the lapse of many years had imposed upon them the duty of military service to the only government which had ever known them personally.

Until the year 1868 it was left embarrassed by conflicting opinions of courts and of jurists to determine how far the doctrine of perpetual allegiance derived from our former colonial relations with Great Britain was applicable to American citizens. Congress then wisely swept these doubts away by enacting that "any declaration, instruction, opinion, order, or decision of any officer of this Government which denies, restricts, impairs, or questions the right of expatriation, is inconsistent with the fundamental principles of this Government." But Congress did not indicate in that statute, nor has it since done so, what acts are deemed to work expatriation. For my own guidance in determining such questions, I required (under the provisions of the Constitution) the opinion in writing of the principal officer in each of the Executive Departments upon certain questions relating to this subject. The result satisfies me that further legislation has become necessary. I therefore commend the subject to the careful consideration of Congress, and I transmit herewith copies of the several opinions of the principal officers of the executive department, together with other correspondence and pertinent information on the same subject.

The United States, who led the way in the overthrow of the feudal doctrine of perpetual allegiance, are among the last to indicate how their own citizens may elect another nationality. The papers submitted herewith indicate what is necessary to place us on a par with other leading nations in liberality of legislation on this international question. We have already in our treaties assented to the principles which would need to be embodied in laws intended to accomplish such results. We have agreed that citizens of the United States may cease to be citizens, and may voluntarily render allegiance to other powers. We have agreed that residence in a foreign land, without intent to return, shall of itself work expatriation. We have agreed in some instances upon the length of time necessary for such continued residence to work a presumption of such intent. I invite Congress now to mark out and define when and how expatriation can be accomplished; to regulate by law the condition of American women marrying foreigners; to fix the status of children born in a foreign country of American parents residing more or less permanently abroad, and to make rules for determining such other kindred points as may seem best to Congress.

In compliance with the request of Congress I transmitted to the American minister at Madrid, with instructions to present it to the Spanish government, the joint resolution, approved on the 3d of March last, tendering to the people of Spain, in the name and on the behalf of the American people, the congratulations of Congress upon the efforts to

consolidate in Spain the principles of universal liberty in a republican form of government.

The existence of this new republic was inaugurated by striking the fetters from the slaves in Porto Rico. This beneficent measure was followed by the release of several thousand persons illegally held as slaves in Cuba. Next, the captain-general of that colony was deprived of the power to set aside the orders of his superiors at Madrid, which had pertained to the office since 1825. The sequestered estates of American citizens, which had been the cause of long and fruitless correspondence, were ordered to be restored to their owners. All these liberal steps were taken in the face of a violent opposition directed by the reactionary slaveholders of Havana, who are vainly striving to stay the march of ideas which has terminated slavery in Christendom, Cuba only excepted. Unhappily, however, this baneful influence has thus far succeeded in defeating the efforts of all liberal-minded men in Spain to abolish slavery in Cuba, and in preventing the promised reform in that island. The struggle for political supremacy continues there.

The pro-slavery and aristocratic party in Cuba is gradually arraiging itself in more and more open hostility and defiance of the home government, while it still maintains a political connection with the republic in the peninsula; and although usurping and defying the authority of the home government, whenever such usurpation or defiance tends in the direction of oppression or of the maintenance of abuses, it is still a power in Madrid, and is recognized by the government. Thus an element more dangerous to continued colonial relations between Cuba and Spain than that which inspired the insurrection at Yara—an element opposed to granting any relief from misrule and abuse, with no aspirations after freedom, commanding no sympathies in generous breasts, aiming to rivet still stronger the shackles of slavery and oppression—has seized many of the emblems of power in Cuba, and, under professions of loyalty to the mother country, is exhausting the resources of the island, and is doing acts which are at variance with those principles of justice, of liberality, and of right, which give nobility of character to a republic. In the interests of humanity, of civilization, and of progress, it is to be hoped that this evil influence may be soon averted.

The steamer *Virginus* was on the 26th day of September, 1870, duly registered at the port of New York as a part of the commercial marine of the United States. On the 4th of October, 1870, having received the certificate of her register in the usual legal form, she sailed from the port of New York, and has not since been within the territorial jurisdiction of the United States. On the 31st day of October last, while sailing under the flag of the United States, on the high seas, she was forcibly seized by the Spanish gun-boat *Tornado*, and was carried into the port of Santiago de Cuba, where fifty-three of her passengers and crew were inhumanly, and, so far at least as relates to those who

mere citizens of the United States, without due process of law, put to death.

It is a well-established principle, asserted by the United States from the beginning of their national independence, recognized by Great Britain and other maritime powers, and stated by the Senate in a resolution passed unanimously on the 16th of June, 1858, that "American vessels on the high seas in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong; and therefore any visitation, molestation, or detention of such vessel by force, or by the exhibition of force, on the part of a foreign power, is in derogation of the sovereignty of the United States."

In accordance with this principle the restoration of the *Virginius*, and the surrender of the survivors of her passengers and crew, and a due reparation to the flag, and the punishment of the authorities who had been guilty of the illegal acts of violence, were demanded. The Spanish government has recognized the justice of the demand, and has arranged for the immediate delivery of the vessel, and for the surrender of the survivors of the passengers and crew, and for a salute to the flag, and for proceedings looking to the punishment of those who may be proved to have been guilty of illegal acts of violence toward citizens of the United States, and also toward indemnifying those who may be shown to be entitled to indemnity. A copy of a protocol of a conference between the Secretary of State and the Spanish minister, in which the terms of this arrangement were agreed to, is transmitted herewith.

The correspondence on this subject with the legation of the United States in Madrid was conducted in cipher and by cable, and needs the verification of the actual text of the correspondence. It has seemed to me to be due to the importance of the case not to submit this correspondence until the accurate text can be received by mail. It is expected shortly, and will be submitted when received.

In taking leave of this subject for the present, I wish to renew the expression of my conviction, that the existence of African slavery in Cuba is a principal cause of the lamentable condition of the island. I do not doubt that Congress shares with me the hope that it will soon be made to disappear, and that peace and prosperity may follow its abolition.

The embargoing of American estates in Cuba; cruelty to American citizens detected in no act of hostility to the Spanish government; the murdering of prisoners taken with arms in their hands; and, finally, the capture upon the high seas of a vessel sailing under the United States flag and bearing a United States registry have culminated in an outburst of indignation that has seemed for a time to threaten war. Pending negotiations between the United States and the government of Spain on the subject of this capture, I have authorized the Secretary of the Navy to put our Navy on a war footing, to the extent, at least, of the entire annual appropriation for that branch of the service, trusting to Congress and the public opinion of the American people to justify my action.

CONSTITUTIONAL AMENDMENTS.

Assuming from the action of the last Congress, in appointing a "Committee on Privileges and Elections," to prepare and report to this Congress a constitutional amendment to provide a better method of electing the President and Vice-President of the United States, and also from the necessity of such an amendment, that there will be submitted to the State legislatures, for ratification, such an improvement in our Constitution, I suggest two others for your consideration :

First. To authorize the Executive to approve of so much of any measure passing the two Houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion, or portions, to be subjected to the same rules as now, to wit, to be referred back to the house in which the measure, or measures, originated, and if passed by a two-thirds vote of the two houses, then to become a law without the approval of the President. I would add to this a provision that there should be no legislation by Congress during the last twenty-four hours of its sitting, except upon vetoes, in order to give the Executive an opportunity to examine and approve or disapprove bills understandingly.

Second. To provide, by amendment, that when an extra session of Congress is convened by Executive proclamation, legislation during the continuance of such extra session shall be confined to such subjects as the Executive may bring before it, from time to time, in writing.

The advantages to be gained by these two amendments are too obvious for me to comment upon them. One session in each year is provided for by the Constitution, in which there are no restrictions as to the subjects of legislation by Congress. If more are required, it is always in the power of Congress, during their term of office, to provide for sessions at any time. The first of these amendments would protect the public against the many abuses, and waste of public moneys, which creep into appropriation bills, and other important measures passing during the expiring hours of Congress, to which, otherwise, due consideration cannot be given.

TREASURY DEPARTMENT.

The receipts of the Government from all sources for the last fiscal year were \$333,738,204, and expenditures on all accounts \$290,345,245, thus showing an excess of receipts over expenditures of \$43,392,959. But it is not probable that this favorable exhibit will be shown for the present fiscal year. Indeed, it is very doubtful whether, except with great economy on the part of Congress in making appropriations, and the same economy in administering the various departments of Government, the revenues will not fall short of meeting actual expenses, including interest on the public debt.

I commend to Congress such economy, and point out two sources

where, it seems to me, it might commence, to wit, in the appropriations for public buildings in the many cities where work has not yet been commenced; in the appropriations for river and harbor improvement in those localities where the improvements are of but little benefit to general commerce, and for fortifications.

There is a still more fruitful source of expenditure, which I will point out later in this message. I refer to the easy method of manufacturing claims for losses incurred in suppressing the late rebellion.

I would not be understood here as opposing the erection of good, substantial, and even ornamental buildings by the Government wherever such buildings are needed. In fact, I approve of the Government owning its own buildings, in all sections of the country, and hope the day is not far distant when it will not only possess them, but will erect in the capital suitable residences for all persons who now receive commutation for quarters or rent at Government expense, and for the Cabinet, thus setting an example to the States which may induce them to erect buildings for their Senators. But I would have this work conducted at a time when the revenues of the country would abundantly justify it.

The revenues have materially fallen off for the first five months of the present fiscal year from what they were expected to produce, owing to the general panic now prevailing, which commenced about the middle of September last. The full effect of this disaster, if it should not prove a "blessing in disguise," is yet to be demonstrated. In either event it is your duty to heed the lesson, and to provide by wise and well-considered legislation, as far as it lies in your power, against its recurrence, and to take advantage of all benefits that may have accrued.

My own judgment is that, however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached; and that a specie basis cannot be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

The development of the mines of precious metals during the past year and the prospective development of them for years to come, are gratifying in their results. Could but one-half of the gold extracted from the mines be retained at home our advance toward specie payments would be rapid.

To increase our exports, sufficient currency is required to keep all the industries of the country employed. Without this, national as well as individual bankruptcy must ensue. Undue inflation, on the other hand, while it might give temporary relief, would only lead to inflation of prices, the impossibility of competing in our own markets for the products of home skill and labor, and repeated renewals of present experiences. Elasticity to our circulating medium, therefore, and just enough

of it to transact the legitimate business of the country, and to keep all industries employed, is what is most to be desired. The exact medium is specie, the recognized medium of exchange the world over. That obtained, we shall have a currency of an exact degree of elasticity. If there be too much of it for the legitimate purposes of trade and commerce, it will flow out of the country. If too little, the reverse will result. To hold what we have and to appreciate our currency to that standard, is the problem deserving of the most serious consideration of Congress.

The experience of the present panic has proven that the currency of the country, based as it is upon the credit of the country, is the best that has ever been devised. Usually in times of such trials, currency has become worthless, or so much depreciated in value as to inflate the values of all the necessaries of life as compared with the currency. Every one holding it has been anxious to dispose of it on any terms. Now we witness the reverse. Holders of currency hoard it as they did gold in former experiences of a like nature.

It is patent to the most casual observer that much more currency, or money, is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than during the balance of the year. With our present system the amount in the country remains the same throughout the entire year, resulting in an accumulation of all the surplus capital of the country in a few centers when not employed in the moving of crops, tempted there by the offer of interest on call loans. Interest being paid, this surplus capital must earn this interest paid with a profit. Being subject to "call," it cannot be loaned, only in part at best, to the merchant or manufacturer for a fixed term. Hence, no matter how much currency there might be in the country, it would be absorbed, prices keeping pace with the volume, and panics, stringency, and disasters would ever be recurring with the autumn. Elasticity in our monetary system, therefore, is the object to be attained first, and next to that, as far as possible, a prevention of the use of other people's money in stock and other species of speculation. To prevent the latter it seems to me that one great step would be taken by prohibiting the national banks from paying interest on deposits, by requiring them to hold their reserves in their own vaults, and by forcing them into resumption, though it would only be in legal-tender notes. For this purpose I would suggest the establishment of clearing-houses for your consideration.

To secure the former many plans have been suggested, most, if not all, of which look to me more like inflation on the one hand, or compelling the Government, on the other, to pay interest, without corresponding benefits, upon the surplus funds of the country during the seasons when otherwise unemployed.

I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue, at any

time, to national banks of issue, any amount of their own notes below a fixed percentage of their issue, say forty per cent., upon the banks depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government, say four per cent. of the interest accruing on the bonds so pledged during the time they remain with the Treasurer, as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn. I would further suggest for your consideration the propriety of authorizing national banks to diminish their standing issue at pleasure, by returning for cancellation their own bills and withdrawing so many United States bonds as are pledged for the bills returned.

In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, I do not believe there is too much of it now for the dullest period of the year. Indeed, if clearing-houses should be established, thus forcing redemption, it is a question for your consideration whether banking should not be made free, retaining all the safeguards now required to secure bill-holders. In any modification of the present laws regulating national banks, as a further step toward preparing for resumption of specie payments, I invite your attention to a consideration of the propriety of exacting from them the retention, as a part of their reserve, either the whole or a part of the gold interest accruing upon the bonds pledged as security for their issue. I have not reflected enough on the bearing this might have in producing a scarcity of coin with which to pay duties on imports to give it my positive recommendation. But your attention is invited to the subject.

During the last four years the currency has been contracted, directly, by the withdrawal of three per cent. certificates, compound-interest notes, and "seven-thirty" bonds outstanding on the 4th of March, 1869, all of which took the place of legal tenders in the bank reserves to the extent of sixty-three million dollars.

During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than twenty-five thousand miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and,

for want of savings-banks, the greater part of such wages is carried in the pocket or hoarded until required for use.

These suggestions are thrown out for your consideration, without any recommendation that they shall be adopted literally, but hoping that the best method may be arrived at to secure such an elasticity of the currency as will keep employed all the industries of the country, and prevent such an inflation as will put off indefinitely the resumption of specie payments, an object so devoutly to be wished for by all, and by none more earnestly than the class of people most directly interested—those who “earn their bread by the sweat of their brow.” The decisions of Congress on this subject will have the hearty support of the Executive.

In previous messages I have called attention to the decline in American ship-building, and recommended such legislation as would secure to us our proportion of the carrying-trade. Stimulated by high rates and abundance of freight, the progress for the last year in ship-building has been very satisfactory. There has been an increase of about three per cent. in the amount transported in American vessels over the amount of last year. With the reduced cost of material which has taken place, it may reasonably be hoped that this progress will be maintained, and even increased. However, as we pay about \$80,000,000 per annum to foreign vessels for the transportation to a market of our surplus products, thus increasing the balance of trade against us to this amount, the subject is one worthy of your serious consideration.

“Cheap transportation” is a subject that has attracted the attention of both producers and consumers for the past few years, and has contributed to, if it has not been the direct cause of, the recent panic and stringency.

As Congress, at its last session, appointed a special committee to investigate this whole subject during the vacation, and report at this session, I have nothing to recommend until their report is read.

There is one work, however, of a national character, in which the greater portion of the East and the West, the North and the South, are equally interested, to which I will invite your attention.

The State of New York has a canal connecting Lake Erie with tide-water on the Hudson River. The State of Illinois has a similar work connecting Lake Michigan with navigable water on the Illinois River, thus making water-communication inland, between the East and the West and South. These great artificial water-courses are the property of the States through which they pass, and pay toll to those States. Would it not be wise statesmanship to pledge these States that if they will open these canals for the passage of large vessels the General Government will look after and keep in navigable condition the great public highways with which they connect, to wit, the overslaugh on the Hudson, the Saint Clair Flats, and the Illinois and Mississippi Rivers? This would be a national work; one of great value to the producers of the West and South in giving them cheap transportation for their pro-

duce to the sea-board and a market; and to the consumers in the East in giving them cheaper food, particularly of those articles of food which do not find a foreign market, and the prices of which, therefore, are not regulated by foreign demands. The advantages of such a work are too obvious for argument. I submit the subject to you, therefore, without further comment.

In attempting to regain our lost commerce and carrying-trade, I have heretofore called attention to the states south of us offering a field where much might be accomplished. To further this object I suggest that a small appropriation be made, accompanied with authority for the Secretary of the Navy to fit out a naval vessel to ascend the Amazon River to the mouth of the Madeira; thence to explore that river and its tributaries into Bolivia; and to report to Congress at its next session, or as soon as practicable, the accessibility of the country by water, its resources, and the population so reached. Such an exploration would cost but little; it can do no harm, and may result in establishing a trade of value to both nations.

In further connection with the Treasury Department I would recommend a revision and codification of the tariff laws, and the opening of more mints for coining money, with authority to coin for such nations as may apply.

WAR DEPARTMENT.

The attention of Congress is invited to the recommendations contained in the report of the Secretary of War herewith accompanying.

The apparent great cost of supporting the Army is fully explained by this report, and I hope will receive your attention.

While inviting your general attention to all the recommendations made by the Secretary of War, there are two which I would especially invite you to consider: First, the importance of preparing for war in time of peace by providing proper armament for our sea-coast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed; the former cannot. The second is the necessity of re-opening promotion in the staff corps of the Army. Particularly is this necessity felt in the Medical, Pay, and Ordnance Departments.

At this time it is necessary to employ "contract surgeons" to supply the necessary medical attendance required by the Army.

With the present force of the Pay Department it is now difficult to make the payments to troops provided for by law. Long delays in payments are productive of desertions and other demoralization, and the law prohibits the payment of troops by other than regular Army paymasters.

There are now sixteen vacancies in the Ordnance Department, thus leaving that branch of the service without sufficient officers to conduct the business of the different arsenals on a large scale if ever required.

NAVY DEPARTMENT.

During the past year our Navy has been depleted by the sale of some vessels no longer fit for naval service, and by the condemnation of others not yet disposed of. This, however, has been more than compensated for by the repair of six of the old wooden ships, and by the building of eight new sloops of war, authorized by the last Congress. The building of these latter has occurred at a doubly fortunate time. They are about being completed at a time when they may possibly be much needed, and the work upon them has not only given direct employment to thousands of men, but has no doubt been the means of keeping open establishments for other work at a time of great financial distress.

Since the commencement of the last month, however, the distressing occurrences which have taken place in the waters of the Caribbean Sea, almost on our very sea-board, while they illustrate most forcibly the necessity always existing that a nation situated like ours should maintain in a state of possible efficiency a navy adequate to its responsibilities, has at the same time demanded that all the effective force we really have shall be put in immediate readiness for warlike service. This has been and is being done promptly and effectively, and I am assured that all the available ships and every authorized man of the American Navy will be ready for whatever action is required for the safety of our citizens or the maintenance of our honor. This, of course, will require the expenditure in a short time of some of the appropriations which were calculated to extend through the fiscal year, but Congress will, I doubt not, understand and appreciate the emergency, and will provide adequately, not only for the present preparation, but for the future maintenance of our naval force. The Secretary of the Navy has, during the past year, been quietly putting some of our most effective monitors in condition for service, and thus the exigency finds us in a much better condition for work than we could possibly have been without his action.

POST-OFFICE DEPARTMENT.

A complete exhibit is presented, in the accompanying report of the Postmaster-General, of the operations of the Post-Office Department during the year. The ordinary postal revenues for the fiscal year ended June 30, 1873, amounted to \$22,996,741.57, and the expenditures of all kinds to \$29,084,945.67. The increase of revenues over 1872 was \$1,081,315.20, and the increase of expenditures \$2,426,753.36.

Independent of the payments made from special appropriations for mail-steamship lines, the amount drawn from the general Treasury to meet deficiencies was \$5,265,475. The constant and rapid extension of our postal service, particularly upon railways, and the improved facilities for the collection, transmission, distribution, and delivery of the mails, which are constantly being provided, account for the increased expenditures of this popular branch of the public service.

The total number of post-offices in operation, on June 30, 1873, was 33,244, a net increase of 1,381 over the number reported the preceding year. The number of presidential offices was 1,363, an increase of 163 during the year. The total length of railroad mail-routes at the close of the year was 63,457 miles, an increase of 5,546 miles over the year 1872. Fifty-nine railway post-office lines were in operation June 30, 1873, extending over 14,866 miles of railroad-routes, and performing an aggregate service of 34,925 miles daily.

The number of letters exchanged with foreign countries was 27,459,185, an increase of 3,096,685 over the previous year, and the postage thereon amounted to \$2,021,310.86. The total weight of correspondence exchanged in the mails with European countries exceeded 912 tons, an increase of 92 tons over the previous year. The total cost of the United States ocean-steamship service, including \$725,000 paid from special appropriations to subsidized lines of mail-steamers, was \$1,047,271.35.

New or additional postal conventions have been concluded with Sweden, Norway, Belgium, Germany, Canada, Newfoundland, and Japan, reducing postage rates on correspondence exchanged with those countries; and further efforts have been made to conclude a satisfactory postal convention with France, but without success.

I invite the favorable consideration of Congress to the suggestions and recommendations of the Postmaster-General for an extension of the free-delivery system in all cities having a population of not less than ten thousand; for the prepayment of postage on newspapers and other printed matter of the second class; for a uniform postage and limit of weight on miscellaneous matter; for adjusting the compensation of all postmasters not appointed by the President, by the old method of commissions on the actual receipts of the office, instead of the present mode of fixing the salary in advance upon special returns; and especially do I urge favorable action by Congress on the important recommendations of the Postmaster-General for the establishment of United States postal savings depositories.

Your attention is also again called to a consideration of the question of postal telegraphs, and the arguments adduced in support thereof, in the hope that you may take such action in connection therewith as in your judgment will most contribute to the best interests of the country.

DEPARTMENT OF JUSTICE.

Affairs in Utah require your early and special attention. The Supreme Court of the United States, in the case of *Clinton vs. Englebrecht*, decided that the United States marshal of that Territory could not lawfully summon jurors for the district courts; and those courts hold that the territorial marshal cannot lawfully perform that duty, because he is elected by the legislative assembly and not appointed as provided for in the act organizing the Territory. All proceedings at law are practically abolished by these decisions, and there have been but few or no

jury trials in the district courts of that Territory since the last session of Congress. Property is left without protection by the courts, and crimes go unpunished. To prevent anarchy there, it is absolutely necessary that Congress provide the courts with some mode of obtaining jurors, and I recommend legislation to that end; and also that the probate courts of the Territory, now assuming to issue writs of injunction and *habeas corpus*, and to try criminal cases and questions as to land-titles, be denied all jurisdiction not possessed ordinarily by courts of that description.

I have become impressed with the belief that the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States," is productive of more evil than good at this time. Many considerations might be urged for its total repeal, but, if this is not considered advisable, I think it will not be seriously questioned that those portions of said act providing for what is called involuntary bankruptcy operate to increase the financial embarrassments of the country. Careful and prudent men very often become involved in debt in the transaction of their business, and though they may possess ample property, if it could be made available for that purpose, to meet all their liabilities, yet, on account of the extraordinary scarcity of money, they may be unable to meet all their pecuniary obligations as they become due, in consequence of which they are liable to be prostrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors. People are now so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass, and oftentimes accomplish the financial ruin of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money, are prevented by their constant exposure to attack and disappointment by proceedings against them in bankruptcy, and, beside, the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves. I recommend that so much of said act as provides for involuntary bankruptcy on account of the suspension of payment be repealed.

Your careful attention is invited to the subject of claims against the Government, and to the facilities afforded by existing laws for their prosecution. Each of the Departments of State, Treasury, and War have demands for many millions of dollars upon their files, and they are rapidly accumulating. To these may be added those now pending before Congress, the Court of Claims, and the southern claims commission, making in the aggregate an immense sum. Most of these grow out of the rebellion, and are intended to indemnify persons on both sides for their losses during the war; and not a few of them are fabricated and supported by false testimony. Projects are on foot, it is believed, to

induce Congress to provide for new classes of claims, and to revive old ones through the repeal or modification of the statute of limitations, by which they are now barred. I presume these schemes, if proposed, will be received with little favor by Congress, and I recommend that persons having claims against the United States cognizable by any tribunal or department thereof, be required to present them at an early day, and that legislation be directed as far as practicable to the defeat of, unfounded and unjust demands upon the Government; and I would suggest, as a means of preventing fraud, that witnesses be called upon to appear in person to testify before those tribunals having said claims before them for adjudication. Probably the largest saving to the national Treasury can be secured by timely legislation on these subjects, of any of the economic measures that will be proposed.

You will be advised of the operations of the Department of Justice by the report of the Attorney-General, and I invite your attention to the amendments of existing laws suggested by him, with the view of reducing the expenses of that Department.

DEPARTMENT OF THE INTERIOR.

The policy inaugurated toward the Indians at the beginning of the last administration has been steadily pursued, and, I believe, with beneficial results. It will be continued with only such modifications as time and experience may demonstrate as necessary.

With the encroachment of civilization upon the Indian reservations and hunting-grounds, disturbances have taken place between the Indians and whites during the past year, and probably will continue to do so until each race appreciates that the other has rights which must be respected.

The policy has been to collect the Indians, as rapidly as possible, on reservations—and as far as practicable within what is known as the Indian Territory—and to teach them the arts of civilization and self-support. Where found off their reservations, and endangering the peace and safety of the whites, they have been punished, and will continue to be for like offenses.

The Indian Territory south of Kansas and west of Arkansas is sufficient in area and agricultural resources to support all the Indians east of the Rocky Mountains. In time, no doubt, all of them, except a few who may select to make their homes among white people, will be collected there. As a preparatory step for this consummation, I am now satisfied that a territorial form of government should be given them, which will secure the treaty rights of the original settlers, and protect their homesteads from alienation for a period of twenty years.

The operations of the Patent-Office are growing to such a magnitude, and the accumulation of material is becoming so great, that the necessity for more room is becoming more obvious day by day. I respect-

fully invite your attention to the reports of the Secretary of the Interior and Commissioner of Patents on this subject.

The business of the General Land-Office exhibits a material increase in all its branches during the last fiscal year. During that time there were disposed of, out of the public lands, 13,030,606 acres, being an amount greater by 1,165,631 acres than was disposed of during the preceding year. Of the amount disposed of 1,626,266 acres were sold for cash; 214,940 acres were located with military land-warrants; 3,793,612 acres were taken for homesteads; 653,446 acres were located with agricultural-college scrip; 6,083,536 acres were certified by railroads; 76,576 acres were granted to wagon-roads; 238,548 acres were approved to States as swamp-lands; 138,681 acres were certified for agricultural colleges, common schools, universities, and seminaries; 190,775 acres were approved to States for internal improvements; and 14,222 acres were located with Indian scrip. The cash receipts during the same time were \$3,408,515.50, being \$190,415.50 in excess of the receipts of the previous year. During the year 30,488,132 acres of public land were surveyed, an increase over the amount surveyed the previous year of 1,037,193 acres, and, added to the area previously surveyed, aggregates 616,554,895 acres which have been surveyed, leaving 1,218,443,505 acres of the public land still unsurveyed.

The increased and steadily increasing facilities for reaching our unoccupied public domain, and for the transportation of surplus products, enlarges the available field for desirable homestead locations, thus stimulating settlement and extending year by year in a gradually increasing ratio the area of occupation and cultivation.

The expressed desire of the representatives of a large colony of citizens of Russia to emigrate to this country, as is understood, with the consent of their government, if certain concessions can be made to enable them to settle in a compact colony, is of great interest, as going to show the light in which our institutions are regarded by an industrious, intelligent, and wealthy people, desirous of enjoying civil and religious liberty; and the acquisition of so large an immigration of citizens of a superior class would, without doubt, be of substantial benefit to the country. I invite attention to the suggestion of the Secretary of the Interior in this behalf.

There was paid during the last fiscal year for pensions, including the expense of disbursement, \$29,185,289.62, being an amount less by \$984,050.98 than was expended for the same purpose the preceding year. Although this statement of expenditures would indicate a material reduction in amount compared with the preceding year, it is believed that the changes in the pension-laws at the last session of Congress will absorb that amount the current year. At the close of the last fiscal year there were on the pension-rolls 99,804 invalid military pensioners and 112,088 widows, orphans, and dependent relatives of deceased soldiers, making a total of that class of 211,892; 18,266 survivors of the war of 1812,

and 5,053 widows of soldiers of that war pensioned under the act of Congress of February 14, 1871, making a total of that class of 23,319; 1,430 invalid Navy pensioners, and 1,770 widows, orphans, and dependent relatives of deceased officers, sailors, and marines of the Navy, making a total of Navy pensioners of 3,200, and a grand total of pensioners of all classes of 238,411, showing a net increase during the last fiscal year of 6,182. During the last year the names of 16,405 pensioners were added to the rolls, and 10,223 names were dropped therefrom for various causes.

The system adopted for the detection of frauds against the Government in the matter of pensions has been productive of satisfactory results, but legislation is needed to provide, if possible, against the perpetration of such frauds in future.

The evidently increasing interest in the cause of education is a most encouraging feature in the general progress and prosperity of the country, and the Bureau of Education is earnest in its efforts to give proper direction to the new appliances and increased facilities which are being offered to aid the educators of the country in their great work.

The ninth census has been completed, the report thereof published and distributed, and the working force of the bureau disbanded. The Secretary of the Interior renews his recommendation for a census to be taken in 1875, to which subject the attention of Congress is invited. The original suggestion in that behalf has met with the general approval of the country, and even if it be not deemed advisable at present to provide for a regular quinquennial census, a census taken in 1875, the report of which could be completed and published before the one hundredth anniversary of our national independence, would be especially interesting and valuable, as showing the progress of the country during the first century of our national existence. It is believed, however, that a regular census every five years would be of substantial benefit to the country, inasmuch as our growth hitherto has been so rapid that the results of the decennial census are necessarily unreliable as a basis of estimates for the latter years of a decennial period.

DISTRICT OF COLUMBIA.

Under the very efficient management of the governor and the board of public works of this District, the city of Washington is rapidly assuming the appearance of a capital of which the nation may well be proud. From being a most unsightly place three years ago, disagreeable to pass through in summer in consequence of the dust arising from unpaved streets, and almost impassable in the winter from the mud, it is now one of the most sightly cities in the country, and can boast of being the best paved.

The work has been done systematically, the plans, grades, location of sewers, water and gas mains being determined upon before the work was commenced, thus securing permanency when completed. I ques-

tion whether so much has ever been accomplished before in any American city for the same expenditures. The Government having large reservations in the city, and the nation at large having an interest in their capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvements. Every citizen visiting the capital feels a pride in its growing beauty, and that he too is part owner of the investments made here.

I would suggest to Congress the propriety of promoting the establishment in this District of an institution of learning, or university of the highest class, by the donation of lands. There is no place better suited for such an institution than the national capital. There is no other place in which every citizen is so directly interested.

CIVIL-SERVICE REFORM.

In three successive messages to Congress I have called attention to the subject of "civil-service reform."

Action has been taken so far as to authorize the appointment of a board to devise rules governing methods of making appointments and promotions, but there never has been any action making these rules, or any rules, binding, or even entitled to observance where persons desire the appointment of a friend, or the removal of an official who may be disagreeable to them.

To have any rules effective they must have the acquiescence of Congress as well as of the Executive. I commend, therefore, the subject to your attention, and suggest that a special committee of Congress might confer with the civil-service board during the present session for the purpose of devising such rules as can be maintained, and which will secure the services of honest and capable officials, and which will also protect them in a degree of independence while in office.

Proper rules will protect Congress, as well as the Executive, from much needless persecution, and will prove of great value to the public at large.

I would recommend for your favorable consideration the passage of an enabling act for the admittance of Colorado as a State in the Union. It possesses all the elements of a prosperous State, agricultural and mineral, and, I believe, has a population now to justify such admission. In connection with this I would also recommend the encouragement of a canal for purposes of irrigation from the eastern slope of the Rocky Mountains to the Missouri River. As a rule, I am opposed to further donations of public lands for internal improvements, owned and controlled by private corporations, but in this instance I would make an exception. Between the Missouri River and the Rocky Mountains there is an arid belt of public land from three hundred to five hundred miles in width, perfectly valueless for the occupation of man, for the want of sufficient rain to secure the growth of any product. An irrigating-canal

would make productive a belt, as wide as the supply of water could be made to spread over, across this entire country, and would secure a cordon of settlements, connecting the present population of the mountain and mining regions with that of the older States. All the land reclaimed would be clear gain. If alternate sections are retained by the Government, I would suggest that the retained sections be thrown open to entry under the homestead laws, or sold to actual settlers for a very low price.

I renew my previous recommendation to Congress for general amnesty. The number engaged in the late rebellion yet laboring under disabilities is very small, but enough to keep up a constant irritation. No possible danger can accrue to the Government by restoring them to eligibility to hold office.

I suggest for your consideration the enactment of a law to better secure the civil rights which freedom should secure, but has not effectually secured, to the enfranchised slave.

U. S. GRANT.

EXECUTIVE MANSION, *December 1, 1873.*

Protocol of the conference held at the Department of State, at Washington, on the 29th of November, 1873, between Hamilton Fish, Secretary of State, and Rear-Admiral Don José Polo de Bernabé, envoy extraordinary and minister plenipotentiary of Spain.

The undersigned having met for the purpose of entering into a definitive agreement respecting the case of the steamer *Virginus*, which, while under the flag of the United States, was, on the 31st day of October last, captured on the high seas by the Spanish man-of-war *Tornado*, have reached the following conclusions:

Spain, on her part, stipulates to restore forthwith the vessel referred to, and the survivors of her passengers and crew, and on the 25th day of December next to salute the flag of the United States. If, however, before that date Spain should prove to the satisfaction of the Government of the United States that the *Virginus* was not entitled to carry the flag of the United States, and was carrying it, at the time of her capture, without right and improperly, the salute will be spontaneously dispensed with, as in such case not being necessarily requirable; but the United States will expect, in such case, a disclaimer of the intent of indignity to its flag in the act which was committed.

Furthermore, if on or before the 25th of December, 1873, it shall be made to appear to the satisfaction of the United States that the *Virginus* did not rightfully carry the American flag and was not entitled to American papers, the United States will institute inquiry, and adopt legal proceedings against the vessel, if it be found that she has violated any law of the United States, and against any of the persons who may

appear to have been guilty of illegal acts in connection therewith; it being understood that Spain will proceed, according to the second proposition made to General Sickles, and communicated in his telegram read to Admiral Polo on the 27th instant, to investigate the conduct of those of her authorities who have infringed Spanish laws or treaty obligations, and will arraign them before competent courts and inflict punishment on those who may have offended.

Other reciprocal reclamations to be the subject of consideration and arrangement between the two governments; and in case of no agreement, to be the subject of arbitration if the constitutional assent of the Senate of the United States be given thereto.

It is further stipulated that the time, manner, and place for the surrender of the *Virginus*, and the survivors of those who were on board of her at the time of her capture, and also the time, manner, and place for the salute to the flag of the United States, if there should be occasion for such salute, shall be subject to arrangement between the undersigned, within the next two days.

HAMILTON FISH.
JOSÉ POLO DE BERNABÉ.

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442do	Mar. 26	Same subject. Amendment of the constitution of the Canton of Geneva.	1084
443	Mr. Fish to Mr. Rublee.....	Mar. 29	Testimonial to Mr. Stämpfli.....	1086
444	Mr. Upton to Mr. Fish.....	April 28	Presentation of the testimonial to Mr. Stämpfli.....	1087
445	Mr. Rublee to Mr. Fish.....	June 20	Re-imbusement to the Swiss government of one moiety of Mr. Stämpfli's expenses.	1087
446do	July 10	Revision of Swiss Constitution; reports of Heads of Departments; extradition, &c.	1088
447do	July 26	Proposed revision of the Swiss Constitution.....	1089
448do	Aug. 4	The Catholic question; expulsion of Mgr. Mornilled; action of the Federal Chambers.	1090
449do	Sept. 18	The Catholic question. Judicial proceedings in the Canton of Besone.	1091
450do	Sept. 26	Concessions for railways in Switzerland.....	1097

[Inclosure 2.]

Memorandum of address of Mr. Biddle to President Gonzalez.

SEÑOR PRESIDENT: I have the honor to present a letter addressed to you by the President of the United States upon the occasion of my return to my country.

In taking leave, I desire to express my grateful appreciation of the constant and unvarying kindness and consideration, both in official and personal relations, which I have experienced from you, and it affords me gratification to be the medium of conveying the assurance of the sincere desire of President Grant to strengthen and extend the friendly intercourse now happily subsisting between the two governments, and to secure to the people of both countries a continuance of the benefits resulting from that intercourse.

Praying that peace may long continue to shed its blessings upon Salvador, and that its growing material prosperity may reward your energy and patriotic guidance, I can invoke for this fertile state no greater blessing than that in religion, liberty, peace, happiness, and wealth it may ever merit its Indian appellation, "Cuzeatlan" — the land of plenty.

[Inclosure 4.—Transition.]

Reply of the President of the republic to the farewell address of the Minister of the United States.

MR. MINISTER: Your kind expressions in taking leave to return to your country have created in me feelings of the most grateful satisfaction.

Truly you must be convinced of the esteem and appreciation which the government and the Salvadoreans in general have demonstrated for you.

These sentiments are based upon the propriety with which you have fulfilled your diplomatic duties, and the great personal gifts which adorn you.

My government, enthusiastic on account of the power and progress of the illustrious American people, and interpreting the wishes of Salvador, has ever striven and desires for the future to strengthen the friendly relations and cordial understanding which happily exist with that of the American Union.

With regard to yourself, Mr. Minister, not only have you afforded us the satisfaction to treat officially with a diplomatist of exquisite tact, but also the agreeable pleasure to have in our society a thorough gentleman of so great culture in his private relations.

Therefore I have sorrow at your departure, and I can assure you that both in the government and people of Salvador you will leave many friends who will wish your prosperity.

When returning to your country, I beg that you may be the honorable means of communication to your Government of my sincere and fervent prayers that Providence may ever reward as signally as hitherto the noble aspirations of the American nation.

XXIX.—SPAIN.

No. 356.

General Sickles to Mr. Fish.

No. 476.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 24, 1872. (Received December 11.)

SIR: Last Thursday evening the minister of state, who had met Admiral Alden and suite at dinner at the legation, expressed a wish to see me at the palace on the following day, intimating that he would have a good deal to say. Deeming the opportunity favorable for the communication of the views expressed in your instruction 270, received that day, I put the document in my pocket and repaired to the ministry at the appointed hour. I have already informed you by telegraph of the prin-

cial results of the conference, and I now confirm the text of my cable message, forwarded in my No. 474 of this date.

Mr. Martos began by an allusion to dispatches received from Admiral Polo, and asked me whether Mr. Merelo had shown them to me. I replied he had read to me one or two passages only, but that I had received from you an instruction of the same date, probably embodying some of the views you had orally presented to the Spanish minister, and therefore I was not surprised to learn that his excellency attributed so much gravity to the present aspect of the relations between the two countries.

Mr. Martos stated that he would regret to see on the part of the United States Government any departure from the friendly course that had hitherto marked all its action with reference to the situation of the Spanish-American provinces; that this cabinet proposed, as I well knew, to proceed with the colonial reforms it had under consideration, and that anything like a hostile demonstration coming from the United States at this moment would greatly embarrass Spain by depriving her concessions of that spontaneous character so essential to her independence and dignity.

I assured the minister that while the President would never be unmindful of the traditions which recalled to us the friendship of Spain in our struggle for independence, nor wanting in due regard to the sensibilities of a great nation, nevertheless this cabinet could not fail to appreciate the reasons constraining the United States Government to insist on a proper consideration of representations it had so often been impelled to make in deference to interests and duties it could not disregard.

I then proceeded to recapitulate some of the principal arguments set forth in your instruction 270, and to which, I remarked, I might again have occasion to invite the attention of his excellency. I emphasized the fact that four millions of the same race as those now held in slavery in Cuba and Porto Rico had become citizens of the United States, enjoying all civil and political rights, and forming an element of popular opinion having peculiar claims to respect in relation to a question touching so large a number of colored people dwelling almost within sight of our southern boundary; and in reply to an allusion the minister made to President Lincoln's message proposing a scheme of gradual emancipation, which would not become effective until the end of the present century, I showed that Congress did not accept the suggestion, and initiated the constitutional amendment of 1865, by which, with the sanction of three-fourths of all the States, slavery was abolished immediately and without indemnity; and I pointed out that emancipation in the United States was not, as was sometimes said, a war measure, since comparatively few slaves could avail themselves of the proclamation of 1863, and that, in fact, slavery was abolished in the United States by a solemn political act, without any pressure of military necessity.

Mr. Martos stated that the cabinet had already decided on a line of action embracing much of the ground we had gone over, and he proceeded to give me in detail the resolutions adopted in council. kindly acceding to my request, the minister wrote and placed in my hands a note of the main features embraced in his statement. Observing that the measures spoken of were confined in their operation to Porto Rico, I asked whether it was intended to carry out the same policy in Cuba, whereupon his excellency added the concluding paragraph of the memorandum herewith inclosed for your perusal, the substance of which is embodied in my telegram of yesterday.

We then passed to the topic of the embargoed estates in their la-

tions to the decree of August 31. His excellency seemed surprised to learn that the colonial office had regarded the decree as affecting the claims of American citizens who had sought or who might seek the restoration of their property through the direct intervention of their government, or by means of the jurisdiction of the mixed commission sitting in Washington. I reminded the minister that he had himself sanctioned that view in a communication he had recently addressed to me in the case of Mr. Ramon Martinez Hernandez, a translation of which had been duly forwarded to you; that it was not without surprise I had seen this construction of a measure I had understood to be designed only to place these proceedings, in so far as they affected Spanish subjects, or the citizens or subjects of foreign powers not protected by express treaty stipulations, under the safeguard of the judicial tribunals; believing that, as to citizens of the United States, they had the right, under the seventh article of the treaty of 1795 and the regulations for its execution provided in the convention of February 12, 1871, to demand the restoration of their property, with proper indemnity for its detention, either through the direct action of their government or at the hands of the joint commission now sitting in Washington, without the necessity for any appeal to the jurisdiction of the board created by the decree of August last, and without the intervention of the Cuban authorities, except to execute the proper judgment or order in the premises.

His excellency expressed his entire concurrence in these views, and immediately sent for Mr. Millan y Caro, one of the principal officers of the ministry of state, and instructed him to draft a communication in that sense, to be sent at once to the colonial office and to the Spanish legation at Washington.

Recurring to the slavery question, I appealed to the minister to use his great influence in the cabinet so as to turn the scale in favor of immediate emancipation.

Supporting my views by illustrations drawn from our experience in the southern States, where free labor had shown such satisfactory results, I cited the example of Jamaica to confirm the objections to a system of qualified servitude. Mr. Martos said he preferred immediate emancipation as the safer policy, and would endeavor to prevail on his colleagues to accept that solution; that I must not, however, lose sight of the powerful influences, both Spanish and colonial, operating against speedy action on this difficult and delicate question; that the manufacturing and agricultural provinces were apprehensive they would lose their profitable trade with the colonies if their means of production were crippled; that, at all events, I might feel assured the interval would not be long—not near as long as that proposed by President Lincoln—before slavery ceased to exist in Spanish America.

I am, &c.,

D. E. SICKLES.

[Translation.]

Resolutions adopted.

A civil government shall be substituted for a military one, and for this purpose a civilian of high standing shall be appointed governor of the island of Porto Rico, the functions of the captain general being confined to matters of a purely military character.

A decree shall be issued establishing, with such modifications as may be indispensable, the Spanish municipal law in the island of Porto Rico, in accordance with which free municipal governments shall be elected.

The law in relation to provincial legislatures (the establishment of which law has already been ordered) shall be fully enforced in the island of Porto Rico.

Slavery shall be abolished in the island of Porto Rico, the present state of the question being that the principle of abolition has been granted, the matter now under discussion being whether the abolition shall be immediate or gradual.

The latter shall be done by means of a law which is to be submitted to the Cortes. These reforms, which are the fulfillment of the engagements contracted by the radical party with the public opinion of Spain, shall be immediately introduced in Porto Rico, since the present state of peace prevailing in that island renders this feasible, and in so doing the radical party shows what will be its policy in Cuba as soon as the pacification of the latter island shall have been accomplished.

No. 357.

General Sickles to Mr. Fish.

No. 477.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 24, 1872. (Received December 11.)

SIR: Among the acts recently passed by the Spanish Congress is one for calling into military service by conscription forty thousand men. Although the army and navy of this country have been heretofore filled up in the same way, the measure this year provoked unusual opposition in the Cortes, and much difficulty is apprehended in its execution. The republican deputies, after a prolonged contest over the bill in its progress through both houses, all voted against it, and now it is said that notwithstanding the prudent counsels of the leaders of that party, armed resistance to its enforcement will be offered in several provinces by an irreconcilable element of the republican rank and file. Lieutenant-General Contreras, of the Spanish army, has left his seat in the senate, it is reported, to put himself at the head of the malcontents in Andalusia, and already a respectable force has joined his standard, who have interrupted the railroad communication with Seville by destroying the important bridge at Vilches.

A general convention of delegates appointed by the town organizations of the republicans throughout Spain is now sitting in Madrid, for the purpose, among other things, of expressing the views of the party upon the action of the executive committee, or "directory," as it is called, in advising their partisans against any armed demonstration at this time against either the established authorities or the particular act in question. The impatience, if not the dissent, of the masses is shown by the failure of many localities to appoint delegates to this convention, and also by the hostile attitude shown on the part of some of the delegates present; and several of the republican journals go so far as to advise their readers to seize the occasion presented by the execution of the conscription act for a serious attempt to overturn the monarchy. It cannot, however, be apprehended that public order will be seriously shaken in view of the firm attitude of Castelar, Figueras, Pi y Margall, and Ormaiztegui, the recognized chiefs of the Spanish republicans, sustained as they are by a majority of the convention and several able newspapers representing their opinions.

The moment, however, is by no means without importance, when considered in conjunction with the persevering stand made by the Carlists in Catalonia, one of the richest and most populous principalities of Spain, and where the forces of the pretender have for several months kept the field against all the troops it has been possible for the gov-

ment to spare for operations in that quarter. With a stubborn insurrection on its hauds in Spain, demanding the utmost exertions of the army, and another in Cuba for which large re-enforcements are needed, anything like a formidable republican rising might seriously cripple the means at the disposal of the government to deal with either. In any event it must be late in the winter before any considerable re-enforcements can be available for operations in Cuba.

You will be gratified to learn that in the regulations issued for recruiting the army of Cuba the secretary of war has prohibited the enlistment of criminals for that service. This tardy concession to our remonstrances is perhaps to be regarded as a fresh proof of the desire of the present cabinet to avoid any misunderstanding with the United States.

I have reason to believe that the appointment of Lieutenant-General Cordova, now secretary of war, to be captain-general of Cuba, is again under consideration.

I am, &c.,

D. E. SICKLES.

No. 358.

General Sickles to Mr. Fish.

No. 490.]

UNITED STATES LEGATION,
Madrid, December 3, 1872. (Received December 23.)

SIR: Late Saturday night I received a note from Mr. Martos, of which I inclose a translation. In compliance with his request I waited to receive him until half-past 2 a. m. of the 1st instant. He had come at once, he said, as soon as the cabinet council rose. They had reached, as he thought, a satisfactory conclusion. A majority of ministers had voted the immediate abolition of slavery in Porto Rico. Then came a grave question of ministerial crisis: several of his colleagues could not accept this resolution. Thereupon the president of the council decided that in view of the flagrant character of the Carlist and republican insurrections, and the necessity of completing the pending conscription, it would be inexpedient at this moment to accept the resignation of the minister of war. For reasons of equal gravity it was desirable that the finance minister should await final action on his budget. Under these circumstances the cabinet authorized the communication to my Government of the resolution taken, with the understanding that a brief interval would elapse, say until the 25th of the present month, before presenting to the Cortes the project of the law for immediate emancipation.

I asked Mr. Martos whether the Spanish minister in Washington would be instructed to inform you of this action, to which his excellency replied in the affirmative, stating that the dispatch was in the hands of the sub-secretary, and would be sent by cable at 6 a. m.

Thereupon, at half-past 3 a. m., I transmitted to you my telegram of the 1st instant, the secretary of legation, Mr. Adee, having awakened the operators in charge of the telegraph office for that purpose.

I am, &c.,

D. E. SICKLES.

[Inclosure.—Translation.]

(Received November 30, 1872, 11 p. m.)

PRESIDENCY OF THE COUNCIL OF MINISTERS.

MY DEAR GENERAL: I beg that you will not go to bed, but will await me to-night. I will go to see you, whatever may be the hour.

Your affectionate friend,

C. MARTOS.

 No. 359.
General Sickles to Mr. Fish.

[Extract.]

No. 491.]

UNITED STATES LEGATION IN SPAIN.

Madrid, December 3, 1872. (Received December 23.)

SIR: Day before yesterday, in the afternoon, the president of the council of ministers called to see me and took occasion to speak of the action of the cabinet the night before. He confirmed the statements made to me at an early hour of the morning by Mr. Martos, and assured me of his firm purpose to proceed without unnecessary delay in the execution of the measures resolved upon in council with reference to Porto Rico. He regarded the resignations of the war and finance ministers as inevitable, and as soon as he could safely accept them, in view of the state of business in their departments, the emancipation law would be presented to Congress. He said he saw no reason that could hinder action beyond the 23d instant, the day when the conscription should be completed.

* * * * *

 I am, &c.,

D. E. SICKLES.

 No. 360.
General Sickles to Mr. Fish.

No. 501.]

UNITED STATES LEGATION IN SPAIN.

Madrid, December 11, 1872. (Received January 6, 1873.)

SIR: I have the honor to forward a translation of an interpellation in the senate, and another in the chamber, respecting the proposed sale of slaves in Cuba by the Spanish government, to which reference is made in my No. 496. You will note with satisfaction the declaration of the colonial minister that he has prohibited the sale. He fails, however, to state that these slaves held by the government have been liberated, as required by the law of July 4, 1870.

I am, &c.,

D. E. SICKLES.

[Inclosure A.—Translation.]

Interpellation of Senator Cala, concerning the reported intention of the government to sell insurgent slave-property in Cuba, and reply of the colonial minister. Senate, December 9 and 10, 1872.

[From La Gaceta de Madrid.]

(Extract.)

SENATE, December 9, 1872.

Mr. CALA. I ask the floor.

The PRESIDENT. You have it.

Mr. CALA. Having read in the *Correspondencia de España*, a journal which has the reputation of being usually well informed, a piece of news from Havana stating that the government was about to sell those negroes appertaining to confiscated estates who were not employed in the factories, together with all stock-shares held by the partisans of the rebellion—having, as I said, read this statement in the *Correspondencia de España*, I desire to ask the government, and particularly the colonial minister, the following question: Is the government aware that the Cuban authorities propose to sell the slaves on confiscated estates? And if the government is cognizant of this purpose, has it taken any steps to prevent such action, in obedience to common right and the law decreed by the Constituent Cortes, which declared that all negroes becoming the property of the state should be free, and out of respect for the dignity of Spain, which should not be subject to the outrage and shame of having such an iniquity perpetrated on her soil? This is my question, and if the reply to it be not conclusive, I reserve the right to make an interpellation.

The MINISTER OF WAR. I ask the floor.

The PRESIDENT. You have it.

The MINISTER OF WAR. The government has no knowledge of the statement published by the paper to which the honorable gentleman refers, but he may rest assured that I will not permit to-day to pass without giving an account of his inquiry to the colonial minister, who will hasten to make a satisfactory reply.

SENATE, December 10, 1872.

The PRESIDENT. The colonial minister has the floor.

The COLONIAL MINISTER. I wish to make a brief answer to the inquiry addressed to me yesterday by Mr. Cala. He asked me if the junta in Cuba had applied to the intendente for permission to sell such slaves as were not indispensable for the care of embargoed estates, and also such personal property of a perishable nature as would otherwise be liable to injury. The intendente telegraphed here for permission, and was answered telegraphically, denying to the junta permission to make such sale; but this refusal, which was made by telegraph, referred only to the slaves. With respect to personal property liable to damage, an order will go forward by the first mail, authorizing the junta to proceed to sell it.

Mr. CALA. I ask the floor.

The PRESIDENT. You have it.

Mr. CALA. I simply wish to express my satisfaction in receiving the reply just made by the colonial minister to my inquiry of yesterday. And although the latter part of his reply is not entirely satisfactory, I do not insist in any way, since the main object of my interrogatory has been answered.

[Inclosure B.—Translation.]

Interpellation of Mr. Cisa respecting the reported sale of government slaves on embargoed estates in Cuba. Congress of deputies, December 9, 1872.

[Extract from La Gaceta de Madrid.]

Mr. CISA. I have read in the *Correspondencia* that it is proposed to sell the slaves taken from the Cuban insurgents; and as this would be a serious affair, I wish to know if it is really true?

The VICE-PRESIDENT. (Mr. Mosquera.) It is doubtless untrue; still the government will be informed of your inquiry.

No. 361.

General Sickles to Mr. Fish.

No. 505.]

UNITED STATES LEGATION IN SPAIN,
Madrid, December 14, 1872. (Received Jan. 6, 1873.)

SIR: I have the honor to forward herewith a translation of a report, taken from the official Gazette, of Mr. Cisa's interpellation respecting the sale of slaves held in Cuba by the Spanish authorities. The reply of the minister of the colonies is substantially the same as that made by him in the senate to a similar inquiry reported in my No. 501.

I am, &c.,

D. E. SICKLES.

[Inclosure.—Translation.]

Further interpellation of Mr. Cisa respecting the reported sale of embargoed slave property in Cuba, and reply of the colonial minister. Chamber of deputies, December 12, 1872.

[From La Gaceta de Madrid, December 13, 1872.]

(Extract.)

MR. CISA. Four days ago I addressed an inquiry to the government, and now that the colonial minister is on hand, I desire to repeat it. I have read in the Correspondencia that an order has been issued for the sale of the negroes which have belonged to the insurgents.

Moreover, in the same journal it is stated that the first mail-steamer will carry out to the colonies an order authorizing the embargoed estates commission to proceed to sell such personal property as may be liable to damage. I wish to know if this order is a fact, and by virtue of what law this personal property is sold?

THE COLONIAL MINISTER. The Cuban debt commission proposed to the intendent the sale of slaves not employed on plantations belonging to embargoed estates, and also of perishable personal property. By telegraph authorization to sell the slaves was denied, and to-morrow's mail will take out an order for the sale of personal property liable to damage. This is all I can say to the honorable gentleman.

No. 362.

General Sickles to Mr. Fish.

No. 506.]

UNITED STATES LEGATION IN SPAIN,
Madrid, December 15, 1872. (Received Jan. 6, 1873.)

SIR: I have the honor to forward herewith a report, taken from the official Gazette, of a debate between the minister of the colonies and Mr. Martinez Villergas, a republican deputy, on a proposition to order prosecutions against certain high functionaries in the colonies for misdemeanors in office. The remarks of Mr. Gasset are in part translated in Appendix B.

It is gratifying to see the minister recognizing the necessity of a redress of grievances in Cuba as being quite as essential as force in effecting the pacification of the island. You will also observe the significant doubt expressed in relation to the real parties sustaining the war in Cuba, and their motive.

The flagrant misconduct of the Spanish officials in the island is unhesitatingly confessed.

I am, &c.,

D. E. SICKLES.

[Appendix B.—Translation.]

Extract from the reply of the colonial secretary to Mr. Martinez Villergas. Chamber of Deputies, December 12, 1872.

[From *La Gaceta de Madrid*, December 13, 1872.]

The MINISTER OF THE COLONIES, (Mr. Gasset y Artime):

There is at the bottom of Mr. Villergas's proposition (and in this I find an additional reason to deplore its inopportuneness) some trace of a spirit in opposition to the views I believed were held by him as a republican, in common with all republicans, concerning the colonial question. Is it possible, Mr. Villergas, for the transmarine provinces to remain in the same situation as before the revolution of September? Is Mr. Villergas a partisan of the *statu quo*? Is he a defender of certain interests? Does he imagine that the best way to defend them is to sustain the *statu quo* at all hazards? As Mr. Villergas has skimmed over these points with great prudence, it is but fair for me to show the same prudence, and not go beyond him on this ground.

Mr. Villergas has said that measures to re-establish, restore, and give honest government to Cuba never come. It is an arduous, a difficult enterprise; but I demand of Mr. Villergas's sense of justice, of his upright spirit, of his sincerity, as revealed in his words to-day, that he tell me what any government here has done what has been done to this end by the government of which I am a member? I beg that Mr. Villergas, who has a thorough knowledge of events in Cuba, will tell me when he has ever seen greater energy shown by its authorities, or greater decision on the part of the government in helping them on their road. When has he seen eighteen officials brought to trial in a single month, or when has he seen the customs revenues of Havana increased by two millions in October and five and a half in November? Is this nothing to Mr. Villergas? Does Mr. Villergas know what takes place in the island of Cuba? Does he not know what the government is accomplishing, in spite of the difficulties it meets, in the way of restoring honesty in that corrupt administration? Ah! if I was in Mr. Villergas's place, if I were not bound to silence by the position I occupy, how much I could say on this point!

Mr. Villergas has gone some distance in a path where I cannot follow him, for although the colonial minister is a sort of universal minister, I have the good fortune not to be the minister of war; but as the colonial minister I have my opinion, and that is, that the war in Cuba is to be combated, rather than with soldiers, or at the same time as with soldiers, by political means, for in the present state of affairs measures of policy will be more efficacious toward success than soldiers. It is, gentlemen, very problematical by whom, and why, the war in Cuba is kept up as it is; and I, who have studied the matter a little, as in duty bound, have not yet been able to solve this problem.

No. 363.

General Sickles to Mr. Fish.

No. 507.]

UNITED STATES LEGATION IN SPAIN,
Madrid, December 16, 1872. (Received Jan. 6, 1873.)

SIR: I have the honor to forward herewith a report, taken from the first gazette, of a discussion in the chamber of deputies between the first minister of the crown and Mr. Estéban Collantes, a conservative leader, touching colonial reform. A portion of the remarks of Mr. Zorrilla are translated.

I am, &c.,

D. E. SICKLES.

[Inclosure B.—Translation.]

Reply of the president of the council of ministers to Mr. Estéban Collantes. Chamber of Deputies, December 13, 1872.

[From La Gaceta de Madrid.]

[Extract.]

The PRESIDENT OF THE COUNCIL OF MINISTERS, (Mr. Ruiz Zorrilla.) I did not think my remarks would give Mr. Estéban Collantes sufficient motive to say what he has just said. I did not say that I desired to provoke a debate in this place. There was an opportunity a few days ago for all the deputies representing distinct groups or diverse principles to take part in a debate concerning the question of public order. I have said to the chamber, and I now repeat, that I thought of giving full and complete explanations about the recent occurrences, and about the present situation of the public order question: but Mr. Estéban Collantes's last words about "the integrity of our territory and our national honor" refer to I know not what; nor do I know what sort of a debate could be held in Congress on this point, for in this body, unless I am uninformed of it, there is not one who does not venerate the honor of Spain; nor do I know if the honorable gentleman intended to refer to certain reforms which the government is disposed to carry into effect because they are authorized by the constitution and laws, and is ready to bring before Congress in order that the co-legislative bodies may discuss them and vote them if they are of the same opinion as the government.

If the honorable gentleman referred to this class of reforms, I have only one thing to say in answer to him, namely, that those whom I believe to be mistaken, those whom I think deceive themselves on this point are they who imagine they defend the honor of Spain by obeying the spirit and the passion of party, without heeding circumstances or time or the lessons given by history to all those men who, at least in so much as refers to us, and in view of the position they occupy, are constrained to take heed of them, as I myself am bound to do. By what right has Mr. Estéban Collantes sought a pretext in my words to speak of the integrity and the honor of Spain? If I did not know the honorable gentleman so well; if I did not know that when he determines to be a law-abiding man, a man who does not seek to quit the path of legality, a man who always makes his deeds harmonize with his words; if I could confound him with those who say one thing in official life and another in those places where it may suit them to bear themselves otherwise, I might think, although I do not, that after the flag raised by the conscripts in opposition to the government has disappeared, after the question of the loan, also converted into an attack on the government, has disappeared, the honorable gentleman, without wishing to do so, and without being aware that he is doing so, is aiding those who seek to make the question of reform in the colonies a question of patriotism, of abnegation, and of territorial integrity. No man, of whatever political party, can outdo in love of country those who occupy this bench, (the "blue bench,") and there is no one, absolutely no one, in all the political parties (although in expressing myself thus I may appear to vaunt myself) who has fewer private relations with the Antilles, who has less in common with any of the passions or the interests which are especially agitated there, than the minister who has the honor to address you; but neither is there any one more resolved and more desirous to study calmly the question of the Antilles, and to do what as a liberal he ought to do without forgetting his duty as a Spaniard.

 No. 364.

General Sickles to Mr. Fish.

No. 508.]

UNITED STATES LEGATION IN SPAIN,
 Madrid, December 16, 1872. (Received January 6, 1873.)

SIR: I have the honor to forward herewith for your information a copy of an official publication of a law declaratory of the naval force to be kept in commission for general service at the cost of the supreme government of Spain for the year 1872-73.

It will be understood that additional naval forces are maintained for colonial service at the expense of those provinces, the particulars of which will perhaps appear in the budget of the minister of Ultramar when that document shall be published.

This law provides for two iron-clad frigates, one of twenty-three and the other of six guns; the former to be in commission for twelve and the latter for six months. Also five screw frigates, of which two carry forty-eight guns, another forty-one, another thirty-eight, and the fifth thirty-two guns. Also two corvettes, one of five guns and the other of two; and seven schooners of two guns. Two frigates, a corvette, and two schooners are to be kept in service six months, and the remainder for the year. Eleven side-wheel steamers are also to be in commission, these carrying from two to eighteen guns each, and having engines running from 120 to 500 horse-power.

Five thousand eight hundred sailors and three thousand four hundred and ninety-eight marines (*solados de infanteria de marina*) are called into service.

I also append a copy of the recent law declaring the term of service of crews of ships of war to be four years under arms and one year in the first reserve.

I am, &c.,

D. E. SICKLES.

No. 365.

General Sickles to Mr Fish.

No. 509.]

UNITED STATES LEGATION IN SPAIN,
Madrid, December 16, 1872. (Received January 6, 1873.)

SIR: I have the honor to forward herewith a translation of a report of a meeting of the leading personages belonging to the several reactionary parties and groups opposing the present cabinet, held for the purpose of organizing a league to defeat the measures of colonial reform announced by His Majesty's government.

Carlists, Alfonsinos, conservative constitutionalists, moderadors, colonial clubs, and a person calling himself a republican, a Mr. Eugenio Garcia Ruiz, made up this remarkable assemblage. You will be surprised, perhaps, to notice among the prominent actors on the occasion the Duke de la Torre, Admiral Topeté, Mr. Sagasta, Romero Robledo, Mr. Ayala, Mr. Balaguer, and others, who, as members of previous cabinets, have heretofore declared themselves in favor of the action now taken by Mr. Zorrilla's administration respecting colonial reform. In Appendix C you will find a leading article from *El Imparcial*, containing abundant proof of this inconsistency. Marshal Serrano was at the head of the cabinet in May, 1871. The policy of his administration in relation to colonial reform, as indicated in the speech from the throne, and in the address of the chamber of deputies, is not distinguishable from that now being carried out by Mr. Zorrilla. Eighty-six conservative deputies, whose names are italicized in Appendix D, then voted for the address, which contained a distinct pledge to concede political rights to Porto Rico, and acknowledged that the war in Cuba was the result of past colonial misrule.

And apart from the statements made to me by Marshal Serrano on his

again taking office last June, I am informed by Mr. Layard that the duke then assured him that it was the purpose of the government to proceed at once with administrative and political reforms in Porto Rico, including the abolition of slavery; and in reply to the inquiry of the British minister, whether he might communicate the conversation to his government, the president of the council of ministers distinctly authorized him to do so. Although the brief episode of office of that cabinet (June, 1872) rendered action on any question impossible, these repeated affirmations increase the astonishment with which one must regard the present attitude of Marshal Serrano and his supporters. It may well be anticipated that a "league," comprising many influential members, and controlling numerous effective agencies, will seriously embarrass the government in the execution of its plans. The league has already secured the support of two-thirds of the newspapers of the capital, and a large proportion of the provincial journals. By means of co-operative societies in the principal manufacturing and agricultural provinces, the pro-slavery league will appear to the classes who enjoy a monopoly of the colonial trade; nor is it easy to estimate the effect of an exhaustive effort to arouse Spanish national pride by the assertion so persistently made that the concession of self-government to the colonies invoke the loss of the last of their American possessions, and the irretrievable depreciation of Spanish power.

The Spanish element in both islands is relatively small. Local governments, depending on popular suffrage, would be in the hands of the creoles. The old system of arbitrary rule, confining the administration to the hands of employés sent from the peninsula, and diverting the resources of the island wholly toward Spanish channels, once replaced by a more just and conciliatory policy, might be fatal to vast interests that have grown into being with the generations that have profited by despotism and servitude in Cuba and Porto Rico.

I am, &c.,

D. E. SICKLES.

[Inclosure B.—Translation.—From El Debate, December 14, 1872.]

Organization of a league of defenders of the national integrity.—Reported proceedings of the Spanish and Colonial Club on the afternoon of December 14, 1872.

We have just witnessed the most imposing spectacle ever seen in Spain. In view of the terrible dangers that threaten the national integrity in the colonies, through the reckless projects of reform which the government has already begun to execute, all parties and all Spaniards have rallied, as in 1803, at the country's cry, to form a strong and powerful league, whereby to check the power of fillibusterism and save the integrity of the nation.

The most important public men in Spain assembled to-day at half past two o'clock in the rooms of the Spanish Colonial Club of Madrid. The meeting was opened by the Marquis of Manzanedo, the president of the club. He made a statement of all that had been done up to that moment to prevent the government from following out the baneful path it has undertaken, and concluded by saying that all had unfortunately been in vain, and that the government was obdurate in its resolve to ruin the country.

Mr. Duran y Cuervo said that reforms would in fact effectively terminate the Cuban insurrection, as Mr. Zorrilla had remarked to the press delegation, but that they would do so by destroying our power in America, since these reforms are even more than autonomy, and naturally, if they are given to the insurgents in arms to-morrow, and the island with them, the rebel hosts would to-day lay down their arms. He proposed that a league of all parties should be formed, a formidable coalition, naming an executive committee, in which all should be represented, so as to work in unison in defense of the national flag.

Mr. Romero Robledo stated that the hour for action had come. Something must

be done to confront the government with a powerful resistance, in order to avoid the loss of the Antilles. The crisis is terrible; never has the country been in greater danger; it is absolutely necessary to sacrifice life and treasure, as the Spaniards beyond the seas are doing; to dare all, or to turn aside and weep like women over the shame of Spain.

But when he beheld all parties united there, he realized that all Spaniards were resolved to sell dearly the honor and dignity of the nation, since it was not an electoral coalition that was proposed, but the salvation of the holy cause of their country.

He proposed that a unanimous protest should be signed by all who were there present, and, seconding what Mr. Duran had said, he added: "Shall we permit it to be said to the insurgents, ground your arms to-day, for in two months' time independence will be given to you with reforms? Shall we consent to the cowardly and miserable surrender of the island of Cuba to our enemies? Are not our volunteers and our soldiers dying there? What do we fear? Do we perchance dread the calumnies of the government, or that it may exile us or take away our lives? What are these compared with the defense of our country, with the interests of all our towns, now spectators of their own ruin, and with the dishonor which awaits us?"

Mr. Vildósola rose to say that those who to-day demand the dismemberment of the territory scarcely numbered a dozen men; that they were not even the whole government; that they only formed half the government, and "shall we submit to the rule," he added. "Shall we allow all Spain to be shamed by four or five adventurers?" The representatives of all Spain are here; let us decide on a course that will save her!"

General Caballero de Rodas then spoke, and said a member of a cabinet, of which Mr. Zorrilla formed part, had proposed the sale of Cuba, which now was about to be covertly given away; and that then, as always, he was ready to raise against it, having recourse even to rebellion in order to prevent it.

The Duke de la Torre (General Serrano) stated that he was of Mr. Duran's opinion, that a *junta* should be formed of all parties, for the purpose of saving the national integrity.

Mr. Carramolina said that the banner of his party had for its fundamental motto the same as that of all truly Spanish parties, the motto of the integrity of the nation.

Admiral Topeté stated that he had formed part of the government to which General Caballero de Rodas had alluded; but Mr. Caballero did not allow him to conclude his remarks, observing that Mr. Topeté was a good Spaniard, and incapable of ever imagining such a treason; that he alluded to somebody else.

Mr. Moyano said that a union of all parties ought to be able to save the country now menaced with death, and, like the Duke de la Torre, he was of the opinion that a league of all parties should be formed for that purpose.

Mr. Estéban Collantes stated that the Palencia committee was composed of a republican, a radical, a constitutionalist, and a Carlist, all united to save the national integrity.

(Mr. Sagasta and Mr. Ayala here entered the saloon.)

General Sanz said that he agreed with the Duke de la Torre, that a league of all parties should be formed to save the flag of Spain in the colonies.

Mr. Reinoso, a representative of the industry, the commerce, and the agriculture of the province of Valladolid, added that he was of the opinion that, putting all political differences aside, all parties should unite to save the honor and the integrity of the nation.

The Marquis of Manzanedo summed up the debate, stating that as all present were agreed upon one course, the occasion had arrived for designating the persons who were to form the national league for the defense of the integrity of Spain in the colonies, and that the individuals of each party present should retire and deliberate separately in order to name its representatives.

This was then done, and in a short time the committee was organized in the following form:

Mr. Canovas's society.—Messrs. Caballeros de Rodas, Salaverria y Canovas del Castillo.

The Moderado Club.—The Count de Toreno, General San Roman, and Mr. Trupita.

The junta of the old Conservative Club.—Mr. Moyano, Don Fernando Alvarez, and Don Domingo Moreno.

The Constitutional Club.—Messrs. Topete, Ayala, Segasta, and Belagner.

The Carlist Club.—The Count de Cagua, Argüelles, and Messrs. Vildósola and Echevarria.

Republicans.—Don Eugenio Garcia Riez, and two other gentlemen whose names we do not recall.

The Spanish and Colonial Club of Madrid.—For the club and representatives of the industry, agriculture, and commerce of Seville, Don Domingo Dominquez. For the ditto, ditto, ditto, of Santander, Don Manuel Corral. For the ditto of Bilbao, Mr. Hurtado. For the ditto of Valencia, Mr. Santos. For the ditto of Palencia, Mr. Esté-

ban Collantes. For the ditto of Valladolid, Mr. Reinoso. For the ditto of Cadiz, Don Vicente Cagigas. For the ditto of Saragossa, Don Justo Zaragoza. For the ditto of Porto Rico, Don Francisco Amell. For the ditto of Cuba, Don Juan Aléa.

It was agreed to invite all the remaining societies in Spain who have not yet been able to send representatives to Madrid, as was the Spanish and Colonial Club, and the representatives of the agriculture, industry, and commerce of Barcelona, who will arrive to-morrow, to name a representative in this league.

Mr. Romero Robledo was also named a member by acclamation.

The Marquis of Manzanedo asked for a vote of absolute confidence and unconditional approbation for all that may be done by the committee just named, for the purpose of defending in every field and by every means the integrity of the country; and this was carried by acclamation.

In this manner the patriotic reunion was brought to a close, all parties being united in one single band, imposed by love of country to form.

LA SIGA DEFENSORA DE LA INTEGRIDAD NACIONAL.

[Inclosure D.—Translation.]

[Leading article from *El Imparcial* of December 16, 1872.]

THEN AND NOW.

In the session of the chamber of deputies, of May 24, 1871, the report of the committee on the reply to the speech from the throne was read; and in it occur the following words with reference to colonial reforms:

"The civil war that to-day rages in Cuba is a fatal legacy of the old régime under which rancorous passions fermented and prepared the way for an outburst; but the congress of deputies shares with Your Majesty the hope that it may be speedily terminated. The firmness of the government, the patriotism, valor, and endurance of the navy, the army, and the volunteers, the skill of their chiefs, and the continued earnestness of the whole nation, will all contribute to this end, when joined to the conviction that must at last reach the minds of the rebels that by their submission they will attain liberties they seek in vain to win by force. The resort to this only hinders the fulfillment of the promises of the revolution, the complete realization of which will doubtless not be much longer deferred, as Congress, in the other great Spanish Antilla, where peace has not been disturbed, and where the full enjoyment of political rights and the abolition of slavery cannot exert a disturbing influence."

This report was signed by Messrs. Nicolas Maria Rivero, chairman; *Francisco Romero Robledo*, Gabriel Rodriguez Tomas Maria Mosquera, *José Abascal*, and *Juan Valera*, secretary.

It was fully discussed, and during the course of the debate, which terminated on the 23d of June without any modification of the report, it occurred to none of those who to-day maintain with such ardor the necessity of employing all means, and even force, to prevent the fulfillment of those promises in the provinces where the government acting with the utmost prudence, believed that they could be realized to make the slightest objection, on the ground of the fears that now assail them.

An amendment, of Messrs. *Cánovas del Castillo*, *Ardanas*, *Alvarez*, *Bugallal*, *Elduayre*, *Fabí*, *Estrada*, and *Don Francisco Silvela*, contained among other proposals the following:

"The Cortes, while awaiting that happy event, (*the submission of the rebels*), will give mature consideration to such measures as may be presented to them for bettering the political administrative and economical situation of our provinces beyond the seas."

This amendment which did not even express the sacredness of the system of *status quo*, now defended, was withdrawn by Mr. Fabí, who before doing so asked several explanations of the government, to which Mr. Ayala, the colonial minister, replied that the paragraph of the address referring to the affairs of his department afforded no motive for alarm of any kind, and was accepted by all.

As far as the reported address is concerned, it should be remembered that during the whole course of the debate thereon, the proposition of the committee with respect to colonial reforms was in no manner whatever impugned by the conservatives.

The Carlists and Moderados alone denied that the Cuban war was "a fatal legacy of the old régime," and, as we have said, after long and patriotic speeches the address was put to the vote, and approved in the exact form proposed by the committee. The following gentlemen voted in its favor:

Ferratges, *Rios y Portilla*, *Don Praxedes Sagasta*, *Don Cristino Martos*, *Don Agusté Ulloa*, *Lopez Ayala*, *Beranger*, *Moret*, *Alvareda*, *Galvez Canero*, *Belanguer*, *Topete*, *Pastor y Landero*, *Rozas*, *Sastre y Gonzalez*, *Mansi*, *Don Joaquin Garrido*, *Vidal y Lopez*, *Peris y*

Valero, Navarro y Rodrigo, Prieto, Palan, Miranda, Don Vicente Rodriguez, Soriano Plasent, Crespo, Serrano Bedoya, Fernandez de la Hoz, Ruiz Gomez, Rivera, Candan, Soto, Merelo, Palacios, Montero de Espinosa, Rivero, Nunez de Valasco, Sainz de Rozas, Sequera, Don Pedro Sagasta, Gamazo, Muniz, Ramos Calderon, Mozeno Benitez, Camacho, Escoriaza, Muños, Vargas, Romero Giron, Don Gabriel Rodriguez, Villavicencio, Valbuena, Gasset y Artima, Gallego Diaz, Higuera, Andrés Moreno, Ruiz Huidobro, Gomez Arostegui, Muños Herrera, Don Luis Angulo, Don Joaquin Banon, Rojo Arias, Abellan, Carrasco, Anglada, Don Francisco Banon, Navarro y Ochoteo, Sinnés, Orozeo, Zurita, Bobillo, Miguel y Dehesa, Bermudez, Don Cayo Lopez, Nuet, Fabra, Fernandez de las Cuevas, Don Gaspar Rodriguez, Don Juan Valera, Don José Maria Valera, Romero Robledo, Mosquera, Moya, Acuña, Peñuelas, Conde de Agramonte, Perez Zamora, Martinez Perez, Patzot, Cruzada Villaamil, Don Vanancio Gonzales, Reig, Ruiz Capdepon, De Blas, Lafitte, Merelles, Fernandez Muños, Barrenechea, Alonso, Herrero, Tjada, Don Enrique Martos, Zabala, Morales Diaz, Marcias Acosta, Muños de Sepulveda, Montesino, Don Eugenio Montero Rios, Don José Maria Chacon, Gomis, Nunez de Arce, Alcaraz, Montero y Guisjarro, Fandos, Don Castor Garcia, Brú, Lopez Guisjarro, Don Candido Martinez, Leon y Castillo, Martinez Bárcia, Marques de Sarloal, Duque de Veragua, Hernandez Lopez, Arias y Giner, Lasala, Don Ricardo Chacon, Becerra, Mata, Don Santiago Angulo, Pellon y Rodriguez, La Ordan, Gonzales Zorrilla, Sans y Gorrea, Cardenal, Burrell, Damato, Vicens, Pinol, Alcalá Zamora, Lafuente, Robledo Checa, Roger, Pasaron y Lastra, Don Patricio Pereda, Alonso Colmenares, Gullon, Labra, Loring, Sanlate, Diegues Amoeiro, Abascal, Don Juan de la Cruz Martinez, Garcia Gomez, Henao y Muños, Alareon Lujan, Terrero, Moreno Nieto, Shelly, Conde de Villaneva, de Perales, Avila, Euano, Saavedra, Marqués de Camarena, Ibarrola, Serrano Dominquez, the vice-president, Herrera.

Total 164, of which 85 were conservatives, as has since appeared, and to-day defend the opposite of what they voted for, and 79 radicals, who are now simply fulfilling what they then offered to do.

It is therefore demonstrated, and demonstrated to conviction, by a simple reading of the foregoing extracts, that the conservatives of to-day do not follow the same conduct or defend the same principles touching the concrete question of the colonies, as they followed and defended in the months of May and June, 1871.

The conservatives therefore combat the radical policy on this point, not from love of integrity and nationality, which all of us have defended while following our own course as radicals, but purely and simply for the convenience of their system of opposition à l'outrance.

It is indispensable to clear up this matter thoroughly, so that there shall not exist the least doubt about it, in order that all the world may know and comprehend how much truth is at the bottom of this attitude which seeks to stir up feeling against the present ministry.

Either one of two things. Either the conservatives draughted, voted, and sustained the paragraph from the address which we have quoted because they thought it laid down the most patriotic course in the colonies, or they prepared it, voted for it and defended it believing the contrary, and secretly resolving not to put it in practice.

If they were inspired by the latter idea, it is not for us but for them to say so, for in spite of all that they have done and said, we do not believe them capable of so dishonorable a proceeding, which, to quote their own language, would be an allowable falsehood, (*mentira licita*), and then to justify a profitable fraud (*supercheria provechosa*) to-day.

No. 366.

General Sickles to Mr. Fish.

No. 510.]

UNITED STATES LEGATION IN SPAIN,
Madrid, December 17, 1872. (Received January 15, 1873.)

SIR: I have the honor to transmit herewith, inclosed, an official publication of a decree establishing municipal institutions in the province of Porto Rico. The decree recites that it is sanctional on the recommendation of the colonial secretary, in accordance with the advice of the council of ministers, and in conformity with the municipal law of Spain, approved August 20, 1870.

This ordinance, besides affording a large measure of local authority to the towns, supplies the means to give force and effect to the measure

providing for a provincial assembly adopted some time ago. It is proper to observe, however, that as generally happens in the action of this government respecting its colonies, much is left dependent on "regulations" and further orders yet to be made before this decree can go into operation. For example, you will notice that it is provided in article 156, clause 2, that "the government will issue, in conformity with this decree, the regulations necessary for its execution."

It is further provided in clause 2 of article 157, "that when the provincial assembly shall have designated the several municipalities in the island, the election of town councils shall take place when ordered by the government." These imperfections, usually the occasion of much procrastination, as in the case of the so-called emancipation act of July 4, 1870, which yet remains inoperative, are too often found in the laws and ordinances adopted in this country having relation to its colonial possessions. Indeed, a decree almost identical with that now published, was issued some two years ago, and on the suggestion of the governor of Porto Rico, General Baldriei, that the modifications now made were very necessary, its execution has ever since remained in abeyance, nor can it be doubted that however sincerely the present cabinet may mean to enforce the present measure, if their successors should be taken from any of the several parties now openly hostile to colonial reform, this concession would be withdrawn as so many others have been countermanded by previous administrations, to the deep disappointment of the patient colonies.

These observations made, I can do no less than commend the good faith and courage shown in the promulgation of the municipal franchises decree of the 14th instant. It has seldom happened in the history of Spanish colonial administration that a cabinet has so boldly confronted an organized and powerful resistance to colonial reform. It is not too much to say that during the past three weeks all Spain has been moved by the agitation gotten up by the partisans of the old colonial régime. The opposition has employed every resource and tried all means to baffle and intimidate the government. All the reactionary parties have rivaled each other in crying "Danger to Spanish unity!" "Our colonies are lost!" "Treason in the palace!" Meetings have been held in all the principal towns, under the auspices of societies interested in the trade with the colonies. Agents of the slave-holders in Cuba and Porto Rico have been busy in all kinds of appliances intended to gain over or silence the friends of emancipation. A formidable combination of newspapers, comprising five-sixths of the journals in the capital, and many in the provinces, have become the clamorous organs of the slave-holders. A shower of petitions, letters, and telegrams from all parts of the country is represented as an outburst of popular feeling against reform. From Cuba comes the announcement, by cable, that seventy thousand volunteers unite in the demand that no reforms be granted to Porto Rico while an insurgent survives in Cuba. The leaders of all the opposition parties, except the republicans, have met and formed a "league to defend the national domain." And finally, on Wednesday night last, the 11th instant, the capital was made the scene of an armed demonstration in the streets, the insurgents crying, "Down with the filibusters!" and firing on the police and the troops, several of whom were killed. One of the bands attacked the carriage of the prime minister, in which he was supposed to be driving, and mortally wounded a lackey alongside of the coachman, the occupant of the coach, a deputy, narrowly escaping. This outbreak lasted several hours, and was not quelled until a good many of the rioters were shot or bayoneted. An attempt was

made to give this seditious movement the appearance of "a republican rising;" but the instantaneous and indignant denunciation of the act by all the republican chiefs, and the circumstance that the prisoners taken and those who fell in the struggle with the police and the troops were clothed in rags and yet had their pockets well filled with money, the obvious price of their service, quickly betrayed the real origin of the outrage.

The appearance of the first of the series of the promised reforms in the face of so much opposition and in defiance of threats and force, has exasperated while it has disappointed the "league." Agitation is renewed with unshaken determination and zeal. The next demonstration is to be made in the Cortes, and another at the palace is to follow.

In the discussions which fill the journals from day to day the United States Government and its representative here are said to have some secret compact with this cabinet, binding it to a policy described as degrading to Spanish honor and dangerous to national interests. My published dispatches to the Department of State are reproduced with interpolations intended to falsify the text and pervert the meaning of the original. General de Rodas asserts that while he was captain-general of Cuba a minister of the Crown attempted to sell the island. And Mr. Romero Robledo, a member of the late cabinet, declared that the moment has come when it is necessary to sacrifice life and forsake home in defense of imperiled honor and vested rights.

It is understood that, while a majority of the cabinet adhere to the fortunes and opinions of Mr. Zorilla in his colonial policy, three of the ministers hesitate to follow their colleagues and will resign before any further steps be taken. Such a defection in the cabinet cannot happen without making a serious impression on the ranks of the government supporters in Congress, although it may be assumed that the republican deputies will vote for the bill abolishing slavery.

Under all these circumstances, in presence of a resistance not unlike that encountered by Charles the Fifth, when he undertook to restrain the usurpations and greed of his viceroys in America, I cannot but applaud the firmness and dignity so far shown by His Majesty's government in dealing with the difficult questions of colonial reform on a basis consistent with justice and the provisions of the Spanish constitution.

I am, &c.,

D. E. SICKLES.

No. 367.

General Sickles to Mr. Fish.

[Telegram—Received December 22, 1872, 4.20 p. m.]

MADRID, *December 22, 1872.*

Both houses of Congress have accepted, by decisive majorities, the colonial policy indicated in my telegram of 1st instant. Colonial and finance ministers resigned. Successors in accord with their colleagues and Congress. President of council announced that bill for immediate emancipation would be introduced before holiday recess.

SICKLES.

No. 368.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *December 23, 1872.*

Urge the immediate release and restoration of embargoed property belonging to American citizens, especially of those whose release has been promised. It is important that there be no further delay. Several estates whose release has been promised have recently been advertised to be leased, and are still held by the authorities in Cuba, in defiance of assurances given in Madrid.

FISH.

No. 369.

General Sickles to Mr. Fish.

[Telegram.—Received December 25, 10 a. m.]

MADRID, *24 December, 1872.*

Minister of ultramar presented to-day in the chambers of deputies the bill for immediate emancipation in Porto Rico. No doubt is entertained of its speedy passage.

SICKLES.

No. 370.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 29, 1872.*

Since receipt of your cable of 23d, Martos has been ill. Minister of ultramar informed me that he had sent orders by cable and post to the authorities in Cuba to hasten action in all pending cases affecting citizens of the United States. Mr. Mosquera regards these cases as within the exclusive jurisdiction of the Washington commission, and has so instructed the captain-general of Cuba, at the same time directing him to execute promptly the orders and judgments of that tribunal.

SICKLES.

No. 371.

General Sickles to Mr. Fish.

[Telegram.—Received 10.30 p. m.]

MADRID, *January 5, 3*

Minister of state communicated to me to-day, under reserve for information, preliminary resolution of council of ministers resting on basis of pacification in Cuba. It comprises—

First. General amnesty.

Second. Return of confiscated property.

Third. Gradual abolition of slavery within a brief period.

Fourth. Provincial assembly and municipal franchises.

Fifth. Representation in the Spanish Congress by senators and deputies.

Mr. Martos suggests that an indication from you of the probable acceptance of the foregoing would facilitate formal action of this government.

SICKLES.

No. 372.

General Sickles to Mr. Fish.

[Telegram.—Received 8.43 p. m.]

MADRID, *January 3, 1873.*

Interview with minister of state to-day. Under date of 28th ultimo, minister of ultramar sent royal orders by post to captain-general of Cuba to hasten and facilitate action in cases of Mora and Mueses. Telegrams likewise sent in same sense respecting these and other cases of embargo. For reasons you will appreciate, having reference to the situation in Cuba, this government can enforce judgments of the mixed commission in favor of claimants with less difficulty and delay than are incident to voluntary release.

SICKLES.

No. 373.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *January 7, 1873.*

Fourth condition in telegram of January 3d not intelligibly transmitted. Gradual abolition is indefinite, and, at best, is insufficient; the rest is well so far as it goes; but without a free provincial legislature, chosen by the inhabitants, and having the general control of the internal affairs of the island and of its inhabitants, and regulating taxation, and without the separation of military from civil jurisdiction, and the subordination of the former to the latter, and a limitation of the number and the power of officials appointed by the home government, it is not thought that the terms indicated could be accepted.

We suppose that local municipal government is intended in the fourth condition of your telegram.

It is hoped the ministry will see the wisdom and moderation of the suggested concession. They are just and in the spirit of the professions of the present government.

The President is most desirous to see and to aid in effecting a satisfactory and honorable termination of the present disastrous condition of affairs, but his good offices must be formally requested, and a satisfactory indication be given of reforms that will be conceded.

FISH.

No. 374.

Mr. Fish to General Sickles.

No. 295.]

DEPARTMENT OF STATE,
Washington, January 8, 1873.

SIR: I have received and have read with interest your dispatches numbered 501, 505, and 506, the last bearing date December 15, relating to the alleged intention of the Cuban authorities to sell the slaves upon the embargoed estates, and to other measures relating to the administration of affairs in that island.

I have remarked with satisfaction the declaration of the colonial minister in his remarks of December 10, to the effect that he had prohibited the sale of slaves upon the embargoed estates. The circumstance to which you call attention that the minister omits to state that slaves belonging to the government have been liberated, agreeably to the law of July 4, 1870, is significant. The terms of the fifth article of that law appear to be explicit, that "all slaves belonging to the state, for whatever cause, are declared free." Humanity, as well as good faith, requires that these provisions should be carried into effect, and that these slaves should be set free without delay.

I am, &c.,

HAMILTON FISH.

No. 375.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, January 18, 1873.

Conference to-day with ministers of state and ultramar respecting embargoed estates. It was agreed that the latter cable, captain-general of Cuba, and the former cable, Admiral Polo, authorizing and directing them to act in relation to pending cases and enjoining dispatch in their proceeding. Minister of state expressed surprise and regret at continued delay in cases of Mora, Mueses, Hernandez, Criado, and Mrs. Mora.

SICKLES.

No. 376.

General Sickles to Mr. Fish.

[Telegram.—Rec'd Jan. 18, 6.45 p. m.]

MADRID, January, 1873.

Orders given by minister of ultramar that no fines be imposed on captains or supercargoes in Cuba without approval of intendente.

SICKLES.

No. 377.

General Sickles to Mr. Fish.

No. 522.]

UNITED STATES LEGATION IN SPAIN,
Madrid, January 19, 1873. (Received February 12.)

SIR: The cabinet crisis foreshadowed in my No. 490 happened sooner than was anticipated. Mr. Bugallal, a conservative deputy, alarmed by the current rumors respecting colonial reforms, took occasion, in the sitting of the 18th ultimo, to demand an explanation of the views of ministers. The reply of the president of the council was unexpectedly frank and positive in its announcement of a new colonial policy. Mr. Becerra, colonial minister in 1869, and one of the advanced radicals in the chamber, immediately offered a resolution indorsing the programme of the government. After an animated and interesting debate, the motion was "taken into consideration" by the decisive vote of 182 ayes and 7 noes. Appendix A furnishes a translation of the salient points in the speeches of Mr. Bugallal, the president of the council, and Mr. Becerra. Appendix B contains the report of the proceedings, as published in the official gazette.

The announcement of a new colonial policy to be initiated in Porto Rico, embracing the immediate abolition of slavery, municipal liberty, and qualified provincial autonomy, quickly followed by an emphatic indorsement of the programme in the popular branches of Congress, presented the contingency for which I had been prepared by the intimations of the minister of state. Mr. Gasset y Artime, minister of ultramar, and Mr. Ruiz Gomez, secretary of the treasury, at once resigned. General Cordova retains the portfolio of the war department temporarily, in view of the Carlist insurrection and the pending bill for the re-organization of the army, it being understood that he dissents from certain features of the new colonial programme, and may retire at a later day. Mr. Echegaray is transferred from public works to the treasury; Mr. Mosquera, one of the vice-presidents of the chamber, goes into the colonial office; and Mr. Becerra replaces Mr. Echegaray.

Congress having, in compliance with custom, suspended business pending the re-organization of the cabinet, the tribunes were crowded on the re-assembling of the chambers on the evening of the 20th, when it was expected that Mr. Zorilla would make the usual official statement. It happened, however, that when the new cabinet made its appearance, as a matter of form, in the senate before repairing to the lower house, Mr. Cervera, a republican senator, cleverly seized the occasion to obtain an expression from his colleagues with reference to the new colonial policy. The president of the council had no sooner taken his seat on the "blue bench," occupied by ministers, than he was drawn into a discussion involving an exposition of the plans of the cabinet, as now organized. Mr. Suarez Inclán, a pronounced and somewhat impetuous partisan of the old régime, vehemently assailed the new departure in colonial affairs. His effort to inflame the Spanish heart by suggestions of foreign influence brought out the minister of state, whose speech you will find worth perusal. The debate was continued by the Marquis of Barzanallana and Mr. Mosquera, the colonial minister. Hereupon Mr. Cervera, in behalf of his republican associates, offered a resolution approving the declarations of the government, significantly adding, "we scarcely venture to applaud them, for we are not content with so little and seek to go much further." Mr. Calderon Collantes, a distinguished figure in the anti-dynastic opposition, endeavored to prevent a vote as inopportune, after "so

stormy and indecorous a session." He said, "all parties felt that the future of the country and the honor of the nation were involved." The senate was, however, in no mood for delay, and after brief addresses from Mr. Rojo Arias and Mr. Cervera the resolution was adopted, 51 to 5. A translation of this debate will be found in Appendix C, and the original text, clipped from the official gazette, is contained in Appendix D.

In the chamber of deputies, the president of the council of ministers having explained the causes of this crisis, and the nature of the questions out of which it arose, the debate was continued on Mr. Becerra's vote of confidence proposed on the 17th (Appendix E.) Mr. Estéban Collantes, brother of the senator, and General Gaudara, formerly captain-general of San Domingo, opposed the proposition in speeches of considerable power. If you do not find much that is new in their arguments, it may be useful to peruse the most that two able men could oppose to the enlightened and judicious policy of reform. These conservative leaders were effectively answered by Mr. Ramos Calderon and the minister of public works, Mr. Becerra, the mover of the proposition under consideration, and who had been called into the cabinet after the preliminary vote of the 17th.

You will observe that Mr. Estéban Collantes, in the chamber of deputies, ingeniously quoted some of the remarks of Mr. Martos, as reported in my No. 34, to show that colonial reforms are dangerous and impracticable in Cuba; he denounced the municipal law, because in permitting foreigners to vote it might happen that the Antilles would be lost through universal suffrage; it besides permitted the local authorities to impose duties on articles of consumption, and this would ruin the commerce of Castile and Catalonia; and he maintained that loyal Spaniards in Cuba did not want reforms; only traitors demanded them, to whom no concessions should be made.

Mr. Becerra's reply was cogent, but I regretted to hear the new minister affirm, as his personal opinion, that "a dictatorship would be the best means of ending the war speedily."

Mr. Calderon put the argument on commanding ground. He said no advantage could justify prolonging the servitude of those whose freedom had been proclaimed that night by the president of the council. Every man on Spanish soil was entitled to the liberty guaranteed by the Spanish constitution. Now, even the loyal white men of Porto Rico were free everywhere except at home in their own native island. The radical party was bound to see that all Spaniards, white and black, colonial and peninsular, stood free and equal before the law.

The debate was adjourned at half past two in the morning. This day's proceedings will be found in English in Appendix E. The Spanish text is in Appendix F.

Resumed at the same hour on the afternoon of the 21st, the discussion continued until after midnight, culminating in a magnificent speech from Castelar, the great republican orator. The minister of state, in deference to the usual form of proceeding, was the last to speak; but he could only say, "The debate is closed. Mr. Castelar has spoken the last word—the slaves in Porto Rico are already free. The bill the government will bring in can only give legal sanction and form to the inspired utterance of the world's greatest orator."

The vote was then taken, and Mr. Becerra's proposition was adopted, 214 voting in the affirmative and 12 in the negative. Among the notable names recorded in favor of colonial emancipation is that of Don Cristóbal Colon de la Cerda, Duke of Verazua, Marquis of Jamaica,

“Admiral, &c., of the Indies,” a lineal descendant of the discoverer of America.

A *résumé* of the last day's debate is given in English in Appendix G. Mr. Castelar's speech in full, translated from a Spanish report, revised by himself, will be found in Appendix H. The original Spanish text of this day's proceedings, as reported in the official gazette, is in Appendix I.

You will observe that Mr. Bugallal put great stress upon a coincidence he pointed out between the views expressed in the president's message and the policy now announced by the Spanish cabinet. Mr. Martos answered that the resolution of “his colleagues was taken in November and communicated to Europe and America; whereas the message of President Grant was read to Congress on the first Monday of December. It would therefore be more reasonable to assume that the friendly tone of the American Executive, so unusual in speaking of Spain and Spanish affairs, was due to the sympathies inspired by a knowledge of the action then contemplated by the cabinet of Madrid, and to-day fulfilled.”

You cannot fail, I think, to be favorably impressed by the effective speech of the Marquis of Sardeal. A very young man, and only lately chosen to Parliament, he has at once taken high rank as a debater. A son of the Duke of Abrantes and a grandee of Spain, he is one of the most advanced of the liberal party in this country. The marquis commands the national guard of Madrid. I would especially commend to your notice the telling passages he cites from the record of the Duke de la Torre (Marshal Serrano) and Mr. Ayala, the author of the manifesto of the “league.”

Mr. Padial called attention to the transport of slaves from Porto Rico to Cuba, for sale, which he denounced as a violation of law, and asked that orders might be given to prevent the traffic.

Mr. Labra, a deputy from Porto Rico, bore a distinguished part in the debate. The brief sketch of his remarks found in the synopsis translated, may induce you to order the whole of his strong speech put into English for publication.

I need not invite attention to the oration of Castelar. His just fame as an orator will stimulate curiosity to read what he said upon a theme that has made dull men eloquent. Representing the republican party, his novel attitude as an ally of the government gave fresh interest to the occasion. The definite purpose he had in view was to unite the majority of the chamber in support of the cabinet. Much hesitation had been exhibited by not a few of the ministerial adherents. Indeed it was the boast of the “whipper-in” of the slavery party that as many as ninety ministerialists would either dodge the vote or side with the opposition. It was therefore necessary that Castelar, while satisfying the exigencies of the republican leadership, should take ground on which he could rally all the liberals of the chamber—monarchists and republicans. In this sense I cannot too highly praise this great parliamentary triumph. The orator carried the whole house with him. If here and there a few yet lingered in doubt, the enthusiasm of the tribunes and the applause of the chamber swept them along with the torrent of feeling set in motion by this incomparable speaker.

Of course, it is quite impossible, without prejudice to the other duties of the minister and secretary of legation, that justice can be done to these debates in the hurried translations we are constrained to forward. If they serve to convey some impression of the character and tone of the proceedings, the purpose in view in their preparation is answered.

The suddenness with which these questions were precipitated, and the

absorbing interest of the tournament in Congress, found the government, at the moment of its victory, without a draft of an emancipation-bill. If a bill could have been presented on the spot, at the moment when the final vote was announced on Mr. Becerra's proposition, I am confident it would have passed by acclamation. As it was, it seemed as if nothing could be done until after the Christmas recess, it being understood the chamber of deputies would adjourn that night for the holidays. So strong, however, was the desire of a few earnest reformers to lose no time, that the government intimated, unofficially, its disposition to present the bill in the senate on the 23d. You will see by the report of the proceedings (Appendix K) that Mr. Martos, while giving some interesting explanations of the colonial policy of the government with respect to Cuba and Porto Rico, stated that the bill would not be brought in that day. The house having adjourned subject to the call of the president, and the senate having resolved to separate for the holidays, the friends of emancipation would have been disappointed in their hope of prompt action if Mr. Rivero, the president of the chamber, had not called a special session of that body on the 24th in order to receive the bill. It was accordingly read for the first time by the new minister of the colonies, Mr. Mosquera. The preamble and bill will be found translated in Appendix N. The Spanish original is in Appendix O. The benches and tribunes of the chamber were crowded on this eventful day. The reading was greeted on all sides by frequent and hearty signs of applause. As soon as the bill was presented, the allied opposition, represented in the "league," set to work with all the machinery under their control to foment hostile agitation all over Spain. Nor were their operations confined to the Peninsula. Truly or falsely, it was represented that both Cuba and Porto Rico were profoundly and dangerously moved by the action of the home government. All sorts of statements found currency in the newspaper-organs of the "league." It was affirmed that the slaves, impatient of any delay, were about to initiate a servile insurrection and a "war of races;" that the merchants, despairing of any returns from the present sugar and tobacco crops, had stopped all transactions; that the premium on gold and the rates of exchange had risen ruinously; that the planters, so long as the steady supporters of the home government, no matter by whom administered, had resolved to make one last appeal through the "Casino" of Havana for delay, and failing in this supreme effort of loyalty, their next step should not cause surprise, whatever form it might unhappily take. Appeals were not wanting from the Spanish towns most actively engaged in the colonial trade. The wheat-growers of Castile, the olive and wine producers of Andalusia, the manufacturers of Catalonia, the shippers of Santander, Valencia, and Cadiz, were loud in their forebodings of impending disaster to Spanish agriculture and commerce.

Meanwhile the friends of reform were not idle. The constituencies of the senators and deputies who had supported the government sent by telegraph and post innumerable felicitations to their representatives. If, on the one hand, societies and guilds interested in colonial monopolies sent protests, on the other, municipal bodies, provincial assemblies, and public meetings of citizens in the same localities gave abundant evidence of the popular favor extended to the policy of emancipation. These manifestations still continue; scarcely a day passes without a series of these announcements appearing in the official gazette. During the present week great meetings have been held in Burgos and Lerida.

Last Sunday a numerous procession, embracing the members of the abolition society, "The Tertulia," a political club embracing the chief

supporters of the party in power and the "Republican Junta," all of their organizations resembling our union leagues, marched through the principal streets of the capital to the official residence of the prime minister and offered him their congratulations. The leading opposition journal, *La Epoca*, estimates the number of gentlemen in the procession at above three thousand. When one considers the respectability and political prominence of most of the personages taking part in the demonstration, it may well be regarded as a most significant event, that in the capital of Spain so large a number of influential people have found occasion for public rejoicing in the abandonment of the traditional colonial system of the ancient empire, a system which had survived the fall of dynasties and constitutions, which revolutions had left unshaken, and which had defied even the better counsels taught in the loss of vast dominions through a blind obedience to old forms of colonial government. To these imposing proofs of public sentiment must be added those which have emanated from the republican organizations throughout Spain, and which have generally taken the form of addresses to Señor Castelar applauding his action in supporting the reform measures announced by the governor. The republican journals continue to publish, daily, communications of this tenor from various towns.

During the past few weeks the Spanish press of all shades of opinion has had scarcely any other theme for discussion beside the one absorbing topic of the new colonial policy. In Madrid the opposition control the greater number of newspapers. It would not be difficult to explain this circumstance if it had much importance, and to show that not a few of them are rather the advocates of special interests and privileges than the exponents of an impartial public opinion. I had begun to collate extracts from the more prominent papers, intending to forward them for your information, but the result of two days' clippings, confined to a fraction only of the Madrid papers, as shown in Appendix P, was so formidable that I desisted from encumbering the archives of the Department by the formal transmission of data in which the bulk so much exceeds the value. You will appreciate this forbearance by a glance at the package marked "unofficial," accompanying this dispatch, and which contains 400 articles, appearing between the 14th and 25th of December. A persistent effort is made by the opposition journals to represent the remarks of the President relating to Spanish affairs in his annual message as "dictatorial," "arrogant," and "intrusive." The European press, with remarkable uniformity, has taken quite a different view of the subject, generally commending what they characterize as the unexpected moderation of the document. The ministerial and republican organs in this country fail to discover in the language of the President any ground of complaint; and you will be gratified to see that Mr. Martos, speaking in the name of His Majesty's government, evinces a just appreciation of the impartial attitude and the discriminating views indicated by the executive.

I cannot, perhaps, more appropriately conclude this *résumé* of the incidents of the past month touching the development of the colonial policy of Mr. Zorrilla's cabinet than by a reference to the remarkable addresses presented to the King on the 1st of January, 1873, by the president of the senate, Mr. Figuerola, and the presiding officer of the chamber of deputies, Mr. Rivero. You will find them translated in Appendix Q, together with the replies of His Majesty, understood to have been written by Mr. Martos. Up to the moment of the publication of these proceedings at the palace the "league" had cherished hopes that the King would refuse to identify himself with the policy of his minis-

ters. Last June, when His Majesty refused to sanction the proclamation of martial law in Spain, and summarily dismissed Marshal Serrano's cabinet which had proposed the measure, that short and sharp phrase in which the royal decision was announced is often quoted in court circles; and the opposition had confidently insisted that when the moment for action came Don Amadeo would repeat the famous "*yo contrario*," under which a conservative cabinet had fallen, and the destinies of Spain had been confided to the most advanced party of the revolution of 1868.

Although summoned to the palace with my colleagues on New Year's day, I had not the pleasure to hear these speeches, the diplomatic body having been received by His Majesty at a later hour. I commend to your notice the leading article, headed "*La Crisis*," taken from *El Imparcial*, of which Mr. Gasset y Artime, the retiring minister of ultramar, is director, (Appendix T.) It may be regarded as an amplification of Mr. Zorrilla's statement in the senate and chamber, (Appendices C and E,) or, in other words, an authoritative explanation of the attitude of a minority of the cabinet—two of whom resigned, and the third, General Cordova, holding over conditionally.

Congress re-assembled on the 15th instant. The emancipation act was at once referred to a special committee chosen by the several sections in which the chamber of deputies is subdivided for certain legislative purposes. It is understood that the committee, which includes two deputies from Porto Rico, will report favorably on the measure without delay, and I am assured that the president of the chamber, in the exercise of his authority, will give the bill priority among the orders of the day.

I am, &c.,

D. E. SICKLES.

[Appendix A.]

Extracts from the reply of the president of the chamber of ministers to Mr. Alvarez Bugallal, chamber of deputies, December 17, 1872.

[From *La Gaceta de Madrid*, December 18, 1872.—Translation.]

MR. ALVAREZ BUGALLAL. As the government must know of the state of alarm that notoriously exists in Barcelona, Cadiz, Santander, Bilbao, and other mercantile cities of the Peninsula, growing out of the rumors lately circulated concerning the intention of the government respecting political and administrative reforms in the colonies, is it prepared to give an explanation of the extent of those measures and reforms at the present moment, since this alarm springs from the profound surprise which has taken possession of the public on seeing the contradictory character of these rumors, some of which are already realized by the repeated promises and statements of the government through its worthy president? Is the government determined, in clear and direct violation, as I think, of the prescriptions of the constitution, and in usurpation of the unquestionable prerogatives of the legislative power, to put into effect immediately, and without the previous approbation of the Cortes, the decree establishing municipal government in Porto Rico, first made public in the *Gaceta de Madrid* of the 14th of this month? Does the government contemplate following up this action by two other measures of equal gravity—one relative to the separation of military and civil power, and the other to the immediate abolition of slavery, which, according to the rumors of the past few days, it is proposed to carry into effect?

These are the three questions I have to address to the government of His Majesty, in order that, in view of their gravity, which I believe it will at once admit, it will be pleased to answer them as soon as possible.

THE VICE-PRESIDENT, (Mr. Mosquera.) The president of the council of ministers has the floor.

THE PRESIDENT OF THE COUNCIL OF MINISTERS, (Mr. Ruiz Zorrilla.) I have asked the floor, Messieurs Deputies, in order to answer a question my friend Mr. Bugallal saw fit to make at the beginning of the session.

What has the government done? Published by decree the law of ayuntamientos, believing that it had the right to do so; believing—and herein is Mr. Bugallal's first mistake—that it usurped the powers of no one, and much less of this Parliament, and how could it have thought of usurping the attributes of the Spanish Parliament, when it so highly cherishes the acts and attributes of that body?

This is an abstract point, and Mr. Bugallal may make an interpellation and present a proposition thereon and say whatever he sees fit as to whether or no the government had the right to establish by decree the law of ayuntamientos in Porto Rico, and the minister of ultramar will answer him.

The government is considering the separation of civil and military authority, (*separacion de mandos*;) and if it agrees upon it, being an administrative matter, it will do it by decree, without asserting anybody's attributes; and Mr. Alvarez Bugallal may make an interpellation about it, if he sees proper, and it will be the second.

The government is considering the question of slavery, and will lay the law before you as soon as possible, for it wishes to fight under this flag and for this cause. It believes that abolition will be the greatest of benefits to the Antilles, and believes there is a way and a means to put a speedy end to the insurrection in Cuba, a measure adapted to the totality of those on these benches, curbing the exigencies of some and tempting the impatience of others—that is, supposing that they have not betrayed their principles, and do not demand an impossible administration for the Antilles. It believes that it has fulfilled its promises in the Pacific island; that it has been treated as it ought to be treated, and that, as far as the other is concerned, it will do the same after the restoration of the material quiet and moral tranquillity which is indispensable to enable the reforms to effect their natural results.

Has there been a single Spaniard of any party whatever who has said here, is there any one who ventures to say to-day, in the nineteenth century and in the year 1872, that the Antilles must forever remain under the very same system of laws that governs them to-day? Is there one?

Those who are now and always have been the most inimical to reforms come before us and say, "We are advocates of reforms. We wish and ask for reforms. We wish the colonies to have the same legislation and enjoy the same benefits as may be given to the Peninsula. But this cannot be done now. It is completely impossible to-day. We can do absolutely nothing, because civil war rages in Cuba, and what is done in Porto Rico may make it more difficult to extinguish!"

Ah, what an example! What an immoral example for the provinces which obey and respect Spain! What an unworthy example given by parties who have any self esteem, by men who see nothing left but to sacrifice all, to poison all with political venom! How baleful an example for the rest of the Peninsula if opinions be to-morrow divided and some rebel while others remain tranquil! If there were a rising to-morrow in Andalusia, and if it were possible for it to show the same or similar characters as that which exists in one of the Antilles, would we have to say to the rest of Spain that because there was an insurrection in a part of the Peninsula individual rights must be suspended throughout all Spain? Do you not comprehend that the Pacific provinces could justly say that on the whole they would be no worse off if they, too, had revolted? For if the revolt be not dependent on the will of the Pacific provinces, and if they find no advantage in their fidelity, but are treated like the others in spite of it, might we not fear that they would do as the others had done?

As firmly as I proclaim it untrue that we have thought of carrying out any reforms in Cuba, so firmly do I assure the Cortes, * * * and my words are trustworthy, for after all the government might easily have postponed its answer, in view of the gravity of the matter, that the government does not and will not go further than it should in the Porto Rican question, and that all that has been said to the contrary and concerning other reforms is the pure invention of some and the foolish credulity of others, unworthy means used by many to attack this government which have overcome great crises and hopes to overcome this, believing that the right is on its side.

* * * * *

What motives are there for the continuance of this alarm if, from the point of view of public order, the situation has been bettered? What reasons are there for thinking that a cataclysm may come at any moment? I will tell Mr. Bugallal why. I will specify no party and no man, because it does not suit my purpose, and in the past I occupy I should not do so except as the last resort. I say to Mr. Bugallal that this alarm is spread because the Porto Rican question is on the tapis; not because the reforms are of greater or less scope; not because they may produce these or those results; not because they are more or less justified or more or less legal; but because it is a question that may serve to rally the enemies of the government and draw waverers to the opposition. It is a question which may lend hope to the feeble and strength to the despairing, and they say among themselves, "Come, let us get up an agitation, and let us see if by that means we can win men over to our side and put an end to this government." Before, it was the conscription; afterward, the loan; now, the Porto

Rican question. If this disappears another will come, and then another, and then another.

One thing is certain; that this agitation will be no more than an agitation; that this agitation would have much less importance if it attained expression in some insignificant overt act than the two revolts we have dominated under more trying circumstances, and there would be, moreover, this fact in favor of the government, that the reform treated of being subject to the deliberations of the chambers, which would give time for opinions to be formed, and for the deputies to vote as their conscience dictates. If this agitation were made manifest in acts of violence it could not claim the discipline which other agitations have had wherein ideas have contended and not interests: wherein ignorant masses have risen and not men of enlightenment; wherein, instead of making use of what they are worth and what they are to increase the prosperity of Spain and give tranquillity to the Antilles, their endowments and themselves are used for the political ends and to promote discontent at home and perhaps cause great injuries to the colonies; and as such agitation would have no importance we would dominate it as we have dominated the others.

Then, (and why should it be concealed from Mr. Bugallal—why should he not be told the truth?) then, perhaps I might come before Congress and say what I have not said now because I did not wish to add fuel to the blaze, what I did not say when the federal and Carlist insurrections arose, for then evil-minded Spaniards, renegades, and disloyal to their country, would be the ones to arouse a revolt here, and prepare, or attempt, a revolt in the Antilles, in order to deprive the government of the strength it needs to enable it to say to Cuba, "Be not alarmed," to send out thither the twelve thousand soldiers demanded by the captain-general, and as many more as may be wanted. Those evil and disloyal Spaniards would be the ones to say to the Antilles that we had a filibuster government at home; that the government here was composed of wicked Spaniards, of ministers who took money and whose wives accepted gifts from the chief of the rebels. The coward who says this is known as one who is incapable of defending anything unless paid with gold. [Great applause.]

Ah, Messieurs Deputies! when I read this and added it to the countless slanders I have read of myself for some time past I was indignant, but upon reflection I said, "Why should they not do so if their nature is unchanged? Did they not say when Mendizabel attempted to reform the church and sought means to end the civil war, that he took so much for every pair of shoes he bought in England to keep the army from going barefoot? Did they not say of the same Mendizabel that he robbed a virgin's shrine of its jewels to give them to a woman? and, to take an analogous case, did they not say of General Espartero, in 1843, that he had sold Cuba, not to the United States—that was not thought of then—but for British gold?"

And I said, "If, in speaking of a man of the political stature of Mendizabel—almost the only great progressive statesman this country has had—if, in speaking of a man of the virtues, the services, and the merit of the illustrious pacificator of Spain, they said these things, wherein is it strange that, when my limited merits have raised me to the post I occupy, there should be inflamed against me, not merely envy, which I have no reason to fear, but the passions of those of far more merit than I, who, nevertheless, have not accomplished as much as I."

I must say to the chamber and to the nation from this post that we, in studying the Porto Rican question, and in according reforms to Porto Rico, have obeyed the sentiment, the idea, and aspiration of preserving the colonies united to the mother country.

I must tell my political friends from the provinces, who have come hither as commissioners to the government to protest against the reform, that many of them have not been told what the reforms were, while to others they have been exaggerated; I must explain to them that the political aspect of the question lies exactly where they have been told that there was no political question; that the real political issue is that we believe the way to assure peace to the Antilles and preserve them to Spain is to give them reforms, and the reason that those who are themselves politicians tell them that there are no politics in this question, is because they think the *status quo* should be maintained in the Antilles; that those who knowingly or unwittingly, according to the spirit that guides or the inspiration that feeds them, are content to be made use of by their political friends, may do as they please; each one is master of his own will and conscience; but they contribute to political interests contrary to the radical party and to this cabinet, and we have the right to believe, unless there be some who think and dare to say to our faces that we are not good Spaniards, and then they will have the right to say so, and if they do not we have the right to deem that, as all alike desire the preservation of the Antilles, it is they who are mistaken; that they reason upon the only facts they possess, while we, in studying and deciding this question, have not only the data they have given us, but also those which every government possesses, and which are not accessible to private citizens. They cannot escape from this dilemma; if all of us are true Spaniards—if all of us desire the preservation of the Antilles to the mother country—we are of necessity in the right,

since we possess more data and more antecedents and are able to solve this question more understandingly.

Lastly, Messieurs Deputies, we are acting conscientiously in this question, seeking to give, as I have already repeatedly said, a great good to our country, a great benefit to liberal Spain and to our Antilles; and, as we all hold this conviction, being men of ideas and of convictions, we counsel some of you to examine and see why and how these protests are made, and we counsel others to no longer permit themselves to make a political question of one which should be purely Spanish; that if any issue requires calmness in discussion it is this one, now and always; and lastly, before taking my seat, that, come what may and whatever protests may be made, this government will not desist from carrying out its purpose to realize these reforms except in the face of two obstacles which those whose duty is as ours are bound to respect, the will of the Crown or the vote of the Cortes.

The following proposition offered by Mr. Becerra was then read:

"The undersigned deputies ask Congress to be pleased to declare that it has heard with profound pleasure the words of salvation and of reform from Porto Rico just uttered by the president of the council of ministers.

"Palace of the Congress, December 17, 1872.

"Manuel Becerra, M. Mathet, Luis de Molini, the Marquis de la Florida, the Marquis de Sardoal, Rodolfo Pelayo, Antonio Ramos Calderon."

Mr. BECERRA. Gentlemen, these are solemn moments wherein the soul feels what the tongue cannot express. Permit me to begin by congratulating my friend, the president of the council of ministers, on his defense of a great cause. I wish that the Spaniards beyond the seas could hear us, and they would see that the Spaniards who carried civilization thither beneath the cross of Christ are now ready to give them democracy also.

The present act, gentlemen, is an act of great political importance, because, in the first place, it is an act of justice; of justice, gentlemen, which is the highest of all aims, and woe to the nations that forget it! And, in the second place, because it is a timely act, that demonstrates the intimate union of Spain and America, and shows the world that, if a great people has had the courage to emancipate four millions of slaves, the land of the Cid will not go backward in its defense of the liberty, the honor, and the integrity of the nation. [Applause.]

We are calumniated for this; but what of that? To calumny we will oppose tranquillity of conscience, and to intrigues the firm union of our party; for the principles, gentlemen, among their many excellencies, have power to rally their disciples around them at moments like the present, and if any think we are divided, they will now see us united in defense of our principles. And if, by chance of misfortune, we are threatened by complications in this question, we who have ever striven for liberty will continue to strive for it; and if fortune be adverse to us, let us act so that our sons may say of us, "They fought like good men and true to win liberty, and they died like men in its defense." And, above all, let it be known that by this act we test the strength of our right; and if there be cowards who doubt it, we will make them comprehend that we have also the right of strength on our side.

I well know that there are adventurers who have raised their standard against the integrity of our territory; but we will answer them by sending out not merely 12,000 men, but as many as may be needed, and all the treasure that may be required; for a true nation would rather perish from the earth than suffer a blot on its good fame.

There are also those who question our patriotism, but their doubts will be dispelled when they see that, given these reforms, we are ready to make every sacrifice to preserve the integrity of the territory.

The VICE-PRESIDENT. Excuse me, Mr. Deputy; I am about to ask the chamber if the sitting shall be prolonged.

The question being put was decided in the affirmative.

Mr. BECERRA. We are discussing reforms for Porto Rico, for that province beyond the seas, which Spain recognizes as a province from to-day henceforth, now that she is ready to give the island her rights as a province, while at the same time prepared to punish rigorously whosoever may seek to assail the integrity, the independence, or the honor of the country. Cuba will have these same rights later, since the first duty is to conquer; because Spain can never yield with honor to menaces, and no man of courage will ever concede that which is demanded with a strong hand.

How much might be said upon this point! How much occurs to me in the way of arguments, showing the justice, opportuneness, the necessity and utility of reforms! But I shall only put this question to the radicals and the conservatives who joined in the revolution: Can we do otherwise than to fulfill a solemn and sacred promise? If it was intended to fulfill that promise, why oppose it now? And if it was not intended that it should be fulfilled, why was it spontaneously made?

I hope that the chamber will take into consideration the proposition we have had the honor to present. In this manner the Spanish nation will prove to the whole

world that she is prepared to defend her independence, to uphold her integrity, to maintain her honor, and at the same time do justice to each and all of her sons; and she will do so in such fashion that the Spaniards who live beyond the seas, like those who dwell in the Peninsula, may say with pride, "I am a Spaniard; I am of that nation that conquered her independence by humbling the great captain of the age, and now is able to teach all Europe the true practice of democracy."

The proposition being put, the vote was taken into consideration, by 182 votes against 7.

[Appendix C.—Extract translated.]

Summary of the proceedings in the senate, December 20, 1872.

Mr. CERVERA. An important political event has just taken place, and as it is the custom of parliamentary governments in such cases to give the chambers full explanations of the causes of the crisis, I simply ask the government to do so now, and to state what are its purposes respecting the political future of Spain.

The PRESIDENT OF THE COUNCIL OF MINISTERS. The government, Messieurs Senators, has intended to explain the ministerial crisis; it is, nevertheless, grateful for the request just made. The causes of the crisis are known to all; so I have little to say on that point.

The government, thinking the proper time had arrived, took up the question of reforms to be extended to Porto Rico. All the members of the ministry were unanimous as to the necessity of promulgating by decree the law of ayuntamientos, which has been published in the *Gaceta*. We agreed to discuss and adopt a plan of action concerning two other questions, the separation of civil and military authority and the abolition of slavery. In view of the gravity of this last question, the government took it up. All the ministers agreed that slavery should be abolished. The dissidence arose as to the manner of doing so, for three thought it should be gradual, and five, among them he who has the honor to address you, advocated immediate abolition. The discussion on this point took place toward the end of November, but it was agreed that while the conscription and the loan were pending the question should be deferred as long as possible.

Sufficient time has now elapsed to overcome both these difficult questions, and the question of public order has been also successfully treated since the federal rising has been put down in all quarters, and we shelter the hope that the Carlist insurrection will terminate in a short time. Such being the situation, the government deemed that the time had come to take up anew the question of Porto Rican reforms. The issue which had divided the government was brought up, and a crisis precipitated in consequence of some inquiries made by a most worthy deputy not belonging to the majority. The president of the council of ministers answered in the name of the government, and making known its situation, but without his language being explicit enough, gave rise to a crisis on the issue concerning which the cabinet held different opinions; nevertheless, those members of the ministry who differed from the majority of their colleagues thought that, in view of the explanations of the government and the vote of the chamber, upon a motion made by one of the majority, that it was their duty not to prolong for an instant their stay in the cabinet, and at the close of the sitting the colonial secretary, and subsequently the secretaries of the treasury and of war, conferred with the president of the council, the two first saying that they could no longer form a part of the cabinet, and the latter saying what he will soon have the honor to say to the senate also.

The question was simple. We were agreed as to the necessity of considering Porto Rican reforms, as to the necessity of publishing the law of ayuntamientos, which we believed we were authorized to do; and as to the abolition of slavery, but we differed, as I have already said, about the manner of doing so.

It is not incumbent upon me to defend, in this place, my own opinions and those of my colleagues who agree with me, nor have I the right to assail those who think differently. When the discussion arises on this point, we hope to convince the Cortes and the country that in treating this reform as we have done, besides obeying liberal and civilized principles, we have conformed also to what was most in harmony with the dignity of the nation, with the situation of the government, with the promises of the radical party, and with the necessity that we should stand before the world as a nation endowed with self-respect, which studies its own issues and realizes its own situation, and whose government will do its duty whatever may be the responsibility.

The question being thus happily defined, it was easy for me to decide in which of the two ways the crisis should be settled. A few moments after the chamber ad-

journed, the colonial minister tendered me his resignation, and, early in the morning of the following day, the finance minister tendered me his. I could do nothing else than to go to His Majesty the King and explain the situation of the cabinet to him, and it was equally my duty, although His Majesty was cognizant of the question from the first, to set before him the full gravity of the issue and the responsibility that would rest on any government that might decide it.

I went to confer with His Majesty at noon yesterday, and told him that a cabinet council was convened for 9 o'clock that night, and that if, at that hour, I had no commands from him in a contrary sense to that in which I thought the crisis should be settled, I would, on the following day, lay before him the resignations of those ministers who were not in accord with the majority of the cabinet, replacing them with proper substitutes. I had the honor and the satisfaction to hear from His Majesty's lips how great was his regret that a new crisis had arisen; but, at the same time, I had the pleasure to hear that, in the divergence of views common to all parties, while esteeming all opinions as sincere, he chose the most liberal and the most humane; and His Majesty charged me that whatever reforms should be attempted should be the work of the Parliament; that the glory of the reforms should belong to Parliament, while the government should bear whatever responsibility might result.

I need not say that my two colleagues who have abandoned this bench were entirely in agreement with the present cabinet in everything referring to the principles and conduct of the radical party and to the necessity of extending reforms to Porto Rico. In these questions the government has to present the proper bills, leaving the co-legislative bodies to deliberate and decide on them; and so it is sufficient for the government to say now that it proposes the immediate abolition of slavery in Porto Rico. A few days ago I had the honor to say in the lower chamber that we had nothing to discuss, since all the ministers were agreed that no political or social reform should be extended to Cuba until it was not merely physically but morally pacified, for without this reforms would have no good result.

You already know, Messieurs Senators, that those who have quitted us, much to my regret—for I realize the great services they have rendered—have done so on this issue of form; nevertheless, the minister of war remains, without, however, indicating thereby that his views have changed, for they are the same as before. Narrow-minded men may judge his action as they think fit; I have only to say that the country is not yet completely pacified; that the recent conscripts are not yet enrolled in the ranks, and that the bill for re-organizing the army and abolishing conscription is still pending. In this situation, the minister of war believes it his duty to continue in the cabinet, although in so doing he makes a great sacrifice, for which I cannot be sufficiently grateful.

The successors of those who have left the ministry are known to all of you; both have been before now colonial ministers, and have been long known in political life. I need not therefore say what their opinions are. Having thus explained the crisis, I must inform the senate that a suitable bill for the abolition of slavery will be presented before the holiday recess.

I do not expose a new programme to the senate. We are of the most liberal party possible in a monarchy. We believe that order and liberty may co-exist in harmony, and that the best way to destroy liberty and order is by the pressure of absolute governments or the vacillation of doctrinary parties. We believe that the doctrines we have proclaimed will lead us to a time when liberty shall be a reality and order be firmly established. But if we are mistaken on this point we are not men to base policy on caprice or egotism. We realize the difficulties that environ us, the spirit of the various parties, and we know who are the enemies that assail us. When it is no longer possible to overcome these difficulties by the course we propose to follow we shall frankly say so; meanwhile we shall keep up the contest and endeavor to win the victory. We recall that before the year 1868 we proclaimed the necessity of the disappearance of the existing order of things and the substitution of a newer and a different state, and we wished the new *régime* to be a reality in law and in fact. Shall we win the victory? It would, indeed, be a grand glory to have confounded those who deny that order can exist in union with the fullest liberties. What if we fail? We shall have fallen with our flag, but none shall say that we have not wrought our principles into laws, or that we have not endeavored to practice them, or that we shall not always hold that our unsuccess is not the fault of our principles but of ourselves, who have not had sufficient means to realize them, or of the Spanish nation, which was not yet ready to comprehend them.

In either case, we must not hesitate or fall short of what we have proclaimed, but keep on in its defense until we succeed in our wish that liberty shall be broad enough for all parties to support within its fold such solutions as may seem best to them, and that the good order so long needed by the Spanish social fabric shall be restored to it.

Mr. Suarez Inclán rose, filled with deep emotion at Mr. Zorrilla's words. He was of those who believed that the reforms thus precipitately given to Porto Rico would also be given to Cuba, and that the autonomy to which those islands aspired meant

the loss of Spain's richest jewels. The insurgents were about to attain their ends peacefully and legally with the aid of the Spanish government itself. Mr. Zorrilla had promised before the Christmas holidays to lay his reform project before them. Then they would maintain, hand to hand, the integrity of the nation.

The President suggested that Mr. Inclán was making a speech; not putting a question.

Mr. Suarez Inclán said he would now put his question. Mr. Zorrilla said that reforms were approved in certain high quarters, and this afflicted his (Mr. Inclán's) soul, and induced him to believe the current rumors that the Spanish government had been urged by foreign powers to follow this baleful path. "Was it true that foreign governments exercised pressure or influence on the indomitable Spanish nation? Was it true that the cabinets of Florence, Rome, Berlin, or England used their influence against the legitimate interests of Spain?" [Mr. ZORRILLA: "No; for we are not molerados." Applause and protests.] "Be calm, Mr. President of the council. My opinions are well known. The conservatives of all grades are here to protest in the name of the dignity and decorum of the Spanish nation."

Mr. ZORRILLA. And I also, who represent it.

The PRESIDENT. Has Mr. Suarez Inclán finished?

Mr. SUAREZ INCLÁN. I have finished for the present.

The president of the council of ministers protested against Mr. Inclán's words, which were an echo of outside calumnies against the government. In what act did he find signs of other pressure than love of country and of the Antilles? He thought differently from those who first maintained the *statu quo*, afterward countenanced reforms, and to-day, being no longer in the government, opposed the reforms that were intended to prevent the civilized world from confounding Spain with Turkey and Morocco. [Good! good!] They had something more to do now than to patch up royal marriages or study Spanish interests from a dynastic point of view. Foreign powers could no longer say to our ambassadors that they merely represented the Queen's personal wishes. It was enough for the government to know that its Porto Rican policy accorded with Spain's love for her colonies and with a liberal and civilized spirit.

It seemed that Mr. Suarez Inclán was charged with expressing in the senate the manifesto of the so-called "national league." He had spoken of Cuba, but with what right? Were any reforms proposed for Cuba? Certainly not. "I have said in the house what the conservatives dare not say; I have said what we propose to do in Porto Rico, and that the best way to study calmly what we have to do in Cuba when the war is over is to do what we are doing in Porto Rico; and when reforms are to be proposed for Cuba there must exist not only material but moral tranquillity, without which reforms are fruitless. You have no right, therefore, to prate here of the autonomy of the colonies, or of reforms which do not exist in Cuba."

He protested against Mr. Suarez Inclán's so-called inquiries, which were simply a second edition of the proclamation of the self-styled "national league," which he called the reactionary league. He protested against the charge that they were about to give autonomy to the colonies. The government wished them to remain a part of Spanish territory. As for the second part of Mr. Inclán's speech, he protested that they had not been influenced by foreign pressure of any kind.

Mr. Suarez Inclán said that the senate well knew that he could speak courteously and with circumspection; if he now had lost his natural sweetness and suavity of temper it was because he saw the sentiments and interests of the country assailed and the interests of his province, the Asturias, which were linked with those of Cuba and Porto Rico, now menaced. Through him that principality protested energetically against reforms.

The president said the Asturias was not a federal canton.

Mr. Suarez Inclán said he defended the sentiments of the nation.

A senator. Are not the rest of us defending them, too? [Interruptions on all sides.]

Mr. Suarez Inclán said that the interruptions could not disturb him. Mr. Zorrilla had asked what proofs he had of the interference of foreign governments in Spanish affairs. If it were possible to lay before them the documents in Spanish and foreign archives showing the suggestions, the conferences, and the plots, which did not see the light till after the damage was done, Mr. Zorrilla would not use such an argument. He could not adduce material proofs, but he could show some that were sufficiently eloquent; but the truth of his assertions was based on public opinion, which followed the history of these sad reforms step by step and stage by stage. [Fresh interruptions.] The president objected to Mr. Inclán's continuing his remarks. Mr. Zorrilla preferred that he should go on. Many senators demanded that he should be allowed to speak. Order was at length restored and Mr. Inclán resumed his remarks.]

Mr. Suarez Inclán said he could not produce all these material proofs, but he spoke of some. Was the government innocent enough to turn them over to the public? No. But if the proofs of what opinion and the press said and the political world guessed at, the question would be soon settled. Public opinion had divined what lay at the bottom of the matter, and time would show that it was right in its surmise

The immediate abolition of slavery, the municipal law promulgated in violation of the constitution, and the announced separation of military and civil powers were nothing but autonomy; with them disappeared the authority of the supreme Spanish government, which for him signified the immediate and final separation of the islands. A day would come when he could demonstrate the truth of his affirmations. He was the echo of no particular group but of all circles in Madrid, from absolutists to unitary republicans. This was a truly Spanish question, which wounded the most delicate fibers of the national conscience.

The minister of state said that by repeating these rumors and insinuating what could not be proved, Mr. Inclán made a most grave charge. When Mr. Inclán saw fit to speak openly, the government would see fit to answer him. He could speak whenever he liked, but the government was in no hurry to hear him or afraid to meet him or anybody else. Mr. Inclán had complained of not being allowed to speak, but when he spoke it became apparent that he had nothing to say.

"The honorable gentleman hints that there may be documents and conversations showing the reclamations and influence of friendly governments to induce Spain to proceed in some determinate sense in matters which belong exclusively to the Spanish nation; but this cannot be asserted unless based on rational data, and under the obligation to produce them at once; for if not, he who does so fails in his duty as a Spaniard, and forgets that he has to deal with the government of Spain, the guardian of Spanish moral interests and Spanish dignity. [Good! good!]

"I have only to say, in reply to the honorable gentleman's words asserting that there have been such conversations and documents, that there has been no such thing, and that nothing of what he has said is true. He who says this represents at this moment the interests and the truth of the Spanish nation. And if this be not enough for the honorable gentleman, I challenge him to prove the contrary."

It had been said that the English, Italian, and the other governments were interested in the colonial reforms, and especially in wiping out the stain of slavery. Because all the governments of the world think thus, and because slavery is to be abolished in one of the provinces, did Mr. Inclán think those governments forced it on Spain? Wherever there were enlightened statesmen and elevated ideas, there was a unanimous outcry against slavery. What did this show? That Spain, in abolishing slavery in Porto Rico, was influenced by Spanish data and those of the civilized world. But in Cuba nothing could be done except answer the voice of muskets by the roar of cannon.

"Where is the wrong, gentlemen, if in view of all this we should also consider the good opinion that we would win in Spain and elsewhere when it is said, 'The Spanish nation, which has affirmed the rights of man, has crowned her work by breaking the chains of the slaves, making them citizens and free, even in the midst of all the difficulties which surrounded it?' What a glory for the Spanish nation!"

Municipal law was not autonomy. Ayuntamientos had only ceased since certain ideas arose in Spain whose full development would have lost not only Cuba but Porto Rico.

The constitution had not been violated by establishing the municipal law by decree. The constitution said that reforms should be given to the colonies as soon as their condition permitted. In fulfillment of this article each law contained a clause that it should be extended, with necessary modifications, to Porto Rico, and this clause was in the municipal law. The government had not fulfilled that law. Preceding cabinets had operated in Porto Rico by decrees. Mr. Moret did so. In Mr. Mosquera's time the law of ayuntamientos was suspended by decree, and was now re-established in the same way. It was true that what was done in Porto Rico would exert an influence in Cuba, but not in the sense Mr. Inclán supposed. "We have always maintained that our colonial policy was based on this distinction: in Cuba, where there is a war, soldiers and money; in Porto Rico, where there is peace, laws and reforms. In Cuba there will be no reforms until moral and material tranquillity are restored; in Porto Rico, yes; and abolition, which is easy, simple, and not costly there, will be effected immediately, thus avoiding all perturbations and outbreaks. In Cuba, abolition would be more difficult and must be gradual."

All the world except Mr. Inclán knew that what was done in Porto Rico was no precedent for Cuba. It would undoubtedly influence the situation in Cuba to the advantage of the government. These reforms would tend to end the war. The enemies of Spain in Cuba would have a right to doubt the sincerity of reforms promised on the termination of the war if they saw peaceful Porto Rico remaining under the same government as themselves. But seeing reforms in Porto Rico, they could do no less than say, "If we wish to enjoy a better state of things we need not seek it by force, for force has not succeeded; let us lay down our arms and submit to the easy conditions imposed by the victorious Spanish government." For four years blood and treasure had been squandered in Cuba, and yet the war continues. Was it not worth while to try if the example of reforms in Porto Rico and the hope of enjoying them in Cuba would succeed where force had failed? "If this be accomplished, as I trust it will, what a satisfaction and recompense the government will have for all the bit-

terness it now endures and the opposition it encounters from all this conspiracy of interests united to harm it in the name of the integrity of the nation, that talks to us of disputing it hand to hand, when it seems that what is really defended is the lengthening of the lash that tears the negro's flesh! [Good! good!]

"In conclusion, we throw out no hints and harbor no suspicions; the honest policy of the radical party is honestly explained without recourse to arguments of another sort. What we do we do in fulfillment of solemnly contracted promises; for, even as you believe the colonies are lost if we grant them reforms, so do we believe they will be lost if reforms be not granted. Your system has brought about an insurrection which has lasted for four years. Let us now see what ours will do.

"One of two policies must be followed in the transmarine provinces: the traditional policy of military despotism and arbitrariness, incompatible with the new elements which have joined in the new life of the Spanish nation—a policy which I believe would have irrevocably lost the Antilles; or the redeeming, reformatory, humane, and liberal policy which has been accepted by us, the true preservers of the revolution.

"The *status quo* does not fit with and is a fundamentally disturbing element in our policy; it is immoral and impossible after the pledges of the revolution; and when a nation contracts a pledge before the world it must fulfill it. That there is peace in Porto Rico is due to the efforts of the reformers and to the confidence they have that a day will come when the promises and the obligations contracted by the Constituent Cortes with its inhabitants, in the name of the nation, shall be fulfilled."

Mr. Suarez Inclán said that Mr. Martos's speech reminded him of the siren songs chanted by the American deputies in the Cortes of Cadiz in 1812. Argüelles in 1837 said they had deceived the Cortes, and history has shown that their seductive language had caused the loss of Spain's vast American possessions; and as they had been lost then, so also now—

The president begged Mr. Inclán to confine himself to his "rectification."

MR. SUAREZ INCLÁN. Ah! Mr. President, this argument hurts. [Cries from the majority; moments of confusion.] This argument hurts, and I must dwell upon it.

The president again called Mr. Inclán to order.

Mr. Suarez Inclán continued, regretting the loss of those vast possessions, and unhesitatingly affirmed that the ample liberties then asked and obtained by the colonial deputies had caused their loss.

(Being again called to order a fresh commotion arose, which Mr. Inclán terminated by announcing an interpellation for some time before the holiday recess.)

The president of the council of ministers said that although the cabinet was awaited in the chamber of deputies to explain the crisis, Mr. Inclán's affirmations were so grave that he had requested the chamber to adjourn till the evening, and would now meet Mr. Inclán on his own ground and reply to any accusation of which he might be the echo.

MR. SUAREZ INCLÁN. I defend the interests of my country.

THE PRESIDENT OF THE COUNCIL. Let us argue this point about "country" and find out what your country means.

MR. SUAREZ INCLÁN. Country, for us, is the integrity of the territory.

MANY SENATORS. That is not true. We are as Spanish as you.

The President begged Mr. Inclán to explain his interpellation, and not defend the interests of the country, which all were ready to defend.

Mr. Suarez Inclán, although fatigued, was at Mr. Zorrilla's order.

The president of the council, in the name of the government and of liberal and revolutionary Spain, was ready to reply at once to the representative of the moderate party. [Applause.]

MR. SUAREZ INCLÁN. I am what I am, and the nation shall judge between you and me.

THE PRESIDENT OF THE COUNCIL. The nation must judge us all.

Mr. Suarez Inclán continued, saying that Mr. Marto's language was identical with that used in the Cortes of Cadiz. Argüelles had said that the American deputies had victimized those Cortes, and Argüelles himself drew up the article in the constitution of 1837 by which the colonies were made subject to special laws. Municipal law had been decreed for Porto Rico in March, 1870. What was the result? General Baldrich suspended it on his own responsibility. He begged that all the papers in relation to that proceeding should be laid before the senate. When two captains-general of different politics, Baldrich and Gomez Pulido, had refused to execute that law, what was the duty of the government? To study the question to the bottom, impartially and severely. But far from this, they had hastily published the late decree in violation of the constitution, endangering thereby high and sacred interests. This government had paid no attention to those two worthy officers, but published the municipal law, dangerous to the interests of Cuba and Porto Rico.

The finance minister a few days before censured the municipal law of the peninsula, which did not give the government power to compel the town-councils to pay the

schoolmasters. If the government was powerless here, how would it be in Porto Rico, with a provincial assembly of absolute authority? They would appoint all their own officials, judges, and schoolmasters, who would all be separatists. A secessionist judiciary would be a permanent element of sedition, against which there was no defense. "Give me a base big enough," said Archimedes, "and I will move the world." "Give us," say the filibusters, "the primary and higher schools, and the victory is ours!"

The minister of state had said that no reforms would be given to Cuba while an armed rebel remained. He (Mr. Inclán) thought they would lay down their arms as soon as they knew that Porto Rico was enjoying rights almost equal to those in Spain, in a word, liberties, reforms, and rights which, if God did not prevent it, would lose Cuba to Spain. Give Cuba individual rights, with all the consequences seen in the peninsula, and separation becomes a fact forever, for the Antilles once lost can never be regained.

Here, in Madrid, is where the filibusters have their headquarters, their machinations, and their powerful defenders. Ask them if, in giving Cuba the political liberties of Spain, the insurgents of the swamps will lay down their arms, and you will see how they will answer in the affirmative.

The minister said that I spoke of the influence of foreign governments. True. And on this point I wish to put him a concrete question, begging him to answer me categorically. Is it true that in the green book of the United States there is a note from the representative of that Government in Madrid in which is reported a conference with the minister of state, and in which note it is stated that Mr. Martos replied to that representative that, the reforms proposed for the Antilles being once established, the objects and purposes for which the representative of the United States had shown such a lively interest in our affairs, would be realized. I beg that a categorical answer be given me on this point, although I regret to see that the minister of state is not present.

THE VICE-PRESIDENT. The colonial minister is here, Mr. Senator. (Mr. Martos enters the chamber at this moment.) Since the minister of state is now here you may repeat the question.

MR. JUAREZ INCLÁN. I beg the minister of state to give me a full and satisfactory answer to the question I have just put, and I beg the senate to pardon me for the long time I have troubled it. I conclude by raising fervent prayers to Heaven that this unfortunate nation may be delivered from the perils that menace the integrity of her territory. I have done.

THE MINISTER OF STATE. Messieurs Senators, as the colonial minister was in his seat I thought I would not be wanted, and asked him to make a note of anything Mr. Suarez Inclán might say about foreign governments.

As for the inquiry Mr. Inclán has made, I reply that, although I had no details, I have already affirmed that no foreign government has made any representations whatever to the Spanish government tending to influence its action on the question under discussion. As for that denunciatory (*cosmistoria*) note, I beg him to explain. (Several senators: No! No! not denunciatory!) I beg the honorable gentleman to repeat his question.

MR. JUAREZ INCLÁN. I said that there was a note from the United States minister, from which it appears that Mr. Martos had stated to him that the Spanish government proposed those reforms; and by that road they would go as far as the Government of the United States wished.

THE MINISTER OF STATE. The note to which the honorable gentleman refers does not exist.

While I was minister of the regent, I attended a dinner where Mr. Sickles also was, and we conversed about political matters and the Cuban war, which, as was natural, interested the United States on account of the loss it occasioned to their own and Spanish commerce.

A great misapprehension exists. The United States do not covet the island of Cuba, for it is not their interest to acquire it, and in this relation I must not omit to say that I have always received from General Sickles the fullest assurances that the United States aspire to no such thing. It is true that both the colonial minister and myself, and ten or twelve high officials who were at the dinner, talked about politics, administration, the Cuban war, and our intentions respecting reforms. The papers afterwards, commenting on the United States minister's note to his Government, reporting our good intentions, calumniously stated that I had said that such measures would bring things to pass as the Cubans and the United States representative desired, that is, the emancipation of Cuba.

When I say that neither the United States Government, nor their minister, Mr. Sickles, desire the emancipation of Cuba, I say enough to satisfy public opinion and refute an infamous calumny; and if I had said so of the Cubans it would have been a piece of idiocy, for my loyalty and patriotism spurn the idea. General Sickles's comment meant nothing more than that by such a path we would attain to the desired

reforms, and when he saw what the papers said, he sent me a letter authorizing me to deny it.

As for the remark that the loss of our American dominions was owing to having given heed to the words of their deputies, I must answer him that, in my opinion, it was because of bad government under the absolute régime. For this reason we require liberties and reforms, so that all may say with pride that they are Spaniards. To-day kingdoms win nothing by force; what is won by kindness is preserved by love. I have done.

The colonial minister (Mr. Mosquera) said he rose to address the senate for the first time. Mr. Inclán's doubts had been removed by the minister of state, so he had little to say on that point. He would, however, speak at some length of the proposed reforms for Porto Rico.

It was said that reforms would lose the Antilles. If true, the charge was unanswerable. But the premises of the proposition had not been demonstrated. Was the creation of town-councils by restricted suffrage autonomy? Could the loss of the Antilles result therefrom? In no wise.

It was said this decree was illegal and infringed the constitution, that for this reason General Baldrich suspended it, and after him General Gomez Pulido did the same, on the ground that the law was harmful. They were ill-informed who said this. The decree was published in 1870, in General Sauz's time. General Baldrich suspended its execution in consequence of a riot. He was asked to give his reasons for doing so, and replied that there was difficulty in finding skilled men to hold office under it, and requested the government to approve his course. I referred the matter to the cabinet council, General Baldrich's reasons seeming to me worthless, and recommended the execution of the law. It was referred to the council of state. I soon afterward ceased to be minister. General Gomez Pelido had nothing to do with the matter, since the decree remained suspended during his term of office.

There would be no reform in Cuba until the war was over. In Porto Rico there would be a separation of the civil and the military authority; but this was still under consideration, and the bill was not yet prepared. As for the principal question, that of slavery, the institution was defended by none; its abolition was a question of form and time; the time had come to abolish it in Porto Rico, and the slaves would be emancipated there without loss to their masters. There was much anonymous opposition; but when the question was debated in the Cortes they would see what it amounted to. No other reforms than these were proposed for Cuba, Porto Rico, or the Philippines. Mr. Inclán had seemed worried because the towns were to name their dependents and schoolmasters. But the town-councils in Porto Rico were not as free as in Spain, since their president was appointed by the government, and the influence of the government would thus be felt.

Mr. Inclán had said that a majority of the Porto Ricans were secessionists; let him prove it. Not one in ten was a secessionist. The Porto Ricans know they are not suited for a republic, they have no affinity with Cuba, and they do not desire annexation to the United States. Because two hundred men once got up a riot, were all Porto Ricans secessionists? The province was loyal and firmly united to the mother country.

It was said the Cuban rebels would lay down their arms if reforms were given to Porto Rico. He would be glad if the decree could exert such a decisive influence. The rebels had nothing on their side but physical force; Spain had her army and justice. They would not seek independence, but rise to the level of the colonies of other nations.

Mr. Saurez Inclán said the colonial minister's remarks impressed him painfully. He had thought Mr. Mosquera would carry out Mr. Ayala's colonial policy, as he had pledged himself to do when he entered the cabinet for the first time.

Mr. Mosquera had said that the loss of the American possessions was not owing to reforms. History contradicted him. The American deputies to the Cadiz Cortes were the first to head the insurrection, as also those who begged reforms in 1865 had headed the Cuban revolution. After such terrible experience and disillusionment was it conceivable, that in the year of grace 1872, they should again allow themselves to be hallucinated and taken unawares?

The colonial minister replied to Mr. Inclán's assertion that he was pledged to continue Mr. Ayala's colonial policy, and narrated his interviews with that gentleman. He then reverted to the first municipal law of 1870. Mr. Ayala and General Baldrich were executing it, but it was suspended, on account of a riot, during his (Mosquera's) term. He concluded by saying that the government would not be influenced by the filibusters in Madrid any more than by the slave-drivers.

The Marquis de Barzanallana obtained the floor, and spoke in reply to Mr. Zorrilla's allusion to the moderado party having been influenced by foreign powers, saying that the moderado cabinet had obeyed no foreign influence in arranging the so-

called Spanish marriages. He was profoundly pained by Mr. Zorrilla's declaration that it was necessary to follow a different policy from the moderados to avoid becoming a second edition of Morocco and Turkey. The moderados had always acted with intelligence and prudence. They did not defend slavery in principle. They wanted to treat the question as its immense importance demanded. They did not wish to imitate Turkey or Morocco, but rather Brazil, or England in her treatment of the Irish question. No policy in America had been more paternal than theirs, and this should be proclaimed to those governments whose policy was to exterminate the native races on their soil; whereas the moderados had lovingly preserved them. He thought the discussion of emancipation premature at that time, and would wait till the bill therefor was presented, and then they would see how to settle the important question of sudden liberty to the slaves at a cost of six hundred million of reals, (\$30,000,000.) He concluded by notifying the government to be ready to produce, when called for, all the documents and notes from all the foreign governments relating to the government of the colonies.

The president of the council of ministers replied to the Marquis Barzanallana. The government had not originated this debate. Mr. Inclán, with unwonted vehemence, had appeared as an echo of those papers that for twenty days past had been calling the ministers filibusters. Mr. Inclán had spoken of national integrity, of the loss of the Antilles, of diplomatic documents, and had cited nothing. He had said "If we could only see all the documents, if the country could only have overheard all those conversations between the minister of state and the envoys of foreign powers!" What would the government do but protest!

The colonial secretary had given explanations respecting the present colonial policy which would quiet the apprehensions of all but the members of the national league. All were agreed on the following points:

First. Neither the preceding ministers nor the present sought to do anything in Cuba, either administrative, political, or social, while a single rebel remained in arms.

Secondly. The island of Cuba must be both materially and morally pacified before reforms can be thought of, and if this government is not fortunate enough to hold office when that occurs, it will give its successors the same advice.

Thirdly. So far as Porto Rico is concerned reforms will go no further than the government has said, namely, the law of ayuntamientos, as already explained by the minister of state, the separation of civil and military authority, which has no more importance than that given to it by those whose sole motive is to cast one more stone at the object of their resentment; and the slavery question, which is the chief, not from its difficulties, for we have shown that it presents none, but from the precedent establishments, and the government has already declared that it will be no precedent for what may hereafter be done in Cuba. We face the issue resolutely and frankly, for we believe that all that we may accomplish for the country, for liberty, and for the dynasty, would be as naught when compared to the memory that would live after us if we fall before a league, national or liberal, or whatever may be its name, formed to withhold liberty from thirty thousand men whose only crime is that their faces are of another color than ours.

Mr. Cervera. Senators, the members of the republican party have waited with great impatience to learn the intentions of the government, and after the rude shock it has just received from one of the minorities in the senate, we cannot remain silent, but must say that we approve the purpose of the government, although we scarcely venture to applaud it, for we are not content with so little, but seek to go further.

Since the revolution no event has impressed me so much as to hear proclaimed from the ministerial bench the immediate abolition of slavery. This is a great conquest. My country begins to be just, and the nations who are strong enough to be just have the right to enjoy all the liberties that prepare the way for their happiness in the future.

The PRESIDENT. A motion which has been presented will now be read.

It was then read and is as follows:

We pray the senate to declare that it has heard with great pleasure the explanations of the president of the council of ministers respecting the causes and the solution of the recent crisis.

"Palace of the senate, December 20, 1872.

"Ignacio Rojo Arias, Enlógio Eraso, Saturnino de Vargas Machuca, Tomás Acha, Vicente de Fuenmayor, Cosme Marin y Vallejo, Rafael Primo de Rivera."

Mr. Rojo Arias supported the motion. He said it explained itself. Mr. Juarez Inclán had taken upon himself to advocate, in the name of the Spanish nation, opposition *ad perpetuum* to reforms in the colonies. This proposition was intended to show the chamber and the country that this question to which a false character had been attributed was simply a political issue, and the expression of the pleasure of the senate on seeing that the crises of a radical ministry were purely parliamentary. In other times only those in the secret knew what a crisis was about. As his object now was to obtain the views of the senate, and, through it, of a majority of the coun-

try, he would not set forth his own views, but simply urge the senate to take the motion into consideration.

The motion was then taken into consideration.

The debate being opened thereon,

Mr. Calderon Collantes approved it. He regretted that it should be brought up now after a stormy and undignified session. So grave a question ought not to be virtually settled by an incidental proposition like this. Was it prudent for the senate to hastily contract an obligation it might have to retract? He begged that the proposition might be withdrawn, and that the government would lay before the senate all the antecedents that had led to their decision, with all necessary documents, so that the question might be studied in detail and not settled off-hand and as a party measure.

All parties felt that the future of the country and the honor of the nation were involved. Personally, he represented no party, and was ready to treat the question, at the proper time, from the elevated sphere of national interests and of right. If obliged to vote against abolition he would not do so because he was a direct or indirect partisan of human servitude, but because the liberty of the blacks might compromise the security of the whites.

Mr. Rojo Arias thought Mr. Calderon Collantes could not have heard the motion read; it did not involve a decision on any matter of colonial policy; all were agreed that the discussion of these questions should be deferred. What he asked was that the senate should approve the settlement of the crisis.

Mr. Calderon Collantes said he opposed it on this ground too; the crisis had been badly adjusted; three ministers should have left instead of two, and he thought of making an interpellation to learn why General Córdova stayed in the cabinet, when he shared the opinions of those who had resigned.

Mr. Rojo Arias insisted on his motion, and thought the course of the minister of war deserved a vote of confidence.

Mr. CERVERA: In the name of my friends, I have to state that, as the reforms in Porto Rico were the sole cause of the crisis, and a vote of confidence is now asked for the government, we, who regard the motion now before the senate as a condemnation of slavery in principle, can, under the circumstances, do no less than add our votes to those of the majority.

The motion was again read and put to the vote, being carried by 51 votes to 5.

[Appendix E.—Extract translated.]

Summary of the proceedings in the chamber of deputies, December 20, 1872.

The president of the council of ministers regretted he had not been able to come before the chamber that afternoon to explain the crisis, but the prolonged debate in the senate had prevented.

Mr. Zorrilla proceeded to explain the causes of the crisis in substantially the same words as in his senate speech. (See Appendix C.) Three questions had for some time occupied the cabinet; they all referred to Porto Rico; on the municipal law the cabinet was a unit; on the separation of commands they were also agreed, although nothing had yet been done about it; on the emancipation question they were agreed in principle but divided in form—three being for gradual and five for the immediate abolition of slavery. The latter question was deferred for weighty reasons. But Mr. Bugallal's interpellation, and the subsequent vote of the chamber, determined the crisis. Two ministers resigned. The King urged their continuance in the cabinet, but as the dissidence could not be overcome their resignations were accepted and successors named in accordance with the opinions of their colleagues and the vote of the chamber. The minister of war shared the views of the two who had resigned, but would remain in the cabinet until important measures pending in his office were disposed of. The new ministers had been identified with the most advanced wing of the radical party since the revolution, and had held office in previous cabinets.

The deputies knew what the new cabinet signified, immediate emancipation in Porto Rico; [applause;] and this not by decree, as had been asserted, but by a parliamentary law, for they would not infringe any prerogative of the parliament. [Applause.] What more could the enemies of the measure demand than the liberty of discussing it fully and combatting it openly, instead of merely advocating, without justice or reason, the postponement of a reform demanded by all whose souls swelled with the sentiments of humanity, and who sought that Spain should not become a mark for the jibes and sneers of the nation. [Applause.] The measure must come

before the parliament and be treated by men of enlightenment; men who could distinguish between defending an idea and upholding a fact; between advocating justice and following expediency; between defending the revolutionized Spain of 1868 and the traditional Spain of half a century ago. [Good.] It must be brought before congress to demonstrate that nothing was impossible for governments who would take the initiative, for chambers ready to second them, and for men who, loyal and consistent with the records of their whole lives, who had energy and manhood enough to stimulate their weaker associates, and defy their enemies, to say to reactionary Spain, "we will not go back a single step!" and to liberal Spain, "within the monarchy and the constitution all manner of triumphs and progress may be realized!" [Applause.]

The question of Cuba was completely separated from that of Porto Rico; Cuban reforms were not yet even under consideration. He had before declared, and now he repeated, that this government would attempt nothing, propose nothing for Cuba until, not merely material, but moral peace, was restored. It was unjust to say that reforms in Porto Rico meant reforms in Cuba; and was not only unjust but false to assert that the reforms in Porto Rico would go beyond the declared programme of the government. He said this for the fourth or fifth time, and he hoped for the last time.

This cabinet did not ignore the serious difficulties that confronted it, and the hostile attitude of parties not heretofore hostile to the revolution. But these would be overcome as graver difficulties had been. They found the Carlist insurrection in full vigor, and this had since been complicated by the rising of the extremists. It seemed as if chaos and anarchy threatened them. But the government had kept on its steady course. With the Carlists in arms it had presented and passed the Church bill without any increased alarm resulting. Order had been disturbed in many parts of Spain, but the constitutional guarantees had not been suspended. The government was tranquil in the face of these dangers, because it had faith in the strength of its principles, and sought to serve the country; if the country abandoned them they would quit their posts, but not their principles, and fall with honor. The recent conscripts were now in the ranks, although this had seemed an impossibility; the budget was passed, the Church bill voted, and many other reforms; the Carlists dominated, and all public and secret foes confronted with success. How great a triumph for the government and the radical party if to all this it added the emancipation of 30,000 slaves!

Mr. Zorrilla then adverted at some length to the question of public order, stating his purpose to reorganize the police and penitentiary systems, to inaugurate reforms in the criminal law, and to adopt other constitutional means to restore and preserve order.

He concluded by saying that, with the strength and good will of congress and the country on the side of the government, that everything was possible in the way of the tranquil development of law and reform; and that one thing alone was completely impossible—that reaction and traditionalism can ever take the place of liberal and democratic principles. [Great applause.]

The debate on Mr. Becerra's proposition of 17th (see Appendix A) was continued.

Mr. Esteban Collantes opposed it. He wanted the colonial issue fully debated before the holiday recess. The government had initiated the gravest crisis of the century. All desired the integrity of the national domain, did they not? [Cries of yes!] Then cursed be he who failed to hold his word. The government had raised an issue at once political, administrative, social, and commercial. Was all this to be discussed in one night? No; let it be debated for three days, or three months, if need be. This was not a party question. It was about as proper to call the majority filibusters as to speak of Bourbonists and Alfonsists in this issue.

Mr. Zorrilla's exposition was simply a sequel to what he had said the other day. He then said three things: that the government took up reforms because it was pledged to do so; that it possessed more data on the subject than the oppositions and the nation; and that the country was deeply agitated, and each day brought forth a calumny or a falsehood. The government was pledged to reform. Was this the only reform promised? How about the abolition of conscription, the reduction of taxes, and economies in the Budget? If these were not realized, why not take time to consider the colonial question coolly? The government possessed more data than the country! This was a very grave self-accusation. Why not begin by laying before the house, as other nations did, all the documents relating to this matter? Why not publish all that had taken place between the United States Government and that of Spain? This would have avoided the circulation of unauthorized documents and rumors.

The country was perturbed, and new calumnies arose daily. Was not this liberty one of the conquests of the revolution? His party believed there could be no peace where a government or a monarch could be thus assailed. The radicals called this freedom a boon; let them suffer the penalty. The so-called conquests of the revolution were a calamity, and it was a double calamity to carry them to the colonies. "We (the Alfonsists) do not oppose reforms, for we are reformers, nor progress, for we are lovers of progress; we combat reforms which will cause the loss of Cuba and Porto Rico, and afterward of Catalonia, and after that of Castile."

These reforms were inopportune from a commercial point of view, as he would subsequently show.

The Antilles demanded liberty and reforms. Why not demand of them obligations and duties? They were to be made provinces of Spain? Then away with that costly machine, the colonial office; no minister of Polencia or Oviedo or the other provinces was needed. Then why for the colonies? Why not tax them for the home government and give them the conscription? It was said that their climate and soil and surroundings were different. Then if they were not subject to the same duties they were not entitled to the same rights.

These reforms were inopportune because anarchy reigned at home. The peninsula was a perfect Babel, and to give the colonies the "revolutionary conquests" which had produced this result at home was simply madness. The municipal law was also inopportune, because the captain general of Porto Rico had been summoned home for explanations and the law would be executed by a subordinate officer.

Did Cuba really want the reforms they stood pledged to give her? Did the insurgents seek reforms or independence? There were two parties there, the Spanish element and the secessionists. The latter were in arms; the former defended the integrity of their country. It was said: give liberty to Porto Rico, and the Cuban insurgents will recognize our good faith and lay down their arms, and then we will give them the same concessions as in Porto Rico. But the armed rebels sought reforms only as a means towards autonomy and independence, and they would probably accept them, as in that way they would attain their ends. It was the same as if the Carlists had been told, "To overcome you we will establish absolutism in Madrid, and thus you will see that when you lay down your arms you will have absolutism in the Basque provinces too." This was obvious and conclusive. On the other hand, the volunteers of liberty, the real defenders of our territory against the rebels, are daily more and more dissatisfied with the Spanish government, and are not as active as they would otherwise be in terminating the war, for they realize that when the war is over you will give them reforms, and they do not want reforms; these so-called reforms are a punishment for their virtues; the war will never end; the insurgents will not yield and the volunteers will do nothing; and as you will give no reforms till the insurgents submit, civil war in Cuba will be perpetual under your system. And this proves that you yourselves think that reforms are ill-advised, for if reforms meant peace and prosperity and tranquillity and unity of territory, you would at once establish them in Cuba without waiting for the end of the war." "Were not reforms in Porto Rico and Cuba inaugurated under General Dulce? What was the result? What did Messrs. Becerra and Martos say? They said those reforms were used by the enemies of Spain in favor of secession and that they repented of having established them. This appears in a conversation said to have been held between Messrs. Becerra and Martos and the representative of the United States at this court. In that conversation it is stated that Mr. Martos said that reforms reacted against the interests of the mother country. If this be untrue, why were not the reforms continued in Cuba?"

Mr. Collantes then examined the effects of the municipal law. It permitted foreigners to vote, and it might happen that foreigners might predominate, and then Cuba and Porto Rico would be lost through universal suffrage. It permitted duties on articles of consumption introduced into Porto Rico, and that would ruin the commerce of Castile and Catalonia. Thirty years ago the colonies would not buy Spanish flour; they preferred that from the United States. Castile had spent one hundred millions in improving its flour mills, and now made the best flour in the world. All of this industry would be ruined by the law of ayuntamientos. He concluded by saying, "Loyal Spaniards, as I have shown, do not wish reforms in Cuba; those who demand them are traitors; and you, with the best intentions, are defending a mistaken solution of the problem."

The Minister of Fomento (Mr. Becerra) replied. It was natural for those who thought the revolution of 1868 an evil should oppose reforms. The data possessed by the government relating to the colonies would be made public in due time. It was asked, if reforms be good, why not give them to Cuba? Because reforms demanded by force ought not to be conceded. They did not repent of having given reforms to Cuba, as Mr. Collantes had said; they had nothing to repent of as long as they withheld those reforms.

Mr. Collantes had called emancipation an incendiary measure that would spread from Porto Rico to Cuba. How would it spread? Would the freedmen incite the slaves in the other islands to seek their freedom? No. The slave-drivers had made them less than man, than beasts even, for they had neither property nor family. The tiger might nourish her young, but the infant slave was torn from its mother's breast and sold. How then could it spread? Through the slave owners and the press? Impossible. The insurgents already offered the slaves freedom if they would take up arms. They did not. But a day might come, if the war lasted, when the slaves would realize that they were men with or without reforms, and then would come the real struggle.

Mr. Estéban Collantes refers to a conversation which I do not recall; but I presume that it was one that took place when the minister of state and several other persons met at the house of the president of this chamber, (Mr. Rivero.)

MR. ESTÉBAN COLLANTES. I do in fact refer to a conversation held in the house of the president of the chamber, in which the ministers of state and public works and the envoy of the United States took part; and in which, according to the published report, it was said that reforms in Cuba had produced results contrary to those expected. If this be not true I have nothing more to say.

THE MINISTER OF FOMENTO. I thank Mr. Collantes for his response. I cannot say how long ago this conversation was held; but several of us and General Sickles did, in fact, dine one day at General Rivero's house. After dinner we talked about this already old question of reforms in Porto Rico. The conversation took place before twelve or fourteen persons, and there was no objection to its being heard by all Spain. We said then that the government was disposed to grant reforms to the loyal and pacific province of Porto Rico, which had on all occasions given such proofs of its fidelity, and to take the initiative in doing so, for we would never grant reforms at the instance of a foreign power. We spoke also of the Cuban war which has presented the aspects of a national war, a civil war, and a war of personal animosities inflamed by the tropical sun and climate. I do not remember exactly what was said, but I recall that we did not allude to individual rights, and touched but slightly on the evil return made by the insurgents to General Dulce's generosity. A letter from General Sickles was afterward published contradicting the interpretations given to that conversation. As for myself I have never taken notice of any interpretation that may be given to my acts, and therefore I give no heed to what may be said of the part I took in that conversation.

Mr. Collantes had asked: "Why not give the colonies all the reforms of the mother country?" Had England done so with Gibraltar, Canada, and Sierra Leone. The ground must be gradually prepared beforehand. Nothing would yet be done in the Philippines or Fernando Po. Mr. Collantes had censured the law of ayuntamientos, without recollecting that the Marquis de la Habana (General José Concha) had demanded it for Cuba.

MR. ESTÉBAN COLLANTES recurred to the Rivero dinner incident. He said: "I stated that a report had been printed of a conversation between the ministers of state and fomento, the president of this chamber and the United States envoy, and I also said that this incident had led the president of the chamber to write a letter to General Sickles touching this arduous affair. I have therefore concealed nothing." The document to which I refer says:

"Mr. Martos observed here that as soon as the present government came into power they sent General Dulce to Cuba with instructions to make the largest concessions to the Cubans. He granted them liberty of the press, and they used it to denounce the government of the revolution. He recognized their right to hold public meetings, and they employed it to despoil Spain of her territory. It then became plain that what the Cubans wanted was not liberty, for that was offered them, but independence, and that Spain could not yield to force without dishonor.

"I offer these words in proof of my argument, but I have shown the pro and con of the question and concealed nothing."

THE MINISTER OF FOMENTO. I shall reply but briefly to Mr. Estéban Collantes's statements. The document he has read confirms what I said. Cuba may need reforms on a greater or less scale, before or after Porto Rico; but the flag of "Death to Spain" has been raised there, and this cry could not be answered otherwise than by preparing for the combat. What did Mr. Martos say to General Sickles? That some reforms had been essayed, that the enemies of the country sought to make use of them, and that, in consequence, they could not do otherwise than fight. My own private opinion, gentlemen, is that a dictatorship would be the best means of speedily ending the war, for there are occasions in which dictatorships are not merely useful, but necessary.

Mr. Ramos Calderon said he would say but little, as it was nearly 1 o'clock, and the chamber must be tired. This was not a time for argument, but for feeling, when the liberty of 30,000 slaves was proclaimed by the prime minister. No more important event had happened for a century, save the United States liberating their four millions of slaves, and the convention under Danton freed the slaves in the French colonies. He then replied at some length to Mr. Collantes's remarks, touching the action of the cortes of Cadiz, the influence of colonial reforms on Spanish industry, and the inequality of the *status* of the colonies and of Spain. Could any situation be sadder, he said, than that of an enlightened citizen of Porto Rico who travels in foreign lands, who comes to Congress, and who is free everywhere save in his native island. Even during the reign of absolutism, the laws and organization of the peninsula extended to the colonies; now that absolutism is over, the reign of liberty should be extended to them. And these reforms would be at once given to Cuba if it were not cowardice

to do so now. He concluded by saying that the ten deputies from Porto Rico had not proposed these reforms to the radical party, but had simply urged the fulfillment of existing promises. Even if those deputies were not here, the radical party would have fulfilled its pledges. The principle of reform had been guaranteed in the constitution framed without the concurrence of colonial delegates. Their fathers had freed Spain from the yoke of the great captain of the age (Napoleon,) and the sons now added their mite to civilization in freeing the slaves.

General Gándara (formerly captain-general of San Domingo) spoke against reforms. His own experience in the colonies showed him that some of these reforms were unwise. No Spaniard who had been across the Atlantic did not return of the same opinion as those who form the Spanish party in the colonies. The only republican deputy who had been in Cuba, Mr. Villergas, had spoken the other day against reforms; and the only member of the late cabinet who had been in the Antilles had provoked the crisis. All partisans of radical reform were inspired by patriotism, and so were those who might differ from them in some respects. No one could oppose the abolition of slavery, for example. He (General Gándara) had been a reformer since 1848. But he objected to the form of the municipal law now given to Porto Rico. It restricted universal suffrage and gave the town-councils autonomic powers, restricted suffrage, eliminated the most healthful and most Spanish element in Porto Rico. Why not rather leave universal suffrage and restrict the powers of the ayuntamientos? The law attacked the principle of authority and left the governor no means of governing. It might be needful to limit the governor's powers, but he should have enough left to enable him to execute his mission. Another transcendental reform was the separation of civil and military commands where they had never been separated hitherto. This also grievously wounded the principle of authority.

As for the slavery question, he was an abolitionist. But why liberate 30,000 slaves from impulse, and maintain 600,000 in bondage from motives of expediency? The same motives of expediency militated against the untimely emancipation of the 30,000. They ought to be free if they could be freed without risk. Moreover, sudden emancipation could not be accomplished by the mere command of the governor when he receives the law. He will have to make "regulations" and take time for its enforcement. It was better to study the measure here maturely than to leave it to be studied afterward in Porto Rico. He concluded by saying:

You tell us that you only treat of Porto Rico and not of Cuba until not merely peace but moral tranquillity be restored. Well, then, I tell you this: if Céspedes, on witnessing reforms in Porto Rico lays down his arms and begs that the same reforms be given to Cuba, will you tell him that it is impossible, because moral order is not restored?

And by what means will you restore it? Will the arguments you have employed and the antecedents you have established lead you, against your will, to give the same reforms to Cuba. Can you maintain there a municipal and provincial autonomy? If reforms be established in Porto Rico submission in Cuba is inevitable, for they are too shrewd not to embrace the opportunity, and they will say: "We are at your orders; give us the same advantages you have given Porto Rico." Go on, then, and give them the means of organizing their forces and preparing for an immediate and triumphant revolution; and you will be forced to endure the humiliation of defeat without even winning the gratitude of those you have favored.

The discussion was her suspended, and the house adjourned at a quarter before 2 o'clock.

[Appendix G.—Extract.]

Synopsis of the proceedings in the chamber of deputies, Madrid, December 21, 1872.

[From La Gaceta de Madrid, December 22, 1872.]

The sitting began at 1.15 p. m.

Mr. Padiá said the transport of slaves from Porto Rico to Cuba was prohibited by law except when they had relatives in the latter island, and then only at their own desire, and in legal form. This law had been frequently evaded hitherto. He asked the colonial minister if orders had been given to positively prevent this traffic, now that emancipation was about to be proclaimed in Porto Rico.

The Secretary said the question would be communicated to the colonial minister.

Several other questions were asked when

Mr. Labra presented two petitions praying for the abolition of the death penalty and slavery.

The order of the day was then entered upon and Mr. Becerra's proposition was taken up.

Mr. Ramos Calderon rectified an observation made by General Gandara the previous day. They meant to free thirty thousand slaves in Porto Rico because the island was fit for the measure. General Gandara had said Cuba would soon be pacified. When that happened they would free the remaining six hundred thousand slaves, and thus in God's name blot out slavery on Spanish soil.

Mr. Nuñez de Valasco replied briefly to Mr. Estéban Collantes's speech of the previous night. Mr. Collantes had said that the interests of Catalonia and Castile were bound up with those of the Antilles, and that their flour trade was in danger of utter ruin. He wished to reply as a deputy for Castile. He thought Mr. Collantes labored under a grievous error fraught with terrible consequences to Spain and the Antilles, if he and his partisans regarded the colonies as mere sources of profit, and to be worked as such. If Spain's prosperity lay in her trade with the Antilles, it could only be kept up by making the Antilles entirely Spanish, identical with the mother country in aims, feelings, language, rights, and laws. One province could not be privileged and another enslaved without grave perturbations. Privilege engendered pride, and oppression rebellion. It should be borne in mind that the same waves that rolled Spain's hymns of freedom to the Antilles brought back to her the groans of slavery, and that, while Porto Rico was peaceful, her slaves should be proclaimed men, and not left to realize that they were men, and not to fight for manhood and freedom.

Mr. Estéban Collantes said that they were not discussing slavery; it was a side issue, brought in to divert attention from the main points, and had nothing whatever to do with Catalonia's commerce or Castile's flour.

Mr. Nuñez de Valasco said they were discussing colonial reform. Mr. Collantes looked at these solely from the point of view of expediency and not of justice. The provinces of Castile had sent delegations to confer with the government; all had asked colonial reforms. In all Castile there were not two men who thought as Mr. Collantes did.

The Marquis of Sardoval spoke in favor of the proposition. This was the most important issue since the adoption of the constitution of 1869. It was not strange that the separate groups of the opposition should unite against it; some opposed it with consistent adherence to their traditional principles, while others now denied the creed they accepted when the "conciliation" was framed, showing that they had then accepted it for ends of personal expediency. The question was grave, but none should fear to grapple with it on that ground, had not the constituent cortes met and decided far graver issues? Silence should no longer be allowed to give consent to an assumption that they did not feel confidence in their own freedom, and doubted its efficacy in the Antilles. [Good, good.] It would argue debility not to accept the gauntlet now thrown down, and the victory would assuredly not be with those who sought to stifle the right under the mantle of much patriotism. Mr. Collantes had concluded his address by telling the story of a bad actor, in times of absolutism, who, to avoid being hissed from the stage, closed all his speeches with the cry, "Long live Ferdinand the Seventh!" but up thought a parallel to this actor was to be better found to-day in those who wound he their barren arguments with the cry of "Long live Spain!" [Good.]

The municipal, provincial, or financial organization of the Antilles was not under discussion; the real issue was that of slavery. It was said that no one defended slavery in the abstract. But they were not discussing it in the abstract. These were the tactics of the opposition; they accepted abolition in principle, but rejected it in form; they accepted reform, but denied that the time for reform had come. Those who thought twenty-five years ago that there was no obstacle to emancipation within a period of twenty-five years, now that the period is past, hold that the time for such a measure has not come. It was incredible that those who had so recently voted the constitution of 1869 should now deny its principles. In fact they could not discuss its principles now; conservatives and radicals adopted it in common, and must support it together; the only issue was the manner and time of carrying out its precepts.

The orator then drew a parallel between the electoral coalition of April, 1872, and the present league. The motto of the former, he said, was the purity of the ballot; of the latter, slavery. It was most fortunate that this issue had arisen to draw a well-defined line between rival forces. [Applause.]

He complimented General Gándara on the good sense, earnestness, and prudence of his speech, which might be summed up as an argument to show that colonial reforms were dangerous, and contrary to the opinion of the country. It had been said that reforms, however just and necessary, could not be attempted, because the Spanish party in the Antilles opposed them. Men of all parties, there, only remembered their nationality. All alike cried, "Long live Spain," and all were resolute in combating reforms. Was the intelligence of the Spanish race like the magnetic needle, that lost its fixedness in certain latitudes? Did the liberal become an absolutist on reaching tropical climates? If this were so, he would never cross the seas for all the gold in the bosom of virgin America. But it was not so. Ideas attained a collective force that commanded obedience, even though opposed to individual convictions. Only thus could it be explained how the slaves submitted to the lash, and how armies obeyed their chiefs' commands and enforced submission on their mutinous comrades. This was

the case in Cuba. Some Spaniards go thither to seek their fortune, others to practice a liberal profession, but most of them to hold government office. What happened to those who did not sport the badge of the volunteers? The lawyer found no clients, the merchant found no custom, and there were influences powerful enough to remove the employé, unless all joined in the general cry. An old anecdote would illustrate the situation in Cuba. An illustrious poet, being asked why he had become a brother of the holy inquisition, replied, "I had rather be the cook than the chicken."

It matters naught to me that the Spaniards in the colonies do not wish reforms. The constitutional convention did not consult the Carlists or the moderados when it gave Spain the liberties guaranteed by the first chapter of the constitution. Here, and here alone, must we and the government seek our inspiration; and if, perchance, the government should be swayed by other suggestions and other motives, and I believed the partisans of reform were in a minority, I, a radical, would counsel my friends to abandon these seats. [Good, good.] But fortunately this is not the case. Congress is the true representation of the country, and should alone determine the course of the government.

Why are reforms perilous? Must they result in the loss of the colonies? I recall how often it has been said that the patriotism and valor of the volunteers, with the concurrence of the Cortes and the nation, are enough to prevent the rebellion from triumphing, and how I have heard it said that the rebellion was crushed, and that the bands remaining in the swamps were bands of outlaws; but, if it be true that the volunteers are ready to sacrifice life and treasure to prevent the plucking of the rich gem of Cuba from the diadem of Castile, do you believe they will be against us when reforms are extended to those regions? It would be the same as saying that the patriotism of the volunteers is mainly interest. And, as I do not believe this, from this place I say to the volunteers that they have officious friends here who do them grievous wrong in supposing that they will renounce their defense of the integrity of the nation if reforms be accomplished. [Applause.]

The orator then cited the past record of Mr. Ayala and General Serrano. After the battle of Alcolea, Mr. Ayala said: "The revolution we have effected is so great, so mighty, that the limits of the peninsula cannot contain it, and its beneficent effects reach beyond the seas. Liberty goes out to the colonies, and their representatives shall come hither, who shall be deemed our brethren and shall have an equal part with us in the government of the nation."

And in 1867, when the moderados were in power, the Duke de la Torre, (Serrano,) captain-general of Cuba, freely and without pressure, made a report to the colonial minister, Mr. Castro, in which he said:

"I have been led to recognize, and I can do no less than say to-day to Her Majesty's government, with all the loyalty of my character and impelled by my most intimate convictions, that the complaints of the Cubans are just, that their aspirations are legitimate; that there is no reason why they, Spaniards like ourselves, should have no part nor any voice whatever in the government, nor even one of the constitutional guarantees to which we of the peninsula are entitled; that there is no reason why a military and absolute government, from the highest to the lowest in the scale, should be the sole rule in the Antilles; and that now is the fitting time—and let not the government forget it—to take advantage of the internal and external circumstances that favor the political reform urgently demanded by the Spaniards in the colonies, and which it is just and proper to grant them without delay.

"As for the domestic government of the island of Cuba, the extent of its territory makes it indispensable to divide it into several provinces, in order to avoid an excessive centralization prejudicial to all interests. The island was formerly divided into three departments, * * * but it seems to me that the increase in its population justifies the division of the island into six provinces, which I have heard recommended by many Cubans, and which would be Havana, Pina del Rio, Matanzas, Villaclara, Puerto Principe, and Santiago de Cuba. There is no reason whatever why these provinces should not be organized in conformity to the 'Laws of the Indies,' before cited, in the same form and manner as those of the peninsula, with their provincial assemblies and councils, the former being chosen conformably to the electoral law which may be established for deputies to Congress, and the latter nominated by the superior civil governor from a list proposed by the assemblies, seeing that such appointments by the supreme government offer difficulties that will readily be appreciated. Each province should have a government without military command, as in the peninsula; and, in order to secure able men, natives of the island and familiar with its needs, it would be better that they should be named, or at least proposed, by the superior governor."

With respect to the most important issue, the slavery question, General Serrano said:

"And hence the most salient among all the questions is that of slavery, an unfortunate heritage which, always a moral evil, is to-day the source of most serious perils, both domestic and foreign, which menace our transmarine provinces, and compromise the dignity and the peace of the Spanish nation. Thus it was seen that the Duke de

la Torre declared in 1867 that the honor and tranquillity of the nation were compromised by slavery. And why should they not now deem that the present situation of Cuba was due to their disregard of these foreseen counsels?" [Marks of approval.]

And afterwards he says :

"It is a question of humanity, and under the pretext of humanity we are ever menaced, and more and more day by day, with a disturbing and humiliating foreign intervention, so long as we maintain slavery in our transmarine possessions."

That was to say, (the Marquis of Sardeval continued,) that no other reforms could be attempted until slavery was abolished. The Duke de la Torre thought so at that time, and the radical party could not afford to be less prominent than he in conceding reforms. He continues :

"In England, in France, and also in Spain, there are anti-slavery societies, which are steadily gaining in the public opinion, for the motto of their standard appeals to their sympathies, and they will end by exerting an irresistible moral influence. Let us make haste to work to the same end with freedom and prudence, lest the current of abolition come to-morrow and sweep us away with it, overwhelming all interests alike, without the guidance of reason and without any possible compensation for the slave-owners."

There was an argument that seemed to be the Antilles argument of the question. It had been asserted that white labor was impossible in those regions, but on this point also the Duke de la Torre dissents from the common opinion. He says :

"On very many plantations in Cuba, and especially in Porto Rico, the erroneous idea has been dispelled * * * that the whites could not stand field-labor in tropical climates, and since their aptitude for such labor has been demonstrated, the first duty incumbent upon those of us who are interested in the prosperity of the Antilles, is to favor white emigration thither by all possible means, white labor being the most profitable system, and the only one that offers no perils in the future, and to prohibit absolutely any other race whatever."

The Marquis of Sardeval concluded by congratulating the government and the nation on the firm ground it had taken in defense of reforms, of justice, and of right. [Applause.]

General Gándara replied briefly. He had been a consistent advocate of reform before the Marquis of Sardeval was born, and was still. He did not know whether the object of reading from the record of Mr. Ayala and General Serrano was to show that they contradicted themselves, but he was sure those gentlemen would continue to defend those views, and if they did not, he (Gándara) would defend those views on his own account. But it was easy and popular to defend the slave in the regions of the ideal, just as it was difficult and unpopular to seem to defend slavery even on practical grounds. He was as good an abolitionist as the Marquis of Sardeval; they only differed as to the manner of abolition, gradual or immediate. The black race, for which the United States and the French convention had done so much, was ungrateful. The convention decreed them freedom, but in doing so it decreed the extermination of the whites. What was the present vocation of the Haytian negroes? According to General Ghebrard, their President, 350,000 of the 700,000 inhabitants of Hayti belonged to the secret society of *Boduc*, an anthropological society, which stole, sacrificed, and devoured children. This was a fact, and had come under General Gándara's own observation while governor of San Domingo, when twenty-four child-eaters had been executed by President Ghebrard's orders. Give sudden freedom to such a race and they would relapse into barbarism. This was the result of the exaggerated philanthropy of the convention.

Slavery was abolished in the United States against Lincoln's own desires, for he had thought to end it with the close of the century, and its speedier abolition was due to a war which ruined the country and imposed the hardest laws of war on the conquered. The South still groans under those laws. He had already shown the distinction between Cuba and Porto Rico with respect to reforms. There were two parties in Porto Rico, and insurrection was latent there; but Cuba was in a state of war, and he deplored that a Spanish Congress and government, inspired by a grand ideal, should so grievously err as to decree reforms which would favor the rebels in Cuba.

General Gándara closed by alluding to the Marquis of Sardeval's dread of crossing the seas lest he should lose the sentiments of liberty. This was not so. The sense of liberty was not lost, but that of patriotism was strengthened. So certain was he on this point, that he would willingly agree to accept the marquis's views if the latter would make the voyage and judge for himself.

The Marquis of Sardeval was glad to hear that General Serrano and Mr. Ayala held the same views now as they did then.

Mr. Alvarez Bugallal opposed the motion. He had risen from a sick-bed and come thither in order to "pulverize a miserable calumny." He had been accused, secretly and openly, of having connived with the president of the council in making his interpellation of a few days before—of being Mr. Zorrilla's accomplice in a shameful

farce! He "fulminated his scorn against such calumnies," and abandoned them to the contempt of the chamber. His alarmed patriotism impelled him to make his interpellation, and he would have addressed it to any ministry whatever under similar circumstances. The ministry had taken advantage of his interpellation to precipitate a crisis, which fortunately had shown that the radical party was divided upon an issue in which the government now claimed to represent the whole party, and even now one of the ministers refused to follow the rest in the pathway of perdition. This demonstrated that it was not a party issue, but a national question, affecting the integrity of the country.

What changes had taken place since Mr. Zorrilla made his elaborate declaration that the policy of the government in Cuba and Porto Rico would be the policy of the Cuban volunteers! That declaration, which had re-assured the minds of all, was seconded by Mr. Mosquera, who proclaimed his purpose to follow the policy of his predecessor, Mr. Ayala. He, who was now the chief paladin of reform, in 1869 denied that slavery was what it was alleged to be, and had again and again maintained that not a single reform could be given to Cuba and Porto Rico until material pacification should be followed by moral tranquillity. In this very Congress Mr. Zorrilla had answered Mr. Sanromá and opposed immediate reforms. Mr. Bugallal then added:

"I cannot bring myself to believe, for the honor of my country, that the words of the message of the President of the United States could have had any direct influence upon the course of this government; but I tell the minister of state that, in view of such a declaration, I would have completely refused all reforms, and would never have permitted a foreign government to mark out for me not merely the path of the immediate abolition but also that of reforms."

Here Mr. Bugallal read extracts from the President's message.

"I leave it to the judgment of the house if, immediately upon this publication, it comports with our national dignity to undertake colonial reforms at such a time. When a foreign government dares to designate a specific question as a cause of perturbation in a Spanish province, and to indicate a specific solution and the necessity for adopting such reforms, it is not the time for a proud and dignified nation to undertake them."

Mr. Bugallal then argued that the *status* of Cuba and Porto Rico was identical socially, and that no discrimination could be made between them. A powerful secessionist element existed in both islands. Spanish liberties could not be extended to possessions where such ideas obtained, and where open enemies of Spain sought those liberties in order to conspire against her. The commissioners of 1867 had practically demanded Cuban independence by recommending an insular congress with power to vote their own budget. They were now rebels, and all the rights enjoyed by Spaniards were about to be put in their hands.

Mr. Bugallal then examined the municipal decree of Porto Rico. It gave the towns power to elect their alcaldes without governmental intervention; this privilege had worked great evils in Spain, and they would be worse in the Antilles. The schools and the clergy were under the control of the town-boards, whose moral influence was thus unlimited. The town-boards could levy taxes on articles of consumption, and if inimical to Spain—as they would be—they could exclude Spanish products and favor those of the United States. Worst of all they could arm a militia to fight against Spain. The decree was also unconstitutional under the 108th article, which limited the power of the government to proclaiming the municipal law of the constituent Cortes. And none of these grave evils were to be lessened by conceding a provincial assembly, and separating the military authority from the civil. On this point he had nothing to add to what General Gándara had said the day before. He concluded by saying that no one opposed abolition, for all were abolitionists by reason of being Christians and Europeans. The question was, should it be immediate or gradual? The former was dangerous and unconstitutional. The only safe path lay in the direction of slow, gradual, and steady reforms for the colonies. The inexperience of the liberals of 1812 and 1820 had caused great losses for Spain. If the lessons then given were heeded, the remaining portions of the land of Columbus would be irreparably lost.

Mr. Labra supported the motion in a most eloquent speech. He would say but little, the chamber was fatigued, and all were impatient to hear the eloquence of Cordero. But as a deputy from Porto Rico, he must reply to the attack lately made on the representation from that island. He and his colleagues represented the desire of the island for the termination of the *status quo* and the concession of the reforms promised by the revolution. They represented not merely the liberal party of the island, but almost the whole population. They sought reforms constitutionally and through the action of the nation. They were accused of impatience and of disturbing public tranquillity, of avoiding public debate on the subject, and of being actuated by selfish motives. They had remained silent, however, for three years, awaiting consolidation of the work of the revolution and a Cortes that should represent the liberal voice of the nation, knowing that when such a time arrived, reaction in the colonies would no longer be possible, and as Lincoln said on emancipating four million

of men, "it was impossible that a people should be half free and half slave." But the time had come for them to speak in behalf of the needs of the island. The Porto Rican deputation had sacrificed many individual views in order to reach a common and homogeneous accord. Some desired perfect assimilation with Spain; others, himself among them, sought colonial autonomy; but all had agreed to ask no more than what was promised by the constituent Cortes. They did not come to defend theories, but to demand the fulfillment of the laws, first, because these laws met the needs of Porto Rico, and secondly, because there was nothing more disturbing, more immoral in the life of a people than to leave laws unfulfilled, and through neglect or malice to convert a code into a dead letter. They demanded nothing more than obedience to the 108th article of the constitution, which provided that the government of the Antilles should be reformed as soon as deputies were present from Cuba or Porto Rico. And, therefore, they demanded, not colonial autonomy, but the fulfillment of the 3d and 4th articles of the two laws of June, 1870, which directed the government to promulgate them at once in the colonies. They asked the fulfillment of the 21st article of the preparatory abolition law, which promised a definitive law of abolition, with indemnity for those left in slavery by the law of 1870.

Those laws were not now under discussion. The Porto Rican delegation had not framed them. They were framed by many of those who to-day combated them.

He well knew what was the Achillean argument of those who opposed the execution of those laws in the Lesser Antilla. "All of us," it was said, "are partisans of reform, but with discretion, and at the proper time. All of us agree that reforms will work no harm in Porto Rico. The abolition of slavery is easy there, and political reforms will encounter but few obstacles. But the fact is, that whatever is undertaken or done now in Porto Rico anticipates what is to be done in Cuba, and we must not fall into the snare spread for us and reach Cuba, against our will, by the path of Porto Rico."

From the time Mr. Labra first took his seat as a Porto Rican deputy until now, he had frankly maintained that the Cuban issue was not one of mere force. It was, however, sought to mystify the issue; to reach Porto Rico by the path of Cuba, and to withhold reforms from the lesser island under the pretext of the situation in the greater one. Under cover of this they were asked to deny and renounce for the colonies all the conquests of the revolution. Such a course meant national dishonor and suicide.

Porto Rico's record was loyal. She had resisted the secession movement of Latin America in 1822, and fought for Spanish integrity in the war of Santo Domingo. Till 1837 she had had the same laws and municipal government as the peninsula. It was false that a secessionist party existed there. The Lares affair was a mere riot; it was unjust to condemn the whole island therefor.

What was the prime need of the island? The abolition of slavery. When, in 1866, Porto Rico was consulted for the first time as to her wants, she begged, for abolition, for she felt herself unworthy to ask for her own liberties until she had given freedom to her slaves. And since that time her deputies had deemed it their first duty to demand the emancipation of the small and lessening number of slaves in that island. In this they had been ably seconded by their constituents, who, dissatisfied with the incomplete law of 1870, had since voluntarily manumitted many of their slaves. The die was cast. The colonial issue was now defined. "Liberty to all!" was their rallying-cry.

Mr. Labra then recounted the history of the peace of Amiens, by which the slave-trade was revived and the slaves already freed were re-enslaved, thus precipitating the tragedy of Santo Domingo, which was in no wise the result of abolition. The dying exile on Saint Helena was haunted by the memory of this act, and the curse of Toussaint l'Ouverture would forever rest on the dynasty of Napoleon.

He concluded by saying:

"Forward, radicals! Forward, men of September! Our work is just, and must redound to the welfare of the country. Henceforward we can close our opened arms to none because they think differently from us. It is impossible that there can be Spaniards and anti-Spaniards in the Antilles instead of conservatives and liberals. No; those islanders may dwell with us, free as in the United States, expansive and quivering with life as in South America, and happy as in the English West Indies. Together with us they may tread the path of the future and of humanity, for there is room for all parties—republican, monarchical, radical, and conservative alike—beneath the standard of Spain; and all shades and tendencies of opinion may dwell in the august bosom of our fatherland. I have done."

Mr. Castelar then delivered a thrilling oration in favor of the measure. His speech, translated from his own revised manuscript, will be found in Appendix H.

The MINISTER OF STATE, (MR. MARTOS.) The speeches made against this proposition made a reply necessary on the part of the government; but a partial reply has been already made by the minister of fomento last night. You have just heard, deputies, the oration of Mr. Castelar, who is already fully aware that it is not because of my personal affection for him, but because I share the opinion of all those who have had the

good fortune to hear him, that I regard him as the first orator in the world. It is an honor for Spain that the most inspired accents heard in the whole world are uttered by a Spanish deputy, and are born in and spread abroad from the Spanish tribune. A great obligation rests upon the government in this debate; but under the present circumstances it cannot discharge it. The same thing occurs, gentlemen, in the moral life as in the physical life: when we journey on, oppressed with weariness and thirst, through desert sands, it is not possible for us to pass far from the cool spring that slakes our thirst, and when we are in the midst of darkness it were vain to hinder our eyes from drinking in the radiance of the light that shines through our gloom; and so, also, it were vain for me now to seek to enchain your attention. But I cannot, deputies, omit to make a few remarks in reply to certain phrases of most serious import uttered by Mr. Bugallal.

"The debate is closed. Mr. Castelar has spoken the last word; the slaves in Porto Rico are already free! [Great applause.]

"The law of abolition to be submitted to you by the government is the form by which we are about to realize this grand hope, but is the form and nothing more, since the inspired utterance of Mr. Castelar, which will be legally corroborated by the vote of the parliament, in reality is the final consecration of the liberty of those men henceforth.

"The senate yesterday was the scene of a great debate. Interests which I respect lifted up their voice then and there against reform; but the vote of that body was the same as the vote of this chamber the other day. The Spanish chambers have spoken. The abolition of slavery in Porto Rico shall soon be an accomplished fact. [Prolonged and repeated applause.]"

But from whence do these reforms spring? I regret to have heard from the lips of a Spanish deputy that the purposes of this government, which, in fine, represents the dignity, the high bearing, and the independence of the Spanish nation, and the votes of the two chambers do not respond to the inspiration of our consciences, to the necessity of discharging solemn obligations we have publicly contracted, but that they are due to the dictation, to the menaces, perchance, of some foreign nation. No! No one can believe this, no one has the right to say this; and these words of Mr. Bugallal's have prompted me to rise and dispel the shadow which seems to linger in his mind.

Mr. Bugallal did not say, as it has been said, however, elsewhere, that we propose the abolition of slavery because we are forced to do so by England and the United States; but the honorable gentleman has regretted that this project of reform should have coincided with certain utterances in the message of the President of the United States.

Well, then, Mr. Bugallal is doubtless unaware, that the ministerial crisis brought about by the measure which has given rise to this debate took place in the bosom of the cabinet toward the end of November last, and that the Congress of Washington was opened the first Monday in December; consequently, when this government had already resolved to extend reforms to the island of Porto Rico, and when its resolve to grant them was so firm that, because it would not recede from this path, it had to undergo the bitterness of losing several of its members, the message of President Grant was not yet read, and, perhaps, not yet written. Let Mr. Bugallal therefore give no heed to this coincidence, let him rejoice at it as a good Spaniard and understand that if there has been any influence at work it is more likely that the knowledge of this purpose of the Spanish government (which I, as minister of state, knowing the applause it would receive from all Europe, took good care to communicate by telegraph to all the world) may have led to the substitution of approbation for censure, and that, perhaps, to the knowledge of this intention it is due that the President of the United States has said what no President of those States has ever before said in speaking of Spain and Spanish governments.

Neither has Mr. Castelar any cause for alarm. He need not fulminate the invincible bolts of his eloquence against the opposition of the military aristocracy. Our worthy generals are not elements of discord nor instruments of reaction, either in America or in Spain. Our army, which is pouring out its blood in defense of the integrity of the country, would welcome with applause a peace that would end this cruel war; and there is a way of ending the war in Cuba otherwise than by the melancholy means of extermination, for extermination will never end it; and the time has come for the army of our soldiers to make room for the passage of the impatient army of our ideas.

It is not true that we have no minister of war now; neither is it true that we would have none if we were to suffer the misfortune of losing from our midst our worthy General Cordova, whose patriotic and honorable course was so justly lauded yesterday by the president of the council. If General Cordova should one day abandon this bench, we would have a minister of war.

But the time for voting is at hand, and "the government demands that the eyes and noses be taken. Would to God all party views might be merged in the sentiment of patriotism and love of Spain! And know this, deputies, this most laborious parlia-

ment can give its labors no more glorious coronation than to decide now, in principle, and to-morrow when the law is before it for discussion, the immediate freedom of the slaves in Porto Rico." [Great applause.]

Mr. Lasala obtained the floor and asked that certain extracts from the debate on the "Labra proposition" of 1871 should appear in the official reports of this day's proceedings, which was accorded.

The proposition submitted by Mr. Becerra being again read, and the ayes and noes thereon being demanded, it was approved by 214 votes to 12.

The chamber adjourned at a quarter past seven o'clock.

[Appendix H.]

Speech of Emilio Castelar in the chamber of deputies, December 21, 1872, in favor of the immediate abolition of slavery in the island of Porto Rico.

[Translated from the verbatim report corrected by Mr. Castelar.]

MESSIEURS DEPUTIES: I trust the chamber will pardon me if I begin my address by reading a few paragraphs from previous speeches of mine, which are necessary to explain and justify my personal position in this debate.

On the 20th of June, 1870, the most essential of the issues before us, the slavery question, was under discussion as it is to-day, and I then uttered the words I now deem needful to read to the chamber: "In the revolution of September there were two motive forces, one analogous to the French movement of 1830, the other analogous to that of 1848. The radical and conservative parties believed they had signed a compact in the constitution of 1869; whereas they had simply signed a truce; they believed they had found a common channel in which to mingle their currents, whereas they had in reality but found a new field of battle whereon to measure their strength."

And afterward, when I was combating the first imperfect law, the product of a coalition, I proposed that it should be replaced by a radical law, and I spoke these words: "Your law is not a law of charity, it is not a law of humanity; your law aggravates the evils instead of curing them. When the cancering sore is deep, palliatives are of no avail; a cautery is needed. And the cautery is to be found in the amendment I have the honor to propose to you; it is to be found in the immediate abolition of human bondage."

Three years have passed, deputies, and the immediate abolition of slavery is now proposed in this place, and will be presented to you through the initiative of the government at an early day. And now I ask of you, I ask of all those of honest conscience, can any one be surprised at my personal attitude in this debate? Nevertheless, deputies, I do not speak of my own will and choice; although I might have invoked these precedents in support of my course, I have hitherto refrained from speaking because I do not seek to reap in politics an egotistical satisfaction; the triumph of principles and the good they may bring to the people can alone satisfy me. I do not speak of my own will; I speak because of exigencies—nay, more than exigencies, I speak because of commands; nay, more than commands, I speak because it is the authoritative will of the republican minority that I should do so. Those who hear me well know that, although in other legislatures I have spoken, perhaps, too often, in this Parliament and in this term I have not even broken silence.

Grave misinterpretations have elsewhere been given to this silence, inspired, in my judgment, by an exalted sentiment of patriotism and by the highest convictions of justice; grave misinterpretations whose wave shock has been withstood by the firm serenity of my conscience, and which have been lost in the just oblivion of public opinion. Subsequently, eminent deputies, of all the conservative parties, some of whom now hear my words, and others of whom, unfortunately for themselves and for us, are now absent from this place, spoke to me of my silence, and urged me to break it, employing terms of admiration which I attributed to affection, and which show how eminent orators illuminate all by the reflection of their speech, and how great minds raise all to the level of their own merit. I shall speak, gentlemen, and perhaps I speak discontenting all alike. [I shall speak of the policy of the government, of the fulfillment of its engagements, of the situation of the party that forms the majority of this chamber, of the nature and tendency of certain elevated powers, of the attitude we maintain, of the prudent conduct imposed upon us by the hazards of our country and of the complications of European policy; I shall speak of all this when I can do so without harm to liberty or democracy or federation or the republic; ideas to which I render fervent homage with a rare constancy not much in favor in these latter days, when new comers are accustomed to control at their own pleasure, the fortunes of the older parties. [Great applause.] A constancy I shall never be led to abandon by

ingratitude nor slights nor threats nor calumnies, because I do not cherish ideas of federal republicanism to please any one or to serve the whim of the multitude; for those ideas are incarnate in the fibers of my whole being, and will be the inseparable companions of my existence until the very hour of my death.

Having said this much, I now enter on the subject of the debate. The republican minority has voted in favor of taking under consideration the proposition for a vote of thanks to the president of the council for his utterances respecting colonial reforms. The republican minority will vote as one man for the approval of this proposition. In voting thus, the republican minority does not give its vote to a monarchical party; its vote is inspired by its own conscience and by its own principles; it means to adhere to the steadfast pole of its ancient doctrines. And if it chanced that the government and the majority are with us in such an issue, even as in those days of sorrow, now passing into oblivion, in which we combated a traditional monarchy, an intolerant church, and a census which drove the people from the ballot-box—even as in those days we did not pause to reckon the number of our foes, so neither do we now count the number of our friends when it is sought to embody here and give to America the principles of liberty and of justice. The republican minority has heard a cry to which it can never be deaf, the cry of reforms already promised—already given, as it were—to long-oppressed peoples, victims of military despotism and bureaucracy, who, more than all others, have need to breathe the air of modern life; peoples who are flesh of our flesh, blood of our blood, bone of our bone, offshoots of our own soul, an integral part of the national domain, the essence of our country, having a right to our own rights, and who—if when emancipated proved ungrateful and turned against the nation that recognizes and proclaims their right, against the parliament that gives them and has also power to take them away—would merit the wrath of our justice, the condemnation of the civilized world, and the eternal curse of history, wherefrom lies no appeal. [Boisterous and prolonged applause.]

Another question, deputies, of the utmost importance, still remains. As I have said, we advocated, in its good time, the immediate abolition of slavery, and we advocated it, not in order that our names might resound through the world, not as an academical theme serving as the frame-work for the display of mock sensibility, or whereon to hang the baubles of our rhetoric; no! We advocated it as an exigency of universal progress, and as a duty toward our country from which we could not shrink. It is hard, indeed, to confess that beneath the skies flooded with the radiance of liberty, and darkened, too, at times by tempests; beneath the shadow of your constitution whose first articles amplify the rights guaranteed by the descendants of the Puritans to the peoples who founded the great American Republic—there still subsist thousands of unhappy creatures, things rather than men, instruments of the work and wealth of others, feeling in their brain the generous warmth of human nature and in their conscience the ignominy of the brute creation; who bear on their foreheads the helot's brand, on their backs the pariah's scars, and on their feet the fetters of the slave; a race anterior to the revolution, anterior to Christianity itself; it is a crime which should be done away with, to-day rather than to-morrow; for we should be unworthy to frame within our own minds the conception of right, and to stand forth before history as the defenders of liberty, if we should suppose that the strict fulfillment of duty and the realization of the purest ideas of justice would redound to the injury of our country. [Repeated applause.]

Ah! deputies, the republican minority seeks and desires this, absolutely, happen what will, come what may, for it is justice. And moreover it seeks and desires this because, like all acts of justice, it is also of the highest political expediency. However radical we may be, however rationalistic we may appear, however independent may be our desire to hold our own ideas of every circumstance of time and space, none of us will deny that a deed of the first magnitude in history descends as a legacy to all time and is inherent in all ages to come.

To Italy belongs the æsthetic education of the human race, for Italy is the mother of the renaissance; to Germany belongs the scientific education of the human race, for Germany is the mother of the reformation; to the United States belongs the political education of the human race, for they are the honored sires of republican federation; to France belongs the revolutionary initiative in Occidental Europe, for France is the mother of the revolution; to England belongs the principal of constitutional stability throughout the continent, for England is the illustrious land of parliamentary rights; and we, Spaniards, are, have been, and ever shall be the mediators between the old and the new world, between the old and the new continent; for we, our heroes, our sailors, our navigators, created rather than discovered between the Atlantic and the Pacific the new land of America, to be, from the very commencement of the modern epoch and the new birth of the genius of civilization, a living monument of freedom, and form with its splendid horizons and the beauties of its bounteous soil a worthy sanctuary for the spirit of modern times. [Applause.]

It matters little, very little, deputies, that the greater part of political and material ties that linked us with America have been severed. The Spanish race, from the sim-

ple fact of being Spanish, is essentially American, and the Americans, from the mere fact of being Americans, are essentially Spanish. Seward, for whom modern democracy mourns—Seward said on the conclusion of the American war: "Spain will forever be an American power." And Lincoln's prime minister had a just title to represent in history the entity of American integrity. It matters little that the ancient bands that united us with America have been broken. For, is the state the country? Is the government the country? This would be indeed a paltry conception of country. Country is the origin from which we descend, the race to which we belong, the cradle wherein we were rocked, the fireside that throws over our lives the golden haze of its poetry, the temple which inspired us with our earliest hopes, and wherein our first prayers arose like clouds of incense; and language, that embodiment of the ideal, that speech of the soul; all this is, and will be, and can never be otherwise than essentially Spanish in America. And if they revile us, they revile their own selves; if they curse us, they curse their own selves; if they are renegade to us, they must deny us in our own tongue, the most beautiful, the most sonorous, and the richest spoken by man in the modern world, [applause,] and which is as the golden ring enamelled by the genius of so many minds, with which the spirit of Spain is wedded to the spirit of America, and the spirit of America to the spirit of Spain, to all eternity, on the pages of past and future history. [Applause.]

I regret, deputies, I deplore that a great part of the illustrious conservative party is absent from this place, for I am an enemy to all acts of violence, as I abundantly showed when the conservative party occupied the government bench and I this seat. And, addressing only the conservatives here present, I say to them, never put your faith in any American question; never put your faith in the doctrines of the conservative school. Did you not observe how a parliamentary orator, of such translucent mental power, such far-sighted intelligence, and such incisive eloquence as Mr. Estéban Collantes—be not offended with me—how inferior to himself he appeared last night? Did you not remark Mr. Bugallá, whose gigantic intellect is imbued with all modern ideas, how he hardly seemed to grasp, and how he scarcely explains the issues in America? It may be, although I doubt even this, that the conservative school may prove adequate to the needs of the aged monarchies of Europe, but the democratic policy and the democratic school are alone capable of fully comprehending the young democracies of America. Do not be offended; in foreign nations men as illustrious as you have fallen into the same error. The English whigs and Tories, when the war, accursed of God and man, broke out in the Southern States of the Union, believed that the miracle of modern history was about to be destroyed; they believed that the American confederation was about to pass away, and they declared it even in the House of Commons; an error for which they had to pay with the salutary and sublime humiliation of Geneva. A man as eminent as you, one of our most illustrious jurists, went to Mexico as the ambassador of the Spanish nation; he arrived, delivered his credentials to all those who represented the reaction, and on his return entered the senate and said, in the year one thousand eight hundred and sixty two, that within five years a chain of constitutional monarchies would stretch from the Potomac to Patagonia. No; pardon me the seeming presumption, when I say that none but we republicans can grasp American questions. We said that Buchanan was preparing the way for the insurrection of the South, and he prepared it. When Lincoln passed, almost a fugitive, fleeing from the savage Missourians, who sent hired assassins to attack him on his way to the Capitol at Washington, where martyrdom and immortality awaited him, we said that he would find himself compelled to put an end to slavery, and he was compelled to put an end to it. In those terrible days, when, on the banks of the Rappahannock, fourteen thousand republicans like ourselves fell in the battle of Fredericksburgh, in the holy cause of the emancipation of the blacks, we said: "Forward! Forward! for triumph is yours;" and they triumphed. When, in our own country, there appeared insensate reactionary tendencies, we predicted in our journals the perils of such tendencies, which of themselves explain the difficulties and stumbling-blocks of the present situation. When it occurred to the great diplomatic minds of Europe to set up the shadow of an empire on Mexican soil, and when the poor victim of the errors, the ambition, the injustice, and the perjuries of kings, set out on his journey to America, we said in our papers, you will find it written there, "The fate of Iturbide awaits thee; thou thinkest that thou goest to find a throne, but thou goest to find a scaffold!" Why? Why is this, gentlemen? It is because the spirit of the future is ours, and the spirit of the future is the spirit of America. And we, who possess this spirit of the future, now proclaim to you that the denial of reforms, the maintenance of slavery, the imperial rule of your captains-general and of your bureaucrats, will lose you Cuba and Porto Rico, and that they can be alone preserved through our reforms and our principles. [Applause.]

Gentlemen, the republican minority has charged me to say, and I say it unhesitatingly, that, with the ardor with which the republican minority loves all its principles, and with the faith and loyalty with which the republican minority believes all its doctrines, it desires and believes to-day that the integrity of the nation is needful and

indispensable, at whatever cost, in Asia, in Africa, in Europe, and in America. [Applause.]

We do not desire this from an egotistical and narrow sentiment of patriotism; we desire it from a humane and universal principle of justice. Spanish America, independent America well knows to-day, thanks to a recent experience and recent warning examples, that she need fear nothing and has nothing to fear from the European continent.

Nevertheless, in the same manner as suffering spurs individuals to action, so rivalry and necessary competition spur nations onward. Although the dread of European intervention is at an end, there are, assuredly, great rivalries of race in the bosom of America herself. As the globe is condemned to endure the warfare of species, so is history condemned to record the rivalries of races. And there may chance to be some one race, perhaps there is, which, justly filled with the pride of its prosperity and the spirit of its principles, may seek to occupy upon the American continent a wider field than that assigned to it by Providence and by nature.

The Spanish race knows that to oppose this war is unnecessary; that, fortunately, wars are on the decline wherever democracies rule. The Spanish race knows that two problems remain to be solved; the problem of their domestic and the problem of their foreign policy. The problem of their domestic policy is to be solved by ceasing to assume that democracy is a simple and unique principle. The same thing happens with the social elements in political economy as with the Aristotelian elements in science; they were believed to be simple; they have turned out to be compound.

In the social system, as in nature, we need complex elements. We are asphyxiated alike in pure oxygen and pure carbonic acid. Democracy is liberty, but it is also authority; it is a movement, but it is also stability; it is action, but it is also a curb on its own action; it means the rights of men, but it also means discipline and social authority. [Applause.]

The American democracy comprehend this, and thus they employ their strength in allying right with authority, and the mobility, the initiative of the masses with the tranquillity, the solidity of the peoples, and with the firm establishment of popular government. And when those internal problems shall have been resolved, and almost everywhere they have been resolved, the Spanish democracies of America will then consider that they cannot live in isolation; that each one of those States must come to an understanding with the rest. And thus will come forth again the grand idea of Bolivar. In the Isthmus of Panama, having Europe on one side and Asia on the other, and at either hand the two hemispheres of the New World, the Spanish race will unite to form on that ground the grand league of the Spanish American democracy, to found their free confederation. And our children of America will call to mind that, though the fact that some are called Mexicans, others Argentines, and others still Colombians, sets up a dividing line between them, yet the fact that all are Spaniards fuses them together as one. And over the congress of the Isthmus of Panama will hover in visible forms the genius of our country, with a mightier authority than that which our ancient captains wielded, the authority of reason and of right; and with a brighter glory than that of fragile conquests, the glory of democracy and of progress. [Stormy and prolonged applause.]

But to this end, deputies, we must preserve at any cost, what? the continent? No. The American continent lives, and will live, in perpetual independence. We must preserve the islands now in our possession. We do not wish, let it be understood the world over, we do not wish to annex an inch more of land unless it be the inch of Gibraltar; we wish no more. I repeat, then, what belongs to us, the inch of Gibraltar; we do not want an inch more of land; but on the other hand we will not have an inch less, not one! we will not even abandon so much as the Rock of la Gomera! [Good! Good!]

And I will tell you why I desire the maintenance of all these territories. The spirit is not only individual, it is also national. Nor is it national only, it is likewise a spirit of race; and not only is it a spirit of race, it is the spirit of a continent, of a world. And not only is it a world spirit, it is a human and an absolute spirit. And I avow that geography itself yields to this spirit. This land, so solid, yields to ideas as the soft wax to the seal. And in the geography of humanity, in the relation between races, peoples, and continents, it is fitting that there should be spots of ground to stand out as middle terms between peoples, races, and continents. This condition of things has always existed in history. Rosillon, Sardinia, Languedoc, Provence, were in the middle age mediating territories between France, Italy, and Spain; and from that mixture of races, that blending together of spirits, arose modern culture, which in many respects is better, on the shores of the Mediterranean at least, than ancient Greek culture.

Until within a short time Alsatia fulfilled her destiny between the Latin and the German races. What a drawback for the world if we should have to renounce the hope that Alsatia will yet form a part of the French nation once more! The Alsatians were born Germans and French at one and at the same time; Germans by their race.

Frenchmen by their nationality; they knew the two languages as languages only can be learned from the cradle; they translated works of the Latin genius into German and communicated them to the North, and they translated the works of German genius into French and communicated them to the West. How great a loss in chemistry of ideas if Alsatia should have to be perpetually Germanic! That very thing has come to pass in Savoy. The Savoyards are neither French nor Italians, they are both. For that reason Cavour was enabled to transport to Italy the genius of France, because he felt the soul of Italy and the soul of the French nation unite in himself.

Gentlemen, that which happens to peoples and races must of necessity happen with continents. This very morning I looked with pride, so to speak, on our beautiful possessions in the Antilles, and involuntarily came to my mind that loveliest of Grecian archipelagos where the genius of Asia was espoused with the soul of Greece, and thus became a middle term between the most illustrious portions of the ancient continent. Looking at the Antilles, I said to myself: How these islands are moving away from the American continent and are drawing nearer to the European. Why so? Because these islands are indispensable mediators between the genius of Europe and the genius of America. This idea is mine, although its basis belongs to one of our greatest statesmen. I have noted that just as we Andalusians represent the artistic genius of the country, the Aragonese represent its political genius. On that account they have preserved their liberty so long; on that account when you go to Aragon and behold the defenders of Saragossa you discover that those marvels have been wrought because two centuries of despotism could not extinguish the personal dignity that gave them their great parliaments. Hence the most illustrious men of our nation are: Pedro the Third, the greatest of his time, the greatest politician of the thirteenth century; Peter the Cruel, the greatest politician of the fourteenth century; Ferdinand the Fifth, the greatest political genius of the Renaissance, according to Machiavelli, and confirmed subsequently by all history. Well, the count of Aranda and Aragonese likewise desired to bring Spain into the circuit of modern ideas, and for a time succeeded in his desire. He was like his age, encyclopedist, and he said to Charles the Third, "It is not possible to preserve the American continent; let your majesty convert those great empires into so many states, and reserve to yourself the islands exclusively."

Here, gentlemen, is the foresight of genius, inspired in the ideas of its time and confirmed by a succession of facts. The continent cannot, ought not, to belong to us; we must renounce absolutely all idea of European reconquest on the American continent, and we must keep the islands, because they are the hidden reefs on which are reared the light-giving beacons of our ideas; because they are the golden chain which unites continents; because they are destined, when federations between peoples and races shall be no more, to serve as landmarks to map out the federation of continents, the political aim of the human race. All the nations that have chiefly contributed to the transformation of America have islands in the sea of the Antilles, witnesses of past struggles, bases of future elaborations in the work of civilization. Some belong to those nations of the north who claim to have been the first to divine the existence of the new continent, and to have landed tempest-driven upon its unknown strands; others to those who, passing the sea in order to extend themselves farther, and attaining their liberty in order to enlighten themselves, contributed to establish the amplest mercantile relations in the modern world; and some belong also to that vast empire whose sons founded the colonies that were the first to become republics. Some belong to that nation which discovered large portions of the territories of the north and engraved on the map the bay and river of Saint Lawrence. Italy has none, in chastisement, perchance, of her blindness to the genius-flame on the brow of her most illustrious son. And we have the most beautiful, the richest, and best located portion, the key of the Gulf of Mexico, the grand station for the traveler from the Northern to Central America. We have labored so much in the New World that, as a great orator has said, if the Pacific and Atlantic should join their tides and swallow up America, leaving only the highest crest of the Andes above the waters, there, on the crest would still abide in giant petrification the genius of our country! [Great applause.]

The PRESIDENT. Pardon me, Mr. Castelar, the hour of adjournment having arrived, the house must be consulted as to whether the session shall be prolonged.

The SECRETARY, (Mr. Lopez.) Does the house agree to a continuance of the sitting? [Yes, yes.]

The PRESIDENT. The sitting is continued. Go on, Mr. Castelar.

Mr. CASTELAR. No; our relations with America can never come to an end. Spain needs to amplify them and stretch them still further, in order that she may not only be the extreme of the old continent, but the beginning of the new. Thus her spirit will broaden in the earth, and her genius will have incentives worthy of its vigor. But, gentlemen, to this end one thing is necessary; to this end Spain must be action and not reaction, liberty and not arbitrariness, justice and not privilege, abolition of slavery and not the eternal rule of the slave-driver in the most beautiful part of the planet. That we may speak the truth, let us possess that frankness, that energy, that

manliness possessed by the wise, the good, the immortal Lincoln by the blood-reddened Potomac, when men fell at his feet like harvest-swaths, when the northern cavalry pursued Lee while the artillery drew near to Richmond, that Babylon of slavery, and he, a second time the elected of the people, ascended the Capitol, and, gazing on all those ruins, seeing the smoke of those burnings, and hearing the wail of the mothers, mingled with the groans of the victims, said, "Yet, if God wills that the war continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago still it must be said, 'The judgments of the Lord are true and righteous altogether.'" [Applause.] And if Spain, gentlemen, if this nation we all love so well, and for which we would all lay down our lives, if Spain is to be made up of arbitrary generals, greedy bureaucrats, selfish tax-gatherers, censors who stifle human thought, unbridled hosts massacring children, the slave-trafficier's bark, the Babylon of the plantation, and, to crown all this, the bazar and the slave-market, ah! then, arise with me and cry, Accursed be the genius of our country!

But, deputies, does Spain signify these things? Are they Spain, forsooth? Then, what do all our labors represent? And you, the radical majority in this place, I speak to you without flattery, because a day will come wherein I may also have to tell you bitter truths, what are you but the most liberal expression of the law-giving power that our country has known since the beginning of the century? Why, is not Spain to-day the sovereignty of the people, universal suffrage, individual rights, democracy, the whole of the spirit of the age, in fine? And will you deny modern ideas to that America where modern ideas have assumed their most fitting form and most natural organism? Of what avail, think you, are the slave-traders' doubloons and the flour-barrels of those millers of whom the ever utilitarian *moderado* party told us yesterday? Of what avail are such things as these before the boundless ocean of modern ideas?

Would you be more arbitrary than the men of past ages? Our fathers are calumniated by those who say that they carried to America a narrow and selfish spirit. No, it is not true; such might have been said by those illustrious leaders who fought for their independence; they might have said so in the intolerant spirit common to all those who defend a new principle against antiquated ideas, in the intolerant spirit shown by St. Augustine and the fathers of the church towards paganism, and by Voltaire towards Catholicism. But history says another thing; history says that our viceroys were wise men; that our council of the Indies was a model council; that our colonial laws were the most humane and the most far-seeing of all the colonial systems of that age; that the Catholic priest himself, with that democratic spirit whose essence forms the ground-work of the church and constitutes its glory, protected the Indian, sheltered him from the wily assaults of the white man, built up in him a conception of human personality, and an idea of the immortality of the soul, forbade him to lend his treasure to his conquerors, and even permitted him to govern himself by means of his caciques, and to mingle with his half-learned orthodoxy the heresies inspired by nature. The sixteenth century carried thither what we ourselves possessed, carried thither our great captains, our heroes, and our explorers; the seventeenth century carried there our own theoretical, hierarchical, and monarchical organization; the eighteenth century carried modern ideas thither; the constituent assembly of Cadiz gave them the spirit of democracy; the latter half of the nineteenth century, with incomprehensible injustice, has not extended our own modern and democratic spirit to our possessions; but the present is a solemn hour; to-day is the last day of old Spain, crushing in her fall the fetters of the slave, and the birth-day of that other Spain that by the means of her ideas unites herself indissolubly with the America of freedom, of democracy, and of right.

Ah, deputies, what is there to oppose to all this? nothing, save the interests of a few slave-holders; and how can the modern world permit these slave-holders to oppose us with more strength and greater right than all our civilization?

Much has been said about foreign influences. How is this? Does it happen in this present century that the constraint of foreign powers is needed before justice can be done? Why if, when the telegraph, steam, and the press, were unknown, the nations all obeyed one common idea, do you now wish that one common impulse should not control the present generation?

There are, gentlemen, two nations which form the two extremes, the two poles of human society, the one is Russia with her former serfs, the other is Saxon-America with her once-called slaves. Russia believes her mission is to civilize the Orient, to civilize the primitive world; Saxon-America holds that she is the civilizing agent in the Occident, the regenerator of the New World. Russia, against the protests of her nobility, abolished serfdom in 1861, and America, at the same time, abolished slavery against the armed protests of her ruffian slave-drivers. On the 4th of March, 1861, Lincoln went up to the Capitol, and on the 5th of March, 1861, Alexander read the decree proclaiming the emancipation of the serfs. When Russia renounced her predominance in Europe, when she renounced all the complications of the Eastern question,

when she renounced all her influence in the West, all the while she was realizing the abolition of servitude, and when the genius of democratic America put two millions of men under arms and raised half a million cavalry, laid waste her own fields, destroyed many of her own cities and sacrificed her own sons without number, do you, perchance, imagine, deputies, that all these deeds were not to have an influence upon our social system and our country like that of the moon upon the earth and of the earth upon the moon? Here there is not, there cannot be, and there shall never be, any question about foreign dictation. What this means, and it could not be otherwise, is the influence of the universal spirit of mankind.

And now I say to you, deputies, I say to you that you must at all cost and with all speed fulfill your promise, for the words "immediate abolition" can in no wise be uttered without at the same time accepting immediate abolition as a fixed fact. What! could you, could this chamber, can this government repent of its plighted word? It is impossible! Military threats, far from intimidating you, are an incentive to spur you on to its more speedy fulfillment. [Applause.] The military aristocracy may say what they like, especially when there is no minister of war to answer them from his seat. But do these illustrious soldiers think that they can countervail democracy as much as they have aided it? Do they think they can oppose the right as successfully as they supported it? Are they about to say again to the revolution of September, "Back! for beyond my sword's edge thou canst not go?" I would answer them, No! your swords were our humble servitors; your swords were the providential instrument wherewith to work out our ideas. [Applause.] We respect your military position, for it is glorious, but on condition that you respect our political power, for it is legitimate. [Applause.] We do not legislate in the barracks, we legislate in the halls of Congress. [Applause.] What we decree, shall be law for the Spanish and American provinces alike; for in proportion as authority is more legitimate, force is the more unnecessary.

Gentlemen, society is governed by ideas. And the most living idea of the modern world is the fundamental idea of our doctrines. Even as the distinguished feature that separates man from other animals, many of which are superior to him in strength, in longevity, and in agility, is the sovereignty of intelligence, so the feature that distinguishes the progressive and virile nations from the nations that slumber in the fatal sleep of materialism, that which distinguishes Switzerland from Turkey and America from China, is liberty, which insulates each man with the undying security of his right, and which unites all men by the authority of the law under the stern discipline of duty and of social rule. O liberty! beloved liberty! in these days when thou art unknown or reviled of so many men; in these days when so many of thy sons abandon thee; in these days when so many of them, who were thy heroes and almost martyrs in thy cause, profane thee because, patient and immortal as nature, thou lendest not thyself for the realization of their dreams or the fruition of their ambitions, I behold thee, serene above all our tumults, immaculate above all our faults and errors, tranquil above all our storms, like the symbolic woman of the great painter of Saville, thy brows lost in uncreated light and thy feet upon the serpent of evil; thou most pure virgin conceiving the ideas that are yet to be our consolation and our glory; thou fecund mother, big with the generations destined to continue the marvelous series of human progress upon the face of the earth. [Stormy and prolonged applause.]

Ah! gentlemen, an illustrious orator of the conservative minority, unfortunately for us, as I repeat, absent to-night, once reminded me that I had said that to seek the genius that had created modern democracy was like seeking the sculptor who shaped the mountains or the architect who hollowed out the valleys. It is true; when a man, however great he may appear, boasts of having created modern democracy, he seems to me like those homunculi of Voltaire's *Micromegas*, who arrogantly boasted before the giant denizens of other worlds that they had created the universe. Yes, modern democracy is the offspring of many forces, the evangelical spirit, the inpouring of the Germanic tribes, who set upon our hearts the indelible stamp of individual self-respect, the irruption of other and still more terrible tribes who arrested the Carolingian reaction, the mysterious hand that aroused the multitudes and led them forth to the Crusades, and the hand likewise mysterious that providentially stayed their course; the cloud of corporations and guilds and communities and town-councils which first began to close the epoch of war and usher in the epoch of labor; the schisms that shattered the power of the theocracy; the councils of the fourteenth and fifteenth centuries that revived the republican spirit of the gospel; the Reformation, that emancipated the human conscience; the Renaissance, that reconciled us with nature; the discovery of printing, which gave us the talisman of immortality; powder, which placed in our hands the Promethean fire; the mariner's compass, that overcame the ocean; the telescope, that pierced the secrets of the heavens; modern philosophy, bringing the law of nature with it, like as the philosophy of ancient Greece gave birth to Roman law; the revolution, sweeping away all the barriers that hindered the march of our hosts toward their ideal; even as all the geologic cataclysms converge to bring forth the human organism, so do all the evolutions of history converge to create democracy, compendium of society and of its imperishable spirit. [Great applause.]

Democracy is created by none, neither can it be destroyed by any. In attempting reforms in the colonies or in Spain, cast your eyes on every side and behold how to reaction there remains not a refuge in the whole world. Where is its refuge? Where is that traditional court on which our *moderados* built their hopes? Where is that holy alliance on which our absolutists reposed their trust? Ah! gentlemen, none of these things now remain! Look at Rome. Yesterday beneath the sway of modern theocracy—to-day the capital of Italy. Upon the Aventine Hill, where humbled penitents but lately crept, to-day the tribunes awoken to renewed life. Look at Austria, the keystone of the holy alliance, the lever of Metternich. Where does she stand now! Ah! Austria has broken her theocratic concordat; Austria has brought her peoples forth from the dungeon of the past and made them autonomic nations. Of old, she cited kings to conclaves for the purpose of dividing the map of Europe among themselves; to-day she summons the nations to a universal exhibition, that they may behold the marvels of industry and of labor. [Applause.] And what is ancient Prussia now, gentlemen? Who is there blind enough to fancy that Prussia is about to be a favorable element for the reactionists of the world? Her Emperor-King is the battle-mace wielded by a higher Power to smite down the kings of divine right and to destroy the empires of old. The Florentine genius of the chancellor of Germany is to-day shaking to its base a structure more formidable than all our aristocracies—the house of peers; is to-day plucking away ancient hereditary influences in administrative circles; is to-day calling the German peoples to universal suffrage; and is to-day accomplishing the idea of German unity, which is a revolutionary idea, because Germany, which stands forth to-day as an imperial federation, shall in the future now very close at hand become a democratic federation. And France? France, yesterday oppressed by that inconstant and willful Bonaparte, who sought to revive the empire and slavery in America; France, democratic as well as conservative; France is to-day wholly and definitely a great republic. Permit me to offer my salutations to our neighboring nation, and I salute her because, in spite of the great calamities she has suffered, she has never lost confidence in herself, and because she puts her trust to-day in the holy virtue of democracy and in the efficacy of republicanism.

And is America perchance following another path? Ah! Grant has been re-elected by the mature political judgment of the American people; he has been re-elected because he took Richmond, that Babylon of slavery, and because he to-day assists the blacks to rise to the highest offices in the state amidst a race that, while descending from the Puritans of New Plymouth, also springs from the Cavaliers of Old England.

And our Spanish-American democracies are day by day growing in culture and in wealth; are day by day developing the measure of their temperament and exhibiting the elevation of their mental power, sure signs of the calmness of their judgment and the constant ripening of their civilization in the bosom of republican institutions.

In Mexico—what has become of the empire? A magistrate goes from the supreme court to the presidency of the republic. Her people, desiring peace, have chosen him, and the soldiers, the men of warfare, cast down their arms at the feet of the magistrate, the representative of law and right. The sundered shores of the Plata are to-day growing in liberty and culture. New Granada is realizing all the miracles of modern individualism. Steadfast and enlightened Chili possesses conservative institutions, to demonstrate that within the forms of republicanism there is room alike for the elements of progress and the elements of stability. In Peru a revolution has recently taken place. In what interest? In favor of a military oligarchy? No! Against a military oligarchy, and in favor of the President elected by the will of her people.

What does all this prove, deputies? It proves that there are no obstacles to the realization of colonial reforms and the immediate abolition of slavery, other than our apprehensions and our fears. As for the rest, it is purely imaginary. Deputies of this majority, you who have been called unknown, obscure, and rural; let not this influence you; return to your firesides and say: "We, who were but yesterday obscure, are to-day immortal; we belong to the race of Christ, of Washington, of Spartacus, of Lincoln, for we have, without fear, uttered the word *Liberty!* and have set our names at the base of the greatest work of man—at the foot of the perfected redemption of all in bondage." [Great and prolonged applause.]

[Appendix K.—Extract translated.]

Synopsis of the proceedings in the Spanish senate December 23, 1872.

[From La Gaceta de Madrid, December 24, 1872.]

The sitting was begun at a quarter past two o'clock.

Mr. Benot asked if it was the intention of the government to bring a bill for abolition in Porto Rico at once before the Cortes.

Mr. Martos said the government was resolved to bring the bill before the Cortes without delay. The government had intended to lay the bill first before the senate and afterward before the chamber. Although slavery was a wrong, certain vested rights had grown up with it. They had to act in two ways: morally, by putting an end to slavery; and legally, by indemnifying existing interests, since these, though not of the nature of property, were sufficiently important to demand the careful attention of the government in framing a law of abolition. It was needful to indemnify the slave-owners, and in order to do so—

Here Mr. Martos was interrupted by Mr. Lasala, and a short discussion concerning the right of property in slaves followed.

Mr. Martos said all this was open to debate when the bill was presented, but now he had simply come to explain the purpose of the government to present a law of abolition. Resuming the question of indemnity, he said that in order to indemnify the owners, ways and means must be devised and funds raised, and as this would affect public credit, the consideration of the measure belonged constitutionally to the lower chamber in the first place, as that body could alone originate any scheme involving taxation. The government was resolved to proceed in this most important matter in strict conformity to the constitution.

Mr. Castro read extracts from a letter from Porto Rico, stating that slaves were being transported from that island to Cuba, in infraction of existing statutes, and in evasion of the intended measure of abolition. He asked if the government had received any information on the subject, and begged that telegraphic orders should be sent to put a stop to the abuse.

Mr. Martos said that the government now heard of this traffic for the first time, and that proper action should be taken in the case related by Mr. Castro. He had, however, the satisfaction of informing the senate that these abuses had been foreseen, and that the new colonial secretary's first step on taking office had been to send telegraphic orders to the authorities of Porto Rico to prevent the realization of these nefarious projects.

Mr. Castro thanked the minister of state.

Mr. Diez asked if the government held that it must indemnify the owners before it could give freedom to the slaves in Porto Rico.

Mr. Martos replied that an answer to this question would involve an explanation and discussion of the whole scope and form of the proposed bill.

Mr. Diez respected the reserve of the government on this point, but he had another question to put. Was the ownership of slaves in Porto Rico legitimate or illegitimate in the eyes of the government? Had the owners been permitted to acquire them by recognized means, as they had done, or had they acquired their slaves in violation of the laws? [Rumors.]

Mr. Martos said the government could not now enter on the discussion of the right of property in slaves. He acknowledged Mr. Diez's right to ask the question, but he requested him not to press it now.

Mr. Diez said he would reserve his inquiry for another occasion.

Mr. Rebullida said that Mr. Martos, in announcing the project of abolition, had employed terms indicative of a disbelief of the government in the right to hold slaves under the existing law. But the new and iniquitous slave-trade between Porto Rico and Cuba, of which Mr. Castro had spoken, showed that it was tacitly understood that slavery would continue to be lawful in Cuba, whatever might be done in the other island. It should be understood in the Antilles that there were senators and deputies who believed that abolition should become a fact and not a principle in all the dominions of Spain, and thus put an end to the traffic Mr. Castro had denounced.

Mr. Martos said there were other means of stopping this traffic than by immediate abolition in Cuba, and it would be stopped by the orders that had already been sent to Porto Rico by telegraph. The policy of the government, in regard to abolition, had been often stated. It was founded on the difference in the actual situation of Cuba and Porto Rico. In the latter, its perfect tranquillity admitted of immediate abolition. The war in Cuba allowed of nothing more than the execution of the preparatory law of 1870, and when peace was restored gradual abolition could be undertaken.

Mr. Rebullida said that the slave-trade between the islands of Cuba and Porto Rico was an international matter, and not domestic. It could be best stopped by immediate and general emancipation. He gave notice that an amendment in this sense would be proposed to any law the government might present on the subject.

Mr. Martos said that the slave-trade between Cuba and Porto Rico was impossible. Existing precautions made the African slave-trade with Cuba most difficult, and for a long time no slaves had been landed there. But in Africa the slaves were not registered, and in Porto Rico they were, and this alone would make the traffic impossible without the connivance of all the authorities.

Mr. Rebullida "rectified." His ideas were not personal, but represented the republican and democratic convictions of the world.

Mr. Martos "rectified." When the time should come for abolition in Cuba, it would be found impossible to realize it immediately, and for that reason a scheme of gradual emancipation there would be preferable.

Mr. Suarez Inclán asked the government to lay before the senate the *expediente*, which had doubtless been prepared before the promulgation of the municipal decree for Porto Rico, including the reports of General Boldrick and Gomez Pulido against the advisability of executing the previous municipal decree of 1870.

Mr. Martos replied that such an *expediente* was for the exclusive use of the cabinet, and would not be made public.

The senate went into secret session at 30 minutes past 3 o'clock.

[Appendix M.—Extract translated.]

Synopsis of the proceedings in the chamber of deputies, December 24, 1872.

[From the Gaceta de Madrid, December 25, 1872.]

The sitting was opened at half past two.

Mr. Jove y Hévia called for the reading of the 108th article of the constitution.

It was accordingly read.

Mr. Jove y Hévia said that this article showed that colonial reforms could be treated by the Constituent Cortes alone.

The President (Rívero) called him to order.

The president of the council of ministers said the government, and he was sure the house also, desired the fullest liberty for the expression of individual views on colonial matters at this moment. Mr. Jove y Hévia had called for the reading of an article of the constitution. The regulations did not permit him to explain why he had read it. If Mr. Jove y Hévia had anything to say, the parliamentary rules gave him means to say it before the reading of the bill abolishing slavery in Porto Rico wholly and forever. He might put a question or make an interpellation, and he, the president of the council, would rise before the chamber and the nation, and show that in treating of the questions of reforms for Porto Rico, the government was always ready to answer the friends of the league and the enemies of emancipation.

Mr. Jove y Hévia, after a brief passage of arms with the president of the chamber, said the language of the constitution was decisive, for it provided that reforms in the Antilles should be decreed by the Constituent Cortes. The president of the council had called him an enemy to emancipation. He was not a foe to abolition in principle: in the first place because of his natural instincts; in the second place because of his sense of justice; and in the third place because he was faithful to the precepts of the Catholic Church, and he believed that no good Catholic could, before the tribunal of his conscience, hold a slave, even for a single moment. (Great applause.)

"You applaud the church—not me," he said. "Give no applause to me; you will repent of it; for I hold, although an abolitionist in principle, that governmental and legislative acts should bear the stamp of scrupulous care, of deep attention, and, above all, of opportuneness, in order that from these acts, although in themselves good, evil consequences may not flow." He had not yet heard the proposed bill, but from reports of its tenor, he thought its haste and inopportuneness were most evident.

The colonial minister (Mosquera) said the reading of the bill would soon convince Mr. Jove y Hévia of his misconception of the measure. He had attacked *a priori*, and without being acquainted with it. By his declaration that he was in principle an abolitionist, and that no Catholic could hold a slave for a single moment, he had given more strength and efficacy to the project of the government.

In 1870 the Constituent Cortes had decreed that a future Congress might legislate in the matter of colonial reforms. The law of abolition was an ordinary law, and did not treat of a fundamental institution, but simply of the relations between slaves and their masters. Mr. Jove y Hévia's construction of the 108th article would take from all future Congresses all power over colonial legislation, on the ground that all colonial legislation was confined to the Constituent Cortes. This, without offense to Mr. Jove y Hévia, was purely and simply absurd. This measure had been fully considered and maturely discussed by this government in view of all the reports and projects and precedents since 1865, and a mass of documentary precedents had been consulted. It would be brought before the Congress to sustain the amplest examination and debate before it received the final and solemn sanction of the Parliament and of the King. Not only this, but its presentation had been prefaced by a most solemn discussion in both senate and chamber, an unusual occurrence. Was this treating the question *abrupto and ab irato*?

He concluded by congratulating Mr. Jove y Hévia on his frank declaration, that no good Catholic could hold a slave, even for a single moment.

Mr. Jove y Hévia said he had simply uttered the convictions of his own inner conscience, with respect to the duties of a Catholic.

Mr. Lasala asked that the voluminous antecedents, of which the colonial minister had spoken, should be laid before the committee to which the bill would be referred, in order that it might report thereon with a full understanding of its merits.

The colonial minister said he would have great satisfaction in doing so. He had already given orders for their preparation, in proper form, to be presented to the chamber. They were numerous, and it would take time to arrange them, but meanwhile they were at the disposal of any deputy who might desire to see them. He wished all possible light thrown on the subject.

The president of the chambers said he presumed these documents would be submitted before the termination of the holiday recess, and he hoped they would be furnished as soon as possible.

The colonial minister said he had ordered their preparation with all possible dispatch.

The president of the chamber said he would inform the deputies as soon as the documents were received, in order that they might study them, for the question needed much study. Several deputies then added their names to the previous vote, in favor of Mr. Becerra's motion.

Mr. Olavarrieta said his name appeared among those voting in favor of the motion, when in reality he had voted against it. He begged that the error be corrected in the official reports.

The Secretary (Moreno Rodriguez) stated that the desired correction would be made.

The colonial minister then occupied the tribune, and read the following royal decree, and the preamble and bill to which it referred :

"In accord with the advice of the council of ministers, I hereby authorize the minister of the colonies to submit to the deliberation of the Cortes the following bill for the immediate abolition of slavery in the island of Porto Rico.

"Given in the palace the twenty-third of December, one thousand eight hundred and seventy-two.

" AMADEO.

"The Minister of the Colonies,
" TOMÁS MARIA MOSQUERA."

(For the full translation of the preamble and bill, see Appendix N.)

The chamber thereupon adjourned until after the holiday recess.

[Appendix N.—Translation.]

Bill for the immediate abolition of slavery in the island of Porto Rico, presented by the colonial minister, Chamber of Deputies, December 24, 1872.

[From El Diario de las Sesiones de Cortes.]

TO THE CORTES: In the name of God and in obedience to right, morality, and justice, to the welfare of the people and the dignity of the nation, this government, fulfilling the most sacred of its promises and the most humanitarian of its duties, submits for the approval of the Cortes a bill for the immediate abolition of slavery in the province of Porto Rico. Its most ardent desires would be realized and its most delicate scruples satisfied if the insensate obstinacy of a few rebels did not hinder it from granting the same inestimable boon to Cuba, with the modifications that would necessarily be demanded in view of the different organization of the system of labor in the two islands, the different density of their population, the enormous inequality in the number of their slaves, and other fundamental differences in their social status.

The government would fear to offend the good judgment of the Cortes if it sought to justify its generous resolve before them. Unhappy are they the muteness of whose conscience renders needful the cold language of reason.

It is an evident and consolatory moral law that utility is ever the inseparable companion of justice; but the government owes it to itself to declare in this solemn moment that, after examining this reform under every aspect, it has only found new and powerful reasons that at once assure its opportuneness and prove its justice.

Gradual abolition, which will, perhaps, one day be the necessary form of emancipation in Cuba, offers no advantages to recommend it in Porto Rico. The population of African origin in the latter island is relatively less numerous than that of European

extraction; nearly all the blacks have been born in the island; of the 31,000 *lad* in slavery, less than 10,000, perhaps less than 8,000, are devoted to field-labor; the remainder live in a sort of domestic servitude, as barren of profit to the masters as it is favorable to the education of the slaves or those employed in mechanical operations. No danger, therefore, arises from the number or condition of those who in a single day may cease to be chattels and acquire the noble station of free men.

Let the happy day dawn when Spain may pay the debt of honor she has contracted toward modern civilization. By a chance, which seems providential, the presentation of this project falls on the day consecrated by Christianity to the commemoration of the birth of Him who was to change the face of the world, breaking the bonds of all servitude and proclaiming the equality of all men before their God.

Let us, then, aid his work and realize a fresh achievement in the interest of humanity and for the good of the country. Slavery is a monstrous wrong, no less baleful to them who impose than to them who bear it. All great humane and patriotic interests cry aloud for its disappearance, which will at one and the same time redound to the well-being of the redeemed and the honor of the liberators. It is demanded by religion, for among the sons of our common Father there should be neither oppressed nor oppressors. It is demanded by morality, for there can be no merit in acts performed without free will, and the soul of the slave is nearly always a place apart, shut out from all idea of duty and all sentiments of virtue. It is demanded by right, for there is no wrong comparable with the mutilation of human entity in its most noble and essential attributes. It is demanded by utility, for slave-labor is the least intelligent, the least productive, and the least active of all. It is demanded by patriotism, since apathy and weakness and corruption are the common chastisements of those peoples who sleep in luxury and leave to the hands of bondmen the thousand-fold applications of that labor which is the eternal law of our nature and the eternal companion of our own self-worth. It is demandable by policy, because domestic habits are so intimately linked with public customs that where the groan of the slave is heard it is hard to rear citizens apt for the ruder exercise of liberty. It is demanded by prudence, for the unwise continuance of any abuse makes its remedy more difficult and its correction more violent; and lastly, it is demanded by the necessities of the government under our system of representative institutions, for in free nations no resistance can prevail against the force of opinion, and in Spain, fortunately, opinion is frankly and resolutely pronounced against this barbarous monstrosity whose supposed benefits consist in reducing to gold the sweat, the tears, the blood, and the souls of an unhappy race, condemned until now to suffer the lash and the chain.

Basing this action on the foregoing high considerations, the undersigned minister, in accord with his colleagues and with the previous authorization of His Majesty, has the honor (which he esteems as the greatest of his life) to submit to the consideration of the Cortes the following

BILL.

ARTICLE 1. Slavery is hereby totally and forever abolished in the province of Porto Rico. The slaves shall be *de facto* free at the expiration of four months from the date of the publication of this law in the Official Gazette of that province.

ART. 2. The owners of the slaves thus emancipated shall be indemnified for their value within the term fixed in the foregoing article, conformably to the provisions of this law.

ART. 3. The amount of the indemnification to which the preceding article refers shall be fixed by the government, on the recommendation of a commission composed of the superior civil governor of Porto Rico, who shall be chairman; the financial intendente of the province, the attorney-general of the audiencia, three persons named by the provincial assembly, and three others chosen by the five largest slave-owners in the island.

The resolutions of this commission shall be adopted by a majority of its members.

ART. 4. Of the amount fixed by way of indemnification, 80 per centum shall be delivered to the owners of the slaves emancipated, half at the charge of the state and the other half at the charge of the province of Porto Rico, the remaining 20 per centum being at the charge of the owners themselves.

ART. 5. The government is hereby authorized to raise the necessary funds and to adopt such measures, as it may deem conducive to the exact fulfillment of this law within the period fixed in Articles 1 and 2.

The minister of the colonies,

TOMAS MARIA MOSQUERA.

[Appendix Q.—Translation.]

Address of the Senate and House delegations to the King, and replies of His Majesty, January 1, 1873.

[From La Gaceta de Madrid, January 2, 1873.]

THE PRESIDENCY OF THE COUNCIL OF MINISTERS.

Yesterday at noon His Majesty the King was pleased to receive the committee of the Senate appointed to congratulate him on the opening of the new year.

The president of the senate addressed His Majesty in the following words:

“SIRE: With the opening of the new year, the third year of Your Majesty's reign begins under happy auspices, while the year just closed sees with joy that the work of the constitutional convention, recognized at once by all civilized nations, consolidates itself in a shorter time and fortifies itself with greater strength than institutions and dynasties of traditional origin.

“The senate confidently hopes that this third year of Your Majesty's reign will remain fixed among the glories of Spain by the imperishable achievement in humanitarian reform which will soon put an end to slavery in the beautiful province of Porto Rico, notwithstanding the opposition to it of certain egotistical interests and certain political ambitions, against which suffice that firmness of character which distinguishes Your Majesty and the vigor which the sense of right and the possession of liberty stamp upon the decisions of Congress.”

His Majesty the King was pleased to reply:

“MR. PRESIDENT: I receive with the highest appreciation and with most profound satisfaction the congratulations which the Senate offers to me to-day, when grateful recollections engage my attention and grave reflections occupy my thoughts; for to-day marks two years since I began to rule in Spain—the commencement of duties in behalf of my new and beloved country, as arduous in their fulfillment as the honor is a high one I have received at the hands of the Spanish people, by whose will this throne was erected, upon whose love its foundations were laid, and by whose confidence it is to be strengthened and sustained. It is by such means that, while the country enjoys the fruits of the revolution, and while the work of the constituent Cortes is perpetuated, at the same time the energy of popular right manifests itself, in virtue of which new dynasties and modern institutions begin early to take root and acquire for themselves a robust maturity.

“I accept as a happy omen for the year just now begun the announcement which the Senate makes to me, and the hope they express that those men who now live as slaves in the loyal Spanish province of Porto Rico shall soon enjoy their liberty. A measure so humanitarian and so Christian will be a glory for Spain, an honor for the Cortes, a luster upon my reign, and a blazon for my dynasty. Civilized nations will find in this a new cause to congratulate themselves upon having recognized from the first moment the work of 1868. Spain will feel a natural pride at seeing herself esteemed and applauded by all the world, while they who have shown themselves distrustful will see that it is not reasonable to fear that an act of justice and humanity may be a source of danger to our prosperity and tranquillity.”

At a quarter past twelve the committee of the chamber of deputies presented their congratulations to the King, with the same motive.

The president of the chamber of deputies addressed His Majesty as follows:

“SIRE: This day, which ushers in a new year in the evolutions of time, recalls to our minds the eve of a solemn moment in the life of Your Majesty, and a memorable epoch in the history of Spanish liberty. The chamber of deputies, the immediate representative of the people, lay with joy before the elect of the nation the homage of their love, of their respect, and of their unshaken loyalty.

“Fortunate it is for Spain, and a glory for Your Majesty, that here, in this place, where flattery has so often raised its voice, are to be heard to-day congratulations prompted by the purest affection, and commendations dictated by the most heartfelt sincerity. The Spanish people is now beholding the fulfillment of the hopes with which, two years ago, they greeted Your Majesty for the first time, in your august person every citizen sees and loves the faithful guardian of popular rights and the swift defender of popular liberties common alike to all Spaniards without distinction of party or of class.

“Thus in vain are the plots, the conspiracies, and assaults directed against the popular throne by those who act only in obedience to the baleful influences of party interest; now profaning the sacred name of liberty; now invoking aid from the empty shadows of antiquated institutions, long condemned by history, and now murmuring names which are made more hateful as we are vividly reminded of the intolerable abuses which they symbolize. Reaction, mobocracy, treason itself, if there be in this loyal land any one capable of treason, shall be crushed under the weight of public condem-

nation, for Your Majesty, who so well understands and so wisely practices the sacred duties of your high office, will ever continue with unwavering firmness to assist all measures tending toward progress, and to lend an attentive ear to public opinion, the only counselor of popular kings and the only support of thrones founded upon the free-will of a nation.

"Listening again to that voice which you have never disregarded, Your Majesty has now immortalized your reign by authorizing the presentation of a bill which, as soon as it shall have been approved by the Cortes and shall become a law of the realm, will restore the rights of manhood to the thirty-one thousand unhappy beings weighed down to-day by the cruelties of slavery.

"And if, at the outset, the voice of disappointed interests or of hostile opinions should cry out against such a sublime act of humanity, its glorious results shall in the end allay all ill-will, shall calm every passion, and shall dispel every apprehension, and (let Your Majesty doubt it not) our most remote descendants shall bless the hour in which, following the inspirations of right, of justice, and of public good, you determined to wipe out forever the only blot upon our glorious escutcheon in the eyes of the civilized world.

"With hopes so well founded and under such happy auspices the chamber of deputies, in the name of the people whom it represents, implores the blessing of Heaven for Your Majesty, for the noble lady whose virtues adorn your throne, and for the royal children who, trained by so pious a mother in the sacred love of liberty, are to-day the hope of the nation, and shall one day be the honor of their family and the just pride of their country."

The King was pleased to reply :

"Mr PRESIDENT: Upon the solemnity of this day, the chamber of deputies reminds me that the beginning of my reign corresponds with an epoch memorable for the liberties of Spain. This recollection is to me as proud a one, and as worthy of my regard and appreciation, as is the homage paid to me by your love, your loyalty, and your respect.

"In guarding and defending public liberties and popular rights, I have only been true to the dictates of my conscience and to the oath which, of my own free will and in the sight of all the world, I took in the midst of the Constituent Cortes. Receiving the assurance, in the name of the chamber of deputies, that the Spanish people witness the fulfillment of the hopes with which they greeted me for the first time two years ago, I feel the greatest pride that a man may cherish and the most hearty satisfaction that a monarch may entertain.

"Full of the deepest love for this my adopted country, which, by raising me to the highest dignity, has placed upon me the gravest responsibility, I pray to God that He will grant to it, in the year which now begins, the peace and prosperity which it deserves. I am confident, as is also the chamber of deputies, that the conspiracies directed against liberty and progress will be fruitless in the time to come, as happily they have been up to the present moment. And I sincerely and ardently long for the day when, with all angry passions laid aside, every one may be persuaded that there is no opinion and no interest which may not thrive in the shadow of a throne founded upon the national will, and daily more and more identified with the people and more firm in its determination to seek counsel in public opinion and to give up in the interest of freedom every temptation to injustice and every pretext for violence.

"The words of approval with which the chamber of deputies, the immediate representative of the people, receives the proposition to abolish slavery in Porto Rico are to me a happy presage that very soon we are to give freedom and happiness to many thousands of men, joy to our Christian hearts, satisfaction to our country, and a just cause of praise to all civilized nations.

"Profoundly do I thank the chamber of deputies for the sentiments expressed toward my wife and my children, whom we shall train up in the love of liberty to the end that they may become worthy of their country."

No. 378.

General Sickles to Mr. Fish.

No: 523.]

UNITED STATES LEGATION IN SPA
 Madrid, January 27, 1873. (Received March)

SIR: I have the honor to report that on the publication of the royal order of December 26, 1872, a copy and translation of which are here with appended, I pointed out to the minister of state, and subsequent his

suggestion, to the minister of Ultramar, the vexatious and objectionable clauses in the new customs regulations for Cuba. The colonial secretary promised to consider my suggestions. I asked if the representations in my note of November 27, 1872, had been considered. The minister assured me they had not been overlooked; that, on the contrary, a communication had been sent to the Intendente, embodying several of the reforms suggested, the purport of which would be made known to me.

On the 15th instant I received the note from the minister of state, dated 2d instant, a translation of which is annexed. (Appendix C.)

Not regarding the action taken by His Majesty's government as likely to be satisfactory to the President, I have made further representations to the minister of state on this subject, which I hope may be approved. They will be found in a copy of a note addressed to the minister, under date of January 27, herewith inclosed and marked Appendix D.

I am, &c.,

D. E. SICKLES.

[For the inclosures above referred to, see inclosures to No. 610, from General Sickles, post, p. 990 to p. 995.]

No. 379.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *January 30, 1873.*

In view of the frequent interruption of communications by telegraph and post between Madrid and the frontier, and having reasons to anticipate very soon a change in the form of this government, I beg you to instruct me as to my line of conduct in case the existing Congress shall declare itself a convention and appoint a new executive.

SICKLES.

No. 380.

General Sickles to Mr. Fish.

[Telegram.—Received Feb. 10—12.10.]

MADRID, *February 10, 1873.*

Events foreshadowed in my telegram of January 30 imminent.

King has announced to cabinet his desire to abdicate. Revolution inevitable.

SICKLES.

No. 381.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *February 11, 1873.*

Chamber of Deputies declares itself in permanent session on motion of Figueras, republican deputy.

SICKLES.

No. 382.

General Sickles to Mr. Fish.

[Telegram.—Rec'd Feb. 12—10.15 a. m.]

MADRID, *February 11, 1873.*

At half-past four this afternoon the two houses unite under presidency of Rivero, and declare themselves in the exercise of sovereign powers. Martos, in name of cabinet, presents resignations of ministers. Cortes accept unanimously abdication of King.

SICKLES.

No. 383.

General Sickles to Mr. Fish.

[Telegram.—Rec'd Feb. 11—7.30. p. m.]

MADRID, *February 11, 1873.*

At 9 o'clock to-night Cortes adopt republican form of government—259 affirmative, 32 negative.

SICKLES.

No. 384.

General Sickles to Mr. Fish.

[Telegram.—Rec'd Feb. 12—10 a. m.]

MADRID, *February 11, 1873.*

Abdication of King read at 3 this afternoon in Chamber of Deputies. Senate and house go into joint session.

SICKLES.

No. 385.

General Sickles to Mr. Fish.

[Telegram.—Rec'd Feb. 13—9.50 p. m.]

MADRID, *February 11, 1873.*

Midnight. By authority of Cortes the executive government is constituted as follows:

President, Estanislao Figueras.

Secretary of state, Castelar.

Secretary of war, General Cordova.

Secretary of navy, Beranger.

Secretary of interior, Pi Margall.

Secretary of treasury, Echegaray.

Grace and justice, Nicolas Salmeron.

Public works, Becerra.

Colonies, Francisco Salmeron.

Four of these have heretofore been prominent republicans. Four were members of late cabinet, and the present colonial minister was vice-president of chamber of deputies.

Martos declined office.

Tranquillity perfect.

SICKLES.

No. 386.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *February 12, 1873.*

So soon as the republican government is fully established and in possession of the power of the nation you will recognize it. You will not fail to urge upon a government already committed to the principles and the expediency of emancipation and of political reforms the immediate enforcement of practical and efficient reforms and the abolition of slavery in the colonies. The present seems to be the moment when the government can accomplish great results. Endeavor to have the decrees self-acting, and not dependent upon future regulations, which have always proved inoperative and reactionary.

FISH.

No. 387.

General Sickles to Mr. Fish.

[Telegram.—Received Feb. 14—10 a. m.]

MADRID, *February 12, 1873.*

Castelar said to me to-night, with much feeling, that the Spanish Republic looked especially to our Government and people for sympathy and support, and inquired with solicitude whether our recognition would be delayed.

President and cabinet entered on their duties at quarter past 2 this morning. Cortes adjourned till this afternoon.

Madrid is illuminated.

SICKLES.

No. 388.

General Sickles to Mr. Fish.

[Telegram.—Received Feb. 12—8.20 p. m.]

MADRID, *February 12, 1873.*

All parties in Congress accept the republic. Am officially notified of new government by Castelar, minister of state, to whom I have addressed

a communication assuring him of my fervent wishes for the happiness and prosperity of the noble and generous people with whom, as a sister republic, the Government of the United States will ever cherish even more than the traditional friendship which has hitherto allied the two countries.

SICKLES.

No. 389.

General Sickles to Mr. Fish.

[Telegram.—Received Feb. 13—4.15 p. m.]

MADRID, *February 13, 1873.*

Your telegram of 12th received. Conference with Castelar appointed for 4 this afternoon; time and manner of presentation to President of republic will then be arranged.

Martos, who declined the presidency of the republic, was last night elected president of the sovereign assembly.

Tranquillity uninterrupted.

SICKLES.

No. 390.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *February 15, 1873.*

Officially received to-day, with great ceremony, by Chief Executive Figueras, and also by president of sovereign assembly, Martos. Addresses of each most friendly. Shall I report remarks by cable? Proceedings reported to assembly by Castelar in brief and brilliant speech. Order assured; funds rising; confidence established.

SICKLES.

No. 391.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *February 14, 1873.*

I understand from your telegrams of 12th and 13th that you have recognized the new government. It will be grateful to know that you have regarded the condition and prospects of the republic such as to justify the discretionary power given you in that regard. This Government and people look with sincere and earnest hope for the peaceful and permanent establishment of the new government.

[

No. 392.

General Sickles to Mr. Fish.

[Telegram.—Received Feb. 16—5.5 p. m.]

MADRID, *February 16, 1873.*

Have communicated your telegrams of 12th and 14th to this government, and am requested by President Figueras to convey to you the expressions of satisfaction and appreciation with which our friendly assurances have been received. My speech and that of the President in reply were afterward read to the assembly by Castelar, and received with general applause.

SICKLES.

No. 393.

General Sickles to Mr. Fish.

No. 540.]

UNITED STATES LEGATION IN SPAIN,
Madrid, February 18, 1873. (Rec'd March 25.)

SIR: Referring to my No. 492, (confidential,) of December 3, 1872, and to my telegram of 30th ultimo, I proceed to report the occurrences of the past week therein foreshadowed.

On the night of Sunday, the 9th instant, a rumor, apparently authentic, was heard at the opera, and in some of the clubs, that the King had intimated his desire to renounce the crown. On the following morning several of the journals confirmed the report, although suggesting that an act of the Cortes would be necessary before such a step could be taken, in conformity with article 74 of the Spanish constitution. During the day it was understood that this grave question was under consideration in cabinet council, and that Congress would be asked to suspend its settings for a few days to enable ministers to prepare the necessary measures to meet the crisis. It seems that a communication in this sense was sent by the president of the council to Mr. Rivero, the presiding officer of the chamber of deputies, which that officer declined to announce officially to the house, lest such a proof of the irresolution of the cabinet might provoke popular tumult.

I had an appointment for that day, the 10th instant, at three in the afternoon, with the minister of state at the foreign office. At noon Mr. Merelo, the assistant secretary, called at the legation to say that the minister could not meet me as proposed, and it was not difficult for me to satisfy myself, despite the reticence of my visitor, that there was ample foundation for the reports I had heard. The chamber of deputies met as usual at three p. m., and I repaired to the diplomatic tribune, where several of my colleagues soon afterward joined me. Empty benches and a dull debate poorly reflected the animation already visible in the streets. Descending to the floor of the house, I soon encountered groups of members in the halls and *salons*, busily discussing the theme as yet forbidden in the chamber itself. Observing Rivero, the president, leave the chair, I went to his room, and had scarcely saluted him when several of the cabinet entered, among them Martos, Beranger, and Becerra, in whose faces I fancied I could see a serenity and satisfaction of good augury.

Returning to the diplomatic tribune, it was not long before Rivero resumed the speaker's chair, which was regarded as only preliminary to the appearance of ministers in their places. A crowd of members came in from the lobbies, and expectation was on tip-toe for a statement from the government bench. None of the cabinet appearing, the hum of conversation soon swelled into loud murmurs, as it was of course known that the council had risen, and ministers were in the ante-chamber.

Figueras, the republican parliamentary leader, seized the opportunity afforded by the impatient temper of the house and demanded that the speakers should request the attendance of ministers, in order that Congress might be informed of the crisis, which it was understood embraced not only the cabinet, but even the Crown.

Rivero replied from the chair that he had already sent repeated messages to the government, requesting their presence, and that this would be the last he proposed to send.

At this moment the ministers entered the chamber, the president of the council foremost.

Mr. Zorrilla at once rose and requested Mr. Figueras to repeat the inquiry which had been addressed to the government through the chair in the absence of the cabinet.

Figueras promptly responded, saying he would omit his preamble and come to the point. He wanted the house to hear what the government proposed to do in the present juncture, and if the government was not prepared to submit a proposition, he would do so himself.

Zorrilla made a long speech in reply, to much of which the house listened with marked impatience. He said it was true the King had spoken of abdication, but nothing could transpire officially on so grave a matter until His Majesty had given the subject more reflection; that ministers had besought the King to pause in his purpose, and take twenty-four or forty-eight hours to reconsider his determination; that meanwhile, and in order that there should be no precipitation, he hoped the house would suspend its sittings, thus leaving the government disengaged from other duties, so that they might consider and frame the measures most expedient to be brought in for the action of Congress.

While this debate was going on, a great multitude had gathered around the palace of the chamber of deputies. Although here and there an irrepressible agitator harangued groups of listeners, the crowd was calm, though anxious to know something of the action of the chamber. To satisfy this feeling and avert any untoward demonstration, several influential deputies came out and spoke to the people from the balconies and porticos of the building. Troops were sent for to keep the streets open and allow deputies to pass in and out of the palace. The arrival of a couple of companies of cavalry and a small force of infantry caused a flurry and some scampering, but it was soon seen that no offensive movement was contemplated. The people made way for the column, which broke into detachments, posted at the approaches to the palace, and kept a clear space for some distance.

To return to the chamber. As soon as the president of the council concluded his long speech, Figueras rose to reply.

Rivero, from the chair, said the rules did not allow a deputy to continue the discussion after his question had been answered.

Figueras invoked the practice of Parliament to open a debate when a cabinet crisis was announced, remarking that this was even graver, since the very institutions of the country were tottering.

Rivero suggested that the only way to open a debate was for Figueras to announce an "interpellation."

Zorilla, on the part of the government, said they were not disposed to answer an interpellation, as they required all their time to meet the necessities of the situation; and he begged Mr. Figueras not to avail himself of the last resource afforded him by the rules—that of offering a proposition.

Figueras replied that he regretted he could not accede to the request of the president of the council of ministers, for to do so would make himself the most criminal of men. He demanded the reading of a proposition he had placed on the table before the order of the day was announced.

The secretary then read the proposition, as follows: "Congress agrees to go into permanent session." (Signed by five members, as prescribed by rules—Figueras, Ramos, Calderon, Huelves, Patiño, Puigcerver y Nieto.)

Figueras supported his proposition in a brief, strong appeal, saying that the speech of the president of the council reminded him of what Tiberius said to his doctors: "You dispute while I die." The government asked forty-eight hours to consider while the country is in agony, and when in a few minutes the fate of the nation may be decided by the people. Are we here in a bed of roses, where we can slumber until it pleases the president to wake us up and tell us the King has revoked "an irrevocable resolution?" Do you know what may happen in twenty-four hours? Monarchies have a habit of procrastination. Who knows if in these twenty-four hours we shall not see armies here that will cover in mourning and blood the capital of Spain? Rather than this should happen I prefer that this should be the last day of my life. After having struggled thirty years for the republic, a solution that embraces all, and is the only salvation of the country, shall we repel it for the convenience of a dying dynasty?

The president interrupted Figueras, saying, "I beg, sir, you will not reflect upon the dynasty." Many deputies exclaimed, "There is none!" Zorilla cried out, excitedly, "Prove to me there is no dynasty!" an exclamation that provoked laughter.

Figueras responded that he always yielded to the chair. He could do no less, however, than to put on record, in conclusion, the words pronounced by the minister of state when he fought with us in the opposition: "If the King disappears or perishes, we will say long live the nation." The King goes. What are we to say now? "Long live the nation!" The crown renounced! From the moment those words fell from the lips of the King, and the president communicates them to us here, they are beyond recall.

Zorrilla said he had made no official communication to the chamber of the abdication of the King. If he had communicated to the council of ministers what His Majesty had said he had only done his duty; was that official? What reason has Mr. Figueras given to precipitate a crisis and ask Congress to declare itself in permanent session. Is he afraid that for some reason or other our liberties will be lost? Does he suspect us to be traitors? Does he think we are weak? Suppose we are weak! What powers does he wield to substitute for ours, to do what we are unable to accomplish? What is meant by this permanent session? I beg Mr. Figueras to explain his purpose. Is it understood that the session is to go on even in the absence of a majority of the deputies, as if an enemy were at our gates? Is it intended that the chamber may at any moment come to a supreme decision, overturning the dynasty and the government and all the public powers? If so, the government cannot accept the proposition.

Figueras said he did not suspect any one in particular, but every one

in general. He was like the authors of the representative system, neither more nor less. He was accustomed to hear many promises, and the sound of cannon answering them. It was not intended that Congress should go on debating interminably, because moments may happen in which there will be nothing to discuss. But he demanded there should be no adjournment; that they should await events in their seats, and meet them in a way becoming the magistracy of a great nation.

Zorrilla said he recognized the solicitude of the chamber, but he could not admit that the government needed a guardian to see that it performed its duties. The cabinet was competent to fulfill its trusts and defend liberty.

Figueras said he was sure the minister had not understood him. Every one knew there was no executive power; that a struggle was imminent between the legislative and executive departments. We were menaced by a reactionary ministry. The president of the council himself intimated that he had so advised the King.

Zorrilla interrupted and said he had not said this, but he had a right so to advise the King.

FIGUERAS. "I so understand you; if I am mistaken I am glad. We are in critical moments. It is necessary that Madrid see a power to protect it; that the Cortes be here in the exercise of their powers to meet any exigency."

ZORRILLA. "Let it be understood that I have had no occasion to advise the King, and that I have not advised him. The ground taken that there is no executive power confirms my position. One of two things must be done. If there is an executive authority, as I affirm, there is no need of a permanent session. If the chamber thinks that the executive has ceased to exist, then let it proceed to name one at once. The republicans and other deputies can be as distrustful as they choose, but I maintain that the cabinet exercises the executive power, with the sanction of the Crown and the vote of the chambers, until we are dismissed by the one or the other. I might have furnished Mr. Figueras a solution consistent with the dignity of the government and the apprehensions of himself and his friends, but he wishes something else to which I cannot consent."

The MINISTER OF STATE, (Martos.) "This is not the time for long speeches, but for great and patriotic decisions. The situation is grave. Let us not aggravate it. Let us consider calmly what is happening. Mr. Figueras has reminded me of what I said on a former occasion. I do not forget the words. I said one day, from yonder benches, (pointing to the left.) that when all should be lost, that when unhappily there should be no king, we would cry: 'The King is dead—long live the nation!' I repeat it now. But let the chamber say it when the King is gone. I beg you to hear me, to listen to one who has a right to your attention, because he has never spoken unless to express his honest, sincere, and patriotic purposes. Does not the constitution afford us the means to meet pacifically and legally any crisis that may arise? If so, you have not the right to anticipate events or to manifest distrust. Your apprehensions may be excused by your patriotism, but they have no foundation. Has the moment when you should bring to this bulwark of liberty the torch of discord? I am a minister of the Crown, one of a cabinet that has thus far maintained the confidence of the chambers. I must preserve my honor and loyalty as one of His Majesty's ministers, and more than ever if His Majesty persists in his determination. I heard with disdain the excitations of a greater loyalty addressed to me in times when the dynasty was prosperous, but in this hour of the King's extremity I shall not refuse

voice, my counsel, or my life. It is true, gentlemen, that I fear the decision of the King is irrevocable. After making known his purpose I fear he must execute it. This being so, I ask, can anything be more clear than the future of the republican party? The difficult point in the situation is with those who are resolved to perform their duties as a government until the King has signed his abdication, and until the Cortes have established such a government as it may please them to ordain. I know that in maintaining our trust we may see the blood of the people shed, and you will comprehend the gravity with which we appreciate the situation. This last duty to the dynasty performed, I am also one of those who will be found where liberty is fighting, in the ranks of her common soldiers, indifferent to the mere name inscribed upon the banner. This is one of the difficult moments of public life, not for you, republicans, who have only to be patient, because, if the King goes, there is nothing else possible but the republic. And you, by your impatience, are compromising the republic and liberty! [Loud protests from the republican seats.] Rather than your interruptions I would prefer reasons. I would rather Señor Castelar should tell me whether or no I am right. You demand a permanent session. That is to say, there is no executive, and the assembly assumes all powers. ['No! No!'] Then if you do not mean that, so much the better. The government says we can preserve order better than an assembly, because deliberative bodies cannot be efficient guardians of public order. [A voice, 'We watch over liberty!'] The government will look after liberty and we will all look after the liberties of Spain. But are we in that extremity that we must watch without a moment of rest? There is no occasion for such sleeplessness, because the dangers which Señor Figueras imagines do not exist. After all, what has Señor Figueras told us? That we may have a reactionary ministry, supported by an army that might reach Madrid in twenty-four hours. The moment when the King puts his determination in force there will be no other authority than the Cortes, and all patriots and all loyal generals commanding troops will come here for orders. Where is the army that Señor Figueras fears? [A deputy: 'In Vitoria.'] Would to God that in Vitoria we had a large army, because under the orders of its commander (Moriones) it would be a guarantee of liberty. Since, then, there is no danger, there is no occasion for a permanent session. The King still reigns under the constitution, ministers are still at their posts performing their duties, and the constitution affords the means of settling all conflicts that may arise. Why, then, precipitate events? Where, then, is the difficulty we are unable to solve? Where are the ambitions, the tumults, the disorders, the hopes, the fears? I pray you to believe, gentlemen, that whatever may happen can be met by the general and energetic co-operation of those of us who are resolved to save liberty. If any one doubts me let him say so. If I have your confidence, then I pray you to believe that speeches and votes and propositions to-day may bring unhappy consequences to-morrow. I appeal to the patriotism of all. Do not foment dissensions. Withdraw this proposition. Avoid everything not legal and constitutional in its origin. From our constitution will come the remedy for all our difficulties. Even if chaos comes and a new creation is necessary, let it appear with law; let it come from this chamber if it is not so born. If our institutions are found in the streets and barricades liberty is lost. If they come from our hands sanctioned by law we may be sure their birth will be auspicious, and they will save the country and liberty." [Great and long-continued applause.]

Figueras made a brief response, saying if he could curse the divine

word that makes man the most worthy of creation, he would denounce the voice of Señor Martos, who had just administered to the majority an opiate to put them to sleep in order that they might awake on the morrow humiliated, beholding their lost liberties. "My distinguished friend," he said, "has given compliments to some, hopes for others, and a mixture of both for all, but not an argument for any one. I find, gentlemen, in his words the most powerful reasons in favor of my proposition. He tells us the determination of the King is irrevocable, and that the question rests with us now; it is impossible for the King to recede. This being so, no reason can be given why we should not remain in permanent session. In such a moment if any one wishes to sleep let him sleep. As for us republicans, when liberty is in danger we know not repose. The God of battles, who sends us these moments of trial, will give us the strength to support the immense responsibility it has pleased Him to impose upon us. Let us, then, wait here, with our worthy president in his place, the secretaries in their places, and let us not be moved by those whom we suspect in these moments to be devising plans for the destruction of liberty and the dissolution of this chamber." [Sensation.]

Castelar then spoke. He asked the Cortes not to expect a speech from him in these grave and solemn moments, when his heart and his conscience prompted only grave and patriotic acts. One could not speak at a time when every passing moment might carry with it a danger to liberty fatal to the fortunes of this generation and of generations to come. To-day a display of eloquence would seem like the levity of Nero strumming the lyre while his capital was in flames. "Never in my life have I so much admired eloquence, the grandeur of human words, as when listening to-day to the minister of state pronouncing one of the most brilliant speeches that ever came from his lips. He has invoked my patriotism, my good sense, my calmness. He well knows how unnecessary was this appeal. I am patriotic, I am measured, I am prudent by conviction and temperament always, and above all in these supreme moments in which a single imprudence, a single indiscretion from any one, might bring down the pillars of the capital. Gentlemen, we need now a feeling that disregards mere forms and procedure, well enough for courts, but useless to this assembly; we must go to the bottom of the question, the reality of things. No speech, however eloquent it may be; no minister, not even those before us who have served liberty so well, can revive that which has ceased to exist, nor avert from us the reality that imposes itself upon us, that dominates us with its incontestible presence. That reality, gentlemen, is that, without provocation from any one, without the fault of any one, the people or the government, the Cortes or any public authority, without a cloud in the sky, the King, the actual King, the elected King, the dynastic King, has announced publicly and solemnly that he hurls from his head to the pavement the crown of Spain.

The president of the council, Mr. Zorilla, demanded the floor.

CASTELAR. "Ah, gentlemen, and Mr. President of the council, permit me in the name of all that I have done to avert a revolutionary co-¹ t, let me ask in the name of that silence heretofore accepted by his e t- lency and which was a tribute to liberty and to country, let me a n the name of the efforts he has made to avoid violent solutions, liste 0 me, I pray you, and do not believe I am an opposition deputy, a rhe i- cian, or a disputant, but that I am a patriot and a Spaniard who l s he can help to ease Spain. If you are right I will admit it; if I am t you, too, should concede it. Do not let us decide this great questio 1 mere pride of opinion or person. Who are we here? Those who 2 seated on the benches of the reactionary minority, as well as tho³ t

represent the extreme views of the liberal party, what are any of us except lovers of our country above all, and always lovers of liberty and order? Believe me when so many and so varied are the elements that menace us; when the provinces of the north are in arms; when from the mountains of Catalonia the tempests are sweeping down to the plains; when all we have won is in peril, shall we not, all of us, join together in the common purpose of saving our liberties and our dear Spain? I ask you, if we concede these twenty-four hours demanded of us, and the King recall his abdication, do you believe he can continue to govern, to reign with authority and respect? No, never! What cabinet could he form that we would accept? What ministry would not find itself in hopeless embarrassment? Who cannot see that in any kind of a republic there would be greater stability than can henceforth be found in this monarchy? In republics there cannot be an interregnum; even in the most federative and decentralized democracies there is always a vice-president to succeed the president the instant a vacancy happens. The supreme power of the nation cannot be suspended for a day or an hour, or even a second, any more than while we live our breath can cease. You have sought a regal dynasty, with a patriotic purpose I appreciate, because you believed the monarchy less subject to oscillation, less prone to the influence of popular passions; because you believed that with a dynasty you could guide the wheel of fortune; and this monarch of yours, within a briefer period than the term of a president of a republic, without premonition or preparation, like a flash in a clear sky, abandons you, and you wish now, as a point of etiquette, that the nation shall sacrifice itself to this expiring dynasty! Oh, my friends! in what age, in what nation, let me ask my eloquent friend the minister of state, who is one of the glories of the Spanish tribune, and who knows history so well, when and where would etiquette or ceremony or any mere form of procedure be preferred to the public safety? Do you accept the acts of our fathers in 1808, when after Ferdinand the Seventh abandoned the country, they seized the crown, took away its prerogatives and privileges, and converted absolute monarchy into a constitutional government? Do you think they should have paused because the King was absent, because he had abandoned Spain? You saw Prince Bismarck concentrating the wrath of France. He had traced a line for his ambition by the treaty after Sadowa, which he called the line of the Main. This line was not to be passed, and yet Prince Bismarck passed it to form that military federation that won the salvation of Germany. Can Victor Emanuel himself wonder after confiding to the loyalty of Señor Zorrilla, and not unworthily, the person of his son, that we hasten to save ourselves without waiting for forms; can he complain when he remembers the treaty he signed with France—signed it with his own hand—a treaty vainly invoked at the moment when France, who had created Italy, found herself in the depths of an abyss, and when, in defiance of its provisions, the Italian troops passed the Tiber, entered Rome, destroyed the most ancient power known to modern history, and proclaimed on its ruins a constitutional monarchy—and this for the salvation of Italy and the glory of his crown? Does not Señor Zorrilla feel—he whom we all so much esteem for what he has done for liberty—does not this majority comprehend the grief with which I hear of our divisions as monarchical majorities and republican minorities? Are we an academy? Are we to occupy ourselves with abstractions, sacrificing the essence, which is liberty and country? Have I not heard you say in your eloquent speeches that you are indifferent to the forms of our government? Have you not always told me the substance was liberty and democracy? Now when it is not,

we who have destroyed the monarchy, when in a certain sense and within certain limits, we have helped you in this last attempt to reconcile monarchy with liberty, will you, while the monarchy falls, will you, like the old rhetoricians and Byzantine disputants, sacrifice liberty at the altar of a fugitive monarchy? It might be otherwise if this cabinet inspired every one with the confidence I feel in it; if the people knew of it what I know; if all understood its history and pledged to liberty as I recognize them, then none would have fears. But you cannot make nations like yourselves; you cannot ignore the agitation that moves Madrid and that extends to all the capitals; the distrust that permeates the country; the currents that may impel us to a fearful catastrophe. Let me plead with you; let me pray you, not as a deputy of the minority, but as a Spaniard, to avoid this peril by an immediate decision, now, while you can yet save the person of the King, although you cannot save his authority, or his crown. [Sensation.]

"Gentlemen, do you think I wish to found a party government? I repeat now what I have always said to my associates. Do you wish that the republic should be the patrimony of a few? It is the same as to desire that the air of heaven and the light of the stars shall belong to a party. The republic is for all, by all, and belongs to all. The nation orphaned is still the nation. Resuming her sovereignty over all her children she is the fond mother of all of us. Conservatives, I appeal to you in the name of the country. Behold the example of our neighbor, and let us see if after all this Spanish nation has yet left the hands of tutors. Conservatives of the revolution whom I do not see in your places in this hall, where perhaps you would have something more to look for than in the direction in which you have heretofore fixed your hopes, I say to you that if it is true that you are still devoted to the revolution, it is here; and now that you are to preserve what that revolution brought to us. And you of the majority, who have written the first chapter of our constitution, you who have proclaimed the natural rights of man, who have established universal suffrage, who have almost separated church and state, who have denounced the conscription and desired to arm the nation, you who call yourselves democrats, what will you do? What will you do when you in your turn have no King? You have no step to take, you have no sacrifice to make, no honors to renounce; you have fulfilled your duty. The King is gone; you are not to go upon your knees, you of this chamber, to persuade him to stay, because the nation does not bow the knee to any one; because by the thirty-second article of the constitution all power remains with us as the representatives of the sovereignty of the nation.

"Let us, then, accept the proposition to go into permanent session. You ask for twenty-four hours! The King asks this delay, through the president of the council. We do not ignore the King. He has ignored himself; we ignore nothing, absolutely nothing. We, the depositaries of the national sovereignty, choose to exercise a power never denied, not even by the ancient monarchs to the Cortes, a supervisory power that does not permit us to cease our vigilance over the public welfare. What right has the cabinet or the fugitive monarchy to object to the performance of this duty? Reflect, gentlemen. Do not make this a question of majority or minority, of cabinet or of opposition. Make it a question of foresight and patriotism. This chamber, for which history seems to have opened her temple, the horizon clear, all chains broken, and the conspirators against its sovereignty fugitives, this chamber can save Spain. If we do it, we will be greater than the Cortes of Cadiz. If we fail, we will deserve the ceaseless wrath of Divine justice and the eternal curse of history."

The **PRESIDENT OF THE COUNCIL**, (Zorrilla). "I need not speak of the difficulties with which I struggle, or the anxiety I feel in rising to speak. I shall not trouble the chamber long, because the government needs every moment for its duties. I cannot do less than say something, since it seems that I have not been understood in the observations that I have heretofore made in endeavoring to define the situation. I begin by saying to Mr. Castelar that he can ask of me nothing that I am not disposed to grant. But not even to please Mr. Castelar, or the chamber, or anybody, can I forego my honor. I have lost my parents, I have lost four sons, and not one remains to me. And if I were told to-night that I could regain them, I could do nothing inconsistent with the performance of my duty and the satisfaction of my conscience. I have another declaration to make. When I interrupted the republican speakers I meant no provocation. They affirmed that we were without a king or a dynasty. This is not true! It seemed as if they wished to precipitate events, to profit by the situation to alarm the chamber, saying that the barbarians were at the gates of the city. The proposition of Mr. Figueras is disrespectful to the cabinet and the government. His explanations and the eloquent speech of Señor Castelar have given it a special signification. They want the permanent session so that, in case the King reconsiders his purpose, they may confront him and say, 'It is too late!' and if he persists, that they may accept his renunciation. The King has not broken his compact; the majority must not deceive itself. A permanent session, if granted, can have no other object than the one I have indicated. It is designed in this permanent session to vote a guardian for us that we have not asked. You are about to say that you have no confidence in us. [Many deputies, 'No, no!'] Yes—because half-way confidence is no confidence. Having said this, do as you please; but bear in mind that if the King has taken forty-eight hours to consider and decide, he has done so at the solicitation of the council of ministers. Let each one choose his side, which we will not discuss now, for to-morrow history will do justice to all. The government has brought nothing official here for debate or action. The government does not consent that the chamber shall declare itself in permanent session. The government, in whatever is not derogatory to its dignity nor menacing to irresponsible power, would have no objection to the adoption of a proposition. But the republican minority, not satisfied with this, demands a permanent session for the purposes I have indicated. I am responsible for order and liberty. When the present exigency is over, whatever may be the solution adopted, I shall retire to some obscure corner. [Signs of impatience.] I do not wish to weary the chamber. If the solution we approach contributes to the happiness of the country all of us will rejoice, for we have only sought the public prosperity. If, on the contrary, we reach an unfortunate result, let us not hasten the catastrophe, but rather await the dread reality, as I fear it must be, when shall have disappeared that institution which we believe was the best guarantee of the most perfect order and the most absolute liberty."

MR. CASTELAR. "The chamber will understand the situation in which we are placed by the president of the council, who believes us capable of exacting something inconsistent with his honor. I have to say that the proposition presented does not imply distrust of the government; that it is only a measure of precaution to strengthen its hands in these critical moments. The government is surprised that we do not confide in it, and does not understand that, in opposing our permanent session, it distrusts us. The president of the council has said that we wish to forestall the reconsideration of the King. What idea has his excellency of the dig

and firmness of the monarch ? The King cannot recall his resolution, and consequently we cannot occupy ourselves with his reflections. At all events, I, for one, do not believe that we can or should sacrifice the welfare of the country to personal questions."

Mr. FIGUERAS. "I do not understand how the president of the council can maintain that my proposition is derogatory to his character, nor how he can doubt its opportuneness, when, from his own mouth, we know that an event of the gravest importance to the destinies of the country is imminent. We are told the King has announced a decision, and we, proceeding in good faith, cannot suffer our liberties to be endangered. We do not insist that the cabinet shall remain here in the chamber, nor is it necessary that those deputies who do not share our apprehensions should remain in this place. We do not propose to deliberate ; we will remain here without action, but organized and ready for action. Unless we do this, I predict days of mourning and blood for Madrid ; blood and mourning that will fall on the heads of those whose obstinacy refuses to ust a remedy."

A pause followed, in which the president of the council, the minister of state, and several others of the cabinet were in consultation in their seats. It was evident a difference of opinion existed between Mr. Zorrilla and Mr. Martos. Mr. Martos was about to quit the blue bench ; his colleagues earnestly dissuading him, secreted his hat under the bench, and he resumed his seat with much apparent reluctance. Mr. Zorrilla then rose to leave, and repelling the efforts to detain him, he retired from the chamber. Whereupon

Mr. MARTOS said, "I have not perhaps clearly understood Mr. Figueras. The circumstances are grave, and, according to my latest information, graver than we could have thought. I beg, therefore, that Mr. Figueras will explain his purpose. The government desires, if it can do so consistently with the requirements which its dignity imposes on this most unhappy occasion, to be among the first in averting the evils foreshadowed by Mr. Figueras, and which may not unreasonably be apprehended. Wishing thus to avoid every motive for dissension, and trusting there may be no occasion for a vote, I pause for Mr. Figueras's explanation."

FIGUERAS. "I have already said that we shall wait here, organized, but without deliberating, until the government decides upon its course ; that we shall discuss nothing, remaining, however, in our places, regarding ourselves as in permanent session."

MARTOS. "Mr. Figueras desires that, without action, we remain assembled here prepared for any contingency, the flag flying over the palace as the sign that the chamber is in session. Is this the proposition ? [Cries of 'Yes, yes!'] Well, then, would to God that with the same facility we might settle the difficulties of to-day and those that may come to-morrow."

The PRESIDENT OF THE CHAMBER. "Congress orders a permanent session without deliberation, and as the presiding officers will remain here, I desire that a committee be named to remain with us." (Many deputies : "Let the president name the committee.")

The secretary then read the names of the committee appointed by the president, and the session was, *pro forma*, suspended at nine o'clock at night, after a sitting of six hours.

During these proceedings in the chamber the crowd outside had increased to thousands. The usual entrance for deputies was besieged by an inquisitive throng whose curiosity was from time to time gratified by the appearance of a prominent deputy, assuring them of a prompt and peaceful republican solution. The republican deputies had issued

a printed address, which was posted through the streets of Madrid, advising their supporters to abstain from all violent demonstrations. The republican directory, comprising Castelar, Figueras, and Pi y Margall, communicated assuring intelligence to their friends in the provinces. Ministers had likewise announced to provincial governors and captains-general the probable abdication of the King, and enjoining the strictest vigilance and utmost zeal in maintenance of order.

Satisfactory answers had been received from most of the provinces. The only ground for apprehension seemed to be that the suspension of the sitting of the Cortes without action might be made a pretext for disturbances. It was understood that the conservative leaders were in council during the afternoon and evening at the house of Mr. Sagasta. They expected to be summoned by the King to form a new cabinet, efforts having been made by the Duke of Fernan Nunez, General Concha, Admiral Topete, and others, to persuade the King to desist from his proposed abdication and change his advisers. It was even said on good authority that a deputation of army officers, backed by General Concha and others, proposed to the King to authorize them to put themselves at the head of the troops of the Madrid garrison, and enable the King to dismiss Zorrilla and his colleagues, dissolve the Cortes, suspend the constitution, and maintain the throne. The King disapproved of all these suggestions. He said he had sworn to obey the constitution; that he had kept faith with the country, approving all measures sanctioned by the Cortes, and had endeavored to do justice to all parties; that all the factions, except the one in power, were habitually arrayed against him, and that it was too late now for him to give his confidence to those who had kept aloof from the court until no honorable resource was left but to return his crown to the Cortes, from whom he had received it, and leave the country free to determine its destinies. Marshal Serrano arrived in town the same evening from the south, and it was expected that he would put himself at the head of a conservative movement, but without the support of the troops, from whom he had long been separated, and in presence of so formidable a popular rising in favor of a republic, the reactionary military leaders shrunk from the responsibility and risks of action, preferring to await events and hold themselves ready to profit by any favorable opportunity that might present itself. The government called out several battalions of citizen-militia which guarded the public buildings and squares during the night. The main body of the garrison remained in their quarters under arms. Thus the night was passed in tranquillity.

At 3 in the afternoon of Tuesday, the 11th, the chamber of deputies resumed the sitting suspended the night before, with an announcement from the presiding officer that a communication had been received from the government, which the secretary read as follows:

To the President of the Chamber of Deputies:

YOUR EXCELLENCY: At half-past one this afternoon, accompanied by the minister of state, I presented myself in the royal chambers, in compliance with His Majesty's request, and received from the King the inclosed document, which I have the honor to transmit to your excellency, in order that it may be communicated to Congress.

MANUEL RUIZ ZORRILLA.

MADRID, February 11, 1873.

The secretary then proceeded to read the abdication of the King in the following words:

To the Chamber:

Great was the honor bestowed upon me by the Spanish nation when it elected me to occupy its throne, an honor all the more appreciated by me since it was offered to me environed by the difficulties and dangers which the task of governing a country so deeply agitated.

Animated, however, by the firmness of purpose natural to my race, which seeks rather than shuns danger; fully determined to seek my sole inspiration in the good of the country, and to raise myself above all party level; resolved to fulfill religiously the oath I took before the Constituent Cortes; and ready to make all manner of sacrifices in order to give to this heroic nation the peace it needs, the freedom it deserves, and the greatness to which its glorious history and the uprightness and constancy of its sons entitle it, I thought that my limited experience in the art of governing would be compensated by the loyalty of my nature, and that I should find powerful aid in warding off the dangers and conquering the difficulties that were not hidden from my view in the sympathy of all those Spaniards who, loving their native land, were desirous of putting an end to the bloody and barren struggles which for so many years have been gnawing at its vitals.

I realize that my good intentions have been in vain. For two long years have I worn the crown of Spain, and Spain still lives in continual strife, departing day by day more widely from that era of peace and prosperity for which I have so ardently yearned. Had the enemies to her happiness been foreigners, then, at the head of our valiant and tried soldiers, I would have been the first to give them battle. But all those who, with sword and pen and speech, aggravate and perpetuate the troubles of the nation, are Spaniards; they all invoke the hallowed name of fatherland; they all strive and labor for its well-being; and, amidst the din of combat, amidst the confused, appalling, and contradictory clamor of the contestants, amidst so many and so widely opposed manifestations of public opinion, it is impossible to choose the right, and still more impossible to find a remedy for such vast evils. I have earnestly sought a remedy within the bounds of law. Beyond this limit he who is pledged to obey the law has no right to go.

None will attribute my determination to weakness of spirit. No danger could move me to take off the crown from my brows if I believed that I wore it for my country's good. Neither have I been influenced by the peril that threatened the life of my august wife, who, in this solemn moment, joins me in the earnest hope that in good time free pardon may be given to the authors of that attempt.

Nevertheless, I am to-day firmly convinced of the barrenness of my efforts and the impossibility of realizing my aims.

These, deputies, are the reasons that move me to give back to the nation, and in its name to you, the crown offered to me by the national suffrage, renouncing it for myself, my children, and my successors.

Be assured that, in relinquishing the crown, I do not give up my love for this noble and unhappy Spain, and that I bear away with me from hence no other sorrow than that it has not been possible for me to accomplish for her all the good my loyal heart so earnestly desired.

AMADEO.

PALACE OF MADRID, *February 11, 1873.*"

The PRESIDENT. "Gentlemen of the chamber, the renunciation of the crown of Spain by Don Amadeo, of Savoy, remands to the Spanish Cortes the sovereign authority over the kingdom. This event would be grave if, in the presence of the majesty of the Cortes, anything could be grave or difficult. As this chamber cannot, by itself, exercise the powers now devolved on Congress, the presence and co-operation of the senate being necessary, I have the honor to propose that a message be addressed to that body, which is already written, in order that both chambers, representing the sovereign authority, shall take such action in relation to the document just read as the emergency demands.

The motion was agreed to without debate.

Mr. Salaverria and Mr. Ulloa, leaders respectively of conservative sections of the chamber, addressed the house, expressing their sense of the gravity of the situation; declining, however, to present any proposition, and declaring their willingness to support any government that might be established which would afford guarantees of peace, public order, good administration, and the maintenance of the national territory intact.

Castelar acknowledged the patriotic attitude indicated by the remarks of the conservative speakers. He said the declarations to which they had just listened in this temple of the laws gave him hope, gave him assurance, that now, as in 1808, all Spaniards would forget their differences in a

common effort for the salvation of the country. The scruples of these gentlemen were legitimate, and had been expressed with a propriety of phrase and a dignity for which the chamber could never be sufficiently grateful, and that history would record with applause. "It is my duty," said Castelar, "to point out the singular fact that all is foreseen in the constitution except the present contingency, when an entire dynasty renounces the crown. The abdication of a monarch in favor of his legitimate successors is provided for. But a monarchical constitution could not be expected to anticipate the renunciation of the reigning dynasty. In these supreme circumstances, when it is necessary that authority shall not cease for an instant, while it is becoming that we should follow prescribed legal forms as far as possible, the sovereign authority of these chambers must interpose and supply a remedy for a case not contemplated by the framers of the constitution. We have ever seen in times of danger, as well in the war of independence as in the civil war, that the country has heard but one voice, the Cortes—"Let the Cortes save the monarchy!" "Let the Cortes save liberty!" "Let the Cortes save order!" Now, then, let the Cortes save the honor, the independence, and the integrity of the country. I have but one observation more to make. I have never declined responsibility. I have always declared that the great problem is to ally order with liberty. Shoulder to shoulder with my comrades I have fought all extremes and all demagogues, and I promise you, on my honor and conscience, that while my life is spared, and while I have a voice to speak, I will make every sacrifice for the honor of the nation, for the preservation of its territory, for social order, and for the union of all Spaniards."

After a brief recess, at half past 4 p. m. the secretary, Moreno Rodriguez, read the following message from the senate :

To the chamber of deputies :

In view of the abdication of His Majesty and of the message of your honorable body, the senate considers it necessary that the two houses should meet as one assembly to provide for the public safety. In communicating this resolution to the chamber of deputies, the president of the senate is authorized to confer with the president of the chamber of deputies, to the end that this union may be effected.

PALACE OF THE SENATE, February 11, 1873.

LOREANO FIGUEROLA, *President.*

FEDERICO BALART, *Senator, Secretary.*

VICENTE DE FUENMAYOR, *Senator, Secretary.*

The PRESIDENT. "Ushers, inform the senate that the chamber awaits them."

The senate, preceded by two mace-bearers, entered the chamber.

The PRESIDENT OF THE SENATE. "Mr. President of the chamber of deputies, the Spanish senate, in virtue of a resolution it adopted, and which I have had the honor to communicate to you, comes here to unite itself with the chamber and form one assembly, in presence of the necessities of the country."

The PRESIDENT OF THE CHAMBER. "The senators will take seats, in order that the two co-ordinate legislative bodies may constitute themselves the sovereign Congress of Spain."

The senators being seated promiscuously among the deputies, the president of the senate occupying a place to the right of the president of the chamber, the latter, as presiding officer of the sovereign Cortes, said :

"The chamber of deputies and the senate united, constituting the Spanish Cortes, are in session. Let this be recorded in the minutes. And, by the privilege of my seniority, which no one can envy, I preside.

On behalf of the chamber of deputies, Messieurs Lopez and Rodriguez will act as secretaries. Senators Balart and Benot will act as secretaries, representing the senate. I now declare that the sovereign Cortes of Spain is organized and in session."

Thereupon Secretary Rodriguez read again the act of abdication.

The MINISTER OF STATE, (MARTOS.) "The president of the council of ministers is unable to present himself before the chambers in these grave, and for us most unhappy circumstances, to address the sovereign Cortes of Spain. In endeavoring, as far as I can, to fill his place, I have a few words to address to you. Neither the weight of responsibility pressing upon me nor the solemnity of the situation surrounding us permits anything like a speech from me at this moment. The occasion demands from us prudent, salutary, and great acts. I have only to say to you, gentlemen, that His Majesty the King of Spain, Don Amadeo I, of Savoy, to whom we still hold the relation of responsible advisers, has announced to us this morning his irrevocable resolution to resign the crown into the hands of the sovereign Cortes, the representatives of Spain, from whom he received it. In view of this impressive circumstance, it is needless for me to advert to the obvious responsibilities and duties devolving upon this assembly, duties which it cannot fail to comprehend and fulfill. With this communication, gentlemen, the powers of the present government cease. In the name of my colleagues, in their behalf and for myself, I now surrender the powers we received from the King to this assembly, which from this moment becomes the sole and only sovereignty. May Almighty God grant to all of us the wisdom of which the country has need! May all Spaniards unite with us, as the country may rightfully demand of them, for the salvation of liberty and the guardianship of the interests of society."

Mr. Martos and his colleagues then quitted the blue bench and took their seats among the deputies.

The PRESIDENT, (RIVERO.) "Do the sovereign Cortes accept the resignation of the crown tendered by Don Amadeo of Savoy?"

Accepted without a dissenting voice.

The PRESIDENT. "Do the Cortes agree to send a message to this illustrious prince, expressing their regret and accepting the resignation?"

This was agreed to unanimously.

The PRESIDENT. "Shall a committee be appointed to prepare and report a message?"

This was agreed to.

The PRESIDENT: "It is always difficult to appoint committees."

Mr. JUAN BAUTISTA ALONSO: "Let the president name it."

The PRESIDENT: "Is it the order of the Cortes that the president name the committee?"

It was so ordered.

The PRESIDENT: "I ask permission to retire to select the committee. Meanwhile the president of the senate will occupy the chair."

After a brief interval the president announced the following committee on the message to the King: Figueras, Castelar, Nunez de Velasco, Marquis of Sardoal, Rivero, Cervera, Herrero, Benot, Chao, Rojo Arias, Fuemayor Belart:

After some twenty minutes had elapsed Mr. Castelar ascended the tribune and said:

"I should address a word of explanation to the chamber before reading the report. Naturally the members of the committee were not agreed upon the terms in which the address to the King should be written. But they have understood it was not a moment to insist upon personal

or party sentiments. It is believed the message is the faithful expression of the views of the majority of the sovereign Cortes."

Mr. Castelar then read the message, of which the following is a translation :

The National Assembly to His Majesty Don Amadeo I.

SIRE: The sovereign Cortes of the Spanish nation have heard with solemn respect the eloquent message of Your Majesty, in whose chivalrous words of uprightness, of honor, and of loyalty they have seen fresh witness born to the high endowments of intelligence and character that distinguish Your Majesty, and of the exalted love you bear to this your second country, which, generous and brave, cherishing its dignity even to superstition, and its independence even to heroism, can never, never forget that Your Majesty has been the head of the state, the personification of its sovereignty, and the chief authority within the sphere of its laws; nor can it fail to discern that, in paying honor and praise to Your Majesty it honors and ennobles itself.

Sire, the Cortes have been faithful to the commands of their constituents, and guardians of the institutions they found already established by the will of the nation in the constitutional assembly. In all their acts and decisions the Cortes have restrained themselves within the bounds of their prerogatives, and have respected the will of Your Majesty and the rights belonging to Your Majesty under our constitution. While proclaiming this loudly and clearly, in order that upon them may never fall the responsibility of this issue, which we accept with regret, but which we shall meet with energy, the Cortes unanimously declare that Your Majesty has been a faithful, a most faithful observer of the respect due to these chambers, and that you have faithfully, most faithfully, kept the oath made when Your Majesty accepted from the hands of the people the Crown of Spain; a glorious, a most glorious record in this age of ambitions and dictatorial sway, when, seated on the inaccessible heights of a throne, which only a few privileged ones ascend, the least adventurous of rulers have not restrained their ambition from absolute authority.

Your Majesty may justly say, in the privacy of your retirement, in the bosom of your lovely native land, and by the fireside of your family, that if any human being could have checked the irresistible course of events, Your Majesty, with your constitutional education and your respect for established law, would have done so, absolutely and completely. Convinced of the truth of this, the Cortes, had it been in their power, would have made the utmost sacrifices to induce Your Majesty to desist from your purpose, and to recall your renunciation.

But, knowing as they do the unswerving character of Your Majesty, justice to the maturity of your ideas, and the firmness of your purpose, prevents the Cortes from praying Your Majesty to reconsider your determination, and decides them to announce that they have assumed the supreme power and sovereignty of the nation, in order that under such critical circumstances and with the promptness demanded by the gravity of the peril and the transcendancy of the situation, they may minister to the salvation of democracy—the base of our political structure of liberty—the soul of all our rights and of the country—our immortal and loving mother, for whom we are all resolved to freely sacrifice not only our individual ideas but also our name and our very existence.

Our fathers battled with even more adverse circumstances at the beginning of this century, and, inspired by these ideas and these sentiments, it was given them to conquer. Abandoned by their King, their native soil overrun by foreign hosts, and menaced by that giant mind that seemed to possess the talisman of destruction and of war, the Cortes driven to an island at the furthest verge of the country, not only saved their fatherland and wrote the glorious epic of its independence, but upon the wide-scattered ruins of the old social structure they laid the foundation of the new. The Cortes feel that the Spanish nation has not degenerated, and they trust that they themselves will still less degenerate from the austere and patriotic virtues that distinguished the founders of liberty in Spain.

When all dangers shall have been warded off, and all obstacles overcome; when we shall have emerged from the difficulties that attend every epoch of transition and of crisis, the Spanish people—which, while your Majesty remains upon our noble soil, will offer you every mark of respect, of loyalty, and of deference, because it is due alike to your Majesty, to your virtuous and noble consort, and to your innocent children—the Spanish people cannot offer you a crown in the future, but they will then offer you another dignity, the dignity of a citizen in the midst of a free and independent people.

PALACE OF THE CORTES, February 11, 1873.

The reading of the message was frequently interrupted by loud applause from all parts of the chamber.

The PRESIDENT: "This report, I do not hesitate to say, honors the Spanish nation, and demands from us that we name a committee to present the address to His Majesty. I also think it proper that we should appoint another committee to accompany His Majesty to the frontier. Before all, and above all, we are gentlemen, and as such we should deport ourselves."

Both committees were ordered to be appointed by the chair.

President Rivero resumed the chair, and said: "A proposition is in the hands of the chair to be submitted to the chamber. We are approaching a solemn moment in the national history. I count upon your calmness, dignity, and prudence, since these are the virtues of sovereignty."

The proposition was read, as follows:

The undersigned ask Congress to approve the following act:

The national assembly, assuming all power, declares that the form of government of the nation is republican, remitting to a constitutional convention (*cortes constituyentes*) the organization of this form of government.

This assembly will choose an executive, removable by and responsible to the chamber.

PI Y MARGALL.
NICOLAS SALMERON.
FRANCISCO SALMERON.
LAGUNERO.
FIGUERAS.
MOLINI.
FERNANDEZ DE LAS CUEVAS.

PI Y MARGALL: "I am not sure, gentlemen, if I shall know to-day how to maintain the serenity that you are accustomed to find in my speeches. I am profoundly moved. But my task is less difficult than it would seem, since I have nothing to say that is not already in the mind, in the hearts, and in the conscience of all present. You elected a King and that King has resigned the crown he received from you. You have no government. The ministers who have received their authority from the hands of the King have disappeared with the authority of the person from whom they derived their trust. There remains but one legitimate source of authority, the Cortes, and necessity compels this body to assume all power; you yourselves have confirmed what I say by your acts. If the Cortes hold the legislative power, they must create an executive authority. We propose that this be chosen by a direct vote of the assembly, and that it be charged with the duty of enforcing your decrees. Are we to have another interregnum? Should we leave the dynasty to pass from its orbit powerless and not replace it by another form of government? You all know the fruits monarchies have yielded us. You established a constitutional monarchy in the person of a Queen by divine right. You could not reconcile it with liberty. The people desired reform and progress. The people insisted upon the sanctity of personal rights, and that Queen and her father before her had no thought besides ignoring individual liberty and arresting the progress of the Spanish people. Finding her incompatible with your liberties, you banished her from the country; you then attempted to establish an elective monarchy, and you chose a King, impersonating it. You see the result. He confesses himself to have been unable to overcome the rancor of parties and the discord that devours us. Our dissensions have multiplied; our animosities have spread and extended even to the parties that made the revolution of September, 1868. You are convinced that monarchy is incompatible with the political rights you have created. It is necessary,

therefore, that we go to the republic. You who have established the great principle of national sovereignty in the people, cannot do less than accept a form compatible with this principle, and this you do not find in a monarchy which circumscribes the power in the hands of a family. You cannot return to the monarchy. Privileges of caste have disappeared. It is impossible for you to merge the sovereignty of the nation in a dynasty. Bear in mind the ideas and the movement of opinion of your age. In other times, thanks to a religious belief widely accepted, there were dikes to bound the movement of thought and make hereditary powers possible. But in these days of free opinion how is it possible to suppose that a single person can control the currents of the popular will? We need movable powers, and for these the republic must be established. The executive should be so constituted that it may ever be in harmony with the ideas of the Spanish people. Look at the present state of Spain! Reactionary forces appear in many provinces, and you all know that a standing army is incapable of putting down these factions. It is necessary that the people rise in arms to put an end to this civil war. To do this you must give the people a flag they will accept and under which they will fight. This you cannot do in the name of monarchy. It is necessary, then, that this sovereign assembly proclaim at once the republic, leaving to a constitutional convention, to be hereafter chosen, the duty of defining the organization and form of the republic. We are federalists. We believe that in a federation lies the hope of the country. But we understand that in these moments all should make sacrifices, and ours is to forbear establishing now a federal form of government, leaving that determination to a future Congress. If we are agreed in this, we for our part are satisfied. Otherwise we must insist upon our attitude, since it is impossible for us to sacrifice our convictions. To-day we only ask that you proclaim the republic. Afterwards we shall know the form of republic the country desires."

The proposition having been again read, was taken into consideration without a division. The debate was thereupon declared open.

Mr. ROMEO ORTIZ. "It has never been the doctrine of the liberal parties in Spain that a constitution can be modified without the consent of a convention elected expressly for that purpose. If we have had parties who thought otherwise, they were not liberals. With this observation I have only to affirm what has already been said by Mr. Ulloa. It would not become those of us who are monarchists by conviction to abandon our ideas and suddenly turn republicans. We are nevertheless disposed to lend our loyal and sincere support to the power that may be here created to sustain public order and maintain the integrity of our territory."

SALMERON, (DON NICOLAS.) "These are critical moments, when we not only have to decide the questions presented by the abdication of the Crown thrown into our midst by Don Amadeo, but we are bound to organize the country; and, to raise up the institutions, we need to maintain social order and liberty. In this work we should form a compact phalanx; we must be prepared to sacrifice our lives, and, what is more, our name and our dignity, on the altar of the higher dignity of the Spanish nation. It is indispensable that we comprehend how we were yesterday divided by party passions under the monarchy; that, if heretofore factions have struggled with factions for power, to-day we have no monarchy to distract us. In this chamber, in presence of this sovereign assembly chosen by universal suffrage, we have already the republican form of government in which may be united every political and social aspiration. If you, the conservatives, say you are ready to support that

government, to maintain social order, raise yourselves a little higher and say, 'We come to assist in founding an order of things indispensable in this country after the ruin of the monarchy.' For you must realize that with the fall of the monarchy nothing legal remains but the first chapter of the constitution and this Cortes, the representatives of the national sovereignty. If you love your country as you say, if you are only animated by the desire of contributing to its welfare, accept the ideas within which we can all prosper. Let us all unite together. We, for our part, repel no one; republican liberty belongs to a social organization under which may live those who cherish the most opposite opinions. Representatives of the Spanish nation, in this moment all Europe looks upon us. Let us imitate our forefathers, who redeemed our soil and reanimated our patriotism. For us there are neither conquerors nor conquered; neither republicans of yesterday nor of to-day. Let us all move forward together, confiding in the justice of our cause, resolved to save Spain and maintain liberty."

RUIZ ZORRILLA. "I do not propose at this moment to take part in the debate. I rise only to say to the representatives of the country that before approving or disapproving the proposition under discussion, it is indispensable to suspend the session, if only for a few minutes, in order that we may have a provisional government that may tend to the preservation of order in Madrid and in the provinces."

The PRESIDENT, (RIVERO.) "The president answers for order throughout Spain; [applause;] and to this end he relies on the co-operation of your excellency and your worthy colleagues."

RUIZ ZORRILLA. "Your excellency cannot expect our co-operation otherwise than as deputies or as senators. It is my duty to say that there is no government. Those of us who lately constituted the government, with much glory to ourselves, in the name of the monarchy, have ceased to exercise authority. And here you have not foreseen even the first necessity of a country, above all when it finds itself in the circumstances which surround us. If a telegram should come about the Carlists, [laughter,] or about any occurrence that might take place in any province of Spain, there is nobody who could receive it. [Laughter.] From the moment that Mr. Martos said that we had relinquished our authority as ministers, that we would not give attention to anything that might happen, you should have attended to this necessity. If a telegraphic dispatch were received now, saying that the Carlists had occupied an important city, or that one of our generals refuses to accept the situation, to whom could this be delivered, and who could take the proper steps to meet the emergency? [Loud murmurs. The president calls to order.] Gentlemen, understand the situation in the depths of your conscience and provide for the needs of the moment. I, gentlemen, am an honorable man, who has always performed his duty to the monarchy and to liberty, and when the monarchy and the dynasty disappear I offer fervent prayers that your efforts and measures will correspond to your impatience for that which I do not believe can last long in this country. [Murmurs of dissent.] This is a matter of opinion, and I regret to find myself interrupted; my position is not understood. I have been president of the council of ministers, and I have the consolation, in view of catastrophes which may come, that during the time that I have been at the head of the state, not one drop of blood has been shed. If I have interrupted this debate, it has been to call your attention to an immediate necessity. I am guided only by a sentiment of patriotism. This is said to you by one about to disappear from public life, and who has only one remorse, that of having returned to public affairs at the instigation of his friends,

disregarding, for once only, his own proper resolution. I think that my suggestion should not be disregarded, and I say this to you with all the more weight, because I expect to find myself under the necessity of resisting the aspirations of those who believe that after to-morrow we shall live in the world of Dr. Pangloss. I appeal to you by the love of that liberty which I have ever defended, that you give attention to the supreme duty imposed upon us by the extremely critical circumstances confronting us, a duty incumbent upon every society. I ask nothing in the interests of monarchy nor of the dynasty. They have disappeared. Nor in the name of my party, for it has ceased to exist. I appeal to you in the name of common sense. At this moment it is impossible to protect the interests of the country without some one in charge of the ministry of war and a secretary of interior; since it is impossible that the president of this assembly, who must preside over your deliberations, can at the same time perform executive duties that may be demanded of him at any instant. I do not wish to fatigue longer the attention of the assembly, and I conclude, praying that you will suspend the session for a moment and name a government, however provisional it may be, which may act until your further pleasure can be known. That is all I have to say."

The PRESIDENT, (RIVERO.) "The moment when the late ministry resigned their powers into the hands of the assembly, this body resumed them. In my opinion, although we have no precedent to guide us, when the sovereign assembly undertakes the functions of government, my authority should be sufficient until another is named. I, of course, may rightfully count upon the retiring ministers to assist me in the preservation of order until their successors are named. Relying on their support, and accustomed to preserve my equanimity in the most trying circumstances, there is no occasion whatever for the observations with which Mr. Zorrilla has interrupted the debate. If there is perturbation in Madrid, if disturbances happen in the provinces, I shall rely upon the ministers to suppress them, during the short period in which their assistance will be necessary. Is it possible, sovereign Cortes, that the functions of government can become inanimate? At the worst, this situation cannot last more than an hour or two, allowing to this debate the amplitude that the patriotism of the chamber may deem necessary. I am sure that we are all anxious to hasten the formation of a government, [Yes! Yes!] and that within two hours we shall have a government greater and stronger than we have ever had, invigorated by the co-operation of all the representatives of the country. Is this not enough? In order not to interrupt the discussion, I propose a very simple remedy—that we agree at once that the late cabinet resume their seats on the ministerial bench, exercising executive functions until the assembly names their successors."

The proposition was approved by the chamber.

ZORRILLA. "I ask the floor." [Murmurs.]

The PRESIDENT. "Order! Gentlemen of the late cabinet: in the name of the country and of the national assembly, I ask you to take your places on the ministerial bench, and discharge the functions of your separate offices."

MARTOS. "I ask the floor."

The PRESIDENT. "The question is not debatable. In the name of the assembly, and to support its authority, I insist that the late ministers obey."

ZORRILLA. "I am not disposed to go to the ministerial bench, although all my companions should do so, and your excellency will permit me to explain myself on this point." [Violent demonstration.]

The PRESIDENT. "The ministers will be pleased to go to their bench."

ZORRILLA. "Take notice that I have resigned."

FERNANDEZ DE LAS CUEVAS, (addressing the president.) "Who has given to your excellency a dictatorship?"

MARTOS. "Mr. President, here in my place as a deputy, I demand to speak."

FIGUERAS. "I demand to speak." [Agitation.]

The PRESIDENT. "There is no debate."

FIGUERAS. "Permit me, your excellency, to say that the country demands from the assembly that it shall choose a government."

MARTOS. "Who strips me of my right as a deputy? Nobody in the world shall do it. [Applause in some benches.] Have I the floor, Mr. President?"

The PRESIDENT. "I will speak now, and afterward you may address the house. It is best to be calm when we are discussing questions of such gravity. This is the position of the president. He believed, and believes, that all powers devolved upon him in the name of the assembly. [No! No!] I am mistaken. I believed it my duty, as the president of a sovereign assembly, to exercise gubernatorial authority. [Noisy interruptions.] It is expedient that you hear me—above all for the sake of public order. I believe that, as events have happened here, analogous to those which have transpired in like circumstances in other countries, we may adopt the means elsewhere taken. What have we here? Two co-ordinate legislative bodies, assuming in joint session the national sovereignty. The executive has resigned, and I ask who else than the president of the assembly, until a ministry be appointed, can exercise executive authority? [Many deputies: 'Yes; yes;' others: 'No; no.' Confusion.] If you will not hear me I retire. You see that I am calm. Maintain the same calmness that I preserve. Do you think that it is from pride on my part that I desire to govern, as if my duties as presiding officer of this body were not weighty enough for my strength? Have you not ordered that the late ministers should retain their functions until the appointment of their successors? Has this not been agreed to? [Protests.] If you believe the proposition has not been approved, I will submit it to another vote. [A voice: 'The ministers refuse to accept.'] Is the proposition agreed to? [Many voices: 'Yes; yes.'] Well, then, I believed, relying on their patriotism, that the ministers would resume their places and discharge their duties, however difficult. Had I not a right to rely upon their acceptance? Will they not obey the order of the assembly, and accept the trust and confidence which this vote signifies? Do they accept or not?"

MARTOS. "I demand the floor."

The PRESIDENT. "Well, then, you may speak, and I leave to you the responsibility, trusting to your patriotism and prudence for a due consideration of the circumstances surrounding us."

MARTOS. "I shall speak with a moderation required by circumstances, and with the respect and consideration I owe to the assembly. I begin by declaring that I have witnessed with grief an incident I have not provoked, and for which I have not the least responsibility. I have only insisted upon my right as a deputy, which is at last conceded to me, after an undue resistance that might have been wisely avoided. It is not well that, against the will of all, tyranny should begin the day that monarchy ends." [President Rivero here left the chair, which was occupied by Figuerola, of the senate. Several deputies made unavailing efforts to dissuade Mr. Rivero from leaving the chamber.]

"Believe me, gentlemen, that neither of my worthy colleagues in the late cabinet is capable of declining any responsibility, above all in diffi-

cult circumstances. But it seems to me, and I shall rejoice if in this I was mistaken, that an imperious demand was made of us to assume certain functions. If we had been invited in a different tone to assume those powers, we might have obeyed, yielding to the desire and the vote of this sovereign assembly. In the name, then, of my esteemed colleagues, I have to say that, having received an authority from the late King, and His Majesty's functions having ceased by reason of his abdication, our duties ceased when that abdication was accepted by the Cortes. Recognizing the sovereignty of this assembly as superseding that of the King, we resigned into the hands of the Spanish Cortes the power we had received from His Majesty. What are we considering now? The creation of an authority responsible for order, in which we are all equally and deeply interested. On this point I have done nothing more than defend my prerogative, and I appeal to the chamber to say whether I should be worthy of a place among them for an instant, if I had failed to repel the obstacles interposed to the free exercise of my right as a deputy."

RAMOS CALDERON. "I ask the floor."

The PRESIDENT, (Figuerola.) "I appeal to the prudence of Mr. Martos, in order that to-day we may not have speeches, but acts."

MARTOS. "I have but little to add; I have not been able to consult my colleagues, but they inform me that they agree with what I have said. I maintain that the assembly is sovereign, that sovereignty is authority, and that authority is responsibility and obligation. The executive duties springing out of the present situation devolve upon the presidency of the Cortes a moral obligation, resting at the same time upon each and every one of us, and which I accept for my own part, to sustain the president of this assembly in the measures he may see fit to adopt. For the maintenance of public order, means are at the disposition of the representative of the Cortes, or of whomsoever may be charged with the exercise of its power. It is not necessary to this end that we should resume our seats on the ministerial bench. Here in our proper places we are at the service of the president of the assembly and the country. In conclusion, gentlemen, it should be observed that one branch of the proposition we are considering provides for the nomination of a government. And I appeal to my friend, Mr. Zorrilla, and to all in this assembly, that we lay aside all motives of discord, and withdraw as I withdraw on my part, the harsh expressions I may have uttered in defense of my right as a deputy. I beg that all may say as I say, let us vote the proposition and create a government."

President FIGUEROLA. "After the noble words of Mr. Martos, and believing myself a faithful interpreter of the wishes of the president of the assembly, I trust that whatever he may have said may be interpreted in a like manner, inasmuch as it was only his intention, in which I am sure the assembly coincided, that we should not remain without a recognized authority. Appreciating as I do the motives of delicacy influencing the members of the retiring cabinet in hesitating to resume their functions, and as the assembly cannot oblige them to do so, I appeal to their patriotism to lay aside all questions of form, and if it be only for an hour, to take their places on the ministerial bench, and provide the necessary safeguards for public order. I beg, therefore, that these gentlemen will comply with the resolution of the assembly for no other reason than that it is the expressed wish of this body."

MARTOS. "We have not desired to occupy the ministerial bench because the assembly is about to adopt grave and important measures in which we desire to take part, and because there is no necessity for the

action suggested. But if, notwithstanding, it be the wish of the assembly, for one, I will not refuse."

PRESIDENT FIGUEROLA. "I pray that Mr. Martos and his colleagues of the cabinet will exercise the executive functions intrusted to them by the assembly."

MARTOS. "It is unnecessary that we leave our seats. For the satisfaction of the president I will add that we are transacting business through the sub-secretaries of the departments, and that General Cordova, not as minister, but as general of the army, and as a patriot, is present in the war office taking care of the interests in its charge."

The committees to present the message of the Cortes, and to accompany the King to the frontier, were then announced by the president.

PRESIDENT FIGUEROLA. "The gentlemen designated are requested to hold themselves in readiness to present the message to the King, as well as to accompany His Majesty at the hour fixed for his departure."

ZORBILLA. "I beg the president to permit me to say a few words in relation to the incident just occurred, and that I have provoked. I shall be brief. The president proposed that the retiring ministers should continue in their places, and I wish it to be understood that I cannot accede to this request while the proposition under consideration is pending. I have no desire to prolong the debate, but I believe it indispensable that there should be some constitutional authority, and above all, in the war and interior departments. Although I cannot myself yield to the wish of the president, I have said to my colleagues that they should place themselves at the disposition of the assembly; for it is absolutely indispensable that this assembly name somebody who can instruct a provincial governor, or a general, as to what he should do"— (Loud inter-ruption, which made it impossible to hear the speaker, who sat down.)

Mr. OLAVE. "We would have had a government before now if your excellency had not interrupted the discussion."

Many members here demanded the floor, and there was great agitation.

Mr. FIGUERAS. "I ask to speak upon this incident."

The PRESIDENT. "The incident is terminated. Señor Bazzanallana has the floor on the main proposition, and I beg him to be brief."

MARQUIS DE BAZZANALLANA. "The president knows, by long experience, with what deference I always yield to his suggestions. This is a day to be brief in speech but abundant in deeds. For this reason I was silent in the senate, waiting our presence here to make known our attitude in the present circumstances. For the same reason my friend, Mr. Suarez Inclan, remained silent. We are asked to vote a form of government we have never believed in. We are asked to assist in establishing a republic. We can bow our heads before the force of events, and overlook irregularities to which we have in no manner contributed. I shall not undertake to reply to the arguments of Mr. Pi y Margall. Inspired only by sentiments of patriotism, we offer our co-operation to the end that the government which may be established shall be strong, and have the means necessary to give order and peace to this unfortunate nation. We are not republicans; we shall vote against the republic. And we trust that the republican party will find no reason in what may happen to the country to abate their pretensions. So far as we have yet got into this century, the republic is the only form of government not yet tried in Spain. The country thinks it can make the experiment. I say, 'Consistent republicans, you who have in your ranks great orators and illustrious writers, God grant you may prove you possess great statesmen!' If this happen, it would demonstrate that our calamities do not spring

from governments, but result from intrinsic causes, all the more easily alleviated now that the last effort is to be made."

MARQUIS DE SARDOAL. "My speech will have the brevity demanded by the circumstances. I have risen for myself and for the Duke of Veragua and other friends, to explain the meaning of our votes. You will understand that, being yesterday monarchists, we continue to be so; that those of us who have heretofore believed liberty compatible with monarchy, do not admit that the accident of the abdication of the late King has affected the principle which constitutes the foundation of our opinions. We cannot say to those who have always been republicans that our monarchical faith is impaired. Such a declaration would justify your suspicions, and we desire to retain your respect. The situation is difficult, the country and social order are menaced and impel us to action; we shall yield to the exigency, as far as our dignity permits, because above our opinions and antecedents is the welfare of Spain. Comprehending that the monarchy we have defended is now impossible, comprehending that monarchy is not an abstraction and can only be realized in the establishment of a dynasty, and this being here and now impracticable, we vote the republic. We shall vote it because we do not see that a monarchy is possible in Spain under present circumstances, and we prefer an honorable affirmation to a shameful negative. We are not among those who will pretend to march with your leaders. We shall be with you as soldiers in the ranks, uniting with you in the love of country and of liberty and social order. Our vote has still another aspect. Foregoing forms which, under other circumstances, we might deem indispensable, we recognize the imperious necessity of depositing the government, now abandoned, in some hands, and, therefore, we shall vote the republic; but with the understanding that your power will not extend beyond the moment when the constitutional convention that will be elected shall have met and shall have determined the form of government to be permanently founded. We radicals cannot suffer our party to appear less noble and worthy than the others, and, therefore, in acting as I have said we propose to act, we believe our course honorable, yielding, for the present, our opinions to the welfare of the country and the consolidation of its liberties.

MARTOS. "Gentlemen, all the great interests of the nation impel us to move promptly to a solution. A few hours ago we were under a monarchy; now we have an interregnum. Let us fill the void. And it is fortunate that we are here giving an example the like of which I do not recall in the history of any other nation. Without violence, without tumult, without the effusion of blood, without external pressure, a free vote will be taken, uninfluenced by a single act of force. If violence be attempted we will all rally to the defense of law and order. I know of no example in which, without public disorders, a monarchy has given way to a republic; and I say this in glory of the Spanish nation that has thus shown itself to be a people worthy of achieving and maintaining liberty. This good fortune at the same time illustrates the power and virtue of the democratic principle enshrined in our constitution; those individual rights which have taken root in our soil and which, whatever changes may occur, will still be found in the convictions and in the life of Spanish society. We are not to consider that the radical party, containing elements of various antecedents, admits the incompatibility of liberty with monarchy. What the Marquis of Sardeal has said for himself and some of his friends, he might have declared in the name of all the radical party. Yes; we who have not desired the grave event of this day—who deplore it bitterly, confiding, as we have, in the salvation of liberty with

the Savoy dynasty, which we defended and supported with all our will—we are not undergoing a sudden transformation in our opinions. Let it then be recorded, since it is best that we reach a republic solution without deceiving ourselves, that we continue to believe what we have ever believed. We have not taken the initiative in proposing the republic, however true it may be that several of my associates have signed the proposition under consideration. Why? Because it was the duty of those who have been heretofore republicans to say: ‘The moment has arrived to proclaim the republic!’ It was their right to take the initiative and declare that the situation of Spain at this moment demanded a republic. They have done so. Consider then, my radical friends, let all the partisans of monarchy bear in mind, not that which would be most acceptable to us—for who, in these circumstances, can hesitate to regard before all the interests of the country—but that which the country has a right to expect of us as a party and as a social power. Is it possible for those who have ever defended liberty to exclaim, in a supreme moment, ‘I have been wrong; I despair; I abdicate!’ Never! Even the highest in authority may resign power, but the dignity of a political party forbids that it shall renounce its responsibilities. Therefore we are here without disparagement of our consistency or of our honor, to fulfill a great obligation. I rejoice that the republican party receives us, and I rejoice in this, above all, for the sake of the country and of liberty. But, let it be understood that in contributing to your ends we have only consulted our duty. I respect all opinions, as I desire that mine may be respected. I say, without taking an initiative in the proposition under discussion, that we accept it and shall vote it. [Great applause.] The republic will be order and peace. And herein we are united—the republicans of yesterday and the monarchists up to this hour are all republicans from to-morrow, to save democracy, liberty, and all the interests of society. Before resuming my seat I must say to you, I respect the worthy conduct of our illustrious friend, Mr. Zorrilla, who, in declining to take part in the government, makes the most honorable of sacrifices. Would that he had yielded to the supplications we have all addressed to him to accept office.”

ZORRILLA. “I shall not trouble the chamber long, and I begin by saying that I do not regret having given rise to the recent incident, seeing that, contrary to my anticipations, this proposition is about to be voted, and that the wishes of the chamber may be thus fulfilled. Nor would I have troubled the chamber at all, notwithstanding the allusion made to me by Mr. Martos, had I not felt impelled to discharge an imperious duty. I did not believe this afternoon that I could or should occupy my seat on the minister’s bench after the King’s abdication was accepted. I felt I could not, I should not, and even if I had done so I could not have accepted the republic. Neither am I a monarchist; and this is my misfortune. I must, however, say here that all my sympathies are with those who are at the side of liberty. Why should I wish to deceive anybody? Why should I occupy myself to-night in conciliating others? Why? To-day I finish my political career, as once before I desired to end it, having returned to public life against my will. No, gentlemen, the crowning shame for those who made the revolution of September would be the restoration, with its blunders and its impotence.”

Mr. Esteban Collantes, interrupting the speaker, demanded the floor for a personal allusion.

Mr. ZORRILLA continued. “I am sorry that Mr. Esteban Collantes is constrained to ask the floor. But what would he have me do? Why do the representatives of the reactionary party incommode themselves, since

it is they who have placed every obstacle to the establishment of a monarchy? If I remained silent, my silence might afford nutriment to the hope of a restoration in which I have never believed, and which now more than ever seems to me impossible. What does Mr. Collantes wish? Now that I am about to retire from public life, all my days and evermore a liberal; and having always practiced liberal principles while in power, why should I not now, as I have done in other critical times, say, 'God speed liberty!' A liberty that I trust may be a reality in my country. This cannot be; and for this I neither reproach the republicans nor the conservatives. The former know what I said to them in the morning, and the latter what I said at night. I regret to have dwelt so long upon this; but I believe you will pardon me for it, as well as for the disorder in my ideas. You don't know what I have suffered in these last eight days. I shall conclude by defining my position with offense to no one, and respecting the conduct of all. I believe that he who as president of the constituent Cortes most of all influenced the establishment of the monarchy, that he who went to Italy to offer the crown to the Duke of Aosta, that he who has been minister of the King and twice president of the council of ministers, that he who has given the pledges that I have given, and who is placed in the situation in which I find myself, that he who cherishes the personal regard that I have professed for the late King—and my colleagues know it well—for they know that I have supported the dynasty and monarchy in the Tertulia club, and that I have been a liberal and a radical in the palace; he who has been thus placed and who now finds himself here, and who after all this has no faith, as I have had none for a year or more, neither in parties nor in men, could have no motive under existing circumstances to remain in public life unless he believed he could in some manner contribute to the triumph and consolidation of liberty. But I would be worthless in the realization of this dream. I retire, then, gentlemen, to private life; but I cannot do less than add a few more words, for one cannot abandon in a moment the inclinations and the feelings one has had during a lifetime. My party elected me its chief, and those of them who are here, and those who find themselves elsewhere, are at liberty to make for the port they find most agreeable. As to the situation of my country, I wish to record that the only way in which republicans and monarchists could have allied liberty and order was to have supported resolutely, each within their sphere, the dynasty of Savoy. At the same time I wish it to be recorded that neither the liberals nor the republicans have overthrown the dynasty. When it was proposed to suspend the constitution upon the allegation that anarchy menaced the country, I could not comprehend how that government could have wished these guarantees suspended, when precisely those who provoked the anarchy were the advocates of the measure. (Mr. Ulloa demanded the floor.) I do not make allusions to anybody, I conclude, I am a monarchial partisan of the dynasty of King Amadeo, of Savoy. I have been his president of the council of ministers—and I do not recognize my right to be anything else. I desire good fortune and felicity for those who are here charged with the duty of guarding liberty. All the world knows where my sympathies go, and I need not affirm them. I have done.

ESTEBAN COLLANTES. "Do not apprehend, gentlemen, that I shall have anything to say, dissenting from the noble and patriotic declaration of my worthy friends Señores Salaverria and Marquis de Bazzanallana. I would not have added a word, because we know how critical are the circumstances, and my friends agree in believing that the first as a deputy and the second as a senator have given full expression to our patriotic

convictions. I shall therefore be brief, clear, and concise, confining myself strictly to the allusion made to me. I regret at this moment to appear as an antagonist of Mr. Zorrilla, whom I esteem and with whom I desire no conflict to-day, as he has said he is about to retire from public life. All public men have obligations to fulfill; I find no reason to shrink from those imposed on me four years ago, as a true monarchist, as a supporter of a dynasty that I served in its days, but a dynasty in whose palace I did not set foot from July 17, 1854, until I saw it in exile. Thus one may say that he is a monarchist. Thus one may say that he had pledged voluntarily contracted and which he knew how to fulfill without abandoning his convictions in moments of disaster. What has happened, gentlemen? An elective monarch has abdicated the crown. Did we invite him here? Have my friends contributed to his departure? Has he abandoned the throne because we have been factious? What has been the attitude of the conservative minority; not only in this but in all the legislatures of the late dynasty? Their conduct may stand as a model for the past and for the present, and I point to it as an example for the future. Have we conspired against a monarchy that we have neither brought here nor have recognized? Nevertheless there have been conspiracies of one sort or another against this monarchy, originating in various political parties. When Don Amadeo renounced the crown, we did not oppose the proposition to pay him a tribute of courtesy and respect, because Don Amadeo had been seated on the throne of Ferdinand and Isabella. The policy that I offer to my friends, whose aptitude and intelligence enables them to see their duty better than I can point it out, is that they should know how to await their triumph. The radicals have given success to the republicans. Who knows but what the republicans may give it to us. Let us await events. Republicans, you are on the threshold of power. Promote the welfare of the country and we shall not stint you in our applause nor refuse you our sympathies if the country is happy and prosperous. But if, unfortunately, the day shall come in which you are yourselves convinced, as Don Amadeo was convinced, that the republic is impossible, let it be understood that there is a Spanish prince in whom the country sees its future, its felicity, and its welfare. I reserve for the prince Don Alfonso all my affections, my constancy, and my loyalty. Don Amadeo leaves us, we being the only ones who have never conspired against his authority, although we have never recognized it. He leaves us because he has learned that he had no other supporters than they who were monarchists and partisans of his dynasty only while he gave them power, and who turned against him the moment he changed his cabinet. Therefore he renounced the crown. Remember our conduct to-day that you may follow it to-morrow if you fail in your undertaking. We do not favor the republic. We are true monarchists, but we are no obstacle in your efforts to promote the happiness of the country, if this be compatible with your doctrines. We all find a lesson and a reproach in the events now passing. If we do not profit by them to promote the happiness of Spain, we are lost without remedy. At all events history will judge us and do justice to the rectitude of our intentions and the nobleness of our acts."

ALVAREZ BUGALLAL. "Only two words, gentlemen. Mr. Martos has said, with the frankness that distinguishes him, and with the authority that belongs to him as a member of the committee that reported the constitution, that the proposition under consideration is openly in conflict with the supreme law. The pending proposition submits to the deliberation of the two chambers united that which the chambers, whether united or separate, are notoriously and absolutely incompetent and pow-

erless to decide in conformity with the fundamental law of the state. If your first act in establishing a republic is a violation of the fundamental law, with what right, with what authority can you hope to dominate hostile factions? Following Mr. Martos you will call the legal procedure I invoke useless scruples, superstitions, and pharasaical respect for legal forms; nevertheless, these only can it sanction with my vote and presence. Ah, gentlemen, to a scrupulous regard for forms of procedure, to a blind submission to the healthful delays characteristic of strictly legal courses, old England owes the undisputed and indisputable liberty which she enjoys. To the system of public safety and of improvised institutions, to the disregard of all forms and of all legal procedure, France owes, and the Spain of our time owes, that series of fruitless revolutions and shameful dictatorships in which we have lived, and in which we continue to consign ourselves."

MR. ULLOA. "I am sure, gentlemen, that you will have appreciated not only the sobriety and the patriotism with which those on the conservative side of the chamber have participated in this debate. Not a word of recrimination has passed our lips, although rightly we might have indulged in them. But we never could have imagined anything so foolish and insane from anybody as the spectacle we have just witnessed, of an accuser bringing charges against us, when he himself should have been in the prisoner's box, the object of just accusation. Can anybody in the world doubt, after the speeches of Mr. Zorrilla, who is the author of the tremendous crisis in which we are involved, or who it is that has destroyed the dynasty and monarchy of Savoy? [Many deputies: 'You, you! Never, never!' Noises.] I appeal to you on all sides of the chamber, whatever your politics may be, and however we may differ, and call on you to say, with your hands on your hearts, if we have not been insulted by Mr. Zorrilla. [Many deputies: 'No, no!'] No! Will Mr. Zorrilla venture to deny it? What did he mean when he said that the dynasty and the monarchy had fallen, not by the hands of republicans or of radicals, but that it was the work of the men and the party that had demanded, in grave and solemn moments for the country, the suspension of constitutional guarantees?"

ZORRILLA. "I have not said that."

ULLOA. "Mr. Zorrilla forgets himself; if not in those words, in words involving the same meaning. [Many deputies: 'Let us vote as soon as this speech is finished.'] I am all the more surprised, inasmuch as Mr. Zorrilla knows, and admitted yesterday, when he yet thought it possible to maintain the dynasty—right well he knows with what warmth, with what disinterestedness, the conservative party offered him their support. How could I have believed, gentlemen, that to-day, a day that began happily for the new era, and that is ending disastrously for the country, we should be made the target for the wrath of Mr. Zorrilla? In view of the temper of the house, and having made this protest, demanded by self-respect and the dignity and decorum of the party I represent, I resume my seat."

MANY DEPUTIES. "Vote! vote!"

ZORRILLA. "I ask the floor." [Loud murmurs.]

VICE-PRESIDENT GOMEZ. "Your excellency has the floor, and the chair begs you to be as brief as possible, in order to calm the anxiety of the chamber."

ZORRILLA. "I have only to say to Mr. Estaban Collantes that I applaud his speech as an act of courage, and to make a single remark in reply to Mr. Ulloa. I have not discussed the circumstances under which he and his friends advised the suspension of the constitution. I referred

to the general belief that we would be compelled to resort to the measure we had rejected. If his excellency desired to make a speech, he had no occasion to seek a pretext in what I said, in order to obtain the floor. I did not say that the conservative party was responsible for the fall of the dynasty of Savoy. In making a comparison, I said the fault is not with the republicans; it belongs to the monarchists. Whoever is guilty knows it. As to the offer of yesterday on the part of the friends of the honorable gentleman, it is unnecessary for me to speak of it here. There were three offers, and I do not wish to discuss them now. When the time comes to speak of each one of the three, I will then say to the country what I think proper of them."

MANY DEPUTIES. "Vote! vote!"

CASTELAR. "Two words—because the exigency and the gravity of the moment do not permit me to say more. Gentlemen, the republican party does not claim the glory that might belong to it of having destroyed the monarchy. Nor can we permit you to throw upon us the responsibility of this grave situation. No; nobody has destroyed the monarchy in Spain, nobody has killed it. In contributing to improve the opportunity before us I cannot in my conscience claim any merit in destroying the monarchy. The monarchy died by internal decomposition. The monarchy dies without any one having contributed to its death. It dies by the providence of God. With Ferdinand the Seventh fell the traditional monarchy. With the flight of Isabel the Second disappeared the parliamentary monarchy. With the renunciation of Don Amadeo of Savoy the elective monarchy falls. No one destroyed it. It died of natural causes. Nobody has brought the republic into being. It is the creation of circumstances. It comes from a conjuncture of society and nature and history. Let us salute it as the sun that rises by its own gravitation in the horizon of our country." [Great applause.]

The proposition was then read a second time. A division of the question was demanded. The secretary read the first paragraph, in the following words:

"The national assembly, assuming all powers, declares the form of government of the nation to be republican, leaving to a constitutional convention the organization of this form of government."

Mr. ARDANAZ. "This is the first part—the form of government. Read the second."

The secretary read as follows:

"And an executive power shall be named directly by the assembly, removable by and responsible to this body."

VICE-PRESIDENT GOMEZ. "The house will proceed to vote on the first branch of the proposition."

CALDERON COLLANTES. "In my judgment the proposition contains three parts: first, that which declares that the Cortes assume all public powers; second, that which establishes the form of government; third, that which provides for an executive authority."

FIGUERAS. "I ask the floor to say two words to my friend Mr. Calderon Collantes. I am sure Mr. Collantes, appreciating my good faith, will accept the explanations I am about to give. If the assembly had not already taken action prejudging in fact the first proposition, the demand for the division of the motion into three parts would be admissible. But in view of the circumstance that the senate is here, and that, together with the chamber, one assembly is thereby constituted, designating itself the National Assembly of Spain, we have virtually

assumed in this action that this body is the sole representative of the sovereignty, and that it possesses within itself supreme power."

CALDERON COLLANTES. "This is not denied, and in this sense I shall vote."

FIGUERAS. "I understand the object of Mr. Collantes. He says, and with reason, 'We find in this proposition a clause that we can approve, and for which we will vote. We find another which we cannot approve, since it is in conflict with our principles, and therefore we demand a division of the question.' Granted, the gentleman and his friends may, however, accept the proposition as it stands, because the first branch of it to which they might dissent only asserts an existing fact. If this vote had preceded the union of the two bodies, the gentleman and his friends might have desired to place themselves on record as questioning the proceeding. But in view of the declarations made, and the sense in which they are accepted by the house, it would seem that the attitude of his excellency and his associates cannot be misunderstood."

The first branch of the proposition was then adopted—258 in the affirmative, 32 in the negative.

FIGUERAS. "I ask the floor."

The PRESIDENT. "You have it."

FIGUERAS. "We have voted the first branch of the proposition declaring the form of government of the Spanish nation decreed by the representatives of the people. And, gentlemen, I think that our first act should be to announce these joyous tidings to the governor of Madrid and to the authorities of the province and the city. Let the announcement be made also by telegraph to the civil and military authorities of all the provinces of Spain, and likewise to all the governments with whom we maintain good relations. This act will be the rainbow of peace and concord for all good Spaniards. And this done, permit me, representatives of the people, in no tone of triumph nor of reproach, but because after so many years of struggle we have attained a form of government in which I believe the liberty and happiness of my country are incarnate, permit me to conclude these brief words saying only once, 'Long live the republic!' [Loud cries, "Viva! viva! viva!" and great applause.]

The second branch of the proposition was then approved without a division.

The PRESIDENT. "It seems to me proper that the session should be suspended, for the purpose of informal consultation preparatory to voting for the organization of the executive power."

This was agreed to; and at a quarter past 9 there was a recess.

At 12 o'clock midnight the sitting was resumed, when several members asked leave to record their votes in the affirmative on the proposition establishing a republic; which was given.

The PRESIDENT. "The assembly will now proceed to vote for those who will constitute the executive power."

The ballots having been counted and compared with the list of voters, and duly canvassed, it appeared that the whole number of ballots was 256, which were cast as follows:

President, Figueras	244
Secretary of state, Castelar	245
Interior, Pi y Margall	243
Grace and justice, Nicolas Salmeron	242
Finance, José Echegaray	242
War, Lieutenant-General Cardova	239
Navy, Admiral Beranger	246
Public works, Manuel Becerra	231
Colonies, Francisco Salmeron	238

The remainder of the votes were scattering.

VICE-PRESIDENT GOMEZ. "Having received a majority of all the votes cast, Mr. Figueras is declared duly elected president. Messrs. Castelar, Pi y Margall, Nicolas Salmeron, Echegaray, Cordova, Beranger, Becerra, and Francisco Salmeron are declared duly elected ministers of the several departments for which they have been respectively designated. The gentlemen chosen will take the official seats assigned to them in the chamber."

The members of the government having taken their places on the ministerial bench, there was loud and long-continued applause in the chamber and in the tribunes.

MARTOS. "Hurrah for the republic! Hurrah for the integrity of the Spanish nation! Hurrah for Cuba! And I hope this greeting of the Spanish Cortes to Cuba may be sent there by telegraph!"

The chamber responded to these cheers with extraordinary enthusiasm.

THE PRESIDENT OF THE EXECUTIVE POWER, (Figueras.) "Gentlemen of the Spanish Cortes: No one will expect from me a long speech. No one asks, for no one believes it necessary, that I should now put forth a programme. Our programme is in our names, our lives, our history. Nevertheless, at an early day we shall communicate to the Cortes what we propose to do. I am unfitted to address you in the state of moral and physical exhaustion in which I find myself after the anxieties of the last forty-eight hours. Weighed down by what has passed, oppressed by the immense responsibility you have placed upon me and my colleagues, I cannot speak. I know full well that in conferring upon me the great distinction I have to acknowledge at your hands, you have been moved by the consideration that my life has been devoted to the republic. The preference that I have received among my colleagues is due to the seniority of my service, unmerited though it be by anything I have done. There is, however, one to whom, if he could have been present, this honor would have justly belonged. I allude to the unforgotten Marquis of Albaida,* the veteran of Spanish republicans. We approach the requirements of our position in the integrity of our principles, with a firm purpose of adhering to them with sincerity. We shall address ourselves above all to the needs of public order, indispensable to the establishment of a republican government in Spain. The views of those of my colleagues who have heretofore belonged to the republican party respecting the forms and the manner of developing a republican government, are known to the country. Yielding to the presence of events, we reserve our opinions, leaving to the coming constitutional convention the establishment of the definitive form of the republic. And in order that this may be done with stability, and that the voice of the nation may be freely expressed, it is necessary above all that the electoral franchise may be honestly and fairly exercised. We are resolved, and all my colleagues unite with me in this declaration, that the approaching elections shall be conducted in perfect regularity and with the most ample liberty. If the result of these elections shall not be in conformity with our principles in relation to the manner in which we think the republic should be constituted, knowing, as you do, what belongs to political consistency, and speaking only in the name of those of my colleagues who have heretofore belonged to the republican party, I need scarcely say that in that event we shall pass from this bench to yonder seats we have occupied so many years. For the information of the chamber, and in honor of Spain, allow me to read a telegram just now put in my hands: 'From the in-

* See note at the end of this dispatch.

formation received by the chief of the bureau of public order in the ministry of the interior, it appears that tranquillity reigns throughout Spain, with the single exception of a momentary tumult in Seville, which was immediately pacified.' When a people accomplish so admirably a great change from a monarchy to a republic, without the effusion of blood, without disorder, and without violence, this people give the most signal proof of its aptitude for liberty and the amplest guarantees that the republic is definitively accepted as our form of government in Spain. This change, that cannot but influence the politics of Western Europe, since it is the destiny of our race always to exercise such influences even in periods of our depression—these events, gentlemen, fill my heart with joy, in which you must all equally share, because we believe that we see in them an assurance that the republic is finally established in our land. I trust, gentlemen, to your indulgence in these somewhat incoherent observations, and that you will await our acts and judge us by them, promising only that they shall have for their sincere purpose the maintenance of the republic, of liberty, of order, and of the integrity of all the territory of Spain.'

The sitting terminated at half-past two in the morning.

In concluding this sketch of the proceedings of Congress on the eventful days of the King's abdication, and the proclamation of the republic, I may be permitted to point out the signal parliamentary ability shown by the republican leaders, Figueras, Pi Margall, and Castelar, in the direction they gave to the proceedings of the assembly. The abdication of the King seems to have found the monarchical elements wholly unprepared for the exigency. The republican leaders, on the other hand, as if anticipating the event, had their plans well arranged, a part assigned to each beforehand, and all contingencies provided for, so that even in regard to matters of parliamentary form, no chance was left to their opponents to resist the consummation of the work boldly undertaken, and adroitly accomplished. For this campaign the republican chiefs were fitted by an ardent faith in their cause, and by long experience in the legislature where they have ever distinguished themselves, not only for their strength in debate, but for their assiduous application to the business of Congress.

There was but one moment in these protracted sittings, which I have thus imperfectly reported, in which the serenity and calmness of a deliberative body was in the least disturbed. Mr. Zorrilla's attitude opposing action so tenaciously on the proposition of Mr. Figueras for a permanent session, and insisting upon an adjournment for the purpose of appointing a provisional government, was so in conflict with the obvious temper of the chamber, and apparently prompted by a desire to defeat the views of those who favored a republic, that it seemed at one time as if the impatience of the assembly and the hostile attitude of the multitude without might have stained the history of the event with acts of violence. But it deserves to be recorded that in this line of action Mr. Zorrilla had no followers, and he was patiently suffered to exhaust his means of resistance without disturbing the tranquillity of the occasion.

The monarchy had ceased to retain any hold upon Congress, and, I may add, upon a majority of the Spanish people. The dynasty of Amadeo had never gained the favor of the only real monarchists in this country. It cannot be denied that Don Carlos has numerous partisans in many provinces, and it may be admitted that not a few Spaniards look forward to the reign of Prince Alfonso. But the dynasty of Savoy gave offense to the supporters of the Spanish pretenders, and was especially repugnant to the liberal masses, hostile to any King, and, above all, dis-

posed to resent the affront of being ruled by an alien. The late King was, therefore, never more than an expedient sought by General Prim to conciliate the monarchical traditions of Spain, without a due appreciation of his unfitness to reconcile the advocates of a throne, and with a still greater disregard of a growing public opinion that favored republican institutions.

The constitution of 1869 was essentially democratic. The 33d article, providing for a hereditary executive, was an exotic engrafted on a native plant. Congress, with plenary legislative power, was chosen by universal suffrage. The provincial assemblies and the municipal authorities were likewise elected by the people in their respective localities. The aristocracy ceased to exist as a political element in the state. Their ancient privileges were annulled. The equality of all men before the law was formally recognized. Religious freedom was proclaimed. So that for the past four years the Spanish people had become prepared for the complete development of free institutions, the legitimate conquest of the revolution of 1868. If it were appropriate in this dispatch, I might amplify these views by reference to the constitutions of 1837, 1820, and 1812, in each of which may be observed the successive steps by which the government of Spain has gradually approached a democratic form.

The throne has never recovered from the blow it dealt itself in the surrender of Spain to Napoleon by Ferdinand the Seventh; an act which involved the countless sacrifices of the war of independence, in which the germ of Spanish liberty re-appeared. On the death of Ferdinand in 1832, seven years of civil war were necessary to decide the succession between Isabel and Don Carlos. The unhappy reign that followed was a poor compensation for all that it cost to place the young Queen on the throne. The memory of that dreadful conflict and the vicissitudes through which the country passed down to the revolution of 1868, contributed largely to swell the ranks of those who professed republican opinions. Driven from power and exiled, almost without resistance or remonstrance or regret, the fall of the Bourbons finds its only parallel in Spanish history in the suddenness and indifference with which the late dynasty disappeared.

It may be expected that I should refer to the more immediate causes said to have contributed to the abdication of the late King. Conspicuous among these is the law for the emancipation of slavery in Porto Rico. As soon as it became apparent that Mr. Zorrilla's cabinet seriously entertained the purpose of passing this measure, giving to it the support of the Crown, the project was made the pretext for the formation of a "league," in which all parties in Spain, except the republicans and the radicals, were influentially represented. Carlists, Alfonsists, conservatives, forgetful of all differences, united in this organization. It embraced Marshal Serrano, Admiral Topete, Mr. Sagasta, General Caballero de Rodas, hitherto supporters of the dynasty, besides a number of generals and cabinet ministers of Isabella. Nor was the adhesion and support of the leading Carlists in arms in the distant provinces rejected.

The league was understood to command ample pecuniary resources. It at once obtained the support of a large majority of the journals in Madrid and in the other principal towns. It established corresponding organizations throughout Spain. Failing in alternate efforts to dissuade and to intimidate the cabinet from proceeding with the emancipation project, a formal demand was addressed to the King invoking his interposition. The King declined to interfere unless he should be enabled to do so.

constitutionally with the sanction of Parliament. From that moment His Majesty, abandoned by the conservative leaders who had united with General Prim in establishing the new dynasty, became the object of renewed and embittered hostility at the hands of all the factions in Spain.

The first outbreak was seen in the streets of Madrid on the night of the 11th of December last, which was put down by the vigor and intrepidity of General Pavia. The efforts of the "league" were then directed to the disorganization and insubordination of the army. A pretext was soon found in the assignment of General Hidalgo to a command in the north. This officer, it was said, had participated in the events of June, 1866, in which a number of artillery sergeants, in one of the Madrid barracks, having gained over their companies, undertook, at the instigation of General Prim, to compel their officers to join them in a revolutionary movement. As soon as the appointment of Hidalgo was announced, the artillery corps of the army, embracing several hundred officers of all grades, was induced to protest against the assignment of that officer to any duty in which he could exercise command over any portion of their arm of the service. I venture to call this a pretext, because, subsequent to the event of 1866, General Hidalgo held commands in Cuba and in Catalonia without objection from any quarter. Nevertheless, moved as is supposed by political influences with which they sympathized, and supported in their attitude by the "league," through which a large sum of money had been raised for the maintenance of officers depending on their pay, the entire artillery corps of the army refused to serve under their commissions, tendered their resignations, and even those who were serving in front of the enemy demanded to be relieved from duty. Their resignations were accepted; sergeants were promoted to be company officers, and the superior grades filled by transfers from the engineers and infantry. The King was besought to undo these acts of the ministry, which were represented to have given profound dissatisfaction to the officers of the army.

His Majesty was told that the officers of the other corps would follow the example of the artillery, and that the army would be dissolved. Impressed with these considerations, the King seemed at one moment disposed to yield to the suggestions of those who deprecated the consequences apprehended, and it is believed that His Majesty contemplated calling conservative advisers to his councils. The ministers, anticipating trouble at the palace, adroitly submitted the matter to Congress, and having obtained the approbation of Parliament in their proceedings, presented to the King the decree for the dissolution of the artillery corps, under circumstances which left His Majesty no alternative but to sign it. On the following Saturday, as soon as the council of ministers held that day at the palace rose, the King requested the president, Mr. Zorrilla, to remain, and His Majesty then announced to the astonished minister his purpose to abdicate.

The republicans are indebted to their patience for their triumph. Resisting all inducements to precipitate action, the leaders diligently labored to spread their teaching and strengthen their organization. Meanwhile the drift of the radicals was inevitably toward the republic. And when the league of reactionary factions by their fierce onslaught welded all the liberal elements together in the memorable emancipation vote on the 21st of December, the hours of Spanish monarchy were numbered. They "fed the pinion that impelled the steel." Thus united and re-enforced the republicans form by far the most powerful party in this country, and will command a decisive majority in the Cortes Constituyentes.

The abdication of the King seems to have been heard with surprise in Rome, Paris, and London. In Washington you were not unprepared for the event. And although the King's resolution was suddenly and somewhat abruptly announced, it is obvious that public opinion in this country had foreseen not only the fall of the dynasty, but also the advent of a republican form of government. It can scarcely be doubted that a serious struggle is imminent between the reactionary and the progressive forces in this country. Although the contest may be long, bitter, and bloody, there are abundant reasons for the belief that, without foreign intervention, the victory will remain with the friends of religious and political liberty. Monarchy retains much of the strength that tradition imparts in this country to its ancient customs. The Roman Catholic Church contributes, through the influence of its clergy, a large share of the strength shown by Don Carlos, the most formidable pretender to the throne. This prince is said to be very deficient in the qualities that attract men to a royal standard. In all the civil wars that have been carried on in his name during the past four years in Spain, he has remained at a safe distance on the French side of the frontier, appearing only once on a battle-field, that of Orevieta, in May last, from whence it was reported he led the retreat on a horse of great speed. For some three months afterward the whereabouts of His Majesty were unknown, but he has recently shown himself again on the French side of the frontier.

It has not escaped notice that the pretender and his supporters derive great advantage in being allowed to use the French Pyrenees as a base of operations for their inroads into Spain. Guerrilla parties and their officers, arms, and ammunition, military supplies of all sorts, pass the frontier into the Basque provinces, Aragon, and Catalonia. It is understood that the remonstrances which have been addressed by Spain to the French authorities on this subject have thus far proved ineffectual. The limited extent of the frontier, and the facility with which the few roads leading through the passes of the Pyrenees could be guarded, would seem to afford ample opportunity for the prevention of these operations if the French authorities were disposed to stop them.

You of course have not failed to observe the coldness with which the great European powers have treated the new government of Spain. This has naturally not been without its due effect here. It is understood that communications will be exchanged between Germany, Russia, and Austria on the subject before any action is taken, and their decision will doubtless be followed by England, France, and Italy. The territorial ambition attributed to a federal republic, the critical situation of Portugal, the provisional tenure of the present executive in Spain, and a due consideration for the sensibilities of the dynasty of Savoy, will suffice to enable the leading powers of Europe to delay recognition for some time. Our prompt action has done much to disarm the prejudices incited against us by the factions allied in the league, indicating as it does the disinterested friendship and sympathy of the United States shown toward a form of government best calculated to conciliate the elements in Cuba and Porto Rico heretofore hostile to Spanish domination.

The origin and character of the Spanish Republic furnish exclusive titles to recognition and respect. It was not proclaimed in the streets. It was not the doing of a mob. It was not ushered in by tumult, and disorder, and blood. It was the work of a deliberate assembly, legitimate representatives of the people, invested with constitutional power to substitute an executive authority for that which had

ceased to exist by reason of the abdication of the King. The fall of the late dynasty was not the result of armed force. It was the voluntary act of the monarch, from which his ministers in vain endeavored to dissuade him. The Cortes heard with profound attention and perfect calmness the reasons assigned by His Majesty for his course, in the message of abdication. And with entire unanimity and decorum Congress approved of an address accepting the renunciation of the crown, written and read by Castelar, a leading republican, in which ample justice was done to the retiring monarch. After an extended debate, in which men of all sides of the chamber freely participated, monarchists and republicans alike, the sovereign Cortes, upon a formal division by yeas and nays, adopted a republican form of government, 258 representatives voting in the affirmative, and 32 in the negative. The action of this assembly, however competent and legal for the time being, is nevertheless subject as a domestic question to the revision and sanction of a future assembly chosen expressly to amend the constitution, and which by the common consent of all parties will meet at an early day. Meanwhile it is to be hoped that the same moderation and prudence which have thus far characterized the republicans will contribute to the final consolidation of free institutions in Spain.

The tendency of opinion is decidedly toward a federal republic. If the ancient lines of demarcation are followed, thirteen States may be formed, including the Balearic Islands, the Canary group, the Antilles, and the Philippine Archipelago. Apart from the hostility to centralization, growing out of the grievances it has brought in its train, there is much in the traditions, in the origin, and in the various elements comprising the Spanish nationality adapting it to a federal form of government. Catalonia, the Basque country, Galicia, and Castile, each have their peculiar idiom, as unlike as the dialects of a Scotch Highlander and a Welshman. Neither the German nor the Austrian empires embrace elements of greater dissimilarity than those found in the Spanish peninsula, not to speak of the Spanish dependencies in the Mediterranean, the Gulf of Mexico, and in the East Indies.

Andalusia, Aragon, Navarre, Valencia, and Grenada are unlike in climate, customs, manners, usages, dress, industry, and thought. In Valencia the trial by jury, established by the Moors seven hundred years ago, remains to-day as the tribunal by which those engaged in the rice culture settle all disputes growing out of the ancient system of irrigation, on which the industry of the province still depends. In the Vascongadas, from time immemorial, the people have maintained an autonomy not inferior in attributions to those enjoyed by the States of the American Union. The Spanish constitution of 1869 recognizes the federal principle in the creation of provincial assemblies, to which important functions are assigned. And, by a recent act of Congress, the maintenance of the Established Church is remanded to the respective provinces and municipalities.

It cannot escape notice that the Spanish Republic has the singular good fortune, compared with similar experiment in Europe, to be confided to the hands of statesmen of the highest personal character, and of large experience in public business. Figueras, Pi y Margall, and Castelar have been long honorably distinguished among the public men of this country. Mr. Salmeron is not less conspicuous for learning, probity, and eloquence. I might proceed with the enumeration if it were pertinent to do more than advert to the fact that in Spain, as in the beginning of our republic, the direction of affairs was happily placed at the outset in hands of capable, upright, and estimable persons enjoying and deserving the

largest measure of consideration and esteem. In this respect at least Spain may so far profit by our example as to escape the disorders that must happen to any administration, whether monarchical or democratic, if intrusted to adventurers ignorant of public affairs.

I am, &c.,

D. E. SICKLES.

* NOTE TO FIGUERAS' CLOSING SPEECH.

Don José Maria Orense, Marquis de Albaida, Grandee of Spain, the Bayard of Spanish republicans. He made his first campaign fighting against the troops of the Duke de Angoulême. In 1826 he again put himself at the head of the liberals, and was driven into exile, sacrificing an immense fortune to his cause. Returning after the death of Ferdinand VII, he became the leader of the democratic party in the Cortes. In 1848 he gave the signal for a republican insurrection in Spain. Banished and afterward amnestied, he was again chosen to the Cortes, and, from a deputy, became a galley-slave, condemned by Narvaez to the hulks at Ceuta. Indignant public opinion forced his release, and he again went into exile. In 1854, failing in another republican rising, he was thrown in prison by Espartero. Liberated, and again elected to the Cortes, he was the leader of the nineteen who voted the abolition of monarchy. In 1866, the epoch of O'Donnell's *coup d'état*, he endeavored to raise the provinces in rebellion. Seized, imprisoned, and exiled for the fourth time, the revolution of 1868 enabled him to return. In May, 1869, the Cortes Constituyentes having rejected his plan of a federal republic and adopted that of an elective monarchy, Orense again took the field in the autumn at the head of numerous forces. Defeated, he expatriated himself, and now, in 1873, returns once more to find himself the hero of a republic to which he has devoted forty years of labor and sacrifices.

No. 394.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, March 6, 1873.

By joint resolution, in the name and behalf of the American people, Congress tenders its congratulations to the people of Spain upon their recent efforts to consolidate the principles of universal liberty in a republican form of government. The President, by the request of Congress, instructs you to present this resolution to the Spanish government.

FISH.

No. 395.

General Sickles to Mr. Fish.

No. 549.]

UNITED STATES LEGATION IN SPAIN,
Madrid, March 11, 1873. (Received April 4.)

SIR: On the receipt of your instruction transmitted by cable on the 12th ultimo, I communicated its purport to the minister of state, and informed him that, being duly authorized, I was prepared, on behalf of my Government, to recognize the executive authority of the Spanish Repub-

lic. His excellency expressed great satisfaction with this intelligence, remarking that it was characteristic of a great and generous nation and of its enlightened rulers.

I then asked the minister when it would be agreeable to the President, Mr. Figueras, to receive me, in my official character, in public audience. Mr. Castelar replied that the cabinet would desire to be present, and, in order that the occasion might be marked with proper ceremony in other accessories, he preferred to confer with his colleagues before designating the day, of which, however, he would promptly notify me.

Pursuant to an intimation subsequently received, the secretary-general of the President came to the legation on Saturday, the 15th ultimo, with two state-coaches; in the first of which he accompanied me to the official residence of the executive, the other following with the secretary of this legation. I wore the uniform of my rank in the Army. Two battalions of troops in line received me with military honors at the Presidency, the band playing American national airs. A very numerous assemblage, filling the wide street, saluted me with cordiality.

Escorted to the ante-room by the aides-de-camp of the secretary of war, I was met by the Viscount del Cerro, first introducer of ambassadors, who conducted me to the reception-chamber, where I was awaited by the President and cabinet. Announced by the Viscount, I read the following address, a copy of which had been placed in the hands of the minister of state the day before.

The English version of my remarks will be found in Appendix B.

The President, Mr. Figueras, then read the reply, of which the following is a translation:

MR. MINISTER: A grave responsibility accompanies the trust confided to me by the sovereignty of the assembly, and which has been recognized by the adhesion of the nation—a responsibility sufficient of itself to overwhelm me if there were not moments of consolation and support like these, when your most eloquent words bear to my ears the mighty voice of the American people, hailing with their benediction the advent of the republic in this our own Spain, attained by her moderation and energy, and which she will preserve and maintain by consummate prudence.

As the faithful and sensitive interpreter of the sentiments that animate your race, you have reminded us of the gratitude your people feel toward our people, because the daring of our explorers discovered, the valor of our heroes conquered, and the faith of our missionaries evangelized a great portion of the vast domain lit by the shining stars of your glorious commonwealth. But even had the memory of those deeds not recurred to you and to us, who are of the stock that achieved those great conquests, and even did they not possess such a glorious character, they would acquire it to-day, because they form a bond of union between Spain, which carried to your shores the germs of civilization, and America, which now gives us by her example the fruits of liberty and of democracy.

You are grateful to our people for these immortal and historic deeds, but how much more gratitude do we not owe—we whose lives have been devoted to the hard problem of uniting democracy and liberty—to the noble Pilgrims, the founders of your institutions, who, inspired by their own serene belief, sought beyond the seas a temple for their unfettered conscience and founded in the New World a new order of society, which, organized and perfected by the republican spirit of the eighteenth century, has united in perfect equilibrium the authority of society with the inherent rights of man, the restless vigor of democracy with the firm stability of power, the free outgrowth of all the aspirations of the human soul with respect for the interests of others and for the laws—a worthy example not to be forgotten in the new era of our country.

Mr. Minister, the Spanish Republic will ever count among its greatest privileges the opportunities given to it by its character and origin to strengthen the ties of friendship between Spain and the United States. We possess in the New World a considerable and integral part of our national territory, which must ever serve, under the shadow of the Spanish flag, as a bond of relationship between the two continents. In order that our islands may fulfill this high mission, and that they may be preserved for this civilizing purpose under our own nationality, we count upon the energy of all Spaniards, upon the virtue of our new institutions, upon the fruition yet to spring from the abandonment of the errors of the past, and upon public opinion in the United States, whose influence throughout the whole American continent is so great and so justly merited.

These hopes are strengthened by the illustrious name won by the President of the United States, and by the credit and sympathy possessed among us by his representative in Madrid. If the most pleasing of all your duties has been the recognition of my authority, my most pleasing task will be to aid you in all the means by which you may contribute to promote the fraternal policy that should exist between the republic of the United States and the republic of Spain.

The Spanish text of this speech is contained in Appendix C.

I was then presented by His Excellency the President to the ministers, with each of whom felicitations were exchanged, and in turn I presented the secretary of legation, Mr. Adee.

Retiring with the same formalities observed in my reception, I paid a brief visit to the President in his private apartments.

A number of ladies and gentlemen witnessed the ceremony from the balconies and adjacent corridors.

I then proceeded, with the introducer of ambassadors, to the palace, and made the usual visit in state to the foreign office. Mr. Castelar welcomed me with great cordiality, and said that in view of the sovereign attributes of the national assembly, the president of that body, Mr. Martos, would receive me the same afternoon at the palace of the Cortes.

Accompanied by the Viscount del Cerro, I accordingly repaired thither, and was met outside at the steps of the principal entrance, formerly the royal portico, by the mace-bearers of the assembly, and the secretaries Senators Balart and Benot. Preceded by them, I was led to the presence of the presiding officer of the Cortes. His excellency, assisted by the vice-presidents and secretaries, the minister of state, Mr. Castelar, being present, received me in the salon of the presidency.

I addressed his excellency briefly, in Spanish, expressing my satisfaction in offering, in the name of my government, its respectful and fraternal salutations to the sovereign assembly of Spain, represented in the person of his excellency. Mr. Martos replied at some length, as you will see in his report of the reception, made to the assembly, which is annexed in Appendix D.

Subsequently, on the same day, the minister of state made a communication to the assembly, announcing that the government of the United States had formally recognized the republic of Spain. His excellency read my address, and the reply of President Figueras, which were received by the assembly with marked satisfaction. A report of this incident will be found in Appendix D.

On the following day the President of the republic and the minister of state visited me officially at the legation.

I am, &c.,

D. E. SICKLES.

[Appendix A.—Translation.]

Señor Castelar to General Sickles.

MINISTRY OF STATE.

Madrid, February 12, 1873. (Rec'd Feb. 12.)

SIR: The King, Don Amadeo I, having presented his renunciation of the crown of Spain, the Cortes of the nation, elected by universal suffrage in a time of order and peace, assumed sovereign powers, and in one of the most solemn, most numerous, and most compact votations recorded in our parliamentary annals, they proclaimed the republic as the definitive form of government. The pacific attitude of the people of Madrid, the order which reigns in every part of the nation, the circumstance that the new government is born of the convictions of a monarchical majority, and with the acquiescence of the most conservative deputies, who, although making reservations with regard to their own personal opinions, declared nevertheless their determination to ac-

cept the new legality—all these circumstances prove, when viewed as a whole, that the new form of government is already the definitive political structure of our nation. To a future constitutional assembly which shall be freely chosen, and which will be the sincere expression of the opinion and will of the nation, pertains the final organization of the Spanish Republic.

Immediately upon the proclamation of the republic the two chambers united into a national assembly, named a government composed of the following representatives of the nation :

President, without portfolio, Don Estanislao Figueras ; minister of grace and justice, Don Nicolas Salmeron ; of war, Don Fernando Fernandez de Cardova ; of the treasury, Don José Echegaray ; of the navy, Don José Maria de Beranger ; of the Interior, Don Francisco Pi y Margall ; of public works, Don Manuel Becerra ; of the colonies, Don Francisco Salmeron ; and of state, the undersigned.

It is needless to state to you that the political aims of the new government will be, among others, to preserve domestic order at all costs, and to maintain and strengthen the good relations existing between Spain and all the foreign powers.

I avail myself of this occasion to tender to you, sir, the assurances of my most distinguished consideration.

EMILIO CASTELAR.

[Appendix B.—Translation.]

The recognition of the Spanish Republic by the United States, February 15, 1873. Address of General Sickles.

MR. PRESIDENT: In obedience to the command of my Government I come to salute, in your person, the republic of Spain.

If permitted to forecast something of the future, I would say that the tranquillity and dignity which have accompanied the recent transition, and the wisdom which has confided to your excellency the presidency of the executive power, are good omens of the happy destiny of the new commonwealth.

The United States of America, occupying a considerable part of the continent consecrated to civilization by the valor and faith of Spain, cannot witness without emotion and sympathy the establishment of a republic in the empire of Ferdinand and Isabella.

Taught by the uninterpreted practice of free institutions during the past century, their inestimable value in promoting the welfare of a nation, it is a source of profound satisfaction to the American people that Spain finds in our example the means by which her prosperity and power may rest on sure foundations.

Conveying to your excellency the fervent wishes of the President of the United States for the success of your administration, I perform the most agreeable duty of my mission in recognizing the authority placed in your hands by the sovereign assembly.

[Appendix D.—Translation.]

The recognition of the Spanish Republic by the Government of the United States reported to the national assembly by the minister of state in the sitting of February 15, 1873.

[From the official report in the Gaceta.]

The MINISTER OF STATE, (Mr. Castelar.) I have rarely experienced more satisfaction in my life than in having to announce to this sovereign body the recognition of the Spanish Republic by that of the United States. As we find ourselves in a most unusual situation, being simply and purely the delegates of the will and purpose of this sovereign assembly, it seems to me that the most rudimentary courtesy and the simplest respect demand that I should give account thereto of this most important event and of the addresses spoken by the minister of the United States in Madrid, and by the president of the executive power in reply ; and if the president of the chamber will give me leave I shall read these documents from the tribune.

The PRESIDENT, (Mr. Martos.) The minister of state may occupy the tribune.

The MINISTER OF STATE, (after having read the documents from the tribune.) Gentlemen, after having uttered these words the minister of the United States repeated to us the assurance of the complete adhesion of the Government of the United States and of the enthusiasm shown by that great people for our advance in greatness and for the boundless horizons that open to our hopes. This act is in truth a religious act,

and we should lift up our souls and our hearts to heaven and beseech the God of Columbus and the God of Washington to bless our work.

The PRESIDENT. After this important ceremony the minister plenipotentiary of the United States of America paid an unofficial visit to this sovereign assembly in the person of its president, and I had the satisfaction to hear from his lips an address in which he confirmed anew the sentiments of the friendship of the American Republic toward the Spanish Republic, and, although I may not here repeat all that I had the satisfaction of hearing from the lips of the minister in the private conversation that usually follows these ceremonies, the assembly may derive it from the pleasure I now feel, and without any indiscretion I may say that to-day more than ever before we may consider as dissipated those shadows and fears which patriotism may have harbored with respect to the integrity of our territory; which, if it has been assured in the past by the valor and resolution of Spaniards, is now the more assured by the love and the decision of a people among whom there might otherwise possibly have arisen an opinion unfavorable to Spain.

I am certain of being a faithful interpreter of the feeling of this sovereign assembly in declaring that it has heard with the greatest satisfaction the narration of the ceremony of which the minister of state has given an account, and also of that which I have just reported to the assembly.

No. 396.

Mr. Fish to General Sickles.

No. 305.]

DEPARTMENT OF STATE,
Washington, March 12, 1873.

SIR: Referring to my telegram of the 6th instant, a copy of which is herewith inclosed, I now transmit a certified copy of a joint resolution of Congress passed December 2, and approved the 3d instant, tendering, in the name and behalf of the American people, its congratulations to the people of Spain upon their recent efforts to consolidate the principles of universal liberty in a republican form of government.

The President, by request of Congress, instructs you to present the copy of the resolution to the government of Spain.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

JOINT RESOLUTION tendering the congratulations of the American people to the people of Spain—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the name and behalf of the American people, the congratulations of Congress are hereby tendered to the people of Spain upon their recent efforts to consolidate the principles of universal liberty in a republican form of government.

That the President of the United States be, and hereby is, requested to transmit this resolution to the American minister at Madrid, with instructions to present it to the Spanish government.

Approved March 3, 1873.

No. 397.

General Sickles to Mr. Fish.

No. 554.]

UNITED STATES LEGATION IN SPAIN,
Madrid, March 14, 1873. (Received April 4.)

Sir: On the receipt of your cable instruction of the 6th instant I addressed a note to the minister of state, a copy of which, Appendix A,

is inclosed, communicating to the government of the republic the congratulations tendered by Congress to the people of Spain.

On the following day I received from Mr. Castelar the reply, translated in Appendix B.

The minister has since intimated to me that the government intends proposing to the national assembly a suitable answer, to be made in the name of that body. As the relations between the executive and the present assembly do not seem as cordial as might be desired, it is not improbable the government may reserve the matter for the action of the Cortes Constituyentes.

I have, &c.,

D. E. SICKLES.

[Appendix A.—Translation.]

General Sickles to Mr. Castelar.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, March 6, 1873.

SIR: The undersigned is instructed by the President of the United States to communicate to the government of the Spanish Republic a joint resolution of the American Congress, tendering its congratulations to the people of Spain, in the name of and on behalf of the people of the United States, upon the consolidation of the principles of universal liberty in a republican form of government.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, in acquainting his excellency the minister of state with this action on the part of Congress, trusts that the government of the Spanish Republic will see in this emphatic manifestation of sympathy and fraternity a fresh proof of the amity and good will the United States have never ceased to cherish for Spain, their early friend and ally.

The undersigned avails himself of this gratifying occasion to repeat the assurances of respect and consideration he has heretofore had the honor to offer to his excellency the minister of state.

D. E. SICKLES.

[Appendix B.—Translation.]

Mr. Castelar to General Sickles.

MINISTRY OF STATE,
Madrid, March 7, 1873. (Received March 7.)

SIR: The executive power has learned with the most profound satisfaction of your note of yesterday's date, in which you are pleased to communicate to the government of the Spanish Republic, under instructions from the President of the United States, the resolution adopted by the American Congress congratulating the Spanish people in the name of the people of the United States upon the proclamation of the republic in Spain, and upon the principles of liberty inherent to this form of government.

The Spanish nation cannot but see in this act of the Congress of the United States, as solemn as it was spontaneous, a new proof of the sentiments of amity and sympathy that have ever existed between the two countries, and that the community of political institutions they both possess will tend to bring them closer together, to the mutual benefit of their interests.

The executive power, as the exponent of this sincere aspiration of the Spanish people, begs through me that the President of the American Republic will be pleased to convey this response to the houses of Congress in Washington, together with the expression of our liveliest sympathies.

I avail myself of this opportunity to repeat to you, sir, the assurances of my most distinguished consideration.

EMILIO CASTELAR.

No. 398.

Mr. Fish to General Sickles.

No. 309.]

DEPARTMENT OF STATE,
Washington, March 21, 1873.

SIR: It has become necessary again to instruct you to call the attention of the Spanish government to the onerous burdens to which the trade of the United States is subjected by reason of the system of fines imposed by the customs authorities of Cuba.

The able manner in which you have already presented the subject in your notes of the 16th July, 1870, and 28th of November, 1872, makes it unnecessary for me to repeat or to dwell upon the facts of which our ship-owners and masters complain. The printed memorandum which is inclosed shows the present condition of the question. The remedy which the ship-owners of the United States desire cannot be better stated than in the language of the following extract from the memorial which forms part of the inclosed memorandum :

The Spanish laws require that a vessel bound for Cuban ports shall make out manifests of cargo, the same to be certified by the Spanish consul residing at, or nearest to, the port of loading, in which manifest the captain must declare positively, and without qualification, the several and different kinds of packages, their marks, the generic class of contents, as well as the weights and values of same, and for every instance where, on arrival in Cuba, the examination of the cargo shows a difference between the packages and the weights, and contents of same as actually found, and the same as manifested, the vessel is fined, while the goods escape all responsibility.

That although the *generic* class of the goods is stated on the manifest, in compliance with the requirements of the Spanish laws, and said manifests accepted and certified to by the Spanish consul, yet the vessel is fined for not stating the *specific* class.

That we are entirely dependent on shippers of cargoes for information as to weights, values, and contents of packages shipped from which to make out manifests, and irresponsible parties often give erroneous descriptions of their part of cargo, resulting in fines imposed on the vessels, at times greatly in excess of the freight, against which we have no redress.

That the customs authorities at the several ports in Cuba place different constructions on the laws relative to vessels, and the manifests of same, and fines have been imposed in one port for stating that for which fines were imposed in another port for omitting.

That the captain is only informed of any fines imposed on his vessel when he attempts to clear her at the custom-house, whereby he has either to pay the fines or detain the vessel indefinitely while contesting the same.

That although we are willing and endeavor to comply with the said laws regulating manifests, yet, under the conflicting instructions placed on same by the different collectors of customs in Cuba, we find it impossible to do so, or to avoid fines.

In cases where fines are imposed, an appeal to the superior authorities at Havana is permitted on payment, under protest, of said fines; but unless the amount of such fine is excessive, the delay occasioned by the detention of the vessel would exceed in most cases the amount of such fine even if recovered.

We would respectfully represent to the department that as the vessel, through her agents, is entirely dependent on the shippers of cargo for information necessary to describe on the manifest the contents and weights of packages shipped, the propriety of imposing fines on the *goods* erroneously described on manifest, instead of on the vessel, as then the shipper would have a sure remedy against the vessel in case of error on his part, or on the part of her agents, in making out manifests, while under existing regulations it is in most cases almost, if not impossible, for the vessel to recover the amount of fines from the shipper.

These objections and suggestions appear to be reasonable, moderate and just. It has therefore been determined both to instruct you to use your best endeavors to secure the modifications and changes which the ship-owners desire, and also to endeavor to secure a similar and, as far as possible, identical action on the part of the British, German, and Swedish and Norwegian governments, whose commerce also is affected by these rules and regulations.

You will therefore confer with the British, German, and Swedish and Norwegian ministers at Madrid, in the hope that they may receive instructions which may enable each to frame a note to be addressed by each separately to the Spanish minister for foreign affairs on the subject, which may be simultaneous, if not identical. Should they or either of them, under instructions from their governments, decline to act, you will nevertheless address a note yourself upon the subject, and spare no reasonable efforts to induce the Spanish government to accede to the requests you are instructed to make.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

Memorandum concerning the imposition of fines in Cuba for alleged violations of the customs rules and regulations.

On the 1st day of July, in the year 1859, a royal order was issued in Madrid respecting a new tariff on the island of Cuba. It provided, in substance, that masters of vessels bound from *foreign ports* to Cuba should present to the Spanish consul a duplicate manifest, showing (1) the class, nationality, name, and tonnage (according to Spanish measurement) of their vessels; (2) the master's name; (3) the port whence bound; (4) shipper's and consignee's name; (5) the bales, hogsheads, barrels, cases, and packages, with their respective numbers and marks, specifying, in ciphers and writing, the quantity of each class; (6) the generic class of the merchandise or contents of the packages according to the bills of lading; (7) those destined to bond or in transit; (8) that the vessel carried no other merchandise. It was further ordered that articles which cannot be packed in cases or packages should be declared according to Spanish weight or measure. All articles cast overboard were to be noticed in the manifest, with a specification of the amount, the packages, and their classification. These duplicate manifests were to be certified by the consul, who was to deliver one to the master, retaining the other for transmission to Cuba. The master was required, on arrival in the Cuban port, whether arriving there from necessity or in the course of the voyage, to deliver his copy, in person, to the visiting officer, first noting on it (1) goods belonging to the crew not included in the manifest, up to the value of \$100 for each person; (2) the surplus of provisions on board; (3) munitions of war or extra supplies.

It was further provided that the same form should be gone through with in the case of the vessels sailing in ballast.

The penalties for non-performance of these requirements were fixed at: (1) for not presenting the manifest of a vessel in ballast, \$200; (2) for not obtaining the certificate of the consul, \$100; (3) for failure in specifying details in the manifest as required, \$25; (4) for failure to state the tonnage according to Spanish measurement, in addition, the cost of the measurement, should the excess be more than ten per cent.

This order was suspended soon after its promulgation in 1859, and remained in abeyance until July, 1867. It was then promulgated anew, and notice was given that instead of requiring "(6) the generic class of the merchandise, or the contents of the packages according to the bills of lading," masters would be required to state "(6) the generic classes of the merchandise, or the contents of the packages and their full weight."

With the publication of this royal order there also appeared in the Spanish, French, and English languages what purported to be identical "rules and regulations to be observed by the captains and supercargoes of Spanish and foreign vessels engaged in importing goods to the licensed ports of the island of Cuba, in conformity with the royal order of July 1, 1859, royal decree of March 1, 1867, and the rules in force according to existing custom-house regulations."

For the purposes of this memorandum it is not necessary to consider these particular rules, because on the 18th of November, 1868, they were suspended, and the following rules and regulations were substituted in their place and are now in force:

Rules and regulations to be observed by the captains and supercargoes of Spanish and foreign vessels engaged in importing goods to the licensed ports of the island of Cuba, in conformity with the royal order of July 1, 1859, royal decree of March 1, 1867, and the rules in force according to the existing custom-house regulations, which have been approved by the colonial ministry in November 11, 1868.

1. All captains and supercargoes of vessels hailing from foreign ports and engaged in the importing trade to this island are obliged, on being visited by the health-boat, which visit takes place after the vessel has come to anchor, to deliver the statement

of the cargoes, certified by the Spanish consul, and also the general manifest of the aforesaid cargo, without any corrections, containing the name of the captain and vessel, its nationality, number of Spanish tons, the port from whence she sailed, number of bales, packages, and every other article composing the cargo, with their respective marks, numbers, and the class of goods, the names of the shippers and consignees of the goods, expressing also, both in figures and writing, the quantity of every article and their kind, according to bill of lading; their weight, whether intended for bond or transit; it being absolutely prohibited to make any addition or alteration on the manifest or statement of the cargo, nor shall it contain any merchandise consigned to order; and should there be any difference between the statement of the cargo and the manifest, such offense will be punished according to regulations.

If the whole or part of the cargo is composed of iron bars or plates, metal plates, timber, jerked beef, salt, cocoa, or any article shipped in bulk, they must be manifested by decimal weight, adding at the end of each manifest the stores, ammunition, arms, tools, instruments, and all other ship's utensils, the coals, if the vessel be a steamer, and also the effects that the crew may carry on the manifest, to the value of \$100 each. When the cargo proceeds from a port where there is no consul or vice-consul, and if the residence of those agents be more than thirty kilometers distant from the place of sailing, the captain or supercargo will be exempted from presenting said cargo statement; but, notwithstanding this, all the cargo must be homogeneous, and must be entirely composed of one of the following articles, to wit: raw hides, timber, shooks, dye-woods, coal, or horns, provided that these effects are the production of the country from whence the vessel sailed, that the voyage has been direct, and that the duties are paid on the whole of said goods.

2. The captains and supercargoes of vessels entering in distress must also deliver a manifest of their cargo in the same manner as those engaged in the importing trade.

3. Captains and supercargoes of vessels entering in ballast are subject to the same rules and regulations of delivering the cargo statement certified by the Spanish consul and the manifest.

4. If the captain of a vessel has been obliged, by stress of weather, or any other unforeseen cause, to throw away any portion of the cargo overboard, he must state on his manifest the quantity of the cargo lost, specifying the number of packages, and the class and kind of goods, being also obliged to present to the custom-house his log-book, to prove that his declarations are true and correct.

5. All captains of vessels coming from Spanish ports with the register of the respective custom-house are only obliged to deliver an additional manifest of such goods as they may have taken on board after receiving said register, not included in the same, and also of all the stores and ship's utensils.

6. Should the captain or supercargo not present the statement certified by the Spanish consul, and the manifest of being in ballast, in the stated time, they will incur a fine of \$200; if said manifest is not in accordance with rule No. 1, a fine of \$25, and in that of \$100 if not certified by the Spanish consul.

7. If the captain, when requested by the superior custom-house official, does not immediately present the statement of the cargo and the manifest, or they are not made out according to the law, he will be subject to a fine of \$500, unless the vessel has entered in distress. This fact will be ascertained by a verbal process.

8. In case there are any corrections or alterations in said documents, the captains or supercargoes are liable to be tried by the competent tribunal on the charge of forgery; those arriving in ballast laying themselves liable to the same punishment as those arriving loaded.

9. The presentation and the statement of the cargo in the manifest are obligatory in all the ports, creeks, or anchorages of the island wherever the vessel may enter; and should it be in distress, custom-house officials will take a copy, and return the original to the captain, that he may present it at the port where his voyage terminates.

10. All packages and other goods omitted in the statement of the cargo or the manifest will be confiscated, and the captain fined double the value of the same, should the amount of duties to be paid on the contents not exceed \$400; but if the duties should exceed the above sum, and the goods be the property of the owner, the captain, or supercargo, or consigned to them, then, instead of a fine, the vessel, together with its freight-list or other utilities, will be confiscated.

11. When the vessel is entirely discharged, if one or more packages of the cargo manifested should be found short, no invoice having been delivered previously on the contents, it will be understood that the captain or supercargo of the vessel have committed fraud on the custom-house, and they will be fined \$200 for each missing package.

12. If the owner or consignee of any goods omitted by the captain in the manifest presents within forty-eight hours the bill of lading or account of said goods, he will not incur any penalty and the goods will be delivered to him; but the captain or supercargo will pay a fine equal to the value of the goods so omitted in the manifest.

13. Nothing whatever can be discharged without the permission of the collector, and the inspection of the commander of the custom-house officers in the service.

mere discharging of any article irrespective of its value, or even if it should enter free of duty, the captain or supercargo will be fined \$1,000, or else the goods will be confiscated together with the boats or lighters which may transport the same, should the amount of the duties to be assessed not exceed the sum of \$200; but if they should exceed this sum the vessel will be confiscated.

14. No goods whatever, be the quantity large or small, can be transported from one vessel to another within the bay unless the necessary requisites of the custom-house have been complied with. A violation of this subjects the captains or supercargoes to the legal penalty.

15. Should a vessel discharge merchandise, be the quantity large or small, in a port not open to general commerce, said merchandise, as well as the vessel and all her appurtenances, will be confiscated.

16. If in consequence of the visit to the vessel by the custom-house officers before the captain has received his register an excess of cargo should be detected, such goods will be confiscated, and the captain will be fined in a sum equal to the value of the excess.

17. All goods, products, or any other article seized in the act of being fraudulently shipped shall likewise incur the penalty of a fine and confiscation.

18. If the captain or supercargo should be unable to pay the fines and costs imposed, the vessel will be held responsible, and seized unless the consignee assumes the fines.

19. The captain who does not declare the exact Spanish tonnage of his vessel will pay the cost of measuring, if the excess is over ten per cent.

20. Passenger luggage must be presented for inspection in the custom-house depot, and if there be found merchandise not exceeding \$100 in value the passengers will pay the usual duties, presenting a note of the contents to the custom-house. If the value of said goods is more than \$100, and less than \$200, they will pay double duty; but if the value is more, the effects are liable to seizure, unless in either case the person interested has previously presented a list of said goods, in which case they will pay according to the tariff.

21. No manifest will be translated or permits be granted for discharging, unless the captain or consignees have previously presented the register of the vessel to the custom-house.

This document in three languages, Spanish, English, and French, is given this day to captain, _____, of the vessel _____, for his information, and he signs the receipt at _____, 186-.

[Signature of the administrator of the customs.]

[Signature of the interpreter.]

[Signature of the custom-house inspector.]

The interpreter: _____

The custom-house collector: _____

Custom-house inspector: _____

It may be said, in passing, that the only important difference between these rules and those issued in 1867, is in the requirements of the first rule concerning the specification of the goods. This difference is shown in the foot-note.

NOTE.

Rules of 1867.

Número de fardos ó bultos y demás efectos de que se componga su cargamento, con expresion de sus números, marcas, nombre genérico de las mercaderías segun conocimiento, y su peso bruto, &c., &c.

Rules of 1868.

Número de fardos ó bultos y demás efectos de que se componga su cargamento, con expresion de sus números, marcas, la clase genérica de las mercaderías del contenido de los bultos, y su peso bruto, &c., &c.

FRENCH.

Et le nombre de fardeaux, colis et autres effets dont se compose le chargement, avec les numéros, marques et noms des chargeurs et consignataires; manifestant également en numéros et lettres la quantité de chaque article et le nom générique des marchandises selon connaissance, et le poids brut, &c., &c.

Et le nombre de fardeaux, colis et autres effets dont se compose le chargement, avec les numéros et la classe générique des marchandises et le contenu des colis, marques et noms des chargeurs et consignataires; manifestant également en numéros et lettres la quantité de chaque article et le nom générique des marchandises selon connaissance, et le poids brut, &c., &c.

On the 16th of May, 1870, the rules of 1868 were promulgated afresh in Cuba by the intendente general de hacienda, in a circular of which the following is the principal portion:

[Translation.]

INTENDENCIA-GENERAL DE HACIENDA.

[Circular.]

"On the 11th of October, 1868, a proclamation was made by the provisional government that the masters of vessels trading with this island should comply with certain rules indispensable for the customs service, relating to manifests, and especially to the declaration of the Spanish tonnage, constituting the burden.

"Upon assuming the duties of the intendency, I observed a non-compliance with these rules, as well as with many others; and as it is my chief duty to guard and have respected the directions of the government, I ordered that these and all other dispositions in force should be rigorously executed, without favoritism, exceptions, or tolerances of any kind, since all vessels are equal before the intendency, and likewise all nations.

"When the administration of the customs began to comply with my instructions, they found themselves obliged to impose the fines which the law exacts upon the masters of many vessels who had relied upon their previous impunity, and, ignorant of my directions, neglected to comply with the laws.

"This produced a multitude of solicitations from masters seeking condonation, and also representations from the consuls and commercial agents of various countries reclamations very appreciable by the intendency, whose primary duty is to facilitate commerce, the essential base to order and public prosperity.

"The intendency pondered over the subject, and determined to relieve from the penalty the masters of all vessels which had not entered the ports of the island since the 19th day of December, 1868, at which date his excellency, the superior political governor, confirmed the aforesaid order of the provisional government of the 11th of November of the same year, and this circumstance justifying the measure, and as was settled by the circular of the 22d February of this year, published in the Gazette by the central sections of the customs.

"Doubts had arisen as to the proper method of putting the above into practice, and his excellency the superior political governor having heard in relation thereto the central office of the customs, the comptrollers of the treasury, the intendency, and the council of administration, it has pleased him to decide that this may be justified by certificates presented by the masters from any of the ports of entry of the island, certificates which the consignees of the ships must present within thirty days, counting from the day in which he is notified of the imposition of the fine, it being well understood that this penalty shall not attach to masters who protest in writing or personally against it, if sailing for the first time to these ports, provided that they give bond until the question is settled.

"The intendency already having had the honor to signify to the public the great trouble experienced, caused by finding itself in the painful position of being obliged to inflict severe penalties in order to execute the laws, and other provisions, the observance of which is committed to its jurisdiction, has given the necessary information to masters of vessels concerning customs dues. In a word, besides publishing the regulations, hereto attached, which masters must observe, and their supercargoes, has also requested the government that, through the ministry of state, it would promulgate to all our consuls, in order that they can sufficiently inform the masters of all vessels sailing for this island, to the end that the intendency may have the satisfaction not to see itself obliged to impose any penalty.

"Also measures were taken to inform foreign governments, so that on their part they may remove the ignorance of masters of vessels, and the intendency invites the attention of consignees of vessels, that on their part they may call the atten-

ENGLISH.

Number of bales, packages, and every other article composing the cargo, with their respective marks, numbers, names of the shippers and consignees of the goods, expressing also, both in figures and writing, the quantity of every article, and their kind according to bill of lading; their weight, &c., &c.

Number of bales, packages, and every other article composing the cargo, with their respective marks, numbers, and the class of the goods, the names of the shippers and consignees of the goods, expressing also, both in figures and writing, the quantity of every article, and their kind according to the bill of lading; their weight, &c., &c.

tion of their correspondents to this point, to the end that the intendency may not have to impose any fine, it being well understood that, if forced to impose it, it will exact it without partiality of any kind, for to all, whether natives or foreigners, the laws must be vindicated.

"The intendency directs the central section of the customs to adopt the necessary measures so that the administrators may publish this resolution by all means possible, to meet the interests of all concerned, which has no other end than to avoid the imposition of pecuniary fines, and finally the good services of the public press, that it will lend its aid by giving publication to this circular.

"Havana, 16th May, 1870.

"The intendent-general de hacienda,

"J. EMILIO DE SANTOS."

In their practical operation these rules worked great injustice to foreign commerce, especially the commerce of the United States, and many representations were made concerning them. The provision requiring three manifests, and that requiring the tonnage to be expressed in Spanish measurement, proved to be especially onerous.

Mr. Seward, on the 1st of July, 1868, directed the American minister at Madrid to make such representations to the minister of foreign affairs as would bring about an inquiry into and a redress of these grievances, and Mr. Hale was informed, in reply to the representations made in compliance with the instructions, that the subject should be inquired into. But the seizures went on, and the complaints continued.

On the 9th of November, 1869, for instance, the consul of the United States at Matanzas made a return showing that one hundred and fifteen American vessels had been reported to that consulate alone, as having been fined at the custom-house at that port since December, 1867. Some extracts from this report will give an idea of the trivial and venal mistakes (rather than offenses) for which these vessels were fined:

"These fines are in most cases imposed for trivial omissions or discrepancies in no way implicating the good faith of the masters.

"The subject has been brought to the notice of the Department at different times, and by the Department to the notice of the Spanish government. (See Diplomatic Correspondence, 1868, part 2, page 8.) But it appears to have not yet attracted the attention of the Spanish government sufficiently to bring about a modification or repeal of the regulations in force.

"As examples of the pretexes upon which these fines are imposed, I will cite a few cases of which I have the evidence before me:

"The brig Amos M. Roberts, of Belfast, Maine, was in March, 1868, fined \$25. The administrator of the custom-house, in reply to my inquiry as to the motives, states as follows: 'In the manifest which the captain of the Amos M. Roberts presented to the visiting officers on arrival, there is expressed the exact number of Spanish tons that the vessel measures, namely, 151.50 tons, but in the manifest which the captain presented to the Spanish consul at New Orleans he only declared 150.51 tons. This is the reason why he was fined fifty escudos.'

"The brig Dexter Washburne, of Portland, was fined \$100 in April of this year, because the Spanish consul at Charleston omitted to impress his seal on the vessel's manifest after verifying it. This is not, by any means, the only instance that our vessels have been subjected to fines in this port, for omissions of the Spanish consular officers.

"During the same and previous months the Henry P. Lord, George S. Berry, Ricardo Barros, Arletta, Emma M. Wright, Coquett, and others, all arriving in ballast, paid fines for alleged non-compliance with the eighth paragraph of Rule I of the Regulations of July 1, 1859, (put in force by decree of July 1, 1867,) which paragraph, up to that time, had only been applied to vessels bringing cargo, and, as far as I can learn, is only imposed in this port, even at present, on vessels coming in ballast.

"In June last, the brig Novelty, of Boston, was fined \$25 because, as the administrator informed me, 'the captain did not state in his manifest the Spanish tonnage of the vessel; and also, because he did not comply with the eighth paragraph of Rule I of the Regulations of July 1, 1859.' This vessel was constructed at Boston for the purpose of carrying molasses in tanks. It was her first voyage from the United States; and as she had never before been in a Spanish port, it could not be expected that the master should manifest her Spanish tonnage. And, as she came in ballast, the paragraph referred to was not applicable to her case.

"Several other vessels, that had never been in a Spanish port, have been fined by this custom-house for not manifesting their Spanish tonnage.

"In September last, the bark Sarah B. Hale arrived at this port, and among her cargo was a consignment of hoops. Hitherto it had never occurred to any of our custom-house officials that there could be any motive for requiring ship-masters to express the 'kind' *genero* of that article, as it is well known that there is but one kind of hoops imported from the United States, and to require them to express that the hoops are

of wood, would appear as unnecessary as to require it in any other articles of the same nature; such as sugar-box shooks, hogshead shooks, or empty casks. Nevertheless, the fine was exacted, and other vessels arriving since have also been fined for the same reason.

"I thought it my duty to bring to the notice of the administrator the case of a fine imposed on the brig Etta M. Tucker, and to remonstrate against its imposition. I accompany herewith copies of the correspondence, by which it will be seen that the matter has been referred to the superior authority at Havana.

"I earnestly request that you will bring the matter to the notice of the proper authorities, in order that some remedy may be found for these great grievances of our ship-masters.

"In very many cases the masters of vessels are not notified of the imposition of fines until the day of clearance, and then there is little time left to either the master or consignee to make necessary explanations or rectify errors.

"It results, therefore, that very frequently, to avoid detention, the captain pays the fine, however unjust it may be."

Again, on the 19th of March, 1870, the American ship-masters laid their grievances before the Government of the United States. They said:

"It is never alleged that we desire to defraud the Spanish revenue. Irregularities of the most trifling character are the sole ground which are urged to defend the imposition and continuance of our burdens. So numerous are the requirements of the custom-house, so conflicting are the interpretations of the law, so various and variable are the customs prevailing at the different ports, that we find it impossible to draw up a manifest in which an expert may not pick a flaw, or one which may not offer some pretext for the imposition of a fine of from twenty-five to five hundred dollars. Vessels which have never been in a Spanish port, and vessels which may, at the time, be on their very first voyage, are fined because they do not express their Spanish tonnage. So multifarious are the pretexts for fines that we dare not attempt to enumerate them all. We are fined for an absence of the name of the shipper of the goods and the consignee; for a failure to express numbers, weights, and measures in letters and figures; for a failure to state after the enumeration of our cargo, that we carry nothing else; for a failure to make a similar statement when we arrive in ballast; for an absence of what is known as the asseveration, or the words 'So help me God'; for neglecting to state, when we bring hoops, that they are of wood and not of metal; for the slightest error in converting American weights and measures into those of Spanish denominations; for omitting in the heading of the manifest the nationality, class, tonnage of the vessel, name of captain, place whence she comes and port whither bound; for consigning goods to order, though they may be so consigned in the bill of lading."

This document was signed by fifty-five American ship-masters in the port of Matanzas, and thirty-three American ship-masters in the port of Cuba.

On the 9th of June, 1870, the minister of ultramar at Madrid issued a decree—

"Ordering the remittance of all fines imposed in the island of Cuba for the non-presentation of a third copy of the manifest, and that under no conception whatever, and as it is found provided in the legislation for that department, can the authorities of the provinces of ultramar alter, reform, or make additions to the legislation of the customs, which power is reserved exclusively to the supreme government of the nation, the same authorities being personally responsible for whatever transgression of the law which they commit in this sense, and inserting in continuation the rules prescribed on the 1st of July, 1859, for the guidance of captains and supercargoes of Spanish vessels and those of other nations engaged in the import trade from foreign ports to those of the island of Cuba and Puerto Rico, and the modifications afterward accorded, * * * * and ordering that against the resolutions that may cause lawsuits, by the intendents of the public treasury of the provinces of ultramar in the matter of customs, a contentious demand may be made, by those who consider themselves injured in their rights, before the respective territorial courts, and in conformity to that prescribed by the decrees of the 7th of February and the 6th of April, 1869."

This decree was promulgated at Madrid on the 12th of June, and in Cuba on the 6th of July.

At this stage of the proceedings the United States invoked, diplomatically, through their minister at Madrid, the interposition of the Spanish government. On the 16th of July, 1870, General Sickles, the American minister at Madrid, addressed a note to Mr. Sagasta, the minister for foreign affairs, in which, after a concise recital of the material facts hereinbefore set forth, he continued as follows:

"The revenue laws of most countries provide a system of equitable and summary relief in cases where a fine or forfeiture may have been incurred by merchants or masters of vessels without culpable negligence or intention of fraud. In the United States, for example, it is provided that in such cases an alleged offender desiring relief may present his petition to a magistrate, whose duty it is to hear the parties in a summary way, and make such recommendation to the principal officer of the Treasury as the circumstances of the case may suggest. This course of procedure has been followed

in the United States since 1797, and has been found entirely satisfactory to the persons concerned as well as to the Government.

"Without undertaking to enumerate all the unusual and severe exactions contained in the twenty-one articles of the circular of the intendente de hacienda, those mentioned as illustrations will be sufficient, I hope, to convince your excellency that these regulations should be revised, and so modified as to relieve foreign vessels trading with Cuba from burdens which cause serious inconvenience to commerce without corresponding advantage to the treasury.

"With regard to the clause requiring a foreign vessel to show its Spanish tonnage on its manifest, it must be always extremely difficult, and sometimes impossible, for masters of vessels to comply with that regulation. I am not aware that any other nation has established a similar rule. It is certain that the United States have never required Spanish vessels entering their ports to show their American tonnage on their manifests. The measurement and tonnage of all American vessels appears on the ship's register. The measurement is made and the tonnage calculated according to the standard of the country to which the vessel belongs. And this is believed to be the common practice of nations. The United States take care, as it is presumed all governments do, that the certificate of registry delivered to the master of a vessel expresses her true dimensions and capacity for burden. It is easy, then, for the proper officer of the customs in any foreign port, taking the measurement found on the vessel's papers, to compute her Spanish tonnage, for the purpose of ascertaining the amount of tonnage-dues to be collected, or for any other purpose depending upon the capacity of the vessel. And in any case in which there may be reason to doubt the correctness of the register, a new measurement may be made.

"It does not distinctly appear whether the gross weight of merchandise in bulk, which must also be stated on the manifest, is required to be given according to the Spanish standard. If that be the true interpretation of article 1 of the circular, then it imposes an additional hardship upon masters of vessels, which is believed to be equally without precedent. And if the weight of cargo in bulk is not to be stated according to the Spanish standard, but according to the standard of the country where the vessel was laden, then it is difficult to see why one rule should be applied to the statement in the manifest of the tonnage of the vessel, and another to the weight of her cargo in bulk. I am not informed whether these regulations are to be enforced in all the ports of Spain, or whether they relate only to the Spanish colonies; or whether, adhering to more convenient and reciprocal rules in the ports of the peninsula and of the other colonies, these regulations are confined to foreign vessels entering Cuban ports. If the same requirements are to be enforced in all Spanish ports, the question presented will all the more deserve the consideration of your excellency, in view of the wider range of the embarrassments and losses to which foreign vessels engaged in trade with Spain will be subjected. But if the regulations are colonial only, or, having a character yet more exceptional, are limited in their operations to Cuba, it may be fairly asked, why is it necessary for the manifest of a foreign vessel, entering a port in Cuba, to show her Spanish tonnage, when the same vessel may enter Spanish ports having her tonnage expressed on her papers in conformity with the standard of the country to which she belongs?

"Moreover, fines have been imposed upon masters of vessels for irregularities in manifests authenticated by the Spanish consul at the port of departure. It is to be presumed that if the consuls of Spain residing in the United States had known that these regulations were in existence, those officers would not have approved the sufficiency and regularity of papers which did not meet the requirements of the authorities in Cuba. When a consul has given to a document the sanction of his signature and seal of office, it is certainly unjust for the authorities of his own country not only to reject the document as insufficient, but to impose a fine upon the ship-master who presents it in good faith. If, on the other hand, the consuls have been duly notified of these regulations, and fail to assure themselves that the manifests they certify are regular in substance and in form, then the blame and the penalty should fall on the consul so offending.

"By article 6 of the circular of the intendente it is required that masters of vessels shall have their documents certified by the Spanish consul at the port from which they sail, in default of which they are fined two hundred escudos. And surely it will be admitted that when the master presents papers thus certified, they should be at least so far recognized by the customs authorities in Cuba as to exempt the innocent master or merchant from penalties incurred through the fault of the consul, or because that officer was not informed of the regulations in force in the ports of the country he represents.

"Much inconvenience has been caused to the Spanish authorities, as well as loss to masters of foreign vessels, by the failure to give reasonable and customary notice of the establishment of these regulations. It is the usual practice of nations, whenever material changes are made in their laws or regulations affecting trade carried on in foreign vessels, to give timely notice of such changes to friendly Governments with

whom they have intercourse, in order that merchants, shippers, and masters of vessels may be duly informed, by the proper authority, of their duty in the premises. I am not aware that these regulations have ever been communicated to the Government of the United States, or that any notification of them has been given by the Spanish government other than that published in the Havana by the intendente de hacienda in May last, and by him since furnished to the consuls residing there.

"Persuaded of the justice of the considerations presented in the name of my Government, which so much desires to remove every obstacle to free and advantageous intercourse between the two countries, I trust that it may be agreeable to the government of his highness, the regent, to cause the regulations prescribed in the circular of the intendente de hacienda to be revised and amended, so that they may bear less oppressively upon the masters of foreign vessels, and that the penalties imposed upon masters of American vessels for mere irregularities in matters of form, where no willful neglect or intent to defraud the revenue appears, may be revoked; and that the fines actually paid by masters of American vessels for alleged violations of the regulation requiring the Spanish tonnage to be borne on the manifests of American ships may be refunded to the parties concerned.

"I improve this occasion to renew to your excellency the assurances of my most distinguished consideration."

This note was not answered until the 4th of February, 1871, but meanwhile some important correspondence had taken place in Cuba.

On the 19th of August, 1870, the intendente at Havana issued a further circular, in explanation of his circular of the 16th of May, 1870. The following is a translation:

[Translation.]

"INTENDENCY-GENERAL OF THE HACIENDA.

"In a circular from this intendency of the 16th of May last, published in the *Gaceta* of the 18th of the same month, it was ordered that in order to release masters of vessels from fines which they had incurred on account of informalities in their manifests, or for not having presented them, together with the manifest certified by the consul, thus failing to comply with the regulations they should observe, according to an order of the provisional government of 11th of November, 1868, it was necessary for them to prove that they had been in no port of this island since the 19th of December, 1868, the date of the going into effect of the said order. It was also ordered that the justificatory proof should consist of certificates issued by the captains of the qualified ports of the island, which the consignees of the vessel should present within thirty days, counting from the date of the notice of the imposed fine; but as various petitions have been presented as to the difficulty and cost in many cases of procuring this proof, this intendency, desiring to give commerce and navigation all the facilities compatible with law and the interests of the treasury, after having heard the reports of the central section of customs and the board of finance, has decreed that custom-houses shall consider as sufficient proof for the purpose indicated a certificate of the consul of the port where the vessel enters, in which shall be stated that, according to an examination of the log or log-books presented to him for that purpose by the master, said vessel has not been in any port of the island since the 19th of December, 1868; the consuls being also at liberty to exact such data as they may consider necessary to certify with exactness upon the subject."

Notwithstanding the notice that three manifests would not be required, the authorities in Cuba continued to demand them. When complaint was made of their conduct in this respect the intendente made the following reply:

[Translation.]

"INTENDENCY-GENERAL OF THE PUBLIC TREASURY.

"Your polite communication of 24th October, in answer to that of this intendency of 21st of the same month, relative to the fine imposed by the custom-house at Manzanillo on the American brig *Queen of the South*, has been received, and in view of which I have to state that masters of vessels are obliged to deliver to the Spanish consul or vice-consul at the port of departure a 'sobordo' in duplicate, who returns one to the master, and the other is forwarded directly to this intendency.

"Upon arrival at this island the said 'sobordo,' certified by the consul, must be presented, and also a general manifest of the cargo. If you refer to the laws prescribed for the government of masters and supercargoes of vessels engaged in the import trade with this island, you will be convinced that the fine was justly imposed; but as the two words *sobordo* and *manifesto* have the same signification in English and Spanish

it happens that masters of vessels, upon clearing at foreign ports, deliver two manifests or 'sobordos' to the consul, under the belief that no other documents are required at these custom-houses; but as two are required, one certified by the consul (the duplicate of which is retained by the consul for this intendency) and a second without this requisite, an impression is created that triplicate manifests are exacted here, whereas two only are required, and for this are imposed fines upon those who neglect to present the second one, and gives rise to such reclamations as that made by the master of the Queen of the South.

"The decree to which you refer as published in the *Diario de la Marina*, and which was communicated to the Minister of State at Washington, ordering the return of all fines imposed for the non-presentation of a third manifest, having been dictated in a mistaken supposition, has been annulled by another under date the 21st of September, ultimo, which I now transcribe to you, and its perusal will show that the authorities of this island were acting in compliance with their duty in imposing the fines; but as they have been remitted for reasons of equity, and because the faults committed did not reveal an intention to commit fraud, as this intendency had indicated, I am pleased that this question has been thus satisfactorily settled, and I can assure you that the fine of one thousand escudos (\$500) imposed on the master of the above-referred-to vessel will be returned as soon as the collector at Manzanillo remits the certificate of entry, which is applied for this day.

"God preserve you many years.

"Havana, November 3, 1870.

"J. EMILIO DE SANTOS.

"The ACTING CONSUL-GENERAL of the United States."

[Translation.]

"INTENDENCY-GENERAL OF THE PUBLIC TREASURY.

"The following order was received from the ministry of ultramar, by his excellency the superior political governor, under date the 21st of September ultimo:

"YOUR EXCELLENCY: In view of the official letters of your excellency, Nos. 490, 501, 504, and 509, relative to the fines imposed by the custom-houses of that island on the British schooner *Island Belle*, and on the vessels *Belle Louisa*, *Evening Star*, *Carrie Douglas*, *Castilla*, *Carlton*, *Sarah Anne*, *Martha*, and *Queen of the South*, some of which fines had already been remitted by your excellency, and considering that all have been imposed in accordance with ruling legislation, his highness has been pleased to order that it be made known, as has been by order of this date, to the minister of state, with the view that it may be communicated to the claimants that the authorities of that island have complied, as they always do, with their duty. Moreover his highness, for reasons of equity and the fact that the faults committed do not reveal fraudulent intentions, has been pleased to order that the fines referred to be restored."

"And I communicate the same to you for your information, informing you also that under this date the order has been given to the collector of customs at Manzanillo for the return of the certificate of the entry of \$500 fine, exacted by that custom-house of the American brig *Queen of the South*, and which has been remitted by the government of his highness.

"God preserve you many years.

"Havana, November 2, 1870.

"J. EMILIO DE SANTOS.

"The CONSUL-GENERAL of the United States."

On the 4th February, 1871, the minister for foreign affairs at Madrid replied thus to General Sickles's note of July 16, 1870:

[Translation.]

"MINISTRY OF STATE,
"Madrid, February 4, 1871.

"MY DEAR SIR: * * * * *

"Captains of foreign vessels are no longer required to declare the tonnage of their vessels in Spanish measure, it being sufficient on the first voyage for them to make such declaration in conformity with the builder's measurement, or according to the measurement of the respective nations to which they belong, being, however, obliged thereafter to show certificates of the measurement that shall have been used for the collection of tonnage-dues, as laid down in the order of 9th of July last.

"Respecting fines inflicted on captains of vessels for informalities in their manifests, or for not having presented them, in addition to the cargo list certified by the Spanish consul at the port from whence they sail, considering that in these omissions there was

no intention to defraud, the said fines have been remitted in those cases in which the vessels had entered the ports of the island of Cuba since the 19th December, 1868, that being the date when the order of the provisional government, of the 11th of November then last past, commenced to be in force.

"The evidence hitherto required to exonerate the masters of foreign merchant-vessels having been the occasion of reclamations, the administration has taken the matter into consideration, and instead of demanding certificates of the port captains, as heretofore, it is now ordained that a certificate shall be furnished from the consul at the port of arrival, showing that, according to the log-book, the vessel had not before entered a port of the island, the consuls being at liberty to ask from the captains such other facts as may appear necessary to certify with exactitude upon the matter. The fines were legally inflicted, and in remitting them the government has acted in conformity with sentiments of equity and deference. Your excellency will, therefore, understand that captains subjected to fines have the means to exempt themselves from payment if they fulfill the conditions indicated.

"Touching the request to modify the regulations in force, it will be taken into consideration by the board engaged in the compilation of the new orders and regulations for the customs of the colonies, which will endeavor to conciliate as far as possible the interests of legitimate commerce with those of the public treasury.

"C. MARTOS.

"The MINISTER PLENIPOTENTIARY of the United States."

The reforms and ameliorations which were apparently contemplated at the time when this note was written not having been carried out in practice in Cuba, General Sickles, on the 28th day of November, 1872, addressed the following note to the minister for foreign affairs:

"LEGATION OF THE UNITED STATES OF AMERICA,
"Madrid, November 27, 1872.

"SIR: I have the honor to bring to the notice of your excellency, in compliance with instructions from my government, some further representations respecting the penalties imposed by the customs authorities in Cuba for alleged violations of the royal order of July 1, 1859, and the several decrees and regulations subsequently issued in the execution thereof. Your excellency will, perhaps, remember the communication on this subject that I had the honor to address to the ministry of state on the 16th of July, 1870, as I recall with great pleasure the satisfactory reply thereto, received from your excellency on the 4th of February, 1871. It has, however, unfortunately happened, although without the least responsibility attaching to your excellency, that the promised relief of foreign vessels employed in the commerce with Cuba from the vexatious and exorbitant fines for unintentional errors and omissions as to matters of mere form in ships' manifests has not been fulfilled. In truth, under a recent circular of the intendente-general, dated September 18, it appears, as I regret to state, that American ship-masters are more frequently than ever subject to severe fines imposed by subordinate customs officers, following possibly the literal text of their instructions, without the least evidence of any intent to defraud the revenue or to disregard the necessary requirements of customs regulations.

"With reference to the suggestions made in my former communication respecting the modification of the royal order of 1859, the original source of nearly all these reclamations, your excellency kindly informed me in the note I had the honor to receive under date of February 4, 1871, that my representations would be referred to the junta, then engaged in compiling new ordinances for the ultramarine provinces, in order that the interests of lawful commerce might as far as possible be reconciled with those of the public treasury. It seems, however, from the recent circular of the intendente-general that no redress through the action of the junta has yet been granted.

"Your excellency was likewise good enough to assure me in the same communication that the government of His Highness the Regent, moved by the sentiments of equity and consideration that so much distinguished it, would concede the remission of certain classes of penalties incurred by reason of the over-zealous application of the royal order of 1859, and in which it was admitted that just grounds of reclamation had been shown. Your excellency will learn, I am sure, with equal surprise and regret, that the restitution thus ordered has not been made effective, although the reclamations have been presented severally in due form. The consul-general of the United States at Havana reports, for example, among numerous instances, that of the series of fines imposed on vessels of the United States since 1868, and which were condoned by the action of the minister of ultramar, communicated to me in your excellency's note of February 4, 1871, none have been refunded. Nor does it appear that, apart from the relaxation of the rule requiring the tonnage of foreign vessels to be expressed in Spanish measurement, there has been any essential amelioration of the unjust and vexatious exactions that have grown into usage since the revival of the almost obsolete order of

July 1, 1859. Indeed I may state that it is the concurrent testimony of persons engaged in foreign commerce with Cuba that it is extremely difficult for any ship-master to make out a manifest of an assorted cargo in which a pretext may not be found for a penalty predicated on some deviation from the strict requirements of the existing regulations.

"In commending to your excellency the expediency of a revision of the present customs procedure in Cuba, so that the important commerce with that island may be relieved of useless burdens, I am instructed to bring to the notice of His Majesty's government the practice of the revenue authorities of the United States in analogous cases, in the hope that in a spirit of reciprocity the same circumspection may be practiced in Cuba. Before enforcing upon any foreign vessel the penalties prescribed for irregularities or omissions in manifests, collectors of customs are required to consult the Treasury Department. This rule, which is embraced in article 4, part 3, of the revised regulations of that Department, is uniformly observed in the United States, with respect to all foreign shipping, thereby assuring greater care in the investigation of complaints, and protecting foreign ship-masters from the indiscretions of subordinate functionaries.

"It may be confidently assumed that the intendente-general of Cuba, an officer of high character, clothed with ample powers for the establishment of customs rules and regulations, is at once the proper authority as well for the imposition as for the removal of penalties. At present, fines are inflicted by inferior officials in any of the ports of the island; payment is demanded before any appeal can be made to superior authority; and experience has shown that the process of recovering a penalty once paid, no matter how clear may be the right to restitution, is an endless proceeding, usually abandoned after fruitless efforts. With more discrimination in the use of the power to impose fines, most of these reclamations might be avoided. A very large proportion of the penalties collected from American ship-masters in Cuban ports are imposed without evidence of any intent to defraud the revenue or to violate the law, and it may be safely asserted that if in such cases the intendente-general had been consulted before the infliction of the fine, by a reference of the case to his department, such instances of injustice could not have happened.

"I have, therefore, to request that His Majesty's government will take into further consideration the representations made in my note of July 16, 1870, and those now respectfully brought to its notice, to the end that restitution be made of the fines heretofore admitted to have been imposed improvidently; that the existing customs ordinances in Cuba may be reviewed by competent authority, with the same just disposition shown in the recent action of the Spanish hacienda to discriminate between mere errors of form and cases of culpable transgression; and that the power to exact penalties on foreign shipping in Cuba may be reserved to the intendente-general, in analogy to the considerate and deferential practice observed by my Government in like cases.

"I avail myself of the opportunity to repeat to your excellency the assurances of my most distinguished consideration.

"D. E. SICKLES.

"His Excellency the MINISTER OF STATE."

That there has been no real amelioration in Cuba is shown by the following extract from a dispatch from the consulate-general, dated October 30, 1872; on the contrary, the objectionable REGULATIONS of 1859 are prescribed and enforced with little alteration or modification:

"I transmit herewith three copies of what are styled the 'Regulations for the guidance of captains and supercargoes of Spanish as well as foreign vessels,' &c., &c. These 'regulations' are a recapitulation of the royal order of 1st July, 1859, put into force on the 1st July, 1867, which has so frequently been referred to in communications from this office. It seems unnecessary to call the Department's attention to the ambiguities, contradictions, and absurdities contained in this document. The so-called translation into English is quite as intelligible as the original in Spanish. Under these regulations, fines are imposed for the following offenses:

- "For omitting to express class of vessel, whether ship, bark, brig, &c., \$25.
- "For omitting the nationality of the vessel, it is not sufficient to state the brig — of Boston; the master must state the *American* brig — of Boston; the penalty of such omission is \$25.
- "For omitting name of the vessel, \$25.
- "For omitting to state the exact Spanish tonnage measurement, \$25.
- "For omitting master's name, \$25.
- "For omitting the port or ports from whence arriving, \$25.
- "For omitting the name of the shipper or shippers, each omission, \$25.
- "For omitting names of consignee or consignees, each omission, \$25.
- "For omitting to state the kind of package, \$25.
- "For omitting to state in writing, as well as in figures, the quality, or number of packages or pieces, \$25.
- "For omitting marks and numbers, although the packages may have neither, \$25.

"For omitting to state the *generic* class of the effects manifested—such as wooden hoops, iron nails, &c.—\$25.

"For omitting to state the gross weight of different items, \$25; and other penalties for discrepancies in weights. If goods are to go into bond, or are in transit, and not so stated, \$25.

"For omitting to state at the foot of the manifest that the vessel brings *no other cargo*, although she may be in ballast, \$25.

"For omitting to give the weights and measurements in the decimal or French system, \$25 each omission.

"For omitting to manifest any goods that the crew may have in their possession, \$25.

"Omitting to note the surplus stores, \$25.

"Omitting to state the arms and ammunition on board, \$25.

"Omitting to state the quantity of coals on board, if the vessel is a steamer, \$25.

"Omitting to deliver the manifest the moment of the visit, \$200.

"For manifesting goods to order, whether or not so required by the bills of lading, \$25.

"If the manifests have not been authenticated by the Spanish consul, a fine of \$100 is imposed. In a case where the Spanish consul had neglected to impress his seal on the manifest, it was held by the customs officials at Matanzas that there was no authentication, and the vessel was fined accordingly.

"For omitting in the manifest any of requisites of Rule 1, (?) \$25.

"In addition to the consular manifest, called '*sobordo*,' another simple manifest, not authenticated, is required; this requisite is not clearly provided for in the royal order and only inferred from the second paragraph of Rule 7; nevertheless a failure to produce it subjects the master to a penalty of \$500. Numbers of our vessels have been subjected to these exorbitant fines. Any erasure, alteration, or interlineation, subjects the master to a charge of forgery.

"I know of no instances where this penalty has been enforced. A fine of \$25 is usually imposed for each defect.

"The presentation of the consular manifest is obligatory in all the ports of the island at which the vessel may touch, for orders or in distress.

"Rule 12 provides that the master who does not declare the exact Spanish tonnage, shall pay the expense of admeasurement, should there result an excess of 10 per cent. The rule is inconsistent with the first paragraph of Rule 1.

"All goods omitted in the manifests are confiscated, and a penalty of double duties imposed on the master, and if the duties should exceed \$400, the vessel, freight-money, &c., will be confiscated.

"For every package missing, upon the discharge of a vessel, a fine of \$200 is imposed.

"For discharging goods without permits, a fine of \$1,000 is imposed.

"Articles 16, 23, and 26 provide for penalties which are not clearly defined.

"Vessels coming from a port where there is no Spanish consular officer are required to have their manifests verified by three merchants, who will also certify that no such officer resides at the place, or within a radius of thirty kilometers; if omitted, a penalty of \$100 is imposed. There is no provision for this penalty in the regulations, but the fine is frequently imposed notwithstanding.

"The mail-steamer *Crescent City*, of and from New York, arrived here on the 15th instant, the day upon which the circular of the intendente, referred to in my No. 133, went into effect. Her manifest comprises fifty-eight items, and a fine of \$25 has been imposed for each, and one of \$500 for want of the consular authentication, which, hitherto, has not been required of mail-steamers.

"I availed myself of the opportunity to urge upon the intendente the suspension of the royal order of July 1, 1859, in view of the gross injustice it inflicts upon foreign commerce, while experience has shown the impossibility of ship-masters making out their manifests in accordance with its provisions, and not incur some one of its numerous penalties. I acquainted him with the instructions of the Treasury Department of the United States relative to fines upon foreign vessels for want of manifests; that such fines were not enforced without consulting the Department, and I asked that the same considerations be extended to our vessels, in the out-ports of the island, where it had been customary to impose fines and exact their payment before appeal could be made to the central authority.

"I also called his attention to the fines imposed on our vessels at Manzanillo, in 1868, which General Lersundi had ordered to be restored more than four years ago, and which had never been carried out by the proper department of the intendency. He took note of my suggestions and promised that they should have due attention.

"It is due to this officer to state that upon his arrival here he found the greatest demoralization in his department, and that he is endeavoring faithfully to effect reforms therein. He makes, however, the usual mistake of his predecessors in supposing that any of these irregularities are to be attributed to the masters of foreign vessels.

“Regulations established on the 1st of July, 1859, for the guidance of captains and supercargoes of Spanish as well as foreign vessels engaged in the import trade between foreign ports and the islands of Cuba and Porto Rico, together with the alterations subsequently granted.

“I. Captains of vessels trading between foreign ports and the islands of Cuba and Porto Rico will deliver to the consul or vice-consul of Spain a duplicate manifest, without any corrections whatever, specifying—

“1. The rig, flag, name of the vessel, and the exact Spanish measurement. The measurement of her national register will only be exacted of vessels coming to the said islands for the first time, although the tonnage be not in accordance with the Spanish measurement; but in all subsequent voyages a certificate of the Spanish measurement made by order of the custom-house authorities will be required for the payment of the tonnage dues.

“2. The name of the captain or mate.

“3. The port or ports of sailing.

“4. The names of the shippers and owners or consignees of the cargo.

“5. The bundles, bales, barrels, boxes, and other packages, with their respective marks and numbers, expressing both in writing and by figures the quantity of every description.

“6. The nature of the contents of the packages and their gross weight.

“7. The above is also applicable to goods to be entered in bond or in transit.

“8. And finally that the vessel brings no further cargo.

“II. Should a portion of the entire cargo consist of iron, bars or plates, metal plates, lumber, jerked beef, salt, cocoa, and other merchandises in bulk, the specifications will be made according to metrical weights and measures in the duplicate manifest above mentioned.

“III. The manifests will have to be certified by the Spanish consul or vice-consul, who will give one of the copies to the captain, retaining the other one, which he will forward to the intendente-general of whatever port the vessel is bound to, to serve as a voucher to the custom-house, on a comparison of the cargo.

“IV. The captain on conclusion of his voyage will note in a copy of the manifest, which he will retain, the following additions:

“1. The goods that the crew may bring, apart from the manifest, not exceeding \$100 for each individual.

“2. The provisions remaining from the vessel's stores.

“3. War materials, ship's utensils, and also the quantity of coals she brings for use, if a steamer.

“V. The captain on arrival at port of destination, in the act of the visit by the board of health boat, will deliver to the chief custom-house officer the manifest certified by the consul, together with the general manifest of cargo.

“VI. Should the vessel leave in ballast, the captain will present to the consul or vice-consul a duplicate note to that effect in the same manner as with a manifest, viz, the consul will certify both documents, a copy of which he will give to the captain, and reserve the other to forward to the intendente of the port of destination.

“VII. Should the captain or supercargo, in anchoring in the port of destination, not present, on being visited, the manifest or note to the effect that the vessel comes in ballast, he will be subject to a fine of \$200 for the want of said document. Should the consular certification not appear in the same he will have to pay the fine of \$100 for this informality; and finally, should the requisites stated in rule No. 1 not be complied with, a fine of twenty-five dollars will be imposed. In like manner the captain or supercargo who, on request of the chief custom-house officer or whoever represents him, does not present, on being visited, the manifest and statement of the cargo, will incur a fine of \$500 unless the vessel has been compelled to put in in distress, which fact will be proved by inquiry.

“VIII. In case that any alteration should be observed in the above documents, the captains or supercargoes will be liable to be tried by a competent tribunal on the charge of forgery, whether the vessel came in ballast or with cargo.

“IX. The presentation of the manifests is obligatory, in all ports, inlets, or anchorages of the island the vessel may put into, even when in distress, the custom-house officers retaining a copy and returning the original to the captain, so that he may present it at the port of destination.

“X. The manifest may be exacted from the captain or supercargo by the revenue-cutters within distance of twenty-three kilometers from the port of destination.

“XI. All captains are obliged to present to the Spanish consul, or vice-consul, a memorandum of the approximated value of the cargo to serve as data for the commercial statistics which are under the charge of said functionary.

“XII. The captain who does not declare the exact Spanish measurement of his vessel will pay the expenses incurred in measuring, should the expense be more than ten per cent.

“XIII. A captain who, by stress of weather, or any other casualties, may be compelled to throw overboard any portion of the cargo, will make a note to that effect

in the manifest, specifying, although it be in a general manner, the number, kind, and nature of the packages. He will also be obliged to make to the custom-house a declaration thereof, and present his log-book as a proof in confirmation of his assertions.

"XIV. The baggage of passengers will undergo an examination in the customs warehouse, and in the event of any merchantable goods being found therein to the value of \$100 they will be subjected to the duties as per tariff, on presentation of a detailed statement, which must be delivered to the collector of the custom-house by the interested parties. Should the value of the said goods be more than \$100, and yet not exceed \$200, they will incur double duty; moreover, should their value be in excess of the latter amount they will undergo confiscation, unless in either of the above instances the statement of the goods should have been previously presented; in which case the duties will only be exacted as per tariff.

"XV. It is positively prohibited to make any addition or alteration in the manifest, or statement of the cargo, or the items, 'to order,' under the penalty imposed by the statutes for any difference arising between the said documents.

"XVI. This formality in the manifest will not be exacted from captains or supercargoes of vessels proceeding from a place where there is no Spanish consul or vice-consul, or where their residence exceeds a distance of thirty kilometers from the port of sailing; but in order to be entitled to this exemption the cargo must consist of the following: hides, lumber, staves, logwood, coals, or horns; provided the articles be products of the country from whence the vessel sails, and that the voyage be direct, and the duty be paid upon the total amount of the goods.

"XVII. All packages omitted from the manifest will be liable to confiscation, and, besides, involve the captain in a fine of double their value, provided the amount of the duties on the goods they contain be not in excess of \$400. Should it exceed that sum, and the goods belong or be consigned to the owner, captain, or supercargo of the vessel, the fine will not be imposed, but the vessel, together with the freight earned and every other available property, will be confiscated.

"XVIII. On the final discharge of the cargo, if one or more packages should be found missing from the manifest, without previous presentation of the invoice, the captain or supercargo will be looked upon as defrauders of the revenue, and a fine of \$200 will be imposed for each of the packages missing.

"XIX. If the owners or consignees of articles not manifested by the captain present to the authorities within forty-eight hours the invoice of the articles, they will not be involved in any responsibility, and their goods will be delivered to them; but the captain or supercargo in such a case will be subjected to a fine equal to the total value of the goods not manifested.

"XX. Without the permission of the collector, and an examination of the chief custom-house officer, nothing will be allowed to be discharged. For the mere act of discharging any goods, even if they be of no value or free of duty, the captain or supercargo will be subjected to a fine of \$1,000, and the goods taken in this manner forfeited; also the boat or lighter which conveys them; provided the said goods do not exceed \$200 in value; but should the value exceed this sum, the fine will be removed and the vessel confiscated.

"XXI. Nor will it either be permitted to transport in the bay goods in any quantity, however small, without the requisites prescribed; otherwise the captains or supercargoes will incur the established penalties.

"XXII. Should goods in whatever quantity be discharged in a port not open to general commerce, the vessel that brings them will be confiscated, together with all her appurtenances.

"XXIII. If on the clearance-visit made on board all vessels, previous to the delivery of the papers, an excess should be discovered in the cargo, said excess will be forfeited, and, besides, a fine equal to its value imposed on the captain.

"XXIV. The confiscation and fine above referred to apply to all goods seized under attempt of fraudulent shipment.

"XXV. In the event of the captain or supercargoes not being in a position to pay the amount of their fines, these, together with expenses incurred, will be borne by the vessel under their command, unless the consignees voluntarily assume the said fines.

"XXVI. No manifest will be translated, nor permits granted for discharging, unless the captains or consignees have previously presented the register of the vessel to the custom-house.

"This document, in three languages, viz, Spanish, French, and English, is given this day to Captain _____, of the vessel _____, for his information, and who will sign a receipt for it.

"The Interpreter :

"The Custom-House Collector :

"Custom-House Inspector :

It is also shown by the following extract from the dispatch from the consul-general at Havana, dated January 13, 1873, that there had been no real abatement of the causes of grievance as late as that date :

"This matter of fines is giving a great deal of trouble to the American shipping arriving in the island. The intendente has adopted the rule that the captains shall know and manifest every article, and the weight of the same, that he brings, and for every error or mistake they impose a fine of twenty-five dollars. If the bill of lading from which the captain makes his manifest is not correct he would have (in order to comply with the rule here) to open every package and weigh the same. I told the intendente that he should not expect to make foreign ship-masters detectives for his custom-house, but that he should hold the goods and make the consignees responsible for any false entries in the custom-house. He says that would be better, but their law or orders puts the fine on the vessel.

"Another annoyance is that a vessel may arrive here with a cargo, and be in port a month, reload, and when the captain goes to the custom-house to clear for sea, he may be told there is a fine on his vessel on account of some informality about his inward cargo. In many cases of this kind the fine (although manifestly unjust) has been paid rather than delay going to sea, and knowing the time it takes to settle such things with the officials. A case in point I had recently. The American ship *Marcia C. Day*, of New York, arrived here from Cardiff on the 21st of November, with a cargo of coal; the captain's manifest called for so many tons, and that amount was entered by the consignees at the custom-house; the cargo discharged agreed with the captain's manifest. When the vessel was ready to go to sea, about the 4th of January, 1873, the parties were informed that there was a heavy fine on the vessel because the Spanish consul's certified manifest from Cardiff was one million kilograms less than the number of tons called for by the captain's, and entered at the custom-house. The consignee informs me that he was told at the custom-house that the fine would be about \$2,000. I at once addressed a note to the intendente, with a memorial of the consignee, which was never answered. After waiting six or seven days the captain determined to discharge his crew and abandon his vessel. I informed the intendente of his determination in a personal interview. He asked me not to do that, and I told him such would be the case if some decision was not promptly given in the case. The next day the vessel was allowed to go to sea without the fine being exacted.

"There is a case pending now at *Sagua la Grande* of the American brig *G. de Zaldo*, which has been fined one hundred and forty-nine times, at \$25 each, for mistakes in manifest. One item on the manifest, 100 kegs of lard, they say should be tierces, and they impose one hundred fines of \$25 each. Another item of 235 barrels of potatoes, 35 turned out to be beans, and they place thirty-five fines of \$25 each, &c., &c.

"On the 18th of January, orders were issued in Madrid that no fine should be imposed on captains or supercargoes without the approval of the intendente; but no information of the promulgation of these orders in Cuba has yet been received. The ship-owners in the United States engaged in the trade with the island of Cuba have, however, addressed a united memorial to the Secretary of State on this subject in the following language:

"To the Hon. HAMILTON FISH,
Secretary of State, Washington, D. C. :

"SIR: We, the undersigned, citizens of the United States, and owners and agents of vessels trading between this port and the several ports of the island of Cuba, would respectfully state that the practice of imposing fines on vessels arriving in Cuban ports by the Spanish customs authorities thereof, for so-called errors in manifesting cargo, has become so onerous and burdensome that we feel constrained to solicit the interference of your Department in our behalf.

"The Spanish laws require that a vessel bound for Cuban ports shall make out manifests of cargo, the same to be certified by the Spanish consul residing at, or nearest to the port of loading, in which manifest the captain must declare positively and without qualification the several and different kinds of packages, their marks, the generic class of contents, as well as the weights and values of same, and for every instance where, on arrival in Cuba, the examination of the cargo shows a difference between the packages and the weights, and contents of same as actually found, and the same as manifested, the vessel is fined, while the goods escape all responsibility.

"That although the generic class of the goods is stated on the manifest, in compliance with the requirements of the Spanish laws, and said manifests accepted and certified to by the Spanish consul, yet the vessel is fined for not stating the specific class.

"That we are entirely dependent on shippers of cargo for information as to weights, values, and contents of packages shipped, from which to make out manifests, and irresponsible parties often give erroneous description of their part of cargo, resulting in fines imposed on the vessels, at times greatly in excess of the freight, against which we have no redress.

“That the custom authorities at the several ports in Cuba place different constructions on the laws relative to vessels, and the manifests of same, and fines have been imposed in one port for stating that for which the fines were imposed in another port for omitting.

“That the captain is only informed of any fines imposed on his vessel when he attempts to clear her at the custom-house, whereby he has either to pay the fines or detain the vessel indefinitely while contesting the same.

“That although we are willing and endeavor to comply with the said laws regulating manifests, yet, under the conflicting constructions placed on same by the different collectors of customs in Cuba, we find it impossible to do so, or to avoid fines.

“In cases where fines are imposed, an appeal to the superior authorities at Havana is permitted on payment, under protest, of said fines, but unless the amount of such fine is excessive, the delay occasioned by the detention of the vessel would exceed in most cases the amount of such fine even if recovered.

“We would respectfully represent to the Department that as the vessel, through her agents, is entirely dependent on the shippers of cargo for information necessary to describe on the manifest the contents and weights of packages shipped, the propriety of imposing fines on the goods erroneously described on manifest, instead of on the vessel, as then the shipper would have a sure remedy against the vessel in case of error on her part, or on the part of her agents, in making out manifests, while under existing regulations it is in most cases almost, if not impossible, for the vessel to recover the amount of fines from the shipper.

“Therefore your memorialists pray that the Department will take such action in the matter as may seem most advisable to obtain such relief in the premises as they may be equitably entitled to.

“NEW YORK, *January 13, 1873.*

“Waydell & Co., Walch, Field & Way, Abiel Abbott, James Henry, Simpson, Clapp & Co., J. O. Ward, R. P. Buck & Co., Henry Moss, Borland, Dearborn & Co., John Chrysal, Carver & Barnes, Atlantic Mail Steamship Company, Charles Cooper, Evans, Ball & Co., Snow & Richardson, H. D. & I. W. Brockman, A. W. Dimock, president, Oliver Bryan, Thompson & Hunter, E. Sanchez y Dolz, Samuel Duncan, Brett, Son & Co., Warren Ray, Lunt Dras Brothers, R. H. Griffith, Snow & Burgess, H. W. Loud & Co., B. J. Wenberg, Jonas Smith & Co., B. T. Thurlow & Son, L. C. Wenberg, E. D. Hurlburt & Co., John Swan, F. Alexandre & Sons, Van Brunt & Brother, James E. Ward & Co., Boyd Hincken, I. B. Phillips & Sons, J. H. Winchester & Co., S. C. Loud & Co., C. H. Trumbull, Miller & Houghton, T. M. Mayhew & Co., Hand & Swan, James W. Elwell & Co.

“BOSTON, *January 28, 1873.*

“Bridge, Lord & Co., Baker & Humphrey, J. Baker & Co., Aug't B. Perry & Co., Davis & Coker, Fitz Brothers & Co., Gilmore, Kingsbury & Co., Pitcher, Flitner & Co., J. R. Coombs, John S. Emery & Co., Enoch Benner & Co., John Rich & Co., Kilham, Londt & Co., Alfred Blanchard & Co., Ambrose White, Cutter, McLean & Co., Mayo & Tyler, Love Joy, John Walter & Co., Peters & Chase, J. W. Linnell, Doane & Crowell, Fowle & Carroll, Franklin Curtis, Gammans & Co., William Haekins & Son, Edw. D. Peters & Co., Hineckley Brothers & Co., William McGilvery, Joseph Wilkerson & Co., Pendleton & Rose, Isaac Coombs, Thayer & Lincoln, Henry F. Lawrence.”

It has also been suggested, in a letter, of which the following is a copy, that some relief can be afforded by the intendente in Cuba by giving such instructions to the various collectors as may insure a uniform administration of the existing regulations:

“NEW YORK, *March 20, 1873.*

“SIR: We would respectfully call the attention of your Department to the fact that American vessels trading to ports in the island of Cuba are subjected to many fines, in consequence of the various constructions placed upon the customs regulations by the respective collectors of customs thereat, and would solicit such action on the part of your Department as may be necessary to secure, through the intendente at Havana, a uniform construction of these regulations at the several ports.

“Manifests made out in what we believe to be compliance with the customs regulations of the island are accepted in one port as correct, while in another port the vessel is fined, on a similar manifest, because that particular collector places a different construction on the regulations.

“This system of exacting fines has become so burdensome upon us, as owners of American vessels, that we feel constrained to submit the matter to your consideration, and to solicit your interference in our behalf.

“We are, very respectfully, yours,

“WAYDELL & CO.

Hon. HAMILTON FISH,
Secretary of State, Washington, D. C.”

Since the foregoing was printed a dispatch has been received from General Sickles, inclosing a copy of new regulations, published December 29, 1872. The differences between these regulations and those of July 1, 1859, are as follows:

1st. To the sixth subdivision of regulation I, (page 14,) the following is added: "The words *merchandise, victuals, provisions*, or others of like vagueness, will not be allowed to determine the specific kind of merchandise."

2d. Regulation VII (page 15) is modified so that the total of the fines for non-compliance with the requisites of regulation I shall not exceed \$200.

3d. Three new regulations are added, under which regular mail steamers may carry ten tons of cargo without a consular certificate, but must have a manifest. If the cargo exceeds ten tons, such certificate is obligatory, but the captain or supercargo may declare up to six tons in addition without the certificate. If that figure is exceeded, the manifest will be held not to have been presented, and the regulations will be enforced. Fishing vessels, laden with fish or in ballast, need no consular certificate.

These modifications do not remove the features of the regulations which are now complained of, nor make less necessary the requests which General Sickles has been instructed to submit to the Spanish government.

APPENDIX.

1.—*Note from the minister of Sweden and Norway at Washington to Mr. Fish, May 31, 1872.*

LEGATION OF SWEDEN AND NORWAY,
Washington, May 31, 1872.

MR. SECRETARY OF STATE: In obedience to the orders of my government, and referring to the conversation which I had the honor to have with you yesterday on this subject, I take the liberty of requesting the co-operation of the American Government in a measure to be taken jointly near the Spanish government by the other maritime powers, for the purpose of causing the Spanish custom-house regulations of July 15, 1870, to be so modified that the formalities may be simplified, which foreign captains arriving in Spain are obliged to observe, the formalities being at present a source of incessant annoyance, useless expenditures, and heavy fines. In order to attain this object the government of the King proposes that (as was done on the 13th of December last, at the suggestion of the British government, in relation to the quarantine laws of Spain) the representatives of the different maritime powers at Madrid be authorized to address to the Spanish government, after having come to an understanding with each other in the matter, simultaneous notes, requesting a revision of the customs regulations of 1870.

The King's minister of Spain having already received the necessary instructions on this subject, and the suggestion of my government having been favorably received by the representatives of the other maritime powers at Madrid, I flatter myself that the American Government also will be pleased to join its efforts to ours in order to attain the desired end, and that it will give suitable instructions to its representative in Spain.

In the expectation of a favorable reply, I avail myself of this occasion to renew to you, Mr. Secretary of State, the assurances of my highest consideration.

O. STENERSEN.

MR. HAMILTON FISH,
Secretary of State, &c., &c., &c.

2.—*Memorandum handed to Mr. Fish by the British minister at Washington, June 6, 1872.*

The attention of Her Majesty's government has been of late repeatedly called to the fines which are enforced in Spanish ports for omission to comply with customs regulations. These fines are enforced for accidental omissions in ships' manifests, as well as for non-compliance with customs regulations, and they have been levied even in cases where vessels put into Spanish ports in distress or had lost part of their cargo through marine casualties; no regard being paid to circumstances under which ships' papers could not possibly be in exact conformity with the requirements of Spanish laws and regulations. Part of the evils complained of may probably be traced to the practice of these fines being, as is stated, shared between the customs authorities and the Spanish treasury.

It is obvious that the result of such a system must be to restrict commercial intercourse with a country which adopts it. Nevertheless it is a general rule that customs regulations in themselves are not matters for discussion between governments beyond a frank statement of facts and reasons. But, in the present instance, there appears to

be grounds for an exception to this general rule. The Spanish customs regulations have not only been applied with harshness, but in the case of some of the British ships, and doubtless of some of the ships of other nations, which have been thus fined, these regulations have been enforced in a manner which is at variance with international comity. It is, therefore, to be feared that discussions are likely to ensue, the tendency of which cannot fail to be to disturb the friendly relations between Spain and foreign powers.

Her Majesty's government believe that the representatives of some other powers at Madrid are fully sensible of this unsatisfactory state of things. And it is possible that they may have reported cases of the enforcement of fines which have occurred to the ships of various powers. Numerous cases have already occurred to British shipping.

In one instance, owing to the accidental omission in the ship's manifest of twelve barrels of olive oil shipped at an Italian port for an English port, a fine of nearly £500, or ten times the duty payable on olive oil, was enforced on the vessel touching at a Spanish port for some more cargo. The utmost concession obtained from the Spanish government was a remission of half the fine.

In another instance a fine of over 2,000 pesetas was inflicted on account of the weight of cargo being in Ibralian instead of Spanish kilograms, and a further fine of over 12,000 pesetas was levied in consequence of the steamer having discharged in excess of the weight stated in the bill of lading. In spite of various representations to the Spanish government, no remission of these fines has been obtained.

In a third instance, the vessel was compelled by stress of weather and want of coal to enter a Spanish port, where the custom-house authorities seized some small articles belonging to the officers and crew and fined the ship, in the sum of about £90, on account of the above articles not being in the ship's manifest, and the Spanish government justified the action of the customs authorities on the ground that this vessel was in the transit trades. These proceedings are held to be contrary to the comity of nations.

In a fourth instance a fine of \$1,450 was imposed for the accidental omission from the manifest of one item of the cargo, and this liable only to a low duty. A remission of half the fine only was obtained.

In a fifth instance the steamer was fined 1,500 pesetas for not having the manifest presented and certified at the neighboring port to a quarantine station where it had been detained, although the captain proceeded on his voyage without so doing with the full authority of the civil governor. Moreover, the British vice-consul was held responsible for these fines, and ordered to deposit 1,000 pesetas within twenty-four hours. The Spanish government maintained their position in the affair, but their definitive decision has not yet been received.

In a sixth instance a ship has been declared liable to a fine of about \$250 on account of the captain turning English tons into kilograms, at the mistaken rate of two pounds to the kilogram!

In a seventh instance a fine of over 12,000 reals was imposed on account of a ship carrying extra anchors and chains not in the manifest, but required by English law!

In an eighth instance a fine of about £1,134 was inflicted because by a clerical error the Spanish consul in England had stated the number of some barrels at two thousand, whereas the true number of two hundred was accurately stated in the manifest!

The foregoing are instances out of many cases, and are referred to as illustrative of the manner in which these fines are levied by the Spanish custom-house authorities.

No. 399.

General Sickles to Mr. Fish.

No. 560.]

UNITED STATES LEGATION IN SPAIN,
Madrid, March 27, 1873. (Received April 16.)

SIR: I have the honor to forward herewith an official copy of the act for the immediate emancipation of slavery in Porto Rico, passed on the 22d instant by a unanimous vote of the National Assembly. It seldom happens that one has the privilege of recording with so much satisfaction the end of a long and stubborn contest, in which avarice, prejudice, and pride had to be subdued.

Singularly enough, this bill, brought in before the abdication of the King, and which in its preliminary stages had twice commanded a de-

cisive majority in a monarchical Congress, was in serious danger of defeat after the proclamation of the republic. The explanation of a circumstance so anomalous is to be sought, not in the indifference or hostility of the republicans, but in the conflicts between the assembly and the executive which immediately followed the inauguration of the new form of government.

I have heretofore pointed out the remarkable prominence given to the affairs of Cuba and Porto Rico in the deliberations of the Congress of 1872-73. If, as I believe, the emancipation act now passed was conspicuous among the immediate causes which led to the abdication of the King, it likewise had the good fortune to be made the occasion of a reconciliation among the hostile elements in the National Assembly, which enabled that body to terminate its labors in harmony with the executive power and with public opinion.

After the defeat of the amendment proposed by Mr. Garcia Ruiz, which was an attempt to substitute for the original bill a scheme of gradual emancipation, the opposition abandoned all hope of defeating the measure by legitimate means. It was then determined to leave the assembly without a quorum when the final vote should be taken. Although it appeared that the number of deputies willing to record themselves against the bill was comparatively small, there was reason to apprehend that enough might be disposed to absent themselves from the chamber to defeat its passage, for the want of the requisite attendance under the rules. I have annexed a report of the speech of Mr. Garcia Ruiz. I cannot convey to you in any other manner so just a notion of the spirit and degree of hostility shown toward the United States by the speakers on the slavery side of the chamber. This gentleman is the sole representative in Congress of a republican sect known as unitarians. He was the only man in Spain of liberal opinions who entered the "League." His speech, denounced by the liberal party and praised by the reactionists, added no vote besides his own in favor of the prolongation of slavery.

The fate of the measure had been the subject of several conversations between Mr. Castelar and myself, in the last of which the minister expressed grave doubts of its passage, and even suggested that I should advise you in advance of its probable failure, assuring you, however, of the prompt and decisive action of the Cortes Constituyentes on the whole subject of colonial reform in June next. Declining the unwelcome task of repeating explanations of past failures and promises of future action, I urged his excellency to insist on a decisive vote, in which the government and its supporters at least would show their fidelity to the bill, and absolve themselves from responsibility for its defeat.

On the 21st instant, the minister of state addressed the assembly in a speech of remarkable directness and strength, a synopsis of which is translated in Appendix C, showing the grave international aspects of the question, repelling the charge of unwarrantable interference on the part of the United States, and admonishing the chamber of the consequences that would follow the loss of the measure. When Mr. Castelar rose to speak, his effort was regarded as a mere demonstration due to his own consistency as a public man, and in which he might, perhaps, decorate the grave of the bill with a few garlands of eloquence. When he resumed his seat, such was the profound impression made by his most convincing and persuasive appeal that it was evident he had carried the house with him, and the triumph of emancipation was assured.

A conference followed between Mr. Labro, a prominent deputy from Porto Rico, and the leading opponents of the measure, which resulted

in an agreement upon several amendments not affecting the principle of immediate emancipation. The next day the bill passed with entire unanimity in a full house, accompanied by manifestations of enthusiasm and joy peculiar to this impressionable and ardent race. Representatives of all parties joined in telegraphic communications to Cuba and Porto Rico, advising their friends in those islands to accept emancipation in the same spirit in which it had been proclaimed by the National Assembly. The government was asked to telegraph the text of the act to its representatives abroad, so that it might be communicated to foreign powers. And it was resolved to place a memorial tablet in the wall of the chamber, with an inscription commemorative of the event.

Already the effect of these incidents on the broader question of emancipation in Cuba is evident and irresistible. The powerful slave-interests in that island, always represented here by agents of consummate ability and address, is now preparing the way to enable it to shape the action the Cortes Constituyentes must inevitably take to complete the work of emancipation in Spanish territory. Assuming that the present act will be faithfully executed in Porto Rico, in a way calculated to avoid conflicts which would inure to the advantage of the slave-holders in Cuba, and that the republican government will allow a fair expression of the public opinion of both islands on the whole question of colonial reform, I venture to anticipate that during the present year slavery will cease in the Antilles, and with it must fall the whole fabric of arbitrary rule which has so long oppressed those remnants of Spanish power in America.

I have, &c.,

D. E. SICKLES.

[Appendix C.—Translation.]

Synopsis of the speech of Don Emilio Castellar, minister of state, in favor of immediate emancipation in Porto Rico, delivered in the national assembly, March 21, 1873.

[From La Gaceta de Madrid, March 22, 1873.]

Mr. Castellar began by stating that his friend, Mr. Bona, had pledged him to speak in this debate, although, for his own part, he would have preferred to remain silent, believing that action and not oratory was required from the ministers' bench. From the heights of the opposition benches he had formerly surveyed the realm of the ideal, but now, down in the government seats, he saw nothing but hard realities that did not readily yield to the adornments of oratory. He neither proposed, nor wished, to make a speech, but simply to make a few remarks on the subject under discussion in relation to its foreign aspects, from which point of view, as minister of state, charged with all the foreign relations of the Spanish nation, he was compelled to regard it. As for his own personal convictions and record in this matter, they were known to all. No public man could lay just claim to consistency or steadfastness who was not true to the legitimate convictions born of the progressive stages of his career. How did these begin? Among free peoples the first stage in public life was in the press and the club. By those means ideas were born, and grew, and became convictions. The tribune came next, and from its heights the same ideas and convictions should be repeated as had been learned in the previous stage. And from the rostrum the public man passes to the government, where he should strive to realize all that he had heretofore proclaimed and defended. This was his duty, and if mistaken or unsuccessful, his conscience and the judgment of history would bear witness to the rectitude of his purpose.

Who among them did not know the pledges that bound the minister of state and the whole government of the republic? He begged the chamber to pardon him if he cited his own abolition record in order to show how impossible it was for him to do otherwise than obey his antecedents. He said:

"I, gentlemen, when little more than a child, began public life, and my first speech, at twenty-one years of age, was in favor of emancipation. I passed afterward from the press to a professor's chair, where I devoted myself to the study of the first five centuries of Christianity. Three great problems met me—the decadence of the ancient world, the rise and spread of Christianity, and the inroads of the barbaric

hordes. Well, then, gentlemen, in my lectures delivered during those five years, I attributed all, absolutely all these to the influences of slavery. I said the ancient world fell, for it possessed not the virtue of labor, and because it gave itself up to the ignomy of servitude. I said the Christian religion, this religion that so comforts the soul—this religion, shorn of its dogmas and of the traditions of man's intercourse with his fellow-man and with his Creator—this religion is, in fine, the religion of the slave. The Jewish race prepared the way for it by grand apocalypses, which are the epics of servitude, epics written by the banks of the river that flowed in a stranger's land, beneath the willows of Babylon, by hands heavy with the manacles of bondage. Christ is of the royal lineage of the old kings of the enslaved race who have fallen; he is the conqueror of the oppressor, and if his cradle be the cradle of toil, his scaffold is the scaffold of the slave; it is the scaffold already red with the blood of Spartacus and his thirty thousand comrades. And in like manner, if Christianity be the spiritual religion that by its dogmas links man with God, in its social aspect it is the religion of the bondman. And when, in visions of the mind, I beheld those vast inroads of the barbaric hosts upon the Babylon of the west, fallen beneath the blasting bolts of the eloquence of him of Patmos—and fallen before human conscience—when I beheld the northern hordes break in upon the feasting of the pagan city and cast her ashes to the wind, I said, surely they are sent as destroying angels; they are the bondmen, the descendants of those hapless ones hunted down, made captive, carried to the arena; they are the sons of the gladiators, come to prove by this, their terrible vengeance, that God's justice shines on forever through all the pages of history. [Applause.]

"Afterward, deputies, whenever I have endeavored to study political and social problems, I have ever found them connected with the slavery question; and I said—not with reference to the Spanish middle class alone, but to the generality of the middle classes of Europe—it is a question of caste with us all to reach a radical and immediate solution of the problem of servitude, because the middle classes, who to-day make laws and govern, who to-day guide our social structure, alike under traditional monarchies and under parliamentary governments, these middle classes are the descendants of the helots, the pariahs, the slaves and the bondmen; and if we seek the ashes of our fathers, we find them in the tombs, rock-hewn by the toil of the slave; and I said the whole problem and task of modern civilization has been the molding of the ancient bondman into a freeman and independent citizen." [Applause.]

From the halls of the university he had passed to the halls of Congress, where he had advocated, and would ever advocate, immediate emancipation. None could forget how he had opposed Mr. Moret's law of 1870, because he deemed it futile, and because it did not grapple with and solve the problem; and none could forget how, on the memorable night when the vote of confidence in the Zorrilla ministry was carried almost by acclamation, he had defended the very measure now under discussion, and how he had declared that this measure was an evident necessity of the situation, and how it was besought and demanded of them by the opinion and the spirit of the age. He had contrasted these solemn pledges with his own conscience; what, then, should be said of him if to-day he were to deny his record and his convictions, and not support the law now pending. But no; he would advocate the measure with all his powers; he demanded its approval by the chamber; he appealed to the patriotism of the conservatives not to delay the inevitable result of this deliberation, lest they should draw down disaster and calamities on Spain and her Antilles. Democracy, and even the republic, were impossible without a sincere and loyal understanding between the liberal parties of Spain, and this law of immediate emancipation was the ground on which they had met and could meet in common. Had not the republicans coalesced with their opponents of the government, fusing all differences in one common aspiration? They had given the measure their loyal support. He, as one of the leaders of his party, had occupied an exceptional and unusual position toward the radical party during its long-continued crisis, for its whole tenure of power had been nothing save one lingering crisis, even as the present government of the republic is but a crisis. He and his colleagues had opposed the radical ministry in nothing, but had rather sought to strengthen its hands. Though sometimes unable to give it his vote, and even sometimes compelled to vote adversely, he had, nevertheless, maintained silence, save when he could aid the radical government with his voice and vote. Few knew how great a risk he had run in taking this course. He ran a risk from his own side, because he was resolved, at all hazards, to restrain his party from giving battle in the field; and he had run a still greater risk, for what he held and believed to be impossible might have, after all, been proved possible—a great risk, had it turned out that monarchy was, in reality, compatible with liberty and democracy; but he had preferred to run the chance of seeing his life-long convictions overthrown by the peaceful logic of facts rather than behold Spain plunged into the disastrous gulf of revolution. "Gentlemen," he said, "if I did this, if I dared unpopularity in obedience to my conscience, and if I resolved to oppose no obstacles to the perfect compatibility of liberty with monarchy, I now, from this seat, remind you of my record, and beseech you, in the name of the country, that you in turn will offer no obstacle to the compatibility of authority with a republic." [Applause.]

Mr. Castelar then entered on the subject-matter of his speech. The most serious arguments, he said, that had been used in reference to this measure of abolition related to the slavery question as viewed from the point of view of its bearings on Spain's foreign relations. Calumny, both within and without the walls of Congress, had assailed and blackened those who obeyed only the promptings of humanity and patriotism till it had become scarcely possible to pass through the thick cloud of infamous accusations heaped upon these upright men, as though to suffocate them; these slanders that seemed born of the foul air that rose from the festering sores deep in the heart and on the brow of their beloved country—the plague-spots of slavery! [Applause.]

It was his duty to declare that upon the slavery question there had been absolutely no foreign influence brought to bear. He was the better able to say this since, feeling that on him could rest no responsibility, he had studied all the documents in the archives of the ministry of state for many years back, in reference to this matter, in order that he might form his own free and unbiassed judgment; and he must declare that the late cabinet had defended, with the utmost dignity, the honor, the autonomy, and the independence of the country. But why should not the whole truth be steadfastly faced and accepted in such a matter? Was the question of slavery, perchance, a purely national question, wherein the nation was absolute master of its sovereignty and its destinies? Who thought and held thus was in error. Slavery was an international question, and could not be otherwise. He would not now urge an idea he had frequently sketched, and still maintained, that certain institutions could not exist, and certain popular changes take place, save when they were universal in their action. But even when the telegraph and the railway were unknown, this synchronism of history, so to call it, still existed, and all the great movements and transformations of society took place in unison. Nay, more: a learned writer contended that the movements of Europe and of Asia coincided; and these again with those of America, even before America was known, and proved it by the historical monuments of all ages, as if one human spirit pervaded the whole planet. Had not all feudal Europe been stirred at once; and had not the tenth century witnessed the universal rise of guilds and communities? Had not feudalism fallen at one and the same instant throughout all Europe? Were not Louis XI, Ferdinand V, and Maximilian of Austria in truth one spirit, diversely personified? Who had at the same time discovered the mariner's compass, the printing press, and the telescope through which to dominate the earth? And when the discovery of America came to complete this epic of achievement, did not the Reformers, too, arise? Were not Henry VIII, Philip I, Charles V, and Philip II the same personifications of absolutism? Had not the liberal movements of Europe, the rising of the middle classes, the fall of kings, and the suppression of the Jesuits been simultaneous? What did all this tend to show? That great issues are not altogether national, and that all the grand problems of humanity have an international relation. "I remember," he said, "when I spoke in this very chamber of the influence our revolution of September would exert in all the problems of Europe, and how it was said, 'this Castelar is a poet, and dwells ever in the realms of the ideal. What! does he not tell us that our modest bridge of Alcolea, that our little revolution, which, like all our revolutions, is merely a change of the men in power; that even this is to influence all Europe and transform the whole world?' And, nevertheless, gentlemen, glance at what has happened since. The temporal power of the Popes has fallen; the Empire of France and its Emperor have fallen; the republic exists already in France and in Spain; Germany has attained unity, and all Europe has been transformed since our cannon thundered at Alcolea!" [Applause.]

Why was this, he asked? This synchronism of history would almost seem to prove the defeat of the materialists and the triumph of the idealists, like himself, for it showed the unity, the identity, and almost the divinity of the human mind. The slavery issue is one of these questions, and can be no less than international, because the true evangelical spirit that separates the eighteenth century from the nineteenth is the spirit of liberty and equal rights. And so it came to pass, one day, that the French convention proclaimed this great principle of equal rights, and a poor negro, who had risen from the abyss of bondage and degradation to the sublime height of the convention, arose and said, "You have declared the unity and equality of human rights, and the liberty of the human mind. I have a mind, thoughts, and speech like yourselves. I feel a soul within me, I have a conscience and reason, and yet I am not free; your boasted principles are but a lie." And there in that session, that great convention, which, though sometimes steeped in crime, had more than once risen to the heights of ideal right, that great convention arose and said, "We will not dishonor ourselves by debating this;" and they abolished slavery. "I have often described and pictured the scene that then took place; the doors were flung open as if by unseen hands, the negroes entered and embraced the men of the convention, and falling at their feet they wept, and to me it seemed that those sacred tears blotted out forever the blood stains from the hands of the French convention." [Applause.] And from that day nothing could stay the tide of emancipation from sweeping like a powder-train along the earth. Yet a man, whose genius was styled supernatural by

his servile flatterers, and who at last came to be regarded as the colossal arbitrator of fortune and of war, sought to destroy the work of the convention, and restored slavery in San Domingo. And then, as the result of that great apostacy of the apostate Julian of the French revolution, there came that torrent of tumults and horrors and crimes which, though crimes, were no other than the deeds done by all nations, from Spain to Russia, in defense of liberty and independence. [Applause.] And then was seen a strange thing. The nation that most opposed the French revolution was England, the least democratic, but the most liberal of the powers of Europe, for democracy and liberty are not always synonymous. England! Yes; England, whose dread is that the lower classes should come to govern her, and who therefore seeks to repress them. England does not blindly oppose reform. When an idea possesses life, when it springs from the ballot-box and from the people, when it reaches the heights of a parliament, when it combines all the elements that the principle of emancipation now combines among us, England does not oppose it; and this should be a lesson to the conservatives not to hinder the revolution from budding and bearing good fruit on the old Latin stock. For revolutions are avoided when governments lead reforms and welcome reforms, and when they soften them and put them into practice; but when reforms are blindly resisted, when self-evident principles are denied, until their realization in a single day is demanded from the crests of barricades or the seats of a convention, none can foretell the end of the convulsions thus born, anarchy or dictatorship following, which will at last destroy the Latin races if they be not brought to realize their own interests, and led to strive to harmonize order with liberty and government with democracy. [Applause.] So England therefore abolished her slavery, under conditions, it may be, but still she did abolish it, and thereupon the movement spread to those European nations in whose colonies slavery existed, and, whether by freeing slave children thereafter born, or by immediate emancipation, the extinction of slavery became general in almost all European possessions. And afterward another strange thing was seen. Was a revolutionary nation the next to abolish its slavery? Was it one of those nations that ever bears aloft the smouldering brand of revolution? Was it France, or Spain, or Italy, or even Germany? No! It was Russia. In Russia there arose a combined movement of literature and philosophy which all the power of her autocrats could not restrain. The Czar Nicholas himself rewarded the author of the romance called "Dead Souls," (*Les Ames Mortes*), with a book whose leaves were bank-notes, without, perchance, being aware that by that act he rewarded the revelation of the condition of the serfs. And, as often happens, for there is power in ideas, this thought descended and spread from the summits of a sovereign mind over all the steppes and vast domains of Russia, and begot a soul in the bosom of the serf. Thus did the book bring about this change. As from the lofty peaks of the Alps, desert and frozen, whose thin air can scarce be breathed, flow downward into the deep valleys those rivers bearing the names of the Rhine, the Rhone, and the Danube, filling the plains with life and wealth, and by the fruitfulness they give to labor and tillage, fulfilling throughout the land the work of the Creator. [Prolonged applause.] Even so literature and philosophy do their work. An obscure thinker, in the solitude of his closet, moves revolutionary torrents that agitate all minds; and at last the Russian Empire cried, "Serfdom is no longer possible. Our soldiers have been conquered because they were not the soldiers of a free people; they have been conquered because they are mere machines—because they are serfs." And in the face of a resistance greater than all the privileged classes of Spain can oppose to us here, and wielding the scepter of despotism, the Czar Alexander abolished serfdom in Russia. Nay more, not only abolished serfdom, but gave the serfs the germs of independence. And from thence the question passed to the United States; and the United States sacrificed themselves and their treasure, sacrificed a million of their sons and their boundless prosperity to redeem their millions of slaves; they, who had not even ranked the blacks as men, and who felt all the aristocratic disdain of the Saxon towards his inferiors; they who saw in the negro race a peril to the sublime work of Washington.

Was it possible, after these grand achievements, Spaniards could maintain slavery? Could Spaniards deny that slavery was an international question? Had not Ferdinand VII, in their name, covenanted with England to abolish the slave trade and permitted their ships to be searched, and tribunals, foreign in part, to be established on Spanish soil to that end? And now the champions of traditional conservatism and monarchy were amazed at the moral influence exerted by a free people, when on their own shoulders they bore the brand set there by England! [Applause.] There had not been a single house of commons or of lords that had not raised protests against the action of Spain or of her captains-general in executing the slave-trade treaty; nor had there been a single Spanish government that had not been compelled to give England the explanations or tender her the apologies she so imperiously demanded as a right.

Well, then, representatives, has the United States Government done thus? Ah, gentlemen, permit me to protest here and now against the unseemly language—zealous and patriotic, without doubt, but still unseemly—that has been uttered in this place

concerning the representative of the United States, and concerning his nation and its President. Let me protest in the name of this democratic nation, of this republican nation, which can do no less than cherish deep reverence and admiration for the glorious people that in its lifetime of less than a century has solved the problem toward which we have so long been tending, the problem of making democracy the twin-sister of liberty and building up authority and government under the republic. [Good! good!]

When, moreover, it is remembered that in the midst of the general want of confidence shown by Europe in our democracy and toward our republic, the United States hastened to recognize us, and by the act of giving us their moral and material guarantee to proclaim us to the world unhesitatingly as a people worthy of self-government, should we not owe a double debt of gratitude to that great nation that forms so high and favorable a judgment of us? And when, besides this, the President of the United States, in an address which is his own personal work, a speech for which he alone is responsible, and in preparing which he does not even have to consult his cabinet advisers, because it is his second inaugural address—this illustrious man, who, on the field of battle, has renewed in our day the triumphs of Alexander, says, "I seek neither war nor military predominance nor conquest; I simply desire liberty and democracy. I would wish to see all the nations in possession of one common right." And the man who speaks thus should he not be hailed with joy by a republican chamber, and recognized as the colossal figure in history, closing the era of conquest and inaugurating that of liberty and right?

Apart from this, the associations of Cubans formed in the United States are such as cannot be prevented under their laws. Even as we are not permitted by our laws to interfere in any way with a public association organized to effect a change in the form of any foreign government, for if we did we would infringe our constitution. What! do the members of this assembly hold that under our constitution we can prevent the formation of any public association in Spain hostile to a foreign government so long as it does not pass the limits of moral propagandism? We could not do so; the most that we could constitutionally do would be to prevent all forcible and aggressive acts, such as expeditions and shipments of arms. Very well; this is what the United States have done, to the utmost of their power, under all their administrations. This, gentlemen, is evident. It is a question of domestic policy. In the time of a celebrated minister, who sought to win the presidency by advocating the annexation of Cuba and Porto Rico to the Southern States, and thereby add two more slave States, then it was easy to understand why the Southern States in particular would endeavor to aid filibustering expeditions, as they in fact did; and the only time the integrity of our national domain and of the islands of Cuba and Porto Rico was menaced, was in the times of slave-holding rule, for the slave-holders were vitally interested in throwing two new slave States into the balance of the American Union.

But now, what interest have they in possessing Cuba and Porto Rico? None, absolutely none! Such an act would introduce an unstable element into the confederation: it would introduce a race that does not harmonize with the Anglo-Saxon race, which has always been at war with races not of its own blood; and, perhaps, it would compromise the greatness, the prosperity, and the peace of the people who have reared that marvelous Republic. And this the United States perfectly understand. But, gentlemen, their frontier, bordering close upon our frontier, and an insurrection being flagrant in Cuba, they have done, as England has done, and addressed us, not menaces—for they well know the dignity of the Spanish nation—not notes that could in any manner exert any influence upon our domestic affairs. No, gentlemen, they have addressed us friendly and courteous advice, such as all governments may tender to one another in the grand parliament of civilized nations. [MR. SUAREZ INCLAN. How about the note of October 29th?]

"I shall speak of that note. In the first place that note, although it foreshadowed a change of attitude, was not a note addressed to the minister of state here in Spain, but was a note to the United States representative in Madrid, and in that note the latter was not instructed to read it to, and leave a copy with, the Spanish minister of state." [A REPRESENTATIVE. How about publishing it?] "Publishing it may have been a violation of confidence, or a simple oversight. Why, only recently I myself came near being the victim of an oversight of this kind, and was obliged to use the utmost activity to prevent the publication of a note which, nevertheless, came very near being published. [Rumors interrupting the speaker.]

The PRESIDENT requested the members not to interrupt the orator, but to await their turn to say what they had to say.

MR. CASTELAR. "Although the publication of that note may have been in accordance with the diplomatic usage of the United States, the minister of state was not officially made cognizant of it; it was neither read to him nor left with him; it had no influence on his decisions, which were prompted only by his own conscience. Let us not reach such a depth of humiliation as to seek to degrade the nation in order to put a party to shame. The minister of state of the late King was a minister of Spain. His eloquence, his renown, his glory, belong to us all; his honor is our honor, his good name is our

good name, and his patriotism being known, we should recognize and confess that he would have done all that mortal could do to protect the dignity of Spain, which none will suffer to be trodden under foot, so long as a patriot breathes on our soil. No! the Zorrilla ministry had no knowledge of that note; it was never informed of it; it was ignorant of its existence at the time when it had already resolved upon the abolition of slavery.

"The radical party is under pledges respecting the Cuba and Porto Rico question, you say. Are not we also? And I, who have not yet had a conversation upon American policy with the worthy representative of the United States, who has often called to see me—although the pressure of circumstances has prevented me from conferring with him—I, gentlemen, have to declare to you that I am an advocate of the immediate abolition of slavery in Porto Rico; I am an advocate of abolition in Cuba, with a due regard to all interests; I am an advocate of colonial reforms, and of extending every possible liberty to Cuba and Porto Rico; but if any one were to recall these convictions to me, and seek to bind me by them, I would answer, these pledges are with my conscience and my country, and a foreign nation has no concern therewith. And the worthy minister of the United States, who knows us and respects us will never seek to the Spanish nation, and the Spanish republic.

"The radical ministry, gentlemen; when it came into power, found itself pledged before the nation to reform the government of the Antilles, and to endeavor by all possible means to abolish slavery. But, gentlemen, when the ministers of the conservative party were in office, and when friendly counsels were vouchsafed to them in a certain sense by the United States representative in Madrid, did it perchance happen that they did not offer him certain indirect guarantees by way of satisfaction; that they did not assure him that certain reforms would be inaugurated at a certain time? And, nevertheless, no one has thought, neither do I think, that, because some nations interest themselves in the fortunes of other nations, or that, because some domestic questions may be related to other foreign questions, those ministers have compromised the dignity and honor of the nation. The slavery question is, in reality, an international question, as I have said before. What would the government say, if a foreign cabinet should say to it, how are you going to settle the question of the traditional tribunals (*foros*) of Galicia? What are you going to do about the *rabassa morta* of Catalonia? But no foreign ministry would say this, because these are questions solely and absolutely for ourselves to decide; but in the slavery question, the spirit of the human race, the advance of ideas, the pledges of the Spanish nation, and even her treaties, all lend to the slavery question an international character.

"And thus it is, gentlemen, that in relation to this question, frankness, which in such matters is the best policy, leads me to say that all, absolutely all the cabinets of Spain have been approached by England. There has not been a single session of the English Parliament that has not found fault with our administration in Cuba, nor a single English minister who has not preferred some claim against us.

"But notwithstanding that it is an international question, at the time it was brought up by the Zorrilla cabinet it was not, and had not been the ground of any foreign representations whatever. No one had requested the ministry to present this measure, no one had demanded it. The question came before the council of ministers, and some very patriotic and very liberal ministers differed from the rest of the government. This led to a crisis, and as soon as the government was recognized, it at once, of its own free and spontaneous act, brought the bill for the abolition of slavery in Porto Rico before the chambers.

"Ah, gentlemen, I will say no more upon this point, for I deem it a dishonor and an insult to a nation to believe that any of its sons could be controlled by a foreign impulse. I have only to say that, if in the brief time I have filled the ministry of state or may continue to fill it—and the same declaration has been made by all the ministers of Spain—any nation, howsoever powerful it might be, in circumstances as difficult and grave as these, when we so much need the friendliness of all the powers, if any nation whatever dare to offer me the slightest insult, I, as a true and honorable representative of my people, would prefer the utter destruction of my country rather than the loss of an atom of her honor. [Applause.] And other governments have said and would do exactly the same."

The radical party was bound by public and solemn pledges of honor and conscience. The record of the republican party made its pledges even more sacred. The emancipation scheme was presented and had practically been approved, almost unanimously, on the night of December 21st. From the commencement of the debate the main conservative argument was the haste and imprudence of bringing forward immediate abolition. But the conservatives themselves had rendered any gradual measure impossible. When they were in full power, obeyed by all, undisturbed by any changes in the form of government from a democracy to a monarchy and from a monarchy to a republic, then was the time to bring themselves up to the advanced ideas of the age, to study the difficulties of the problem; and when the representatives from the Antilles had come here to hear their views, and to frame a measure of emancipation which, even

though gradual, say in ten years, would have settled the problem by this time, they had instead offered blind resistance. They forgot that these problems are beyond man's control, and their inaction, which would have left the negro to drag his fetters for years and years to come, now made immediate abolition inevitable.

"Ah! gentlemen," he said, "do not fall to-day into the same error. If I had a right to supplicate aught of you, I would beseech you, almost upon my knees, not to interpose obstacles to the passage of this law. For, know you not the perils and difficulties that surround us? Can none of you foresee? Can none of you forecast the spirit, born of the absolute freedom this government, if it be still in office, will give to the coming elections, which will be reflected in the future constitutional convention? And if from this soil so deeply sown with revolutionary ideas, from this sleeping volcano, from this land steaming with a widespread agitation of conscience and of thought, where it almost seems as if all the elements and all the ideas emanating from the human mind were gathered together, as by the unseen winds, here on the confines of Western Europe, if from this field so rank in all these ideas should arise an unreasoning, enthusiastic, and spontaneous movement in the future convention, how great would be your responsibility! Ah, what a commanding argument could we then use, we who represent moderation and prudence, if we could say to them, pause and consider; look at things practically; was it not also said that slavery would not be abolished in Porto Rico, and behold it is abolished; do not therefore imperil by your acts the lovely island of Cuba. We could say this with authority if you give us your vote and your assent now. But if emancipation in Porto Rico be not now decreed, I fear that the future representatives of the people will not pause for any human consideration. I fear lest they shall say in their generous impatience, 'All reforms delayed are lost?' I fear lest by a spontaneous outburst of feeling they will do without forebodings what it is in your power to avoid now by moderation and prudence in passing this law.

"The government of the republic need make no protestations concerning the integrity of our domain. It solemnly engages to redouble its efforts and its sacrifices to maintain it at all costs, as a sacred legacy of past generations, which it must preserve intact for the generation of to-day and transmit to those to come; but do not hinder, gentlemen, the fulfillment of this inevitable duty. What, gentlemen, you believe that a reform like this may be thus brought into notice, that the hopes of the slaves may be thus raised, that the question of this reform may be thus agitated before all the world, and then when freedom is seen and almost grasped by them you can forthwith snatch it away from thirty thousand slaves!

"I have not initiated this reform. I have not brought it before you. I have maintained a patriotic silence. I have stimulated no cabinet to action. I would not have it said of us that we imperiled the integrity of our domain; but I must now say one thing, and that is, that if this law for the abolition of slavery in Porto Rico be not passed, I renounce, before you all, my responsibility for whatever may happen. [Applause.] I wash my hands of it all; but if the law be passed, then you may throw all the responsibility upon us. [Applause.] We promise you to die a thousand deaths rather than consent that an atom shall be taken away from the integrity of our country. [Stormy applause.] If the abolition of slavery in Porto Rico bring dangers upon Spain, I swear it, that we, the republicans of Spain, will deem it an honor to die in the tropics for the salvation, for the liberty, for the independence, and for the integrity of Spanish soil. [Prolonged applause.] But, gentlemen, if it be not voted, I am ready to proclaim before Europe, before America, and before the whole world, that it has been defeated because this assembly, born under a monarchy, and which, under a monarchy, proposed the abolition of slavery, has prolonged slavery in order to compromise and even dishonor the republic. [Sensation. Loud murmurs interrupt the orator.]

"Gentlemen, this is not a party question. It cannot be made a party question; it is an eminently national question. No, do not, I beseech you, make it a question of conservatives and radicals and republicans. I cannot give it such a name, for it can in no wise assume such a character. But yesterday, but a day or two ago, Mr. Padial on one hand, and General Sanz on the other, in this chamber, inspired by motives which they doubtless thought were noble, hurled harsh words and anathemas at each other; and I for my part exclaimed, 'Good God, are we to have also, in the midst of the Spanish congress, this rivalry between creoles and peninsulars—[loud rumors]—this rivalry accursed of God, accursed of nature, and accursed of history!' [Vociferous applause.] And you, it is for you to give a proof of unity, of greatness, in casting these quarrels aside, and being reconciled, and saying that which ever should be said: Neither here nor there are creoles nor peninsulars; here and there alike, we are all Spaniards, children of one mother, of the same spirit, and the same race; for all bear the blood of the Cid and the blood of Pelayo in their noble veins, and the spirit of Spain in their generous souls.

"And so I beseech and implore you, conservatives, this is a national question, a question of humanity. Vote the abolition of slavery in Porto Rico, and I in turn pledge you that all interests shall be heard and borne in mind, and carefully consid-

ered when emancipation in Cuba comes before the constitutional convention. For, gentlemen, although I have little, although I have nothing, I have still my humble, honest word, and a heart full of patriotism, ever devoted to my country's service. I admonish you, conservatives, that you must have a spark of patriotism and of foresight. If you possess these, then this very afternoon we shall make the effort to pass this law, and see whether it be possible to abolish slavery. [Cries of Vote, vote.] And if we fail, then on your heads, and not on ours, be the responsibility. And if we succeed, I say to you, gentlemen, that we shall indeed have written a glorious page in our history.

"Under all aspects, these are solemn and difficult moments. The safety of the country—and why deny it!—is endangered on every side. We need all the sons of Spain, we need to forget all our dissensions, in order to save order, to save the principles of authority, to save the integrity of our territory, to save the republic, which is our country itself. Be moved by an impulse of patriotism, and you will be assured of the gratitude of all the generations to come, the benediction of history, and, dearer than all these, the benediction of our conscience, like the peace of God, will rest upon our souls." [Tumultuous applause. Many representatives crowd around the orator and congratulate him with enthusiasm.]

No. 400.

General Sickles to Mr. Fish.

No. 566.]

UNITED STATES LEGATION IN SPAIN,
Madrid, March 30, 1873. (Received April 23.)

SIR: On Tuesday last, pursuant to appointment, I had a conference with the minister of state and his colleague of the colonial office respecting several pending questions.

In reply to a reference made by myself at the outset to the case of Santa Rosa, Mr. Castelar informed me that he was released, and he had received an expression of your thanks, through Admiral Polo, for the action of the Spanish government in the matter. Mr. Sorni added, that the release of this person was his first official act after entering the colonial department. Mr. Castelar said the omission to acquaint me with the action of the government, in reply to my note of the 2d ultimo, must be attributed solely to his pre-occupation in the assembly and in the cabinet council.

Passing to the subject of embargoed estates in Cuba, Mr. Castelar stated, in reply to a preliminary inquiry, that he had not received from his predecessor any explanation of the question. Having recapitulated the origin and bases of our reclamations and the course of the negotiations which had taken place, I presented two propositions for the consideration and action of the Spanish government, as follows:

First. That the embargoes, so far as they affected the property of citizens of the United States, were violations of the seventh article of the treaty of 1795, which expressly forbids all embargoes, and also because the property was seized by the arbitrary act of the executive authorities, thus depriving the owners of the right to a judicial hearing and judgment expressly guaranteed by treaty.

Second. That the reference of these reclamations to the mixed commission sitting in Washington was a dilatory and inadequate remedy, and that in all cases in which evidence had been presented showing that the claimants were citizens of the United States the right to the immediate restitution of their estates was clear and unquestionable.

Having explained the arrangement made with Mr. Martos before his resignation, by which the pending cases were referred for immediate action to the Spanish minister at Washington and the captain-general of

Cuba, I stated that your reasonable expectation of a satisfactory result from this disposition of the matter had been disappointed, since no action had been taken, and no reason had been assigned for the continued delay; and I added that some of these cases had been pending more than two years, that the embargoes in certain instances had been so improvidently ordered that the property of one party had been seized for the alleged offense of another, and that in another case the promised restitution was impeded by the refusal of one branch of the administration in Cuba to furnish evidence demanded by the bureau having the matter of these embargoed estates in charge. Under these circumstances, and in view of the vexatious character of these proceedings, I urged the prompt action of the government of the republic in releasing all property of American citizens now held by the Cuban authorities in violation of the treaty of 1795 and of the law of nations.

Mr. Castelar took notes of the essential points of my statement, and promised to inform himself of the purport of my several communications addressed to his predecessor with reference to this class of reclamations; and he added that I might assure you of his desire and purpose to remove at once any just ground of complaint on this subject.

Mr. Sorni, on his part, repeated the same assurance, and remarked that he would acquaint himself with the state of the question so far as his department was concerned, and see that no unnecessary delay should happen in the disposition of the pending cases.

I then suggested for the consideration of ministers that great abuses had been committed in the matter of embargoes; that, as a war measure, they had done more harm than good to the government; that the practice of seizing large properties by executive order on mere rumor, and often on the suggestion of persons inimical to the owners, had swelled the ranks and increased the resources of the insurgents, and that the proceeds of these estates had been so manipulated as to demoralize and enfeeble the administration of affairs in Cuba. In view of these, and other like reflections, I pointed out the expediency of a general measure restoring all estates confiscated by arbitrary decrees, and confining any future sequestrations that might be deemed necessary to the regular and authorized action of the established judicial tribunals.

Mr. Sorni, who is a lawyer of distinction, replied that both in a legal and administrative aspect there were serious grounds to question the justice and utility of these proceedings, and it was his intention to make this matter the subject of a special instruction to the captain-general of Cuba.

Referring to the correspondence that had taken place respecting the complaints of our shipmasters and merchants on account of the unreasonable fines and exactions imposed on American vessels in Cuba, I begged the attention of the colonial minister to this subject.

His excellency kindly promised that it should not escape his notice.

I then remarked that with a radical change in the administration of Cuba and Porto Rico it would not be difficult to avoid, for the future, a repetition of the numerous questions that had arisen during the past four years between the United States and Spain; that now, more than ever, the Government and people of the United States would be disposed to cultivate the most friendly relations with this country; that it rested with the government of the republic, by means of simple justice to its American possessions, to deprive the insurrection of its hold upon public sympathy; that with the abolition of slavery, the reform of the administration in Cuba and Porto Rico, and the concession to the people of a proper share in the management of their local affairs, the motives which

had incited the war of independence would disappear; that the commerce and intercourse between the United States and those islands created legitimate interests in their welfare to which no government could be indifferent, and these were the surest guarantees of the sincerity and disinterestedness of our counsels; that if we desired to acquire those possessions we would not be heard appealing to the sense of justice of the mother country for a milder and more conciliatory rule in Cuba and Porto Rico, since it would be for our advantage if Spain continued to provoke them to hatred and sedition; that if it were true that whatever contributed to alienate the affections of the creole population from Spain must facilitate and hasten a separation, nothing could better serve the supposed desire of the United States to possess these islands than the past policy of Spain in holding a large portion of the people in absolute servitude and the remainder in a qualified condition of caste which could not increase their desire for a change of allegiance; that the large emigration which annually leaves Galicia and the Asturias for South America would naturally flow towards Cuba and Porto Rico, thus increasing their wealth and strengthening their loyalty, if emigration were not repelled from the Spanish possessions by slavery and its kindred contempt for the laboring classes; that heretofore the irreconcilable antagonism between American institutions and the system of Spanish rule in their colonies in the Gulf, had been a constant source of perturbation in the otherwise congenial relations between the two countries; that now this conflict between self-government and despotism ought to cease with the extension of free institutions to all in the Spanish Empire; that the establishment of a republican form of government seemed to afford the best, and perhaps the last, opportunity of regaining the attachment of the Cubans; that any considerable delay in putting in force the milder policy of republican rule in those parts of the island, at least where the peaceful condition of the population invited conciliatory measures, might confirm the belief of the people that all parties in Spain were disposed to treat them as an inferior race not entitled to the rights belonging to Spaniards; that nothing had contributed more to increase the sympathy felt in America for the Cuban insurgents than the fact that the Spanish revolution of 1868 brought no alleviation of the wrongs of Porto Rico nor of the eastern and western departments of Cuba, whose loyalty remained unshaken; that so soon as Cuba and Porto Rico were treated on an equal footing as an integral part of the republic, enjoying the same liberties and laws and free institutions established in the peninsula, the insurgents would no longer find encouragement in American opinion, and any attempt on the part of European powers to deprive the Spanish possessions in the Gulf of Mexico of a republican form of government might justly be regarded as an inadmissible interference with rights entitled to our consideration and respect; and that for these reasons, justice, patriotism, and self-defense commended the inauguration of a republican policy in the Spanish Antilles.

Mr. Castelar replied that the executive duties incident to the late change of government had so engrossed the attention of ministers since the formation of the present cabinet that it had been impossible to give due consideration to the important questions to which I referred; that I would nevertheless find in the well-known views of himself and his colleagues ample guarantees of their disposition to do ample justice to Cuba and Porto Rico. A great step had been taken in the unanimity and good feeling with which the emancipation act for the latter island had been enacted; in the execution of the act of 1870, the government that very day had ordered the liberation of more than ten thousand slaves (*emancipados*)

in Cuba, a measure which he trusted would be regarded by the United States as a proof of the sincere purposes of this government; that the superior offices in Cuba and Porto Rico would be at once confided to eminent and able men, distinguished for their liberal opinions and enjoying the confidence of the republic; that the Cortes Constituyentes, clothed with plenary authority and animated by the most advanced ideas of the epoch, could not fail to sweep away the remains of the traditional policy of the old monarchy; that with the abolition of slavery, the existence of which could not be prolonged, the governments of Cuba and Porto Rico must be essentially modified, since the system of servile labor had been unhappily the unavoidable basis of arbitrary rule; that meanwhile the government would do all in its power to prepare the way for the inauguration of republican institutions in the Antilles; and with respect to their intercourse with the United States, with whom, as a sister republic and a loyal ally, Spain desired relations of intimate confidence and friendship, I could not doubt his sincerity when he assured me that nothing would be wanting on his part to promote the most cordial and satisfactory understanding between Spain and America.

With reference to the intimation given me by his excellency of an immediate change of governors in Cuba and Porto Rico, I suggested that the matters I had brought to his notice might conveniently be made the subject of fresh instructions to the personages now to be appointed; and I expressed the hope that in addition to the particulars already pointed out these instructions would include the cases of American citizens when arrested and confined in prison, in order that they might be allowed to communicate freely with the nearest United States consul, and obtain the advice and assistance proper to their situation. And in conclusion I remarked that it might be well to furnish the captain-general of Cuba with a copy of the seventh article of the treaty of 1795 as his guide in the questions of embargoes and in the treatment of citizens of the United States who might have occasion to claim the protection of the ordinary judicial tribunals for their persons and property.

Mr. Sorni, the minister of the colonies, replied that in preparing the instructions to be given to General Pieltain and Primo de Rivera, my suggestions would not be forgotten.

I am, &c.,

D. E. SICKLES.

No. 401.

General Sickles to Mr. Fish.

No. 567.]

UNITED STATES LEGATION IN SPAIN,
Madrid, March 30, 1873. (Received April 23.)

SIR: I have the honor to forward herewith, for your perusal, a translation of an appeal to the nation, published by the executive under date of the 25th instant. The Carlists have lately given a character to their hostilities, which is not too strongly denounced by the government. Repeated instances of cruelty to captives, barbarous acts of violence to non-combatants, from which even women and children are not always exempt, firing on railway trains with their passengers, burning depots, stations, dwellings, and even churches, are among the authenticated reports of outrages committed by the partisans of the pretender. Some

of these guerrilla bands are led, and most of them are attended by priests, who incite their adherents to all sorts of crimes by appeals to the religious fanaticism common to the population of the Pyrenees. It seems inevitable, in view of these occurrences, that Spain is again to suffer the scourge of a war of extermination, like that which disgraced modern civilization in the dispute between the eldest daughter of Ferdinand VII and his nephew for the succession to the throne.

It is said that, in deference to repeated remonstrances made by this government, the French authorities have promised to exercise more vigilance on the frontier in preventing the use hitherto made of their territory as a base of operations for the Carlists forces. The headquarters of the Prince have been for some time established in the French Pyrenees. It is supposed that he has about ten thousand men under arms in Spain, and if more equipments are obtained, as is probable from the proceeds of subscriptions made in Paris and London, the strength of the insurgents may be considerably increased.

I am, &c.,

D. E. SICKLES.

[Appendix.—Translation.]

Address of the Executive Power of the Spanish Republic to the Nation.

THE EXECUTIVE POWER TO THE NATION.

SPANIARDS: The government elected by the vote of the Cortes, whose choice has received the assent of the nation, would deem itself unworthy of its high charge and unfit for the responsibility it assumes if it disguised the truth, however bitter the truth may be, with palliatives only fit to deceive communities worn with debility or sunk in hopeless impotence.

And this truth, this fact, is that the partisans of absolutism, who took arms, as their proclamations averred, to overthrow a foreign king, have still persisted in their stubborn rebellion even after the nation, by the proclamation of the republic, has entered upon the full exercise of its own rights and has thereby asserted its sovereignty, to which all parties are bound to yield.

In vain is the fullest liberty accorded to ideas of every stamp; in vain is the ballot-box open to the free vote of every citizen; in vain does the approaching electoral verdict of the people secure the government of the nation to a majority of its citizens. The royalists, well knowing that the younger generations, nurtured and brought up in the ideas of the age, will never voluntarily accept their rule through the channels of freedom and of law, now seek to subjugate them forcibly by fire and steel.

To do this they are destroying the means of communication, cutting the telegraphs, laying waste the fields, imposing forced tribute upon the villages, burning the town archives, committing highway robbery, immolating helpless and defenseless creatures, shooting those who surrender after heroically resisting their bands, and amidst the smoke of their burnings they respond to the birth of a republic of reconciliation and peace with the awful spectacle of a restoration of the eras of war and vengeance.

The time has come for the Spanish nation to realize with ripe judgment the vast extent of the evil, and to apply, with its traditional heroism, a prompt and powerful remedy. The holy war of liberty should respond to the barbarous war of tyranny. The government, though weighed down by the gravity of passing events, will not cease in its efforts to ward off the dangers that menace public order, to restore discipline in the army, and to arm the volunteers of the republic. The soldiers of Catalonia are already in the field attacking the enemies of freedom. The brave and well-disciplined army of the north has sealed with its blood, on heroic fields of battle, its loyalty to the republic. The troops in Valencia know no repose. The roving bands in Andalusia are disheartened and are surrendering under the formidable attacks that meet them on every side. And wherever the rebellion has sought to effect a rising in the remaining provinces, it has been combated and annihilated by the people and the troops in happy unison.

Fully appreciating this gallant conduct, the government is untiring in its efforts to unite all possible means and forces. The resources voted by the Cortes for the national armament are being made effective as rapidly as the laws will allow. The advantage

inuring to the army by the recent reforms are being realized with all the zeal and dispatch permitted by the poverty of the treasury. The free corps now being formed will be put in the field as rapidly as circumstances will permit. The military and civil authorities of the province most severely ravaged, fully realize the gravity of the situation, and are resolved to meet open warfare with open warfare, without truce and without quarter.

But republican governments need the co-operation of all their citizens, without exception, if the social structure is to be in reality self-governing. Each citizen should be brought to know that in defending the republic he defends his own moral dignity and his own inalienable rights. The liberal parties should remember that their highly-prized liberty—that liberty for which they have made so many sacrifices—is indissolubly united to the forms of republicanism. Let no means of warfare be spared, even as none were spared in our civil war. Let the citizen militia be put on a war footing; let the free corps be armed; let our citizens arm to maintain public order and protect their hearths and homes, in order that our soldiers may be free to fall with force and vigor upon the rebellion bands. Thus alone can we show our title to the liberty held in store for the nations who redeem and save themselves by their own strength. Thus only, and by most heroic efforts, can we save the republic, and, with the republic, our liberties and our country.

MADRID, March 25, 1873.

ESTANISLAUS FIGUERAS,
President of the Government of the Republic.
EMILIO CASTELAR,
Minister of State.
NICOLAS SALMERON,
Minister of Grace and Justice.
JUAN ACOSTA,
Minister of War.
FRANCISCO PI Y MARGALL,
Minister of Interior.
JUAN TUTAN,
Minister of the Treasury.
JACOBO OREYRO,
Minister of Marine.
EDUARDO CHAO,
Minister of Public Works.
JOSÉ CRISTOBAL SORNI,
Minister of the Colonies.

No. 402.

General Sickles to Mr. Fish.

No. 569.]

UNITED STATES LEGATION IN SPAIN,
Madrid, April 5, 1873. (Received April 29.)

SIR: I have the honor to inclose herewith a translation of a note from the minister of state, dated 27th ultimo, acquainting me with the action of the government of the republic in liberating a considerable number of slaves in Cuba not duly registered when the last census was taken. I have also the pleasure to add a translation of the official communication on this subject from the colonial minister, Mr. Sorni, to the captain-general of Cuba, which was kindly placed in my hands to-day at the legation by the minister. The question presented depended on the true construction of section 19 of the act of July 4, 1870, which is as follows:

“Article 19. All those (slaves) shall be declared free who do not appear registered in the census made in the island of Porto Rico December 31, 1869, and in that ordered to be completed in the island of Cuba on the 31st of December in the present year 1870.”

It is estimated that more than ten thousand persons heretofore illegally held as slaves in Cuba will be emancipated by this decree; although in part classified as “emancipados,” there is not much reason to doubt that

most of them have been brought to the island contrary to law within the past three years.

I shall be glad to have authority in the name of the President to make suitable acknowledgment of the action now reported. Both Mr. Sorni and Mr. Castelar seem disposed to do all in their power to promote the best possible understanding with the United States. In this relation I beg to invite your attention to the passage in Mr. Castelar's speech, accompanying my 560, in which he maintains the international character of the slavery question, and recognizes the propriety of the suggestions on that subject that we have offered to Spain.

I have again commended to this government the importance and the justice of further measures in effecting the liberation of two classes of freedmen embraced in section 5 of the act of July 4, 1870. They are described as "slaves belonging to the state" and "emancipados" who had been under the protection of the government. Many thousands of these have been leased for long terms of years contrary to law. I am assured by Mr. Castelar and Mr. Sorni that they will not fail to give due attention to the situation of these unfortunate people.

I am, &c.,

D. E. SICKLES.

[Appendix A.—Translation.]

Mr. Castelar to General Sickles..

MADRID, March 27, 1873. (Received March 27.)

The minister of state presents his compliments to General Sickles and has the honor to inform him that under date of the 24th instant the minister of Ultramar addressed a communication to the captain-general of Cuba in reply to the inquiry as to the status of those slaves registered (*empadronados*) after the date fixed by law, stating to him that in conformity with the evident intent of the second paragraph of article 30 of the regulations of August 5, 1872, and in conformity with the opinion of the full council of state, the government of the republic has decided that the persons referred to in the captain-general's inquiry shall be declared free, and that in case indemnification be demanded, the same shall be decided by the proper authorities after examination of the documents and facts of each case.

Don Emilio Castelar avails himself with pleasure of this opportunity to repeat to General Sickles the expression of his sentiments of sincere appreciation of esteem.

[Appendix B.—Translation.]

COLONIAL DEPARTMENT, SECRETARY'S OFFICE, SECOND BUREAU.

YOUR EXCELLENCY: The inquiry made by your excellency in your official dispatch No. 878, of September 30 last, concerning the status of slaves not registered (*empadronados*) within the prescribed term, and all the remaining antecedents of this important matter as well, having received due attention, and in consideration of the fact that neither the stringent provisions of the nineteenth article of the law of July 4, 1870, nor the interpretation favorable to the freedom of the slaves which should be given to that article in deciding all doubtful cases arising in its execution, nor the precedents established with respect to the registry and formation of a census of the slaves under the royal decree of September 29, 1866, concerning the suppression and punishment of the slave-trade, allow of the acceptance of the reasons alleged in your inquiry already mentioned, and in your confidential letters of October 30 and November 14, soliciting that the slaves in question should be included in the census, the government of the republic, adopting the principles and intent of the second paragraph of the thirtieth article of the regulations of August 5, 1872, and in conformity with the opinion pronounced by the full council of state, has resolved to decide the questions presented in your excellency's dispatch in such a sense as to declare free the persons referred to, and in case a demand for indemnification be made by the proprietors, such demand shall be made in due documentary form, in order that it may be decided what parties are

entitled to remuneration, in which case application will be made to the Cortes for the necessary credit.

Your excellency will give to this ministry a full account of the measures you may decree in the execution of the present instruction, in order that the government may possess ample and accurate knowledge of all that relates to the grave question of slavery, and to this end I also recommend to your excellency the speedy and strict fulfillment of the confidential order of August 5, 1872, concerning the remission to Madrid of full and detailed statistical data.

God guard you excellency many years.

MADRID, March 24, 1873.

SORNI.

To the SUPERIOR CIVIL GOVERNOR OF THE ISLAND OF CUBA.
A true copy.

No. 403.

Mr. Fish to General Sickles.

No. 327.]

DEPARTMENT OF STATE,

Washington, April 30, 1873.

SIR: Your No. 569, relating to the liberation of a large number of persons held in slavery in Cuba contrary to the act of July 4, 1870, and inclosing a note from Mr. Castelar on this subject, has been read with the greatest interest.

You will express to Mr. Castelar the satisfaction with which the President has witnessed this noble step in the direction of freedom, personal liberty, and universal justice, toward which, under the wise counsels which now direct her destinies, Spain is steadily marching. Ten thousand chains struck from human limbs, ten thousand chattels made men, ten thousand souls told that they need not wait for the grave to set them free; this is a noble record.

The speech of Mr. Castelar, to which you invite attention, had already attracted my notice. Slavery is, as he justly says, an international question. The rapid increase of the means of communication throughout the globe have brought into almost daily intercourse communities which have hitherto been aliens and strangers to each other, so that now no great social and moral wrong can be inflicted on any people without being felt throughout the civilized globe. All powers interested in the advancement and happiness of the human race, and the spread of peaceful and Christian influences, are watching the noble efforts of Spain to disembarass herself of the institution of human slavery.

I am, &c.,

HAMILTON FISH.

No. 404.

General Sickles to Mr. Fish.

[Extract.]

No. 592.]

UNITED STATES LEGATION IN SPAIN,

Madrid, May 10, 1873. (Rec'd May 31.)

SIR: I have the honor to report that on Saturday, the 3d instant, President Figueras received me in public audience. His excellency was

attended by the ministers of state, of the colonies, of war, of the navy, and of grace and justice.

Introduced by Mr. Millan y Caro, the principal official of the department of state, I read the following speech, (in Spanish.)

The English version of my remarks will be found in Appendix A.
His excellency the President replied as follows :

[Translation.]

SEÑOR MINISTER:

In the midst of the difficulties which ever attend a transition from one form of government to another, encouragement and support are found in the good wishes of nations as devoted to liberty as yours, and in the declarations of such illustrious bodies as your Senate and your House of Representatives, the exponents of a great and glorious democracy strong in the enjoyment of rights that elevate human nature, and in the fulfillment of those duties that assure the stability of the social structure.

Both those bodies, ripe in their republican experience, in addressing their felicitations and congratulations to our newly-founded republic, comprehended that this form of government has arisen among us, not by chance or any sudden impulse, but as the necessary result of the liberal movement that began with the present century; a movement not inaugurated to satisfy the vanity of a few men, or to satiate the hunger of political parties, but to put an end to the constant struggle between tradition and right, calling communities to the exercise of a sovereignty which at once stimulates progress by the force of ideas, and maintains stability by obedience to law, and by respect for legitimate interests.

An evident proof that this spirit guides our republic you find in this very reform, whereby slavery is abolished in Porto Rico, a reform that reconciles at the same moment the abstract principles of justice with the difficulties often inseparable from their practical realization. By this standard and by this example our valiant and prudent nation will doubtless be guided in completing the work it has begun, so that in the bosom of our republic, and wherever our banner waves, there shall be none but free citizens.

And you, Señor Minister, who in your high discernment already know us so well, and so sincerely esteem our country, I beg you to convey to the American people, to their Congress, and to their illustrious President, the gratitude that fills us when we see that a nation which has firmly established republican institutions deems us fit to realize among ourselves the work of Washington and the work of Lincoln, which will go down to posterity as superhuman achievements in the history of liberty.

We shall persevere in the endeavor to justify this high appreciation, which we owe not only to the virtues of our new institutions, so liberal and so humanitarian, but also to the character of the Spanish people, so tenacious of their autonomy and their independence.

And with our traditional zeal the Spanish people will know how to carry across the seas to the Antilles in the nineteenth century the ripe fruits of civilization, as in the fifteenth century we carried thither its germs.

Those islands are an integral part of the republic—an integral part of the nation.

The republic desires to see all its citizens in the enjoyment of all their rights, and at the same time it will maintain intact the integrity of the national domain; and to attain these great ends it will spare no sacrifice.

Your people and your Government see this clearly. In those days when your war, so admirably ended by the fall of Richmond, rent the American people in twain, we on the shores of the Old World ardently hoped and prayed that the United States, that living example of liberty and democracy, might not be lessened or eclipsed in any atom of its strength.

The American nation doubtless now has a like interest in that the national domain shall not be impaired in our hands.

The utterances of that great people, repeated in your most eloquent discourse, assure us that you desire to see the Spanish nation strong in its unity, and resolved to found in its European and American dominions the three great elements of progress—liberty, democracy, and the republic.

The ceremony concluded, I accompanied the President and cabinet to the private apartments of the executive mansion, where half an hour was passed in a general conversation, begun by Mr. Figueras, in relation to the results of emancipation in the United States, and the probable effects of such a measure in Cuba. The views expressed by the Presi-

dent were in the main a repetition of the observations of Mr. Castelar heretofore reported in my dispatches. It is perhaps worth remark that on this occasion the President and four members of the cabinet confirmed the assurance, before given me by the minister of state, of the purpose of this government to present to the Cortes a scheme of complete emancipation for Cuba.

I may also add that I took occasion to point out to the President and cabinet the advantage the republic would derive in filling up the civil and military offices in Cuba with persons sincerely disposed to carry out the views and obey the orders of the home government; that the success of emancipation depended, in a large measure, on a good understanding between the authors of the measure and the freedmen; that the authorities in Cuba were notoriously hostile to emancipation; that if retained in office they would execute the measure in the interest of a few and not of the many, and disaster would follow; that the success of our free black labor in America was greatly facilitated by the confidence established between the freedmen and the General Government through the friendly civil and military agents intrusted by the Government with the direction of affairs in the Southern States immediately after the war; and that if the same generous policy were adopted in Cuba the colored population might become not only the most industrious and productive but the most loyal Spanish element in the island. These suggestions were re-enforced by several examples, and seemed to make a favorable impression on President Figueras and his colleagues.

As I was about to take leave Mr. Castelar said he would call on me on the following Monday in relation to a very interesting subject, which I must reserve for a confidential dispatch.

I have appended extracts from several leading Madrid journals of various political affinities commenting on the reception, the proceedings of Congress, and the speeches pronounced. You will observe that I took occasion to invite a public declaration of the determination of this government, repeatedly intimated to me in private, to extend free institutions to its American possessions.

I am, &c.,

D. E. SICKLES.

[Appendix A.—Translation.]

Presentation of the joint resolutions of Congress to the Spanish executive.—Speech of General Sickles, May 3, 1873.

SEÑOR PRESIDENTE: I have the honor, in obedience to the commands of the President of the United States, to place in the hands of your excellency duly authenticated copies of certain resolutions recently adopted by the American Congress.

On the third day of March last the Senate and House of Representatives of the United States offered in the name of the American people the congratulations of Congress to the people of Spain upon the establishment of a republican form of government. In communicating to your excellency this joint resolution of Congress, approved by the President of the United States, I am fortunate in having the privilege of felicitating your excellency upon the success of your measures and the favor enjoyed by your wise administration.

And on the twenty-fifth day of March last the Senate of the United States, at a special session thereof, adopted certain other resolutions expressing the satisfaction with which that body had received intelligence of the act of this government abolishing slavery in the island of Porto Rico, thereby giving fresh proof that in its desire for republican institutions this country is animated by a generous love of liberty and a just respect for the natural rights of all men.

The United States, desiring only the happiness of those neighboring communities with which they have intimate relations and intercourse, cannot be indifferent to

whatever concerns the welfare of the Antilles. In abolishing slavery and caste, the Spanish Republic provides the surest guarantees for the pacification and loyalty of its American provinces.

Enjoying free institutions, their allegiance happily reconciled with liberty, Cuba and Porto Rico will contribute more than ever to the power of Spain, and they will find in the justice, permanence, and strength of the republic of which they form a part the best assurances of their tranquillity and prosperity.

[Appendix B.]

Extracts from sundry Madrid journals, having reference to the presentation of the congratulations of the United States Congress to the Government of the Spanish Republic, May 3, 1873.

[1. From *El Imparcial*, (Radical,) May 4, 1873.]

The lack of space prevents us from reproducing in full the speeches made yesterday at the reception of General Sickles.

We cannot, however, refrain from publishing the most important paragraph in the speech of the minister of the United States, in which the complete assimilation of the transatlantic provinces is asked for without any disguise.

This paragraph is as follows:

"Enjoying free institutions, their allegiance happily reconciled with liberty, Cuba and Porto Rico will contribute more than ever to the power of Spain, and they will find in the justice, permanence, and strength of the republic of which they form a part the best assurances of their tranquillity and prosperity."

It seems just for us also to copy the paragraphs in which the government of the republic replies to this insinuation:

"The republic desires to see all its citizens in the enjoyment of all their rights, and at the same time it will maintain intact the integrity of the national domain; and to attain these great ends it will spare no sacrifice.

"Your people and your Government see this clearly. In those days when your war, so admirably ended by the fall of Richmond, rent the American people in twain, we on the shores of the Old World ardently hoped and prayed that the United States, that living example of liberty and democracy, might not be lessened or eclipsed in any atom of its strength.

"The American nation doubtless now has a like interest in that the national domain shall not be impaired in our hands.

"The utterances of that great people, repeated in your most eloquent discourse, assure us that you desire to see the Spanish nation strong in its unity, and resolved to found in its European and American dominions the three great elements of progress—liberty, democracy, and the republic."

[2. From *La República Democrática*, (Radical opposition organ of Mr. Echegaray,) May 4, 1873.]

Mr. Sickles, the representative of the United States, was yesterday received in solemn public audience, that he might deliver the congratulations of the Congress of his country to the Spanish government on the adoption of the new institutions and the passage of the bill for the abolition of slavery. The reception took place, as on the former occasion, when the same minister plenipotentiary announced the recognition of the Spanish Republic, in the elegant reception-room of the executive mansion. A company of engineers, with music and flag, did the honors, as usual, and the acting secretary of state, on account of the indisposition of Mr. Morayta, introduced Mr. Sickles. Both on the arrival and at the departure of the latter the band played an American march.

After his official reception he spent a few moments in friendly conversation with the ministers.

In his speech, in which he confined himself to stating the object for which he had been introduced, he remarked that the abolition of slavery gave evidence that our country was actuated by a genuine love of liberty and a just respect for the rights of man; that as Cuba and Porto Rico are bound to the United States by ties of extensive commercial relations, the fate of those islands cannot be regarded with indifference by them, and that he hoped that democratic institutions would increase the tranquillity and happiness of those islands, which form an integral part of the Spanish nation.

Mr. Figueras, in his reply, was very outspoken, and made it evident that the government is fully determined to spare no sacrifice to maintain the prosperity and happiness of our transatlantic provinces.

[3. From *La Igualdad*, (Federal Republican,) May 4.]

Yesterday, at the executive palace, took place the solemn and highly important act of the reception of the minister of the United States, General Sickles, who had been commissioned by the President of that powerful and prosperous republic to transmit to the President the message which the North American Senate and House of Representatives, in the name of the American people, had resolved to address to the people of Spain on the establishment of the republic.

The noble and lofty attitude assumed by the North American people toward Spain is of immense importance to our country; and this message from the Congress of a nation which has become, if not the first, at least one of the most enlightened and powerful nations of the world, in view of its spontaneity and elevated character, may well cause us to feel flattered as Spaniards and as republicans, and the present government to feel a just pride, in that it, by its wise policy, has succeeded in a very short space of time in dispelling fatal prejudices to which most serious errors, in times past, gave rise, and in gaining the sympathy, consideration, and moral support, both of the people and of the government of the American continent.

Monarchical Europe, surprised at the birth of the Spanish Republic, appears somewhat suspicious, and keeps aloof from us; not that we have given any reason for fear on her part, for never did a government give friendly powers greater proofs of loyalty, and of an ardent desire to live in peace and harmony with all nations, than have been given by the eminent Castelar in his memorandum, in his brilliant speeches and most eloquent declarations; but the nations of America, of that virgin land which is called to exercise a powerful influence over the destinies of mankind and the progress of civilization, do us justice in sending us a paternal embrace, which we return in token of our eternal gratitude.

The governments of Europe, also, will cease to entertain their groundless prejudices as soon as they become convinced, as the people whom they represent already are, that the republic which we have proclaimed, far from being a source of discord or perturbation, is a pledge of peace, order, and happiness at home, and of fraternity and concord with all nations.

We will not close this article without calling the attention of our readers to the frank and loyal declarations made in his speech of yesterday by the worthy representative of the United States in favor of the integrity of the Spanish nation, and of the close, solid, and durable union of Cuba and Porto Rico to the mother country. These declarations, with which the upright policy of the North American Government is in full accord, have put an end at once and forever to all the calumnies, falsehoods, and perfidious innuendoes whereby the reactionists kept no small part of the population in continual alarm, inasmuch as this class was ready to believe reports of the most absurd character, fully believing, perhaps, that our country was in danger, and that the loss of our beloved Antilles was imminent.

From this day forward they will not even have a pretext for imposing upon the good faith of honest people. The integrity of our country can be exposed to no danger so long as it has the republic for its shield, and the proverbial bravery of all Spaniards for its bulwark.

After reading his speech, and listening to the President's reply, Mr. Sickles cordially shook hands with the ministers who were present, and thus this most important ceremony terminated.

[4. From *La Epoca*, (Alphonsist,) May 4, 1873.]

In the relations of the Spanish nation with foreign powers everything seems very proper to us that indicates respect for our sovereign decisions, and recognition of whatever Spain in the exercise of her sovereignty may see fit to decree in matters relating to her domestic affairs. Applause and approval, however, of concrete acts of the powers that be should be received with distrust, because those who applaud exercise the attribute of the critic and the judge, and, by criticising and judging, reserve to themselves, in a manner, the right of censuring whenever they may think censure called for rather than praise.

Mr. Castelar had told us that, in the question of the abolition of slavery, it was necessary to tolerate the expression, on the part of the United States, of their opinion and some suggestions, because this question is one of an international and humanitarian character. The opinions and suggestions now, however, refer not only to the question of slavery, but also to the form of government which is to exist in Spain, as is seen by the documents which the *Gazette* publishes to-day, and which we publish in another column, giving an account of the message presented by the representative of the United States to our government, and of the reply of the latter. Is the question of the establishment of the republic in Spain also humanitarian and international? Have foreign powers a voice and vote in this also? Are they not all prepared to receive the sovereign decisions of the Spanish people with respect?

Although not one of the monarchies of Europe, nor the French Republic, has

recognized the recent political change in our country, the proper course for our government to pursue is to assume no character in presence of foreigners other than that of the representative of the Spanish nation, separating such character entirely from that of any political party, which in foreign relations can be easily done.

However, we find no fault with the executive on account of the diplomatic ceremony of yesterday. In fact, it was not possible for him not to receive the congratulations sent him by the Senate and Congress of the United States. We are, moreover, happy to see that the language of his reply was decidedly patriotic.

The American Senate, in its session of March 25, resolved to inform Spain with what pleasure it has seen the colored population of Porto Rico raised to the rights and privileges of Spanish citizens. It is seen that in the United States the same height of puritanism has not yet been reached as in Spain as regards autonomy, individual sovereignty, and the absolute right of each citizen; for we see that they still speak there admiringly of the acquisition of privileges, a word which no political man in our free and democratic Spain would dare to utter or to write.

The speech delivered by the representative of the United States at Madrid embraces not a few more points than the resolutions adopted by the Senate and Congress at Washington. Those bodies confined themselves to congratulating themselves and congratulating Spain on the establishment of the republic and the passage of the law for the abolition of slavery in Porto Rico. General Sickles goes much further. He decides at once a question which, to us Spaniards, appears very difficult, viz: What are the political opinions of our people during the present moments of confusion and anarchy? For him it is a settled thing that our country is anxious above everything for republican institutions. He speaks not only of Porto Rico, as do the legislative bodies at Washington, but of the two Spanish Antilles. And although he concludes his speech by acknowledging Cuba and Porto Rico as forming an integral part of the Spanish republic, he does so after forming his opinion concerning the guarantees which he thinks he finds in democratic institutions.

As this is rain falling on wet ground, as no Spaniard who loves his country has forgotten those diplomatic notes and that message of General Grant, in which the Anglo-American Government and its representative at Madrid counseled and urged the Spanish ministers to introduce such political reforms into Cuba as suited them, the language used yesterday by General Sickles seems to us worthy of study and of correction.

Mr. Castelar was doubtless of the same opinion when he drew up his reply, in which he reminds General Sickles, more than once, that the Spanish people is jealous of its autonomy and its independence; affirms that the republic desires the integrity of the national territory; resolutely declares that the United States, by reason of their own antecedents, must desire the Spanish nation to be preserved intact, and, with all clearness, alluding to the remark of Mr. Sickles that the two Antilles form a part of the republic, adds that they do, indeed, form a part of the republic, but also of our country. Everybody knows that it is within the bounds of possibility that our country may last longer than the present republic, in which case it is very necessary that it be henceforth understood that the speeches published in the Gazette of to-day will possess no value.

[5. From *La Poltica*, (moderate,) May 5, 1873.]

On our first page our readers will find the speeches read on Saturday at the reception of the minister of the United States, which was held for the purpose of enabling him to present the resolutions adopted by the Senate and House of Representatives of the Union on the proclamation of a republic in Spain.

[The rest of this article is copied verbatim from the above article from the *Epoca*, beginning at the fifth paragraph with the words "The speech delivered by the representative of the United States at Madrid," and continuing to the end.]

[6. From *El Diario Español*, May 5, 1873, (conservative Alfonso, edited by Ex-Governor Lopez Roberta, of Havana.)]

THE RECEPTION OF MR. SICKLES.

The proverb says that a drowning man will catch at a straw. Thus it is that in the diplomatic shipwreck which our country is suffering to-day the executive clutches the straw thrown out by Mr. Sickles. Having no one else to receive, because no European power has as yet recognized the Spanish Republic, he receives the representative of the United States. The latter avails himself of every occasion, and the government accepts any event with enthusiasm, so that the trumpets of fame may resound in honor of the hero of the feast.

Whenever an inhabitant of Madrid sees a company of soldiers, with music and flag, at the door of the presidential palace, he need not ask what it means. It is because the government is receiving Mr. Sickles. There is music because the United States

send congratulations on account of the triumph of the Spanish Republic; music because the United States recognize the new form of government; music because the United States applaud the abolition of slavery. And the coaches of the ministry come and go, and the ministers dress up in swallow-tailed coats and white cravats, and Mr. Sickles goes up and down the steps of the presidential mansion with the messages of his government.

Mean time the other ambassadors keep their own counsel and smack their lips at the discomfiture of our poor country, and European powers shrug their shoulders at the pretensions of our minister of state.

We see to-day in our diplomatic corps what we saw when the Soberano was the only vessel that we had. It was not necessary to mention its name. It was sufficient to say the vessel, and everybody knew what vessel was meant. So now, when any one says the ambassador, everybody understands that Mr. Sickles is meant, because the others are simply the *charges d'affaires* of their respective countries, without being in any wise accredited to the government of the republic.

Thus it is that what one would expect to see divided among all is offered to Mr. Sickles alone, and the solemn receptions have consequently been repeated within a very short time.

The worst of the business is that when Mr. Grant, President of the republic of the United States, takes it into his head to address a few covert or open menaces (for they come of all kinds) to our government, in relation to Cuban affairs, we keep as mum as dead men, and do not receive Mr. Sickles, in order that he may send a report of our indifference or our energy to his chief.

Even in the speech so recently read by the representative of that republic, it is easy to see a desire to meddle with the affairs of Spain, as regards our transatlantic possessions, and all the acts and all the sayings of the Government of the United States go to show that, as far as those affairs are concerned, we live here under its guardianship. This is all that attracts our attention, and that leads us to think about the cordial relations between the two governments.

As to the rest, of what importance was it to us whether Mr. Grant approved or disapproved the proclamation of the Spanish Republic, or whether Mr. Sickles came and went as often as he chose, with music or without it, to the presidential mansion? This thing will gradually, by dint of repetition, assume the comic character of all the acts of the young republic, and will probably at last furnish a subject for the songs of the boys in the street.

This interference in our transatlantic affairs is now becoming a matter of history. The United States desire the independence of Cuba, and important documents exist, which accredit this fact, from the speeches and notes of President Grant to the dispatches and conversations of representative Sickles. If it were not for this desire, what interest would these gentlemen have in sending such enthusiastic congratulations, or why would they give occasion for the calling out of a company of soldiers every now and then to do the honors of a reception to the American representative? Certainly Mr. Grant and the other indirect protectors of filibusterism did not go into such ecstasies over the proclamation of the republic in France. What they care for is not that European nations should have this or that form of government, but that the peoples of America should obtain their independence, and they think that the shortest road to this is through the much desired *autonomy*, whereby those peoples will finally be separated from the mother-country.

Mr. Grant knows very well what he is about, and well does Mr. Sickles second him here. The government of the Spanish Republic, not being accustomed to having a word of sympathy addressed to it by other nations, is like a child with a new pair of shoes whenever the American ambassador informs it that he is going to present a congratulation or greeting from his Government. Our government slowly swallows the pill, which is sent to it coated over with half a dozen high-sounding phrases, and meanwhile the snow-ball is being prepared for *independence*, which is the mother of the lamb and the soul of the whole business.

At the very time when the recent reception of Mr. Sickles was being held, we received the sad news from Porto Rico which announced a rebellion that had fortunately been put down, but which may be but a prelude to more serious conflicts. While everything was being arranged here with congratulations and hand-shaking, there the good and loyal lovers of Spain saw the safety of the country threatened and public order disturbed. But what does Mr. Sickles or President Grant care for that?

Let the government have a little more *ambition* in matters relating to its diplomatic affairs, and let it try if it cannot get the ambassadors of France and England, Russia and Germany, and of the other great powers of Europe to recognize and congratulate it, for certain it is that so long as it shall be content with the receptions of Mr. Sickles we shall have made no great progress as regards the future of our country.

[7. From La Discussion, (republican ministerial,) May 6, 1873.]

The conservative newspapers are again talking about the intervention of the United States in our internal affairs, in view of the recent diplomatic act of Mr. Sickles, minister of the great republic. All appear indignant, and protest against the interference of the American cabinet. These are the same papers that speak with pleasure of a European intervention, "our plank of salvation." And they are ashamed that a friendly republic should advise us to abolish slavery and to maintain a republican form of government, and they do not hide their faces when they copy from *La Politica Europea* the false intelligence concerning intervention by the powers of Europe. Intervention for the purpose of crushing out liberty, *that is great and does us honor; intervention for the purpose of giving us good advice, that brings dishonor upon us.*

No. 405.

General Sickles to Mr. Fish.

No. 600.]

UNITED STATES LEGATION IN SPAIN.

Madrid, May 17, 1873. (Received June 5.)

SIR: The elections for the Cortes Constituyentes began on Sunday last and ended on Tuesday evening, the 13th instant. Of the three hundred and eighty-five members chosen it is understood that five-sixths are federal republicans, and of these the great majority are supporters of the present administration. It is said that a few of the successful candidates aim at something more than the political reorganization of the country, and will advocate legislation upon several social questions. The result may be regarded as a signal triumph of the republican party. The vote polled is unexpectedly large. It appears that nearly two millions of electors have on this occasion exercised the right of suffrage, notwithstanding the announcement of all the monarchical organizations that they would take no part in the proceedings. Perfect order seems to have prevailed everywhere except in some of the northern provinces, where bands of Carlist insurgents continue to disturb the peace. Great efforts were made to induce the government to postpone the election. Impatient republicans, apprehensive that by some means they might lose the day, urged the immediate proclamation of a federal republic and the assumption of all necessary powers by the executive. The leaders of the old parties, and especially that which supported the late cabinet of Amadeus, proposed to convene the assembly, postpone the elections, and dismiss the executive. Several attempts were made by disaffected republicans to organize armed demonstrations for the purpose of constraining the government to accept the measures thus dictated, but the firm attitude of the authorities and the good sense of the people discouraged these movements, and they all miscarried. On the other hand, the committee appointed by the assembly, with authority to convene that body on any extraordinary occasion requiring legislative action, was the seat of a formidable conspiracy developed on the 23d ultimo, which had for its object to oust the executive by a *coup d'état*.

On that day the committee, comprising some thirty members, held a stated meeting in the palace of the Chamber of Deputies, which the President and cabinet were requested to attend for the purpose of a general discussion upon the condition of affairs. A body of some three thousand militia, well armed, assembled at the same hour in the bull-ring, say ten minutes' march from the place where the committee met. A strong detachment from this force was stationed near at hand on the other side of the street, in the palace of the Duke of Medina-Celi. These troops had

been organized under the late monarchy by the provincial and municipal authorities, which, with the exception of the governor, still held office and were supposed to be hostile to the republic. The provincial governor reported that he learned in explanation from the mayor of the city, that these battalions had been ordered to parade merely for review and inspection. General Carmona, commanding the militia, not having ordered the parade, repaired to the rendezvous and found the troops under the command of General Letona of the army, a royalist, who professed to be acting under the orders of Marshal Serrano. Lieutenant-General Contreras, by order of the president, proceeded with his aid-de-camp to the bull-ring and was fired upon from an outpost. The presiding officer of the committee, Mr. Francisco Salmeron, having requested the withdrawal of the guard of regular troops from the palace of the Cortes, explanations were asked by ministers respecting the unusual display of armed force which seemed to be acting in accord with the committee. The Marquis de Sardoal, who had formerly commanded the militia, replied that the committee had no information on the subject and were not responsible for any other than their own acts. The acting executive, Mr. Pi y Margall, sent a communication to his colleagues who were then in attendance on the committee, requesting their immediate presence at a cabinet council, adding, it is understood, an intimation that their persons were in danger from a meditated plan to seize the members of the government and substitute in their places authorities to be named by the committee. Mr. Castelar thereupon announced that ministers would withdraw, and requested the committee to adjourn until the next day. This was refused, but on motion of Mr. Rivero the body declared itself in permanent session, with the understanding that no action should be taken until ministers returned to the sitting.

The government instantly adopted active measures. The committee of the assembly was dissolved by an executive decree. The troops of the garrison were organized in several separate commands, to each of which was assigned an officer of rank and of well-known republican affinities. Among these chiefs were Lieutenant-General Milans del Bosch, Lieutenant-General Socias, and Major-General Hidalgo. The captain-general of Madrid, Pavia, taking offense at these dispositions, resigned, and was immediately succeeded by General Socias. Trusted troops were held in readiness to move at a moment's notice. A large force of republican volunteers was ordered out. Meanwhile a crowd had gathered outside the palace of the Cortes. The residence of Marshal Serrano, near the bull-ring, was thronged by visitors, among whom were officers of the army and navy and prominent royalists. The troops in the various barracks had been sounded in the hope that they would follow the lead of Serrano. It was expected that two battalions of engineers would pronounce in favor of that chief. The infantry, as an expedient to some end not obvious, had received permission to leave their quarters without arms, and were seen in all the streets freely mingling with the people. The artillery, under company officers recently raised from the ranks, were eager to prove their devotion to the republic.

It was now past 5 o'clock. I drove out to see the disposition of the forces, and not without an expectation of witnessing a conflict. The Puerta del Sol, the principal square of the capital, was filled with people. The ministry of the interior, on the south face of the quadrangle, seemed strongly held by troops. Patrols kept the way for any necessary movement. An aggressive-looking multitude occupied a part of the open space around the palace of the Cortes. Troops were quartered in the basement. Over the way the militia held the ducal palace. Pass-

ing the arch of Charles III, and approaching the main body of the insurgents stationed in the bull-ring, it was evident I was not regarded with friendly eyes. Proceeding along the Barrio Salamanca toward headquarters, which, it was understood, were established at the residence of Marshal Serrano, I met ex-Governor Albareda, a well-known adherent of Mr. Sagasta, on the way toward the rebel camp. In the grounds about Marshal Serrano's house were a number of people, several in uniform, but no troops nearer than the bull-ring, some two or three hundred yards distant. The streets, except in the localities I have named, were deserted. The houses were generally closed, here and there a woman looking out from an upper balcony. Flags were displayed from all the legations save ours, as I chose to await the outbreak of hostilities.

Supposing the government would take the initiative, and that its first step would be to seize Marshal Serrano's house and arrest the leaders assembled there, I remained some time in that vicinity on the Fuente Castellana, the usual drive toward evening. Observing two deputies approaching me rapidly, and learning from them that the artillery was about to open fire on the bull-ring, I yielded to their suggestions, and, following their example, returned to my quarters. Listening for the sound of cannon and hearing nothing, I was about to go to the palace of the Cortes when information reached me that General Hidalgo, having placed three batteries of artillery in position, well supported by republican volunteers, the main body of the rebel forces had surrendered and given up their arms. The battalions in the Medina-Celi palace, learning what had happened at the bull-ring, followed the example of their friends, and were disarmed.

The government had triumphed without a shot. The minister of war sent an officer with an order to Marshal Serrano to report in person to the ministry. The marshal promised to obey at once, but instantly took refuge in close concealment. Toward night it was rumored that the committee was still in session at the Cortes, and bent on mischief. This provoked the crowd outside the building to demand admission, which being refused by the servants in charge, the doors were forced, and the remaining deputies, among whom were Rivero, Becerra, Echegaray, Figuerola, and De Sardoal, would have been sacrificed to the fury of the mob if they had not found temporary hiding-places about the premises. Castelar and Nicolas Salmeron repaired promptly to the spot as soon as they were informed of what was happening, and, at great peril to themselves, succeeded, after many efforts, in rescuing their enemies from grave danger. The rest of the night passed tranquilly. The crisis was over. The government remained master of the situation. The news was telegraphed all over Spain, and the wires brought back the usual felicitations from all points of the compass. Nothing better illustrates the peculiar phases of Spanish politics, and, consequently, of Spanish character, than the singular circumstance that on the following day, and for several days after Castelar and his colleagues had heroically rescued the opposition leaders from imminent peril, detachments of troops were, by order of the authorities, hastily searching their houses and the residences of relatives and friends for these same persons. Like means were taken to find Marshal Serrano; and yet nothing was easier than his arrest during all the afternoon of the 23d. These domiciliary visits were continued until the whereabouts of the parties became well known, and then ceased. Rivero, who, it was understood, was to succeed Figueras as President, and name Serrano as minister of war, with the command of the forces, found refuge in the war department, in the private apartments of the minister, General Acosta, who, in turn, feeling embarrassed in having to prosecute old

friends in the army, resigned as soon as order was restored. Rivero, not feeling assured of the reception he might have at the hands of General Acosta's successor, changed his quarters. The Duke de la Torre, the Marquis de Sardoal, Martos, Echegaray, Sagasta, and others soon afterward got away disguised to France, the government furnishing some of them with passports under assumed names while maintaining a rigid surveillance on the roads to prevent the escape of persons compromised by the late events. There is only one phrase which can describe these traits of Spanish life, and that is naturally enough Castilian—"Son cosas de España."

You will expect some explanation of the circumstance that this conflict was provoked by the leaders of the assembly, who, on the 11th of February last, united in proclaiming a republican form of government, and in choosing the present executive. This requires a brief review of events. The first cabinet chosen by the assembly was composed of four radicals and four republicans. The radicals were believed to have accepted the republic from necessity rather than from conviction or choice; indeed, they said so frankly in the debates. The popular instinct, seldom wrong in such matters, at once detected danger in allowing half-way converts so large a share in the direction of affairs. Agitation for their removal immediately began to make headway. Figueras, Pi y Margall, Castelar, and Nicolas Salmeron soon saw that they must retire unless colleagues were given them out of the ranks of the old republican party. They intimated as much in private to the members of the assembly, and on the 25th of February, fourteen days after taking office, President Figueras and the cabinet resigned in a body.

It was now necessary for the radical leaders to choose between taking charge of a republican government without a republican constituency, or to yield the whole executive power to recognized republicans and content themselves with the means they held in the assembly to control the executive through the responsibility of ministers to parliament. The latter course was adopted and a homogeneous republican executive elected. In truth the majority of the assembly had, from the very night of the proclamation of the republic, found itself divided by a serious personal difficulty which had arisen between Rivero and Martos. Rivero resigned the presidency of the chamber, feeling that in the question between himself and his associates the sympathies of the house were with the latter. Martos was chosen to succeed him. These two men united controlled the assembly; divided, and Zorrilla, the recognized chief of the party, in voluntary exile, the majority was without a policy or a leader. The republicans, although never counting more than a fourth of the body, were nevertheless compact, earnest, and ably led. They pushed directly forward to their object, and gained it at once.

It was not long, however, before it became evident that whatever dissensions might exist in the assembly among the partisans respectively of Martos and Rivero, the loss of power had alienated the sympathies the radical party had at first shown toward the republican executive. An opposition was being organized that must soon prove fatal to President Figueras and his colleagues unless means could be found to check it. A cry came from the north for the dissolution of the assembly. Barcelona proclaimed the "federal republic." The ancient principality of Catalonia asserted its independence as a sovereign state. These movements were followed by popular demonstrations in Malaga, Cadix, Valencia, Seville, and Saragossa. President Figueras hastened to Barcelona apparently for the purpose of using his great personal influence in his native province toward restraining an outbreak, which is

deed afforded him the best weapons he could use in his contest, already imminent, with the assembly. He returned after a somewhat prolonged absence, having only partly succeeded in his supposed object, which was said to be that of bringing back Catalonia to her allegiance. The truth was he had checked a movement which had gained premature headway, and had managed to hold it in reserve to be let loose when it might curb the hostility of his enemies.

Returning to the capital, the President announced the next day his ultimatum to the astonished leaders of the majority: dissolution of the assembly, or the resignation of the republican executive. These bold demands were rejected with defiance by Martos, Echegaray, Becerra, Sarloal, and Figuerola. Rivero acquiesced in the attitude of his friends, but was silent. A bill providing for the dissolution of the assembly and the election of a Constituent Cortes was presented by a republican deputy. Figueras, in a brief speech, declared that the government made the passage of the bill a cabinet question. The house, divided into sections, according to Spanish custom, went into an election for members of a special committee to consider the bill. The royalist radicals carried eight committeemen and the government only one. The resignation of the executive was looked for as an immediate consequence. But it was soon seen that a master of parliamentary tactics, a statesman of no ordinary grasp, a leader of rare genius, shaped the policy of the republican party. The cabinet, to gain time, declared that it would abide the vote of the house on the bill when reported by the committee. Agitation all over the country was renewed. Catalonia became violent. The army in the north showed strong republican proclivities. The soldiers said they had been taken from their homes as conscripts to serve the King, and now that monarchy was at an end, they demanded to be discharged. Spain, without an army, was on the verge of dissolution. The committee deliberated a few days, and under party pressure brought in a bill prolonging the existence of the assembly, postponing the election of a Constituent Cortes, and denying the executive the means it asked for the conduct of the war against the Carlists. General Primo de Rivero presented a minority report, signed only by himself, favorable to the views of the government.

Madrid now felt the currents of popular passion concentrating on the capital from all parts of Spain. Large groups of resolute men were constantly seen about the Cortes. The president of the assembly, Martos, demanded a stronger guard for the chamber. Alarmed for his person, he slept in a private apartment within the building. The assembly hesitated to push matters to an encounter. Prudent members advised the leaders to come to an understanding with the government. A compromise was proposed: Castelar and three other republicans would be retained in the cabinet, but room must be made for the return of an equal number of radicals to office, with Rivero as chief executive, in place of Figueras. The truce was rejected as soon as offered. On the eighth of March the issue was decided. A vote was taken on the proposition to substitute the report of General de Rivero for that of the majority of the committee. Ramos Caldernn, a friend of Rivero's, who represented the balance of power in the assembly, announced, in the name of his absent chief and of his supporters, that they would sustain the minority report in favor of the government bill. This was decisive, and the motion was carried by a large majority.

Martos, in his turn, now resigned the presidency of the chamber, after a brief tenure of less than a month, and retired as well from the directing councils of his party. The power of the assembly was lost. Nobody

paid it reverence. Guerrilla attacks made every day by a few members, who arraigned the government on petty complaints, wearied sensible people, and soon brought the body into contempt. The republican leaders pressed their advantage, gave notice that they insisted on the immediate dispatch of pending business and a speedy adjournment. There were not wanting, however, certain elements in the assembly that clung tenaciously to the thought that while there is life there is hope. The republicans found an ally in an unexpected quarter. The opponents of the emancipation bill—the conservative group in the chamber and the whole conservative press in Madrid, organs of the “league”—unexpectedly joined in the cry for immediate adjournment. Anxious above all to perpetuate slavery in Cuba, they helped to remove the only obstacle in the way of revolution in Spain. Day after day they exclaimed, “Like Amadeo, the assembly has abdicated! It has neither moral nor political authority to legislate upon any subject. It is dead; let it bury itself!”

Figueras was not slow to see that the moment had come when he could deal a final blow. On the 25th of March he demanded the passage, that very day, of all the pending government bills, including that for the abolition of slavery in Porto Rico, to be followed by an immediate adjournment. Many deputies had left the capital. There was not much resistance, except so far as concerned the emancipation act. The majority, demoralized, divided, and alarmed, yielded everything. It was, however, supposed that the anti-slavery bill might be defeated by leaving the house without a quorum for the enactment of laws—a half, plus one, of the whole number of members. The indifference of the radicals aided the zeal of the conservatives, and it seemed likely the house would be counted out on a division being demanded. All sorts of appeals were made to the government not to press this bill. They were urged to conciliate Cuba and Porto Rico by concessions in the matter of their slave interests. They were warned not to excite Spanish jealousy, by inclining too much toward the policy of the United States. The bill was, indeed, regarded as lost. It was then that Castelar made his supreme effort. In a brilliant speech he boldly declared that the defeat of this measure would be followed in June by a general emancipation act, without indemnity, immediate and unconditional, extending to Cuba as well as Porto Rico. He affirmed that it was in vain to deny the international character the slavery question had acquired. He showed the impossibility of maintaining an institution already condemned by the civilized world. This act passed, he said, the question in Cuba might be dealt with dispassionately. Defeated, the government declined all responsibility for the consequences.

The conservatives saw the danger, held out a flag of truce, and asked a parley. A recess of an hour was granted. The conference had lasted three hours, and was not ended. Suspicions of bad faith were aroused and the house, under the lead of the government, was about to vote. At length an agreement was announced, and the bill was passed unanimously, amid a scene of indescribable enthusiasm and joy. Thus closed the session of the assembly. Confidence, harmony, and good feeling seemed to have obliterated all trace of the controversies of the past month. The omens now were all favorable to the new republic. The assembly had dissolved. It had granted all the means the government needed. All parties had agreed on a settlement of the colonial question. The elections would take place in May. The Cortes Constituyentes would meet in June, and in that arena new parties and new ideas would contend for supremacy. Comparative repose followed the adjournment.

the assembly. The discipline of the army was re-established. Order was restored in Barcelona. The surface of politics in Madrid became tranquil. The emancipation act elicited kindly expressions of sympathy from abroad. The approaching election engaged the attention of parties at home. A prompt appeal to the nation afforded the best answer to those who hesitated to recognize the legitimacy of the government. Nevertheless, before many days had passed it was plain that the adjournment of the assembly was a truce and not peace. The old parties saw with dismay that republican opinions had taken a deeper hold of the people than was expected. When General Prim was asked why he did not establish a republic in 1868, he replied, "It would have been a republic without republicans." Now, when members of the assembly—who had proclaimed a republic and were not republicans themselves—solicited the suffrages of their districts as candidates for election to the Cortes they found their constituencies seeking representatives among those of pronounced and consistent republican antecedents.

It was discovered that power was passing from old hands to new. The republic proclaimed in an exigency by a monarchical assembly was not to be a phrase and form only. Indeed, unless checked, a revolution more formidable than Spain had ever seen was imminent. A cry of alarm, even of despair, went up from all old parties. They exclaimed: "The federal republic is death to the unity of Spain!" "Without the army order is impossible!" "The established church is in danger!" "The colonies are lost!" "Europe will combine to crush the republic, and our territory will be occupied by foreign armies!" Then began a warfare against the republican executive without a parallel in my observation of politics.

The purpose was to alarm everybody who had anything to lose. If a breach of the peace happened it was magnified into a riot. If a soldier was disobedient, the army was disbanding. If a shepherd in Estramadura lost a sheep, the flocks and the herds were being distributed by agrarian agents of the internationalists. If the authorities of Barcelona affirmed their adhesion to a federal form of government, the commune was proclaimed in the first commercial town in Spain. If the curate of Santa Cruz and his followers upset a railway-train and fired on helpless passengers, Don Carlos at the head of his forces was marching on Madrid. If an unknown traveler came to the capital and registered his name illegibly, Cluseret or Felix Pyatt was in Madrid. Many of the aristocracy fled from the country panic-stricken, propagating their fears and multiplying the fables which had inspired them. European and American journals sent their war correspondents to the capital to report battles which have not yet been fought. The public credit was impaired by rumors of repudiation. People were induced to hoard their money by reports that the government threatened a forced loan from the Bank of Spain. In the provinces it was said that Madrid was a prey to the mob. In Madrid we were told that the provinces were in hopeless anarchy.

The truth was, so far as my means of observation extended, and according to the official reports received from the various consulates, that more than usual tranquillity prevailed in the principle towns. And comparing the situation of affairs with that which I had seen at the capital under the monarchy, there was much less uneasiness and apprehension in social circles than was felt in the two years of the difficult reign of Amadeo.

To proceed with my narrative:

Among the last acts of the assembly was the appointment of a com-

mittee, or "*comision permanente*," in which all parties were represented, the royalists reserving to themselves the control and which had for its ostensible object a sort of surveillance over the government. The Cortes Constituyentes of 1869, '70 had adopted a similar expedient, and the practice is followed by the present French assembly in the intervals of its sittings. These delegates of the legislature met and organized early in April, and it was soon plain enough that the ambitious schemes which had failed in the large and principal body, by reason of the impracticable elements of which the house was composed, were to be revived in the more convenient compass of a committee-room. The meetings, held once a week, were not public, deputies even, if not members of the commission, being excluded. The government designated a minister to attend the sittings. Castelar, Pi y Margall, and Sorni, each in turn, were present and answered the inquiries and criticisms which the Marquis de Sardoal, Figuerola, Echegaray, and Salaverria prepared for the occasion. Once or twice the contentions became so hot that Rivero interposed as a peace-maker.

The country was represented to be in a state of anarchy. It was said the army was disbanding; that the whole provinces disavowed the authority of the government; that houses and villages were sacked and estates divided by mobs claiming a common distribution of property; that the laws were nowhere executed; that public order and personal security had ceased to find guarantees in civil or military authority; that all Europe, except Switzerland, was hostile to the republic, and foreign intervention was imminent; that, under these circumstances, elections were impossible; that the proposed Cortes Constituyentes must be indefinitely postponed, and that the only salvation of the country was the immediate convocation of the old assembly. These declarations repeated at each meeting, re-echoed every day in all the opposition papers, were discussed and accepted in the political clubs by the adherents of the old *régime*. Even the pro-slavery organs, which, in their anxiety to avoid action on the emancipation bill, had denounced the assembly a month before as an obsolete encumbrance, now, seized with a deeper dread of a republican convention, joined in the appeal for the resurrection of the defunct assembly. Serrano, Rivero, Caballero de Rodas, Collantes, Martos, Sagasta, Becerra, Garcia Ruiz, and even the Carlists, seemed ready to join an alliance that might put an end by some means to the onward movement of the republican party directed with unlooked-for address and power.

Overestimating their own strength, the opposition radical leaders made the greater mistake of depreciating the courage, capacity, and resources of the men in power. Deceived by the apparent unanimity of the journals, it was believed public opinion would sustain any measure to supersede the rule of President Figueras. A conspiracy was planned. The name of Serrano, hitherto a tower of strength in the army, was expected to bring over the regular forces. So many leaders of parties combined in one enterprise must secure a large popular following. The sympathies of foreign governments would not be withheld, for already they had indicated Marshal Serrano as the fittest man to be placed at the head of affairs in Spain. The "*comision permanente*" represented the sovereign assembly. It was an easy step to assume that, in behalf of interests so vast, the agent might assume the powers of the principal. It was unnecessary to wait for the assembly to meet. The committee of public safety could act and ask a bill of indemnity from the assembly when all was done. The committee met. President Figueras and all the cabinet were summoned to the sitting. The sudden

death of the estimable wife of the chief magistrate was announced, and the committee adjourned for twenty-four hours, exacting fresh guarantees for the attendance of all the government. By an order in council, Pi y Margall relieved Mr. Figueras temporarily in the executive office. The government, distrustful of the committee, was duly represented at the meeting on the following day, the 23d of April, but the acting president remained at his post in the ministry of the interior, and the secretary of war held the troops well in hand. Another revolution was imminent. It was expected the committee would depose the executive, appoint Rivero chief of the state, Serrano commander-in-chief of the army, suspend the elections, and convene the assembly. Serrano waited to hear from some battalions of the garrison. The committee waited for Serrano. The militia awaited the signal to occupy the palace of the Cortes and seize the ministers. The conspirators hesitated and lost the day. The rebel forces, disarmed by the promptness, energy, and strength of the government, their leaders all fled, and the capital was tranquil. Serrano, de Rodas, Martos, Figuerola, Becerra, all chiefs in the popular revolution of 1868, are at Bayonne. Topete surrendered himself, and is confined in the military prison of San Francisca, the Marquis de Sadoal is in Lisbon, Rivero in Madrid.

Appended to this dispatch you will find translations of several documents worth perusal, in their relation to the events I have described. Appendix A is the decree dissolving the permanent commission of the national assembly. Appendix C is the protest of fourteen members of that commission against the decree of dissolution. Appendix D is a narrative of the incidents of April 23, 1873, taken from the Official Gazette the day following. Appendix E is a proclamation by the executive to the electors of the nation, dated May 3, 1873.

In this imperfect sketch of one of those political enterprises, so common in this country that they are seldom described and soon forgotten, my purpose is to acquaint you with some of the difficulties the executive government has encountered in the brief period it has held office, and which may fairly excuse some of its shortcomings in dealing with questions you rightly presumed deserved more attention than they have received. The political horizon seems clear at this moment. It may, however, be anticipated, that in a period of transition, when so many privileges, interests, and traditions are menaced in this country, that no means will be left untried to defeat the reforms and the organic changes contemplated by the republican party. It is satisfactory to observe that these intrigues and combinations of party leaders are not regarded with sympathy by the people. Such plots and expedients belong to past epochs of Spanish history, and become every year more difficult and discreditable. The only ungovernable element in Spain is the old governing class. They never learned or practiced obedience to authority and law. The great mass of Spaniards are patient, decorous, respectful, and intelligent. They accept the good precepts and avoid the bad examples given them.

The two parties which show the most popular strength are the republicans and the Carlists. The latter took no part in the last two general elections of 1872 and 1873. They can always send fifty or sixty deputies to congress from Navarre, the Vascongardas, Catalonia, and Aragon. Nor is their power confined to the range of the Pyrenees. It is the real monarchical party of this country. It supports two journals of large circulation in this capital. A majority of the priests of the established church are Carlists. And if the cause of the pretender were ably directed and impersonated in an attractive prince, the triumph of the re-

public might be at least doubtful. As it is, more than thirty thousand troops are employed in active operations against the forces the *soi disant* Carlos VII has been able, with slender resources, to keep on foot for a year past.

The great mass of the people seem disposed to look forward with hope in the good sense and faith in the patriotism of the Cortes Constituyentes. The danger lies, in my judgment, in the probability that this body will bestow too much attention on mere forms, and not deal energetically with the real obstacles to the welfare of Spain. Parties rise in this country without any practical object, and they fall without having effected any substantial amelioration of the evils they profess to deprecate. Spain has seen a long succession of revolutions during the present century, and has made and unmade half a dozen constitutions. Yet whole provinces languish under the rubbish of the feudal system. Civil and ecclesiastical jurisdiction are still undefined. A traveler from France, having passed the custom-house inspection at the frontier, is again subject to provincial dues at Miranda. The young men of Castile are liable to conscription, while the Basque country has never recognized any liability to furnish a quota to the Spanish army. The national expenditures are double the amount of the public income. It is impossible to increase the revenue, and no minister is equal to the task of economy in appropriations. Spain has generals and admirals enough in commission to command all the armies and fleets in Europe. The roll of civil pen-

sions is as large as the army. The church establishment, supported by the state, is sufficient for three times the population. The colonial system is wasteful, corrupt, and arbitrary, advantageous only to favorites, and ruinous to the colonies. It remains to be seen whether the republicans, now for the first time in power, will be more fortunate than their predecessors in dealing with the situation, or whether, like the other parties, they will content themselves with giving new names to old abuses.

I am, &c.,

D. E. SICKLES.

[Appendix A.—Translation.]

PRESIDENCY OF THE EXECUTIVE POWER OF THE REPUBLIC.

Decree of April 24, 1873, dissolving the permanent commission of the national assembly.

The government of the republic:

Considering that the permanent commission of the Cortes has, by its course and by its tendencies, converted itself into an element of perturbation and disorder:

Considering that it has openly endeavored to indefinitely prolong the period of transition in which we are living, when the contrary is counseled by the interests of the republic and the country;

Considering that to this end it has sought, in contravention of the express provisions of a law passed by the assembly, to postpone the election of deputies to the constitutional convention;

Considering that it proposed to reconvoke the assembly for that purpose, from the existence of circumstances which might have justified such action; far
die
and

Considering that by its unwarrantable purposes it contributed largely to the conflict of yesterday, even setting aside the direct part taken therein by its members; oke
e of

Considering that it attempted yesterday to appoint, by its own act, a colonel general of the citizen militia, thus usurping the attributes of the executive power; ing
;

Considering, lastly, that it has been a constant obstacle in the path of the government of the republic, against which it was continually plotting decrees: us-

Article I. The permanent commission of the assembly is hereby dissolved.

Article II. The government will, in due time, give account to the constitutional convention of its present action.

Madrid, April 24, 1873.

By the council of ministers.

The president *ad interim* of the executive powers,

FRANCISCO PI Y MARGALL.

[Appendix C.—Translation.]

Protest of fourteen members of the permanent commission of the national assembly against the decree of dissolution of April 24, 1873.

To the nation:

The undersigned, representatives of the nation, members of the permanent commission, constrained by motives of the highest patriotism to maintain a painful silence during the critical and exceptional days through which they have just passed, deem it an imperative duty of honor and dignity to declare before the nation:

First. That until the time arrives when the dispersed and persecuted members of the commission may assemble and take suitable action, the undersigned protest publicly and solemnly against the decree of the 24th of April last, dissolving the permanent commission named by the national assembly in the act of the 11th of March preceding.

Second. That they repel all the erroneous suppositions which have served as a pretext for such an unjust, violent, and unconstitutional proceeding.

Third. That, laying their hands upon their breasts and pledging their word of honor, they affirm that in all their acts they have confined themselves strictly within the limits of the charge imposed upon them by the assembly.

Fourth. That they have not for a single moment failed to show the executive power all the consideration and respect which the public powers owe to one another.

And lastly. That, individually and collectively, they reserve the right to exact full responsibility from the ministers of the executive power before the representation of the nation lawfully assembled, as well as the right to impeach before the bar of the justice of the nation the authors of the wrongful and scandalous outrage perpetrated on the night of the 23d of April.

Madrid, May 6, 1873.

THE MAQUIS OF SARDOAL.
LOUIS DE MOLINI.
JOSÉ ECHEGARAY.
LAUREANO FIGUEROLA.
JUAN MOMPEON.
PEDRO SALAVERRIA.
AGUSTIN ESTIBAN COLLANTES.
ANTONIO ROMERO ORTIZ.
NICHOLAS MARIA RIVERO.
SATURNINO VARGAS MACHUCA.
JOSÉ M. BERAÑGER.
TOMÁS M. MOSQUERA.
JUAN ULLOA.
CAYO LOPEZ.

[Appendix D.—Translation.]

General city news.

Yesterday the alcalde of Madrid, (Señor Marina,) under the pretext of reviewing the volunteers, ordered the battalions which existed during the reign of Amadeo of Savoy to form in the bull-ring. The news of this step filled the capital with alarm, and caused great excitement. As soon as the civil governor of the province heard of it he ordered the immediate convocation of the volunteer battalions recently organized under the decree issued by the government of the republic on the 14th of February last. Madrid, and especially its southern part, was soon bristling with bayonets.

At 2 o'clock the permanent commission of the Cortes met as announced, all the cabinet ministers being present except the home secretary, to whom the maintenance of public order had naturally been intrusted. Deliberation was in tranquil progress when fresh events compelled the government to withdraw before any decision had been reached.

The volunteers of the ancient republican party conceived the generous idea of approaching those in the bull-ring to see if they could not come to an understanding, and jointly place their arms at the service of the executive power.

When they reached the ring they soon realized the gravity of the situation. The volunteers inside were in a state of evident insurrection. They were led by General Letona, and in their ranks were several retired officers of different arms of the service. Brigadier Carmona, one of the members of the republican commission, in vain endeavored to harangue them; the unionista general (Letona) and many of his followers imposed silence upon them, and did not hesitate to utter cries of hostility to the government of the republic.

Convinced of the insurrectionary attitude of the volunteers in the bull-ring, the government met in council and took energetic steps to attack them. They met with the most decided support from all the forces of the garrison and the civil guard; and, thanks to the firm attitude of the regular troops and skillful disposition of the republican volunteers effected by General Carmona, who had been appointed commanding general of the militia, the insurgents yielded after a parley between several of their leaders and some of the republican volunteer officers in the treasury department building. They evacuated the bull-ring, abandoning their upstart leaders, but not without being for the most part disarmed by the battalions occupying the streets opening into the Prado.

Great zeal and love for the republic were shown in this conflict by the minister of war, (General Acosta,) whose orders were executed with decision and energy by Generals Socias, Contreras, Milans, Hidalgo, Pierrad, and Ferrer, and by Brigadier Aín, all of whom had at once offered their services to the government.

Notwithstanding all this, the commission of the Cortes remained in session to the great displeasure of the republican party, who regard it as having brought about this conflict by its marked tendency to create obstacles to the progress of the government and to prolong the interregnum, by postponing the elections for the constitutional convention and convoking, without due and reasonable motive, the assembly, whose sessions had to be suspended in order that the executive power might have more liberty of action, and devote itself to the maintenance of order and the salvation of the great interests of the republic and of the country.

The permanent commission had, in fact, become an element of perturbation, and so when the republican volunteers saw that even after the rising of yesterday was subdued the commission obstinately continued in its resolve to remain in session and convoked the assembly, a great feeling of indignation was aroused, from which the government succeeded in saving the commission with no slight effort.

Fortunately this grave crisis has been passed through without other casualties than those usually attending the confusion and tumult of even the slightest popular movement. Madrid is tranquil, although under arms, and anxious for the consolidation of the republic surrounded by so many difficulties and conspiracies. The government, for its part, is resolved to save it by dint of energy and the greatest sacrifices.

[Appendix E.—Translation.]

The executive power of the Spanish republic to the electors of the nation.

[From *La Gaceta de Madrid*, May 3, 1873.]

Any general electoral period is necessarily of great importance, since, in such a struggle, ideas are developed into laws, and the citizens of a state pronounce their judgment on its public powers. But, when the creation and not the criticism of a public power is involved; when radical innovations and not slow and steady progress are to be decided; when it is intended to change the form of the government itself from a fabric based upon privilege to one based upon right, the importance of an electoral period extends beyond the present time and influences all future time and all future generations.

The executive power would deem itself unworthy of its high mission and of the confidence bestowed upon it by the nation, if it did not now urge upon the electors the gravity of the issue in deciding the fate of the commonwealth, so grave, indeed, that if unreasoning counsels prevail the result may be an act of national suicide. In truth a national suicide, for, in full self-command, free in the expression of its ideas, free in the emission of its vote, without any kind of administrative or political pressure, without menace or constraint from any person whatever, if right, and, in fact, its sovereign arbitrator of its own lot, the Spanish nation, if it fails, can blame naught save its own incapacity laid bare before the world to-day and passing down to history without excuse or justification.

The admirable prudence of this nation, the proofs of wisdom shown in its passage from monarchy to democracy in 1808, and in its present completion of democracy in a republic, are a sure pledge that in the coming untrammelled electoral period, it will show the same calmness and judgment it has heretofore shown in eras of revolution. It pertains to the executive to assure the freedom of the ballot, in order that the result of the

elections may be not merely legitimate, but also a genuine moral expression of the popular will.

To coerce the will of the people is, at all times, a crime; but it is more than a crime, it is madness, for a republican government to do so. The word "republic," in its simplest sense, means the government of nations by themselves, and self-government springs from the ballot-box. To corrupt, vitiate, or falsify elections is the same as to corrupt, vitiate, or falsify the republic itself. From the moment the principle of popular sovereignty forms a practical element in our institutions—from the moment when all ideas have full liberty of expression by speech and pen, in order that, through universal suffrage, they may develop into laws, the rulers of the nation are limited to leaving the free expression of these ideas to the will of the people, assuring them full freedom and the good order indispensable to freedom of action.

The republican government is resolved to fulfill this duty, and trusts that all parties and all citizens will second it in this course, for otherwise we would but show that we are unfitted for self-government, and, if we showed this, we would also demonstrate the impossibility of the republic, and the judgment of the world would class us among the peoples whose liberty is irredeemably lost.

Even did morality and policy not counsel the government to the fullest electoral freedom, it would be counseled by the most rudimentary instinct of self-preservation.

This government is charged with guaranteeing against all attacks the sincerity of the vote which consecrates the republic in our country and organizes it upon bases as far removed from reaction as from utopianism. The day on which the National Assembly proclaimed the republic the assembly expressly covenanted to call upon the people to organize its work, and to perfect the chain of consequences flowing from the principle then proclaimed. According to the practice of all free nations, and according to the language of the laws themselves, when sovereignty resides with the people, to them it now belongs to define and extend without delay the decision of the assembly. Public opinion in Europe has recognized the need of a speedy appeal to the Spanish people in solemn convocation.

The assembly passed a law irrevocably fixing the time for such convocation, and therefore the government took action with a strong hand and a firm resolve against those who sought to retard the verdict of the nation and to convoke illegally the suspended assembly, ignoring alike the language of the constitution, the letter of the laws, and the sovereignty of the people. And the same energy it showed against those who in high places conspired to prevent the elections, will it also show against those who from below seek to disturb the elections and to set aside their sovereign verdict.

On its accession to the heights of power the government saw that the very roots of constitutional rule were withered in Spain by the falsification and corruption of the ballot. Councils of ministers designated their candidates as though they appointed office-holders; governors received their countersign and transmitted it to their underlings; the sacred mission of justice was converted into an electioneering agency; the budget became a means of bribery; the public administration became a weapon of attack, and the conduct of our elections reached so scandalous a height, and the art of electoral corruption became so deeply rooted, that these same notorious falsifiers of the ballot have themselves shrunk back, terrified, on beholding the dawn of a new era of truth and sincerity in the expression of the will of the people.

It is now necessary and indispensable to purify the electoral system, and the best means of purifying it is for office-holders to cease to regard their offices as a means of gaining votes, and for the governors especially to cease to regard their administration as a ministerial agency. In exact reverse of the belief hitherto cherished, and the practice hitherto followed, the task of the dependents of the government must henceforth be to assure freedom of expression to all ideas and freedom of vote to all citizens.

With these elections should forever end the system of official candidacies, of administrative support, of the conversion of public servants into agents of the government, of the threats of armed mobs, of hinderances in the polling-booths, of the arbitrary distribution of certificates of the right to vote, of false returns, and of the miraculous resurrection in the official canvass of candidates defeated at the polls.

Far from wishing to perpetuate this melancholy electoral tradition, the government desires that its agents shall extend the amplest protection to all voters, whatever may be their opinion or their banner. Far from rewarding those who influence, menace, bribe, or falsify the elections, the government is resolved to hunt them down untiringly, and to turn them over to the tribunals without delay. In democratic societies governments must not be the judges of the electors, but are to be judged by them. Never must they set themselves up as sovereigns of the national will, but should be humble and faithful in fulfilling the judgments of the ballot-box.

One of the social phenomena now to be seen unequivocally and with pain is that to-day, after all our declarations, those in opposition to the ideas of the government show signs of failing resolution, and refrain from taking part in the vote as though some grave peril threatened them or superior force constrained them. But the government does not and cannot believe the people of the republic capable of hindering in

any way the free exercise of the right to vote, knowing as it does that upon the exercise of this right depends the consolidation of the republic. Nor does the government believe, nor can it believe, that the difficulties of the present period of transition can in any way dismay the people of the nation that chose the Constituent Cortes of 1810 amidst the horrors of a foreign invasion, the Constituent Cortes of 1836 amidst the horrors of a civil war, and the two last constitutional conventions when surrounded by the tumult of armed and triumphant revolutions. The government witnesses with deep pain, and denounces with manly uprightness, the circumstance that the parties who most stand in need of full legality, now prefer disturbances in the elections, and are speedily disheartened in the electoral struggle if not protected by the shadow of the public administration. And thus it is that political parties are ever striving to direct the government of the state, and not the opinion of the people, passing from dictatorship to conspiracies, with no other polar star than their own interests, and no other goal than their own aggrandizement, even though these be won at the cost of justice and of right. And from hence springs another evil still more serious. The voters of the people, unconscious of their own high authority and sovereignty, await the signal of the government to vote for the candidate who may please and satisfy the administration.

While this evil lasts so long will last the two greatest calamities of our time—systematic insurrection and military *pronunciamientos*. Our sorely-rent social system will find no repose; and instead of hastening toward democratic institutions as a safe harbor of refuge, its forces will gather as to a field of battle. The government adjures all voters to repair to the polls, and there make known their will and their convictions. The government assures them that it will exert no manner of coercion either upon their voice or upon their conscience.

The government would rather that the diverse opinions should be represented in the chamber in the same proportion as they exist among the people.

If, from the calm heights where governments should ever dwell, far removed by their nature from all party contests, it were permitted to address the combatants, the government would direct counsel to those who have always striven to establish liberty and democracy in our country. And it would remind them that unreasoning abstention from the polls can alone give rise to reactionary conspiracies; and that reactionary conspiracies, if they prevail, which is impossible, can alone result in a dictatorship, which is the extinction of liberty, or in the restoration which would be the crowning shame of our country. The republic is now indissolubly joined to liberty. Its cause is the cause of progress. In saving the republic we save the rights of all. If the republic falls the right falls with it. The board whereat liberty may alone sit is the republic. And the liberal parties of the opposition will repent themselves, when too late, of their present errors: firstly, because they have sought to retard the vote of the people; and, secondly, because they have refused to contribute toward the better and more perfect organization of the republic.

But if in truth the government cannot address itself to any parties, it may and should address itself to the electors of the nation, and to them it now speaks. Assemble yourselves; calmly discuss, freely acquaint yourselves with all the problems that agitate modern society; choose the men whose purity of purpose and whose exalted patriotism inspires you with the most faith and confidence. You are masters of your convictions and of your vote; and if, from spite or fear, you do not cast your votes, blame no one for the consequences that may follow this act of moral suicide—blame only yourselves. The government confides in the prudence of the Spanish people; it confides in the calmness of its judgment, and it trusts that, heeding the dictates of their convictions and the voice of their conscience, they will be successful in giving form to the great principles of modern civilization, and through the triumph of these principles they may give strength to the rights of all and add to the greatness of our beloved country.

Madrid, May 3, 1870.

ESTANISLAO FIGUERAS,
President of the Executive Power.
EMILIO CASTELAR,
Minister of State.
NICOLÁS SALMERON,
Minister of Grace and Justice.
FERNANDO PIERRARD,
Minister of War, ad int.
JACOBO OREYRO,
Minister of Marine.
JUAN TUTAN,
Minister of the Treasury.
FRANCISCO PI Y MARGA,
Minister of the Interior.
EDUARDO CHAO,
Minister of Public Instruction.
JOSÉ CRISTOBAL SORNI,
Minister of the Colonies.

No. 406.

General Sickles to Mr. Fish.

[Extract.]

No. 604.]

UNITED STATES LEGATION IN SPAIN,
Madrid, May 26, 1873. (Received June 12.)

SIR: Soon after the receipt of your instruction No. 323 I had the honor to read it to the minister of state. His excellency expressed surprise and indignation on learning the manner in which the Cuban authorities had disobeyed the orders of the supreme government. Remarking that this was by no means the first instance of such disobedience, I informed Mr. Castelar of the action of the admiralty in 1870, in the case of the "Lloyd Aspinwall." I said that the military and naval authorities in Cuba had so long been permitted to disobey orders, disregard decrees, and suspend the laws of Spain, that they were becoming, practically, independent of the Madrid government, and that, unless speedily made to understand and perform their duty by means of one or more severe examples of punishment for misconduct, it would be useless to come here for the redress of any grievances citizens of the United States might suffer in Cuba.

The minister assured me that further and peremptory orders would be sent at once to Cuba, with reference to the several matters embraced in your note; that special instructions in the case of Santa Rosa and Kryké would be given by the navy department to the admiral commanding, and that if these orders should not be obeyed, the officer offending would be dismissed. Mr. Castelar proceeded to state that these irregularities were incident to the old colonial system bequeathed to the republic by the monarchy; that slavery was the basis of the situation in Cuba, and the exigencies of that institution were complicated by a state of war; that the administration had become demoralized by gross abuses which had escaped correction through the frequent changes of government in Spain; that the condition of affairs in the peninsula had tasked the utmost efforts of the republican executive during the brief period it had held office; that, nevertheless, measures were under consideration which could not fail to put an end to many of the evils of the old system; that these reforms, so far as they could be enforced by decrees, would be put in operation as soon as an executive government should be definitively constituted by the Cortes Constituyentes; and that others, such as an emancipation act, a general amnesty, and a prudent measure of self-government for Cuba, would be submitted to the Cortes for its approbation.

Promising to acquaint you with the observations of his excellency, I begged to be informed, as soon as possible, of the action of the Cuban authorities in response to the fresh orders about to be sent, remarking that I felt reluctant to send forward any other than a satisfactory communication on so important a subject.

Mr. Castelar said he was sure there would be no delay; that he would bring the business before the council of ministers that very afternoon; that the orders would be sent by cable, and he would inform me at once of the result.

On the 14th instant Mr. Castelar informed me in a private note, a translation of which is appended, that, on the day before, the secretary of the navy had telegraphed the necessary orders for the liberation of Santa Rosa and Kryké, and that, with respect to the embargoes, the colonial

minister felt sure there would be no delay after the receipt of his orders, which had been sent by post.

Under these circumstances, having sent you a brief report by telegraph of my action and of Mr. Castelar's reply, I deferred for a few days this regular communication.

I had before reminded the minister that I was still without information of the action of the Cuban authorities in these cases, to which his attention had been called in April. His excellency replied that he had received telegrams from the captain-general about the case of O'Kelly, and he believed that one of them related likewise to the case of Santa Rosa, which he would send me for perusal. Not hearing from the minister, I addressed an unofficial note to him repeating my request for the promised information. I inclose a translation of the reply received from Mr. Castelar on the 8th, and of General Pieltain's telegram of the 3d instant.

Having waited until Friday last, the 23d instant, and hearing nothing meanwhile from Mr. Castelar on this subject, I requested an interview, which was appointed for to-day.

His excellency anticipated the subject uppermost in my mind, and at once expressed his regret and surprise not to have received from his colleagues of the colonial and marine departments further advices with reference to the topics of our recent conferences.

* * * * *

He assured me of the solicitude and zeal he had shown in urging the prompt fulfillment of all that had been promised in these cases. He was indeed at a loss for a satisfactory explanation of the delay that had occurred. He would that very day ask the action of the council of ministers on the questions I had presented. I might rest satisfied he would leave nothing undone on his part, and he was sure he could say the same for his colleagues, that would put an end to a state of things not less unsatisfactory to this government than it must be to the President. His excellency seemed so fully convinced of the importance of prompt action that I made no further attempt to amplify the considerations pointing in that direction. It was, however, agreed between us that I should have a conversation with President Figueras on the subject.

The President gave me an interview this afternoon. I stated to him the circumstances, and remarked that I was unable to give you any sufficient explanation of the delay. His excellency replied with characteristic directness, "In Havana they do not obey the government in Madrid." He added, "We will consider the question to-day in council and take measures immediately to cause those men to be released. About the embargoes there can be no further difficulty. We shall stop all of them by a general measure which is ready to be published." I thanked the President for these satisfactory assurances, and after some further conversation, in course of which Mr. Figueras intimated his purpose to retire from office on the assembling of the Cortes Constituyentes next month, I took my leave of his excellency.

Unwilling to postpone any longer my report of the action taken in compliance with your instruction, I regret that it must be so inadequate, and can only hope that before this dispatch comes to your hands I may be able to anticipate its contents by a telegram conveying more satisfactory intelligence.

I am, &c.,

D. E. SICKLE.

[Appendix A.—Translation.]

Mr. Castelar to General Sickles.

[Unofficial.]

MINISTRY OF STATE, PRIVATE OFFICE,
Madrid, May 8, 1873. (Received May 8.)

MY DEAR FRIEND: The inclosed is a copy of a telegram from Havana which I wish I could have shown you in person so that we could speak of matters of much interest to me and which will also interest you. However, I will go to see you at my usual hour. I have again telegraphed for the promised information about Santa Rosa.

I remain, &c.,

EMILIO CASTELAR.

Appendix referred to in the foregoing note.—Translation.

[Telegram.]

HAYANA, May 3, 5 p. m. (Received May 4, 11 a. m.)

To the MINISTER OF STATE:

O'Kelly comes to Havana under full guarantees. All consideration shown him. His case not forejudged. Will be brought before ordinary tribunal. Information about Santa Rosa another day.

PIELTAIN.

[Appendix B.—Translation.]

Mr. Castelar to General Sickles. (Private.)

MINISTRY OF STATE, PRIVATE OFFICE,
Madrid, May 14, 1873. (Received May 4.)

MY DEAR FRIEND: Yesterday the minister of marine sent the necessary telegram ordering the release of the American citizens pardoned by the government of the Metropolis.

I spoke to the minister of ultramar about the embargoes, and he told me that if the orders issued for the release of embargoed property have not been executed he is sure it is because they have not yet been received.

I remain, &c.,

EMILIO CASTELAR.

No. 407.

General Sickles to Mr. Fish.

No. 610.]

UNITED STATES LEGATION,
Madrid, June 1, 1873. (Received June 20.)

SIR: I have the honor to forward herewith a copy of the papers prepared in obedience to your instruction No. 309, in relation to the grievances imposed on foreign shipping by the customs regulations in Cuba. On pages* 46-52 of the printed case will be found a draft of a proposed note to the Spanish government. These papers have been transmitted, in duplicate, to the representatives of Great Britain, Germany, and Sweden residing at this capital, accompanied by a note—*mutatis mutandis*—corresponding to the copy annexed.

I am, &c.,

D. E. SICKLES.

* See pages 995-999 of this print.

[Appendix 1.]

General Sickles to Mr. Layard.

LEGATION OF THE UNITED STATES OF AMERICA,

Madrid, June 1, 1873.

SIR: I have the honor to transmit to your excellency, in obedience to instructions from my Government, three copies of sundry papers touching the customs regulations in Cuba in their relation to foreign vessels engaged in commerce with that island. It is presumed that the trade carried on in British ships with Cuban ports may have given occasion for reclamations on the part of your government like those it has been my duty to present. The representations heretofore made by the United States having been only partially successful in obtaining the ameliorations desired, I am directed to persevere in further efforts to this end, and especially to invite simultaneous and, as far as possible, identical action on the part of the government of Great Britain.

My Government directs me to confer likewise with the representatives of Germany and Sweden at this capital, in the hope that they also may receive instructions enabling each to frame a note on this subject, to be addressed separately and at the same time to the Spanish minister of foreign affairs.

On page 46 of the inclosure will be found a draught of a proposed note to the Spanish government, which I shall be happy to amend so as to meet your views, in order that the proposed action may, if deemed expedient, be identical.

I avail, &c.,

D. E. SICKLES.

[Here follows instruction to General Sickles of March 21, for which see page 932.]

Additional papers. .

1. New regulations of December 26, 1872. English translation.
2. New regulations of December 26, 1872. Spanish original text.
3. Mr. Martos to General Sickles. Note dated January 2, 1873.
4. General Sickles to Mr. Martos. Note dated January 27, 1873.
5. Mr. Castelar to General Sickles. Note dated May 16, 1873.
6. Draft of proposed note to the minister of state.

Nos. 1 and 2.—*New regulations of December 26, 1872. English translation and Spanish text.*[From *La Gaceta de Madrid*, December 29, 1872.—English translation.]

COLONIAL OFFICE.

YOUR EXCELLENCY: In consideration of the representations made by the general superintendent of the treasury in the island of Cuba, respecting the inconveniences found in the practical working of the regulations at present in force for the guidance of the captains and supercargoes of vessels engaged in commerce between foreign ports and those of the islands of Cuba and Porto Rico, and the expediency of limiting the privileges enjoyed by mail-steamers, and to re-establish, in all their vigor, the provisions affecting other steamers, principally employed in the transportation of articles of commerce, the King (whom may God save) has been pleased to order that the regulations in question should be drawn up in the form exhibited in the accompanying document, and that, as thus modified, they shall go into operation thirty days after their publication by the consuls and vice-consuls of Spain in the official newspapers of their respective districts; to which end His Majesty charges me to indicate to you, as by his royal order I now do, the necessity of notifying the said functionaries, through the ministry under your worthy charge, that they shall, as soon as possible, cause the accompanying regulations to be published in the said newspapers, and to see that they are frequently reproduced, and also that they shall communicate to the general superintendent of the treasury in Cuba and the chief financial officer of Porto Rico the date of their publication.

May God guard Your Excellency many years.

Madrid, December 26, 1872.

TOMAS MARIA MOSQUERA.

To the MINISTER OF STATE.

Rules to be observed by the captains and supercargoes of Spanish vessels, or those of other nations engaged in the carrying trade from foreign ports to those of the islands of Cuba and Porto Rico.

I. Captains of vessels sailing from foreign ports to those of the islands of Cuba and Porto Rico shall present to the Spanish consul or vice-consul a duplicate statement, without any corrections whatever, which shall declare :

1. The class, (or rig,) flag, and name of the vessel and its exact measurement, in Spanish tons. In the first voyage made by each vessel to the said islands, declaration shall be made of the number of tons it measures, by builder's measurement, even though they be not Spanish tons; and in the subsequent voyages, a certificate of the tonnage measurement made at the first port of entry, by order of the custom-house authorities for the payment of tonnage-dues, must be exhibited;

2. The name of the captain or master of the vessel;

3. The port or ports from whence it has sailed;

4. The names of the shippers, and those of the owners or consignees to whom the cargo is consigned;

5. The packages, bales, casks, barrels, cases, and other bundles or packages, with their respective marks and numbers, expressing in numbers and in writing the quantity of each class thereof;

6. The specific kind of merchandise or goods contained in the parcels, and their gross weight. The words *merchandise*, *vietuals*, *provisions*, or others of like vagueness, will not be allowed to determine the specific kind of merchandise;

7. A similar statement of all cargo in bond, or in transit (to other ports);

8. And the statement shall conclude by a distinct declaration that the vessel carries no other merchandise.

II. If all or part of the cargo consists of iron in bars or plates, metal in pigs or ingots, lumber, jerked beef, salt, cocoa, or other articles in bulk, they must be declared according to their kind, in decimal weight or measure, in the duplicate statement already mentioned.

III. These statements (*sobordos*) shall be certified by the Spanish consul or vice-consul, who will deliver one of the copies to the captain of the vessel, retaining the other, which he shall himself remit directly to the intendente-general of the island whither the ship is bound, so that it may serve as a voucher for the examination of the cargo by the customs authorities of the port of entry.

IV. The captain, at the end of the voyage, must note down in the copy of the statement which he is to retain the following particulars:

1. Whatever goods the crew may take with them, not already declared in said document, up to the value of 200 escudos (100 dollars) for each individual;

2. Such articles of food for the voyage as may remain unconsumed; and,

3. All munitions of war and spare materials, as also the quantity of coal carried for the consumption of the vessel if it be a steamer.

V. The captain, on arrival at his port of destination and when the sanitary inspections takes place, shall deliver the statement certified by the consul, and the general manifest of the cargo, to the chief of the custom-house officers or of the revenue guard.

VI. If a vessel sail in ballast, the captain shall present to the consul or vice-consul a note, (or statement,) in duplicate, declaring the fact, and the same forms will be observed as prescribed for the *sobordo*; that is to say, the consul will certify both documents, delivering one copy to the captain, and retaining the other to forward to the intendente of the island to which the ship is bound.

VII. If the captain or supercargo do not show the statement, or note declaring that the vessel sails in ballast, when the vessel is boarded, which act shall take place the moment it drops its anchor in the port of its destination, they shall be held liable to a fine of 400 escudos (200 dollars) for the want of that document; if the consular certificate or attestation do not appear thereon, he (or they) shall pay a fine of 200 escudos (100 dollars) for the absence of that formality; and, if it do not contain the particulars specified in Rule I, he (or they) shall pay a fine of 50 escudos (25 dollars) for each one omitted or inaccurately stated, but in the latter case the sum total of such fines shall not exceed 400 escudos (200 dollars.) In like manner, the captain or supercargo who shall not produce the *sobordo* and manifest when required to do so by the chief officer of the revenue guard, or whoever represents him, at the moment of boarding the vessels, shall incur a fine of 1,000 escudos (500 dollars,) unless an accident at sea shall have forced the vessel to put hastily into port, which fact shall be shown by means of a summary proceeding.

VIII. In case any correction or alteration should be observed in said documents, the captains or masters shall be held liable to appear before the competent tribunal to answer the charge of forgery, incurring an equal responsibility whether the vessel arrive in ballast or with cargo.

IX. The production of the *sobordo* is obligatory, and shall take place in all the ports, bays, and harbors of the island in which the vessel may anchor, even when in distress, the collector of customs retaining a copy and returning the original to the captain, in order that he may deliver it at the port of his destination.

X. Vessels of the coast-guard (revenue-cutters) may demand the *sobordo* from the captain or master within a distance of 23 kilometers (14.291 English miles) from the port of their destination.

XI. Captains are likewise under obligation to present to the Spanish consul or vice-

consul of the port of departure a memorandum of the approximate value of their cargo, to serve as data for the commercial statistics, with the preparation of which those functionaries are charged.

XII. The captain who shall not declare the exact burden of his vessel in Spanish tons, shall pay the expenses of its remeasurement if the excess prove to be more than 10 per cent.

XIII. Captains, who are forced by stress of weather or any other unforeseen event to throw a portion of the cargo overboard, shall also note it down in the manifest, stating even though it be in general terms, the quantities, parcels, and classes or kinds, (of the articles thrown overboard,) being obliged to make a corresponding declaration in their custom-house and to exhibit their log-book in confirmation of their assertions.

XIV. Passengers' luggage shall be presented for examination in the customs warehouse, and if articles of merchandise be found therein of a value not exceeding 200 escudos, (100 dollars,) the customs duties according to the tariff shall be assessed thereon, after comparison with the note or detailed statement which the interested parties are required to deliver to the collector of customs. If the value of such goods should exceed 200 escudos and not exceed 400, (200 dollars,) double duties shall be imposed; but if they amount to a larger sum they shall be liable to confiscation, unless in either case a declaration of the said goods shall have been previously made, when they shall only be subject to the payment of the duties fixed by the tariff.

XV. Any correction, addition, or alteration of the manifest or statement, or of the custom-house declarations, is absolutely prohibited, the discrepancies which may appear between the said documents being punishable in conformity to the regulations.

XVI. When the cargoes proceed from a port where there is no consul or vice-consul, and the residence of these agents is more than thirty kilometers (18.640 English miles) from the place of embarkation, the captains and supercargoes may be relieved from the formality of the *sobordos*, but in order to enjoy this exemption it is necessary that the cargoes shall be homogeneous and composed exactly and entirely of any one of the following articles: Hides, timber, (or lumber,) staves, dye-woods, mineral coal, or horns, provided that these articles are the product of the country from which the vessel comes; that the voyage is direct, and that the duties be assessed on the merchandise as a whole.

XVII. All packages omitted in the *sobordo*, or manifest of the cargo, shall be liable to the penalty of seizure, a fine being imposed, in addition, upon the captain to the amount of their value, provided that the amount of duties upon the goods therein contained shall not exceed 800 escudos (400 dollars;) but if the duties exceed this sum, and the articles belong to or are consigned to the owner, captain, or supercargo of the vessel, the fine will not be levied, and in its stead the vessel, with its freights and all other profits, shall be confiscated.

XVIII. If, after the vessel's cargo is discharged, one or more of the packages declared shall be found missing, without the invoice of their contents having been presented at the proper time, the captain or supercargo shall be deemed and taken to have committed fraud against the treasury, and shall be fined 400 escudos (200 dollars) for each one of the missing parcels.

XIX. If the owner or consignee of an article not declared by the captain should, within forty-eight hours, present the invoice of the said article to the custom-house, no charge will lie against him, and the goods shall be delivered up to him; but in such case the captain or supercargo shall be held liable to pay a fine equal to the full value of the articles or goods not manifested.

XX. Without a permit from the collector of customs and examination by the chief of the revenue-guard, nothing whatever can be landed. For the simple act of landing anything, although of little value, and even though it be free of duty, the captain or supercargo shall pay a fine of 2,000 escudos, (1,000 dollars,) and all the articles seized, as well as the boat or barge carrying them, shall be liable to confiscation; provided, that the duties the said articles would have had to pay shall not exceed 400 escudos, (200 dollars;) because, if they exceed this sum, the fine will not be levied, and the vessel shall be confiscated.

XXI. Neither may any articles be transferred from one vessel to another in harbor, in small or large quantities, without fulfilling the conditions required by the regulations; and in the contrary case the captains or supercargoes are liable to the penalties prescribed in these regulations.

XXII. If articles of great or little value be landed in a port other than a declared port of entry, the vessel bringing them shall be confiscated, with all her equipment.

XXIII. If the search, which must be undergone by all vessels before their clearance register can be issued, should show any excess of cargo, such excess shall be confiscated, imposing in addition a fine upon the captain equal to the value of said excess.

XXIV. The same confiscation and fine as that mentioned in the foregoing article shall be held to apply to all seizures made in consequence of fraudulent attempts to embark goods, fruits, or other effects.

XXV. If the captains or supercargoes have not wherewithal to satisfy the amount

to which they may be adjudged liable, the vessels under their command shall be made use of for payment of all penalties and costs, unless the consignees should voluntarily offer to satisfy them.

XXVI. The translation or dispatch of any manifest or *sobordo* shall not be undertaken until the captain or consignee shall have presented in the custom-house the corresponding bill of health.

XXVII. The captains or supercargoes of mail-steamers, under which denomination only those carrying the mail by commission from their government, and having fixed periodical days of departure from their respective ports, can be included, may carry up to 10 tons of cargo without requiring a consular certificate, being obliged, nevertheless, to present a manifest of the cargo in the time and form prescribed in these regulations.

XXVIII. If the cargo carried by the mail-steamers exceeds 10 tons, the presentation of the *sobordo*, registered by the consuls of Spain in the ports of departure, shall be obligatory; and in this case the captains or supercargoes may be permitted to declare up to 6 tons in addition, without requiring the consular certificate. If this figure be exceeded, the manifest shall be deemed and held not to have been presented, and the proceedings prescribed in the present regulations shall be enforced.

XXIX. The masters of fishing vessels or smacks coming from the neighboring coast and entering the ports of the Antilles laden with fish, or in ballast, are exempted from the presentation of consular certificates.

Madrid, December 26, 1872.

MOSQUERA.

[No. 3.—Note dated January 2, 1873.—Translation.]

Mr. Martos to General Sickles.

MINISTRY OF STATE.

Madrid, January 2, 1873.

SIR: I have the honor to inform you that, in order to diminish, so far as may be possible, the reclamations of foreign representatives growing out of the fines imposed by the customs authorities in the island of Cuba upon merchant-captains, the minister of ultramar has, under date of the 26th of December last, notified the general superintendent of the finances of the island of Cuba, (intendente-general de hacienda,) firstly, that no fine imposed by the customs authorities upon captains or supercargoes of national and foreign vessels for errors, omissions, or inaccuracies in the *sobordos* or manifests they present, shall take effect without the previous approval of the general superintendent, the administrators and treasurers of the several custom-houses being required to exact on their own responsibility a sufficient guarantee to protect the interests of the treasury, in case the vessels put to sea before the final payment of the fines which shall have been incurred by their captains or supercargoes; secondly, that within as brief a period as may be practicable, he shall propose such separation as can be made between the circumstances and details now required in the *sobordos*, leaving such as may be essential to the prevention of frauds subject to consular registry and certification, and exempting from such formality such as have no importance in a financial point of view; and, thirdly, that the fines imposed on the captains or supercargoes of vessels for errors in their papers, and subsequently revoked, as well as those condoned by the free act of the supreme government, shall be refunded within the fixed term of one year, counting from the date of the reception in the general superintendent's office of the order directing such restitution, or declaring the penalty to have been improvidently imposed.

I avail myself of this occasion to repeat to you, sir, the assurances of my most distinguished consideration.

CRISTINO MARTOS.

The MINISTER PLENIPOTENTIARY of the United States.

[No. 4.—Note dated January 27, 1873.]

General Sickles to Mr. Martos.

LEGATION OF THE UNITED STATES OF AMERICA.

Madrid, January 27, 1873.

SIR: I have the honor to acknowledge the receipt of the note addressed to me by your excellency under date of the 2d instant, by which I am informed—

1st. That fines on captains or supercargoes of vessels for errors, omissions, or inaccuracies

curacies in their manifests and *sobordos* shall not take effect in Cuba without the approval of the intendente of the treasury;

2d. That the intendente shall point out without delay such of the present requirements respecting the contents of the *sobordo* as may be omitted without prejudice to the public service; and,

3d. That fines revoked by the authority imposing them, or remitted by the supreme government, shall be refunded within one year, counting from the date of the reception of the order of restitution.

My Government will learn with satisfaction that subordinate customs officers will not hereafter be allowed in their discretion to impose and collect fines from captains and supercargoes of foreign vessels in the Cuban ports. It is, however, much to be regretted that the restitution of fines wrongfully inflicted may be withheld from the injured parties twelve months after the authorities shall have received orders directing such re-imburement.

My Government will likewise be gratified to know that steps are taken to simplify the regulations now in force, under which it is so difficult for captains of vessels, with the utmost rectitude of conduct and purpose, to escape the numerous penalties denounced for mere informalities in their papers.

Referring to the communication I had the honor to address to your excellency on this subject on the 27th of November last, and likewise to my note of July 16, 1870, I desire to renew the representations therein made respecting several of the regulations contained in the royal order of July 1, 1859, and which re-appear in the decree of December 26, 1872, published in the Gazette of Madrid on the 29th of the same month.

Some of the particulars required to be set forth in the *sobordo*, or statement in duplicate, are, it is respectfully urged, unnecessary as safeguards against frauds on the revenue, at variance with commercial usage, and tend, in their operation, to cause much inconvenience and loss to captains and owners of vessels. It is required, among many other specifications, that the *sobordo* shall show, 1. The "exact measurement of the vessel in Spanish tonnage." 2. A description of the specific kind of merchandise contained in every package, bale, case, bundle, or parcel in the cargo, and the quantity, decimal weight, or measure, and marks and numbers of each article. In addition to this detail called for in the duplicate *sobordo*, a manifest of the cargo is necessary. 3. A similar statement of all articles on board in transit to other ports. 4. A statement, in the copy of the *sobordo*, retained by the captain, of whatever goods the crew may have in their possession and the quantity of ship's stores remaining on board, including coal, if the vessel be a steamer.

And it is provided that on presenting such *sobordo* to the inspector, if it be not duly certified by a Spanish consul, a fine of \$200 is incurred, and, although the consul may have certified the document, yet, if it shall be found deficient in any respect, a fine of \$25 is imposed for each and every defect that may appear; that is to say, after requiring very much more than is usual in ship's papers, and making it the duty of the Spanish consuls to certify to their sufficiency in form, if that officer fail in his duty to point out irregularities, a fine must be paid by the captain for each instance of the consul's neglect. I am sure your excellency will agree that if these stringent requirements as to the contents of the *sobordo* are to be retained, the consul's certificate should, in all cases, be accepted as covering any defect of form in a document he has approved by his signature and seal of office.

Article 7 provides that if a captain fail to produce the *sobordo* and manifest when required to do so by the coast-guard, "at the moment of boarding the vessel," he shall incur a fine of \$500, unless it appear satisfactorily that he has been forced by some casualty of the sea to put into port suddenly. And it is provided in article 10 that the coast-guard may board a ship and demand her papers anywhere within a distance of twenty-three kilometers (14.291 English miles) from the port of destination. With reference to the latter article I have to observe, that I presume it cannot be the intention of His Majesty's government to enforce any such regulation beyond Spanish jurisdiction. As the article now stands, it amounts to the exercise of a right of search on the high seas, accompanied by an extreme penalty for a non-compliance with an unauthorized demand. And in any aspect of article 7, even if its execution be confined within Spanish jurisdiction, cases may often happen where, without fault or wrongful intent on the part of the captain or supercargo, the technical enforcement of the rule would be unjust and oppressive.

It is further provided, in article 11, that captains shall furnish the consul memoranda of the approximate value of their cargoes, to the end that these may serve as data for commercial statistics.

Article 13 requires that in the event of any disaster at sea making it necessary to throw overboard a portion of the cargo, the parcels, quantities, and classes of goods so lost shall be noted on the manifest.

I might proceed with the enumeration of many other features of these new regulations which seem to need modification in order that they may not needlessly burden and harass legitimate commerce, but, in view of the revision of the same ordered by

the minister of ultramar, I trust that the amendments and reforms that may be adopted will be such as to render further representations unnecessary.

I avail myself of this opportunity to repeat to your excellency the assurances of my most distinguished consideration.

D. E. SICKLES.

His Excellency the MINISTER OF STATE.

[No. 5.—Translation.]

Mr. Castelar to General Sickles.

MINISTRY OF STATE,
Madrid, May 16, 1873.

SIR: I have the honor to inform you, in reply to your note of the 27th of January last, that, as appears by a communication from the minister of ultramar, the suggestions contained in your note will be taken into account, as far as possible, in reforming the customs regulations of the island of Cuba, whose revision is now in progress.

With respect to the term of one year fixed for the return of fines imposed on captains of vessels, whether such fines be declared unjustifiable or whether their return be ordered as an act of grace by the government, I must beg you to remark that such a provision does not involve the necessity of permitting the full year to elapse in all cases before effecting the repayment ordered, but that it is the limit fixed within which to comply with the orders issued to that end, and such orders are not merely obligatory in the cases of those fines shown to have been wrongfully imposed, but also in the cases of such as have been levied for real faults of the captain or supercargo of the vessel and subsequently pardoned as an especial act of grace.

I avail myself of this occasion to repeat to you, sir, the assurances of my most distinguished consideration.

EMILIO CASTELAR.

No. 6.—*Draft of proposed note to the Minister of State.*

UNITED STATES LEGATION IN SPAIN,
Madrid, June , 1873.

SIR: I have the honor to acknowledge the receipt of a note from your excellency, dated the 16th ultimo, in reply to mine of the 27th of January last, respecting the onerous burdens imposed on the trade between the United States and Cuba by the customs authorities in that island.

I regret to have occasion again to solicit the kind aid of your excellency in bringing to the notice of your distinguished colleague of the colonial department some further representations I am instructed to make on this subject.

It appears from sundry memorials recently presented to my Government by American ship-owners and masters of vessels, and also from the official reports of the consul-general of the United States in Cuba, that notwithstanding the assurances given me in the several communications received from the ministry of state, under date of February 4, 1871, and of January 2, 1873, the reforms and ameliorations therein announced have been but imperfectly carried into effect in Cuba.

The memorialists therefore solicit the aid of their government in further efforts to obtain relief from grievances of which, I am persuaded, your excellency will admit that they justly complain. It is, perhaps, unnecessary to assure your excellency that my Government disclaims any purpose of discussing the perfect right of every nation to establish and enforce such rules as it may choose to frame for the execution of its own revenue laws. It is to be presumed, however, that it cannot be the intention of this class of local ordinances to inflict needless vexation and loss on foreign vessels engaged in legitimate commerce between friendly countries.

That your excellency may see how difficult it has been for foreign ship-masters to inform themselves as to the requirements of the customs regulations in Cuba, I may be permitted to recapitulate the successive orders, decrees, and circulars which have been published from time to time within a few years past. On the 1st of July, 1859, a royal order was issued in Madrid, prescribing numerous regulations for the government of foreign commerce with Cuba. The order was suspended soon after its publication, and remained in abeyance until July, 1867. It was then promulgated anew, with important modifications respecting the manifest.

With the publication of the decree of 1867, appeared also in the Spanish, French, and English languages what purported to be identical "rules to be observed by the captains and supercargoes of vessels, in conformity with the royal order of July 1,

1859, the royal decree of March 1, 1867, and the rules in force according to the existing custom-house regulations."

On the 18th of November, 1868, the last-named ordinances were suspended and a fresh compilation of rules issued, in which it is to be especially noted that the requirements as to the manifest were again changed and made more exacting; and also that the Spanish original and the English and French versions, as published, differed essentially in the terms of the first rule prescribing the contents of the manifest.

On the 16th of May, 1870, the rules of 1868 were again promulgated, with further modifications and interpretations, announced in a circular from the intendente general de hacienda of Cuba.

On the 9th of June, 1870, the minister of ultramar ordered the remission of all fines imposed in Cuba for the non-presentation of a third copy of the manifest, forbidding the provincial authorities from changing the customs legislation, declaring them personally liable for damages caused by such transgression, and restoring to force and effect the royal order of July 1, 1859, as modified by subsequent orders; this decree was published in Cuba July 6, 1870.

On the 3d of November, 1870, the intendente general de hacienda, in an official communication, informed the consul-general of the United States at Havana, that so much of last-mentioned decree of June 9 as remitted fines for the non-production of a third copy of the manifest had been annulled on the 21st of September.

On the 29th of December, 1872, another decree was published containing a new code of regulations, modifying in various particulars, those previously in force.

On the 2d of January, 1873, the minister of state informed the undersigned, in reply to sundry reclamations made by the United States Government—1st. That hereafter no fine imposed by the customs authorities in Cuba upon captains or supercargoes of national or foreign vessels for errors, omissions, or inaccuracies in ships' manifests or *sobordos* should take effect without previous approval of the intendente general de hacienda, the administrators and treasurers of the several custom-houses being required to exact, on their own responsibility, a sufficient guarantee to protect the interests of the treasury in case vessels put to sea before the payment of fines. 2d. That with all convenient speed the intendente should propose such separation as could be made between the facts and details now required to be stated in the *sobordos*, retaining such as served to prevent fraud and discontinuing those not important to the interests of the revenue; and 3d. That fines imposed on captains or supercargoes of vessels for error in their papers and subsequently revoked, as well as those spontaneously condoned by the supreme government, should be refunded within the fixed term of one year, counting from the date of the reception by the intendente of the order directing such restitution or declaring the penalty to have been improvidently imposed.

The undersigned is not informed that these dispositions have been published in Cuba, nor is he advised that they have yet been put in practice.

In my notes of July 16, 1870, November 27, 1872, and January 27, 1873, the attention of your excellency was invited to various clauses of the royal order of July 1, 1859, the decree of March 1, 1867, the regulations of November 11, 1868, and those of December 26, 1872, which seemed to my government unreasonably severe and punitive in their treatment of lawful commerce. It is unnecessary to recapitulate the views presented in these communications. I desire now, more especially, to bring to your excellency's notice the representations made by the merchants of New York and Boston, in a recent communication they have addressed to the Department of State at Washington.

They show, for example, that in making out their manifests, they are entirely dependent on the shippers of cargo for information as to the weights, values, and contents of packages shipped, and that irresponsible parties sometimes give false or inaccurate descriptions of their consignments, resulting in fines imposed on vessels largely in excess of the freight received. It is therefore suggested that whenever the contents, weight, or value of any package be found on examination to differ from the description of the same in the manifest, the penalty thereby incurred shall be imposed on the goods in the said package, and not upon the vessel. In such cases, if it should be established on the part of consignees that the master of the vessel is in fault, they would have ample legal remedies against the ship-owner. On this point the consul-general of the United States at Havana reports, under the date of January 13, 1873, that he had pointed out to the intendente that it would be more just to hold the goods rather than the vessel responsible for any concealment or deceit respecting the contents of packages, and that the intendente replied that such a rule would be more equitable, but the regulations put the fine on the vessel.

It also appears that the customs authorities at the several ports in Cuba place different constructions on the laws and regulations prescribing the form and contents of a ship's manifest. Fines have been imposed in one port for stating that for which fines were imposed in another port for omitting. Inasmuch as it is required in all cases that the manifest shall be certified in duplicate by the Spanish consul at or nearest to the port of loading, it is proposed, as a just and convenient remedy for such irregularities, that

manifests bearing the certificate of a Spanish consul shall be accepted in any of the ports of Cuba as regular and sufficient in form.

I have observed that, in nearly all of the cases I have had occasion to bring to the notice of the predecessors of your excellency, the manifest in duplicate had been exhibited to the Spanish consul at the port of departure, one copy of the document having been left with him, to be transmitted to the port of destination, and the other, approved under the hand and seal of the consul, returned to the master of the vessel, to be afterward presented by him to the customs authorities. Surely it should be held sufficient to exonerate ship masters from penalty if their papers are found to be in due form by the commercial agents of the country to which they are bound. If a ship-master arriving in Cuba does not produce the consul's certificate he is fined five hundred dollars. If he does produce such a certificate, and the manifest is nevertheless informal, he is fined for every oversight or neglect of the consul to point out informalities subsequently discovered by the more expert customs officers in Cuba. The blame, if any, in such cases is with the consul; and yet others, who are blameless, pay the penalty. And not only are ship-masters fined when consuls overlook mistakes in a manifest which it is their duty to correct, but it has not infrequently happened that American vessels are made to pay a penalty because the certificate of the Spanish consul was informal. The brig Dexter Washburne, of Portland, was fined one hundred dollars at Matanzas because the consul at Charleston had neglected to impress his official seal on a manifest after verifying it. Spanish consuls may be presumed to know the customs regulations in Spanish ports; at least their official certificate and seal authenticating a manifest should be accepted as evidence of an honest intent on the part of ship-masters to respect and obey Spanish laws; and if the consul is excused for ignorance of the customs regulations of his own country, the foreign ship-master should not be punished for the fault of the official to whom he is compelled, under heavy penalties, to apply to certify the regularity of his papers.

It is likewise stated that ship-masters are only informed at the last moment before the departure of their vessels of fines imposed on them. This notice is usually received when application is made at the custom-house to clear their ships for another port, so that the vessel must be indefinitely detained if payment be contested, or else the fine must be paid, no matter how unjust it may be, in order to avoid the greater loss of detention. It would seem that a practice so unreasonable and inconvenient might be prevented by a regulation requiring the customs authorities to make known to the captains or supercargoes of vessels all fines for irregularities in ships' papers within forty-eight hours after the said documents shall be delivered to the proper officers. Complaint is also made by fifty-five American ship-masters who had delivered cargoes in the port of Matanzas, and thirty-three captains of American ships which had made voyages to the port of Santiago de Cuba, that with the utmost desire on their part to conform to the requirements of the customs authorities, they had nevertheless found it impossible to fill up a manifest which had not afforded some pretext for fines, ranging from twenty-five to five hundred dollars. So various and so frivolous are the grounds on which fines were imposed that it would be in vain, they say, to attempt to enumerate all of them. Informalities of the most trivial nature are deemed sufficient to impose on them the severest penalties. These ship-masters state: "It is never alleged that we intend to defraud the Spanish revenue. We are fined for an absence of the name of the shipper of the goods and the consignee; for a failure to express numbers, weights, and measures, in letters and figures; for a failure to state, after the enumeration of our cargo, that we carry nothing else; for a failure to make a similar statement when we come in ballast, for an absence of what is known as the asseveration of the words 'so help me God;' for the slightest error in converting American weights and measures into Spanish denominations; for omitting in the heading of the manifest the nationality, class, and tonnage of the vessel, name of captain, place whence she comes, and port whither bound; for consigning goods to order, although they may be so consigned in the bill of lading."

Illustrations of the character of these penalties are also found in the reports of the American consuls in Cuba. It appears that although the regulations may have been followed in stating the generic class of freight, yet vessels are fined because a manifest does not also contain a specific description of the cargo. For example, fines have been imposed because hoops were not described as "wooden" hoops, and because nails were not stated to be "iron" nails. In other cases extreme technicality is required in the terms used in stating the nationality of a vessel. It is held to be insufficient when the manifest shows the name of a ship and the port or place where she is registered, since, for example, fines have been inflicted when the manifest has described a vessel as "the brig Hudson, of New York," because it was not stated that she was the "American brig Hudson, of New York." Penalties have likewise been exacted for omitting to state the marks and numbers of packages which were neither numbered nor marked.

Two very remarkable cases are found in a late dispatch from the United States consul-general in Havana. He reports that the American mail steamer *Crescent City*, having arrived in that port on the 13th of October last with a manifest containing fifty-eight

items of cargo, was fined fifty-nine times; in other words, a fine of twenty-five dollars for each item in the manifest, and five hundred dollars besides for the want of the usual consular authentication of that document, although the consul's certificate had never before been required of mail steamers; that is to say, the manifest having been filled up under a misapprehension of the regulations in force at the moment, and the same error having occurred in noting each item of freight, amounting at most to but one offense, if it could be called an offense, yet the penalty was repeated fifty-eight times, according to the letter of a rule not known to the master until after his arrival in port. And there is a case now pending at Sagua la Grande—that of the American brig G. de Zaldo, which has been fined one hundred and forty-nine times for mistakes in her manifest. One hundred of these fines are for a single item noted in the manifest as 100 kegs of lard. The customs authorities say that these should have been called "tierces;" and for that misnomer they impose a hundred fines of twenty-five dollars each! It is scarcely too much to affirm that customs regulations executed in such a spirit tend toward the exclusion of foreign vessels from commerce with Cuba.

As a general rule, a ship's manifest corresponds in its description of the cargo with the bills of lading delivered; and these are made out from the data furnished by consignors in settling the terms and conditions of the contract for freight. This custom was recognized in the royal order of July 1, 1858, and in the royal decree of March 1, 1867. It is the general practice of commercial nations to regard the manifest as a means only of identifying the several shipments constituting the cargo. It is the peculiar office of the invoice, as distinguished from the manifest or bill of lading, to set forth the information on which duties are ascertained. The owner or agent entering goods in a foreign port for consumption or sale alone possesses full and accurate knowledge respecting his importation. The mere carrier, whether a ship-owner or a railway corporation or an express company, cannot furnish information respecting the contents of closed packages. Duties are never charged and collected upon the statements contained in a manifest. Port charges do not depend upon the nature of the cargo. It is not, therefore, easy to discover what useful purpose is served by exacting in a manifest more than is necessary for the identification of the articles comprising the cargo, and less than is required for the computation of imposts.

The payment of duties is seldom, if ever, evaded by means of combination between owners of vessels and owners of cargo. The risk incurred by the ship would be far greater than any gain derived from the transaction. And since ship-owners are not the accessories of consignees in defrauding the revenue, neither should they be made to suffer penalties for the conduct of others, for whose acts they are not justly responsible. Nor can ship-masters, by collusion with parties at the port of destination, defraud the revenue without extreme peril to themselves and the vessels they command. It is a mistake to assume, as seems to be the practice in Cuba, that the revenue frauds said to be so common there are to be attributed to masters of foreign vessels. These practices on the part of unprincipled dealers in commercial towns generally depend for their success on facilities acquired by long residence, by confidential relations with subordinate customs officers, by false representations in invoice, and by various devices known to themselves in making up packages. The ship's manifest neither aids a dishonest importer in consummating a fraud, nor assists a vigilant revenue official in detecting imposture. On the contrary, it most frequently happens that an upright ship-master is subjected to penalties which he would have escaped if he had conspired with those whose connivance is essential to the success of revenue frauds.

I might point out several instances in which the requirements of one regulation cannot be obeyed without violating the provisions of another. One illustration of these contradictions will be sufficient to show the necessity of a further revision of these ordinances. Article 4 requires the captain at the end of the voyage to note in the duplicate *sobordo* he retains, (1) any goods in the hands of the crew; (2) the surplus ship's stores; (3) arms and ammunition; (4) coal on board, if the vessel be a steamer. And yet article 8 denounces any amendment or alteration whatever in the *sobordo*, or manifest, as a forgery for which the captain will be arraigned before the criminal tribunals.

It is extremely desirable that the uncertainty resulting from so many successive orders and decrees, and the various interpretations given to particular clauses at the several ports in Cuba, should be removed by an authoritative declaration by the supreme government.

1st. Is a third manifest necessary besides the two required to be certified by the Spanish consul? I have already shown that on the 9th of June, 1870, a decree was issued by the minister of ultramar remitting all fines imposed in the island of Cuba for the non-presentation of a third manifest. This decree was published in the official gazette, at Havana, and communicated to the Department of State at Washington. Yet afterwards numerous fines were exacted from foreign vessels because they were not provided with a third manifest. Subsequently, on the 4th of February, 1871, the minister of state, Mr. Martos, in reply to a note from me on this subject, said:

"Respecting fines inflicted on captains of vessels for informalities in their manifests, or for not having presented them, in addition to the cargo list certified by the Spanish

consul at the port from whence they sail, considering that in these omissions there was no intention to defraud, the said fines have been remitted in those cases in which the vessels had entered the ports of the island of Cuba since the 19th of December, 1868, that being the date when the order of the provisional government of the 11th of November then last past commenced to be in force."

Nevertheless it appears that the customs authorities in Cuba continued to impose fines as well for not presenting as for informalities in the third manifest. And now, according to the tenor of article 7 of the new regulations of December, 1872, the captain must provide himself with a manifest, besides the duplicate *sobordo* certified by the consul.

2d. Is it necessary that foreign vessels should state their tonnage according to Spanish measurement? Upon this point, likewise, contrary decisions have been made since I had the honor to receive the note of the minister of state, Mr. Martos, dated February 4, 1871, in which his excellency said:

"Captains of foreign vessels are no longer required to declare the tonnage of their vessels in Spanish measure, it being sufficient on the first voyage for them to make such declaration in conformity with the builder's measurement, or according to the measurement of the respective nations to which they belong, being, however, obliged thereafter to show certificates of the measurement that shall have been used for the collection of tonnage-dues, as laid down in the order of the 9th of July last."

Nevertheless the new regulations of December, 1872, article 12, impose a charge on the captain who fails to declare the exact capacity of his vessel according to the Spanish standard.

3d. It is enough that the manifest state generally the class of merchandise comprising the cargo, with the marks, numbers and weight of packages, or must the contents of each and every package be particularly described?

4th. It is respectfully suggested that whenever the contents of packages are found on examination to differ materially from the description of the same in the manifest, the penalty thereby incurred shall be imposed on the goods and not on the vessel.

5th. To the end that foreign ship-masters entering Cuban ports may be relieved from the hardship and vexation of so many penalties imposed for trivial informalities in the manifest, it is respectfully submitted that the certificate of the Spanish consul, at the port of departure, should be accepted as a sufficient authentication of the regularity of that document.

6th. A further regulation is respectfully proposed requiring the customs authorities to make known to the captains or supercargoes of vessels all fines for irregularities in ship's papers within forty-eight hours after said document shall have been delivered to the proper officer.

7th. In conclusion I beg leave to observe to your excellency that long delays continue to occur in the return of money collected for fines subsequently remitted. Fines imposed on American vessels in 1868, and which General Lersundi ordered to be returned more than four years ago, are still withheld by the intendency. Considering the facility with which penalties are inflicted, and the difficulty incident to their remission, it would seem there should be no hesitation in the matter of restituting after a decision to that effect has been announced.

Appended to this note I have taken the liberty to transmit for your excellency's perusal several papers on this subject which I have received from my Government.

(A) is a copy of a dispatch from the consul-general of the United States at Havana, dated October 30, 1872, giving many examples of unjust fines imposed.

(B) is an extract from another communication from the consul-general, dated January 13, 1873.

(C) is a copy of a memorial addressed to the Secretary of State of the United States, dated New York, January 13, 1873, and signed by many respectable ship-owners trading between that city and the several ports in the island of Cuba; the same memorial is also signed, under date of January 28, 1873, by other firms of equal respectability residing in Boston.

I avail myself of this opportunity to repeat to your excellency the assurances of my most distinguished consideration.

D. E. SICKLES.

No. 408.

General Sickles to Mr. Fish.

No. 627.]

UNITED STATES LEGATION,
Madrid, June 12, 1873. (Rec'd July 1.)

SIR: I have the honor to forward herewith a translation of a royal order, dated May 28, 1825, conferring extraordinary powers on the captain-

general of Cuba. This order is still in force. You will observe that by its terms Cuba for nearly half a century has been treated as a territory in a state of siege, in which military authority has been supreme, the commanding officer having absolute power over the persons and property of the inhabitants, and the right, besides, to suspend the execution of any command or instruction emanating from the supreme government.

I have repeatedly suggested to successive cabinets in Madrid that as long as the Cuban administration is thus allowed to be independent of the Spanish government, it is in vain to look for obedience to its laws or respect for the rights and interests of American citizens in that island. In view of the delay in the execution of the orders issued in the cases of Santa Rosa and Kryké, I renewed these representations to the government of the republic.

Mr. Sorni replied that in these cases even the royal order of Ferdinand VII afforded no justification to the captain-general. He had not suspended the execution of the orders by virtue of extraordinary powers vested in him; he had reported that he had obeyed them, and they were not executed. The government would therefore hold him strictly responsible for immediate compliance with his duty in the premises.

It is proper to add that the anomalous relation between dependent and superior authority created by this royal order is not confined to Cuba. The same practice has long existed in Spain, although I am not aware that it has been here formally recognized and sanctioned by the government. *Se obedece pero no se cumple* is an ancient formula of Spanish viceroys and governors. The authority is respected, but the order is not executed, and thus a supposed conflict between duty and necessity is reconciled.

I am, &c.,

D. E. SICKLES.

[Appendix.—Translation.]

Extraordinary powers conferred upon the captain-general of Cuba by royal order of May 23, 1825. (Still in force.)

ROYAL ORDER.

His Majesty being fully persuaded that at no time and under no circumstances whatever is there any possibility of weakening the principles of rectitude and of love to his royal person which characterize your excellency, and His Majesty being desirous at the same time to guard against the inconveniences which might arise in extraordinary cases from a division of commands, and from the complexity of powers and attributions in the respective public posts, and with the important object of maintaining in your most precious island his legitimate sovereign authority and public tranquillity, has been graciously pleased in conformity with the advice of his council of ministers to give your excellency full authorization, conferring upon you all the powers which by the royal ordinances are granted to the governors of cities in a state of siege. (*plazas sitiadas.*) In consequence of this His Majesty gives your excellency ample and unlimited authorization, not merely to dismiss from the island and send to the peninsula any public functionaries, whatever may be their office, rank, class, or condition, whose stay in the island may be prejudicial, or whose public or private conduct may arouse your suspicion, replacing them temporarily by the faithful servitors of His Majesty who may merit all your excellency's confidence, but also to suspend the execution of any orders or general instructions whatever emanating from any of the branches of the administration in such degree as your excellency may deem expedient for the royal service, such suspensions being in all cases provisional, and your excellency being required to give account thereof to His Majesty. In extending to your excellency this signal proof of his royal appreciation and of the high confidence he reposes in your well-known loyalty, His Majesty hopes that in worthy justification of this confidence you will use the greatest prudence and circumspection, joined to untiring activity, and trusts that your excellency, being by this present act of his royal

bounty placed under a most rigid responsibility, you will redouble your vigilance to cause the laws to be observed, justice to be administered, the faithful vassals of His Majesty to be protected and rewarded, and to secure the punishment without hesitation or dissimulation the misdoings of those who, forgetful of their obligations and of what they owe to the best and most beneficent of sovereigns, contravene their duties and give free rein to their sinister machinations in infraction of the laws and of the governmental prescriptions issued in virtue thereof.

By royal order I communicate this to your excellency for your information.

May God preserve your excellency many years.

MADRID, May 28, 1825.

AYMERICH.

The CAPTAIN-GENERAL of the Island of Cuba.

No. 409.

General Sickles to Mr. Fish.

No. 628.]

UNITED STATES LEGATION IN SPAIN.
Madrid, June 12, 1873. (Received July 1.)

SIR: I have the honor to forward herewith the translation of a decree, dated June 2, 1873, abolishing the hereditary office of grand chancellor of the Indies. This office, created July 27, 1623, by Philip IV, and conferred upon the Count-Duke of Olivares and his successors forever, has been enjoyed with brief interruptions in the same family for two centuries and a half. The last incumbent, the Duke of Alba, brother of the Empress Eugénie, discharged the duties of the place by a delegate named by himself. It is perhaps a misnomer to characterize as "duties" the functions of a sinecure which consisted in levying a charge for authenticating with the seal of the grand chancellor every document, commission, order, or decree of the government having relation to the Spanish possessions in America. Hitherto all attempts to abolish the office, although supported by the recommendation of the council of state, itself a bulwark of tradition, have failed. It is one of the forms for which it was necessary to await the advent of the republic.

I am, &c.,

D. E. SICKLES.

[Appendix A.—Translation.]

MINISTRY OF THE COLONIES.

Decree of June 2, 1873, abolishing the hereditary office of grand chancellor of the Indies.

PREAMBLE.

For the proper fulfillment of the mission of the government of the republic it is needful to remove those administrative obstacles which, originating in the abuses of royal power, and maintained in consequence of misunderstood toleration during the era of representative governments, hinder the realization of equality and justice, the indispensable basis of regularity and order in the management of public affairs.

From the initiation of the constitutional system among us, it doubtless endeavored to extinguish the innumerable examples of gracious concessions and alienations of office and functions of the state granted as an inheritance by the monarch, their retention being considered contrary to the fundamental code; but all of these were not suppressed by the measures adopted to that end, giving rise to the persistent exceptions by which, under a scheme of liberty based on the national sovereignty, a part of the functions of the public power were exercised as an inherent right by a private citizen raised by privilege above the delegates of that sovereignty.

This is the case with the office of chief chancellor and registrar of all the Western Indies, conceded by the grace of King Philip the Fourth to Don Gaspar de Guzman, Count-Duke of Olivares, July 27, 1623, for himself and his heirs forever, converted by the decree of November 3d of the same year into the title of "grand chancellor of the Indies," with the duties of keeping the seal, and causing it to be impressed on all titles, warrants, and dispatches issued by the supreme power upon all matters relative to the colonies, receiving therefor the fees prescribed in the tariff, and with other prerogatives and distinctions equally unjustifiable and unreasonable, such as the enjoyment of all the wages, salaries, and presents *casos de aposento*, and all remaining emoluments assigned to the president or governor of the supreme council of the Indies, in which for some time, until 1794, the chancellor had a seat and vote.

Notwithstanding the vicissitudes through which this privilege passed—incorporated with the crown on the 20th of December, 1776, restored to the family of Olivares on the 9th of February, 1794, and again incorporated on the 22d of February, 1817, and restored anew on the 25th of April, 1826; notwithstanding the evident disparagement of the dignity of the government and the decorum of the nation, inseparable from the fact of subjecting the acts of the governmental power to the authorization of a private citizen; notwithstanding the obvious and irritating contradiction between the undue maintenance of the office and the principles which should control the course of business in a liberally-governed country, the office still exists, at least so far as relates to the keeping and impression of the seal and the registration of warrants, titles, and dispatches, the holder of the office exacting the tariff fees; and its functions, which are perfectly unnecessary, contrary to the right, embarrassing to public business, onerous to those interested therein, and offensive to the national dignity, are at present exercised by a delegate irregularly intruded and capriciously appointed by him who obtained the title of the Duke of Berwick and Alba, the holder of the office as the successor of the Count-Duke of Olivares.

This state of things cannot and should not last. Already in past times, when the council of state was consulted, it made, in full session, a report favorable to the disappearance of these functions, which are inconceivable in a well-regulated government separate from its own administrative centers, and public opinion has been eloquently enough manifested by identical tendencies conformable to reason and right principles.

And, on the other hand, a gratuitous concession, as an act of grace, by one who, as chief administrator, retained the thing conceded, cannot be sanctioned in an era of justice and strict observance of right.

Relying upon these considerations, the undersigned minister submits to the government the accompanying draft of a decree.

MADRID, June 2, 1873.

The Minister of the Colonies,
JOSE CHRISTOBAL SOENI.

DECRETE.

In consideration of the reasons set forth by the minister of the colonies, and in accordance with a report of the council of state in full session, the government of the republic decrees:

ARTICLE I. The functions of grand chancellor of the Indies, now exercised by the possession of the title of the Duke of Berwick and Alba, as the successor of Don Gaspar de Guzman, Count-Duke of Olivares, to whom that office was granted as an act of grace and to his heirs forever, by decrees of July 27 and November 3, 1623, are hereby abolished, from and after the publication of this decree in the Gazette of Madrid.

ART. II. With respect to the dispatches, titles, warrants, and other documents hereafter issued, and which, in conformity with previous legislation, require to be stamped with the seal of the Indies, the signatures thereof shall be legalized by the seal of the ministry that issues them, without fees of any kind being exacted for sealing them.

ART. III. The minister of the colonies shall prepare suitable regulations for the registration of warrants, titles, and dispatches, by the chancery of the department under his charge.

ART. IV. All previous provisions contrary to the prescriptions of this decree are hereby revoked and annulled.

Given in Madrid the second of June, one thousand eight hundred and seventy-three.

The President of the Government of the Republic,
ESTANISLAO FIGUERAS.

The Minister of the Colonies,
JOSE CRISTOBAL SOENI.

No. 410.

General Sickles to Mr. Fish.

[Extract.]

No. 643.]

UNITED STATES LEGATION IN SPAIN,
Madrid, July 5, 1873. (Received July 31.)

SIR: I have the honor to transmit herewith a copy and translation of a memorial of the Spanish Emancipation Society, lately presented to the Cortes Constituyentes. The petitioners include a number of the most influential members of the legislative body. The main facts and arguments, showing the expediency and necessity of the immediate abolition of slavery in Cuba, are stated with unusual brevity and force. The admirable results of the liberation of the slaves in Porto Rico have greatly encouraged the friends of emancipation. The slaveholders in Cuba are at a loss for pretexts for delay now that domestic servitude in the sister island has disappeared without any disturbance of public order or diminution of the sugar crop.

The colonial minister, Mr. Suñer y Capedevila, has recently stated in the Cortes his purpose to bring forward in the name of the government a radical emancipation bill. In several conversations with me he has reaffirmed these declarations with an earnestness and warmth of expression leaving no room to doubt his zeal. It is simply a question whether the perpetual changes of ministers in this country may not interrupt the labor of Mr. Suñer, as has before happened to several of his predecessors.

The president, Mr. Pi y Margall, is equally frank and emphatic in his avowed determination to put an end to slavery in Cuba. He does not propose to wait for the suppression of the rebellion, nor for the solution of the financial crisis in the island, nor for the restoration of tranquillity in Spain. On the contrary, he regards emancipation and other cognate reforms as the best means of restoring peace and prosperity to Cuba. He assures me he desires to see Cuba and Porto Rico admitted as states in the Spanish federal union. These are, likewise, the views of the colonial minister.

Mr. Castelar, Mr. Dias Quintero, Mr. Salmeron, and other influential members of the committee appointed to draft the federal constitution, are understood to entertain similar views. * * *

I am not without hope that the political administrative and social reforms we have so long urged upon this country in the government of its American possessions may be attained by means of suitable provisions embodied in the constitution of the republic.

I am, &c.,

D. E. SICKLES.

[Inclosure A.—Translation.]

*Petition of the Spanish Abolition Society to the Cortes Constituyentes, Madrid, June 1, 1873.**To the Cortes Constituyentes:*

The undersigned, president, vice-president, active members, and secretaries of the Spanish Abolition Society, with the greatest respect show that, whereas—

First. The definitive law of abolition for Cuba has not yet been promulgated, although referred to the preparatory law of July 4, 1870, and solemnly and repeatedly promised by the Spanish government before Congress and the civilized world.

Second. The preparatory law of 1870, notwithstanding its urgent character, remained in suspense, as far as its principal articles were concerned, until the appearance of the regulations published in the Madrid Gazette, August 18, 1873.

Third. The regulations in question not only totally ignore the important inquiry of the captain-general of Cuba concerning the fulfillment of the fifth article of the preparatory law, but also, from the nature of many of their provisions, they render necessary a new set of *explanatory* regulations, at the same time creating institutions of the efficiency of which there can be no doubt.

Fourth. Notwithstanding the promulgation of the regulations in the *Gaceta de Madrid* nine months ago, not a single one of its provisions has yet been put into operation in Cuba.

Fifth. On the contrary, the superior government of the island of Cuba has decided to modify a rule of the old slave regulations which was favorable to the negroes, and to declare henceforth—and for the purpose of constraining them—that the value of a slave shall be estimated according to his personal merits, thus interposing an obstacle to emancipation.

Sixth. In Cuba the law of 1870 has been grossly misinterpreted, and the old *emancipadores* have been made to subscribe *labor contracts* for eight or ten years, under conditions sufficient to annul such contracts for substantial error and irregularity in conformity with the express text of the Spanish law of contracts.

Seventh. In violation of our colonial laws and in derision of the provisions of the Porto Rican abolition law passed March 22d last, many slaves have been taken from the lesser Antilla and, as such, sold in Cuba, when their presence is a source of real danger; and, in fact, the owner of one of those unfortunate beings, has already met his death at the hands of a Porto Rican mulatto.

Eighth. The insurrection in Cuba has caused the dispersion of more than 55,000 slaves who do not, in point of fact, appear enrolled in the census of 1871 in the divisions corresponding to the districts of Santiago de Cuba, Las Tunas, and Moron.

Ninth. The partisans and upholders of the Cuban insurrection have renounced all the rights to their former slaves guaranteed to them under Spanish laws; this renunciation having been effected either indirectly, as in the case of the constitution proclaimed in the insurgent camp in April, 1869, in which (Art. 24) the absolute freedom of the negroes is declared, or else explicitly, as in the case of the rich planter, Don Miguel Aldama, who executed a full power, dated December 6, 1872, authorizing the abolition societies of Spain, Paris, and London to demand, either before the courts or from the Spanish government, the freedom granted by him to more than 1,100 slaves which had belonged to his plantations of Armonia, Santa Rosa, Concepcion, San José, and to Santo Domingo.

Tenth. By various judgments of councils of war and some of the ordinary courts of Cuba, dated October and November of 1870 and 1871, the state has seized, either by means of confiscation or to attack the civil responsibility, that always accompanies criminal responsibility, more than 10,000 slaves belonging to the insurgents, while article 5, of the preparatory law of 1870, declares that "the state can hold no slaves."

Eleventh. Nearly two-thirds of the negroes employed in field-labor (some 292,000, according to the census of 1862) are *bozales*—that is, slaves surreptitiously introduced in defiance of the treaties celebrated with England in 1817 and 1835, and in contravention of existing laws in Cuba, especially since 1845.

Twelfth. It is notorious that the Havana journals continue to publish advertisements of the sale of *negroes de nacion*, a phrase which means that the slave in question is a *bozal*, or native African, and therefore that there is no legal right to his possession.

Thirteenth. In like manner advertisements continually appear in the Cuban journals offering for sale children of from four to ten years, without father or mother, thus positively showing the contemptuous way in which the stringent provision of the law of 1870, relative to the union of slave families, is violated.

Fourteenth. The colonial minister, notwithstanding that a national representative in the late Congress urged him to lay before the Cortes certain data relative to the execution of the law of 1870, and, among these, in particular, a statement of the number of slaves emancipated in consequence of excessive cruelty (*acercia*) on the part of their owners, has not been able to communicate the data called for, because *they are not in his possession*.

Fifteenth. Among the infamous inventions of some slave-holders is an instrument for the corporal punishment of their slaves, by which blows are inflicted without breaking the skin or leaving any outward mark. Full details of this have been received by the Abolition Society, and are offered as evidence of a new violation of the law of 1870.

Sixteenth. It is a well-known fact circumstantially described by travellers who have recently visited the interior of Cuba, and recognized by even the bitterest enemies of abolition, that the bulk of the insurgent bands in Cuba consists of fugitive plantation negroes and Chinese run-aways, who prefer death rather than return to their former servitude.

Seventeenth. The burning of plantations situated in the western department and in districts like Matanzas has been recently begun, and rumor attributes these acts to the Chinese and slaves.

Eighteenth. The law of March 22, 1873, has begun to be put into operation in Porto

Rico without any indication whatever of the conflicts prophesied by its enemies; on the contrary, it has tended to quiet the agitation that existed there, and to overcome, with extraordinary rapidity, the difficulties of the political situation of that island produced by the obstinate opposition of the slave-holding element to all reform, and especially to the reforms proposed by the government of Madrid, as well as by the necessity of proceeding to an election for deputies to the Cortes under a new electoral census, whereby the number of votes would be largely increased, and under the influence of a political change of the nature of that which has brought about throughout the whole Spanish nation, the substitution of the republic for the democratic monarchy; and,

Nineteenth. Whereas, in contradiction of the foregoing prognostics and calumnies, of which the negro race has so long been the object, it is a fact that all the old slaves have remained *spontaneously* working as freedmen (*libertos*) on the plantations of their former masters, with the sole exception of those belonging to the few planters in Porto Rico who had become known for their cruel treatment of their slaves, against which the latter have protested, asking and obtaining the privilege of entering the service of other masters; and, further considering,

First. "That slavery is an outrage upon human nature, and a stigma upon the only nation that still maintains it in the civilized world," according to the eloquent and manly declaration of the superior revolutionary Junta of Madrid on the 15th of October, 1869.

Second. That servitude is in every way incomprehensible in the dominions of a nation which, like the Spanish, after framing for itself the political constitution of 1869, and having recognized the existence of the *natural and inalienable rights of man*, has had sufficient moral force to strive for and obtain a *democratic* republican form of government.

Third. That as often as the Antilles have been consulted on the subject, just so often have their inhabitants proposed to the mother country the abolition of slavery, as is proved, among other things, by the report of the Cuban commissioners to the government in 1866, and according to the plan proposed in that report by a scheme of gradual emancipation, slavery would have already ceased to exist in 1873.

Fourth. That an analogous spirit has been exhibited by many of the present holders of slaves in Havana, as is shown by the meetings held by them in July and August, 1870, at the palace of the captain-general, and also by the meeting held in the early part of 1873 in the Spanish casino, in that city, in anticipation of immediate and radical action of the home government.

Fifth. That a portion of the Havana press has declared itself in favor of abolition, although expressing this with the reserve imposed upon the press by Cuban legislation.

Sixth. That even the conservative party of the peninsula was agreed in 1870, in spite of the harshness of the war in Cuba and the difficulties of home politics in Spain, upon the necessity of a definite law of emancipation, as is proved by the report of the committee, almost wholly composed of conservatives, which was appointed in the Cortes of 1869 to examine the emancipation project presented by the government.

Seventh. That the greatest peril of the situation in Cuba is an armed propaganda which the insurgent negroes may undertake in favor of abolition, and this danger is so evident that the military authorities have recently prohibited the transfer of negroes from the central to the western department.

Eighth. That, according to the opinion of the same peninsular conservatives, and perhaps as a consequence of the agitation set on foot against the law of emancipation for Porto Rico, it is a matter of fact that the reform so brilliantly and successfully realized in the lesser Antilla is exerting a positive influence on the negroes held in the cities of Cuba.

Ninth. That the slavery question being now one of international law, (*derecho de gente*.) both slavery and the former conduct of the Spanish government have been protested against by the ministers and representatives of the most authoritative of the great free peoples; while on the other hand, in foreign countries, an extraordinary movement of sympathy toward our government was occasioned by the mere presentation to the late Congress of the Porto Rico abolition law.

Tenth. That the retention of the *bozales* in bondage is a peril to the good relations between our cabinet and that of England, especially as, as is well known, the latter, at the beginning of the century, paid forty millions of reals as indemnity for the capital engaged in the slave trade, and on condition that it should be finally put a stop to.

Eleventh. That the ill-success of the preparatory law need not, and should not, surprise those who are familiar with the history of the emancipation of labor, wherein it is recorded that such measures have *always* failed, and that the legislators have been forced to resort to others more radical, such as immediate abolition, as took place in Jamaica, St. Thomas, the Dutch colonies, and is even now taking place in Brazil.

Twelfth. That it is an indisputable fact in the history of abolition by radical means, that it not only has falsified the blind hopes of its enemies with respect to the evil results

they supposed it would lead to, but it has served to restore tranquillity to countries disturbed both by the appalling prophecies and unworthy machinations of the pro-slavery party, and by other causes foreign to the problem of slavery, and referable to the general situation of those communities of which eloquent examples are found in Antigua, Guadalupe, Barbadoes, Santa Cruz, the United States, and, at the present time, Porto Rico.

Thirteenth. That deducting from the total number of slaves held in Cuba in 1872. (in all, 264,692, of which 2,237 were *coartados**) the *bozales*, and all those embargoed and confiscated from the insurgents in Cuba, it may be shown that there are not more than 70,000 negroes in that island whose possession has even a show of legality.

Fourteenth. That the abolition of slavery may, at the present time, be a highly politic measure to end the Cuban insurrection, while its withholdment is a continued motive of resistance, as was the case in 1793 and 1804 in the island of Santo Domingo: and

Fifteenth. That even supposing the insurrection in Cuba to be terminated *materially* without resort to certain radical measures affecting slavery, the return to the sugar plantations and farms of the many negroes who, since 1869, have been fugitives, or joined to the insurgents, would be a continual motive of sanguinary disturbances and conflicts of every kind.

The Cortes are prayed to proceed to the discussion and passage of a definitive law for the abolition of slavery in Cuba.

MADRID, June 1, 1873.

FERNANDO DE CASTRO.
 GABRIEL RODRIGUES.
 JOAQUIN M. SANROMA.
 RAFAEL M. DE LABRA.
 MANUEL RUIZ DE QUEVEDO.
 FRANCISCO GINER.
 F. DIAZ QUINTERO.
 SALVADOR TORRES AGUILAR.
 LUIS PADIAL.
 MANUEL REGIDOR.
 RAFAEL CERVERA.
 LUIS VIDART.
 BERNARDO GARCIA.
 FELIX DE BONA.
 ANTONIO CARRASCO.
 FRANCISCO DELGADO.
 RICARDO LOPEZ VASQUES.
 JULIO VISCARRONDO.
 J. F. CINTRON.
 M. PADILLA.

No. 411.

General Sickles to Mr. Fish.

No. 649.]

UNITED STATES LEGATION IN SPAIN,
 Madrid, July 11, 1873. (Rec'd July 31.)

SIR: Learning from the colonial secretary, in the course of a conversation about the case of Mr. Criado, that the government had under consideration a decree modifying the action of the authorities in Cuba, respecting embargoes, and restoring certain embargoed estates to the widows and children of deceased proprietors, I suggested to the minister the expediency of a more comprehensive measure, that should at least include an additional article revoking all embargoes decreed against the property of the citizens or subjects of foreign states. For the information of Mr. Suñer, I sketched a narrative of my negotiations with former cabinets on this subject, pointing out the difficulties which this govern-

* *Coartado da*.—An adjective applied to the male or female slave who has agreed with the owner upon the sum to be paid as ransom, and who has already paid him a part thereof, in which case such slave cannot be sold.—*Dict. Span. Acad.*

ment had always encountered in Cuba in the execution of the engagements it had made for the restoration of estates belonging to American citizens.

The colonial minister did not hesitate to evince his disapprobation of the embargo proceedings in Cuba. The government had derived no advantage from them. They had benefited certain private interests at the cost of gross administrative irregularities. And, so far as related to embargoes, decreed by mere executive authority against the property of citizens of the United States, he agreed that they were indefensible in view of the seventh article of the treaty of 1795, not to speak of the rules of international law, which prohibited such measures against the citizens or subjects of friendly countries.

Finding Mr. Suñer disposed to consider favorably the suggestion of a general measure revoking all arbitrary embargoes against the property of non-resident foreigners, I lost no time in bringing the matter to the notice of the minister of state. His excellency received my proposition cordially, and assured me he would commend it to the favor of his colleagues. Besides the inclosed correspondence on the subject, I have since had a conversation with Mr. Maisonnave, in which he promised that the measure should have careful and prompt consideration.

I am, &c.,

D. E. SICKLES.

[Inclosure A.—Translation.]

General Sickles to Mr. Maisonnave, (private.)

MADRID, Tuesday, July 8.

MY DEAR SIR AND FRIEND: The worthy minister of Ultramar told me last night that the government of the republic has under consideration a decree annulling the administrative embargoes in Cuba. Does it not strike you that it would be opportune to include in that decree an article making such provision as the Spanish government may deem proper for the satisfaction of reclamations growing out of executive embargoes put on the property of foreigners?

I beg you to give this subject some attention, since I am persuaded that the government of the republic wishes to give a just fulfillment to the seventh article of the treaty of 1795, until now almost lost sight of by the authorities in Cuba.

I greatly regret that I have not had the pleasure of saluting you personally in the ministry, and giving you the assurances of the high esteem and consideration which are, as you well know, the sentiments of your sincere friend, Q. B. S. M.

D. E. SICKLES.

[Inclosure B.—Translation.]

No. 649.]

Mr. Maisonnave to General Sickles, (private.)

(Received July 8, 1873.)

MY DEAR GENERAL: I have just read the letter you were good enough to write me to-day, and hasten to assure you that I will communicate its purport to the minister of Ultramar, so that he may make a decision in the matter of which you speak. Be assured that in this, as in everything else, we shall endeavor to animate ourselves with sentiments of the strictest justice, and with the desire to prove to foreign nations how sacred to us are the interests of their subjects.

At the same time I beg to inform you that the minister of war has given orders to the governor of Santander to send the American subject (*sic*) O'Kelly immediately to Madrid.

I improve this occasion to repeat to you the assurances of the distinguished esteem and consideration with which I am your sincere friend, Q. B. S. M.

E. MAISONNAVE.

No. 412.

General Sickles to Mr. Fish.

No. 652.]

UNITED STATES LEGATION IN SPAIN,
Madrid, July 14, 1873. (Received July 31.)

SIR: I have the satisfaction to forward herewith a copy and translation of a decree raising all embargoes imposed by executive authority in Cuba, since April, 1869, on property of persons charged with political offenses, and directing the immediate restoration of such property to its owners.

Although assured that this measure was contemplated, I did not allow myself to anticipate its appearance so soon, nor in a shape so well corresponding to the declared wishes of the colonial minister. Indeed, the more I see of Mr. Suñer y Capdevila the more I am persuaded of his sincerity, energy, and diligence. Day before yesterday he presented to the Cortes a proposition extending to Porto Rico unconditionally, and to Cuba with a temporary qualification, the ample bill of rights embodied in the first chapter of the Spanish constitution. I have reason to believe that not many days will pass before he brings forward a radical measure of emancipation in Cuba.

I am, &c.,

D. E. SICKLES.

[Inclosure A.—Translation.]

Decree of July 12, 1873, retoking embargoes in Cuba.

PREAMBLE.

Animated by the principles of strict legality, which form the unchangeable foundation of democratic teachings, and desirous of realizing, in all that pertains to his department, the amplest attainable right, the undersigned minister has endeavored, with zealous care since he entered upon his duties, to give paramount attention to the numerous and important questions which, in their relations to the state of insurrection that exists in a portion of the territory of Cuba, may lead to excesses of authority, arbitrary acts more or less grave, or the employment of force against the personality of the inhabitants, all of which are unfortunately too frequent in the history of all intestine struggles.

Upon undertaking to study these questions, in the fulfillment of one of the first duties of his office, the minister of the colonies found, and could do no less than seek to reform, a state of things, in his judgment, completely anomalous, namely, the existence of a great accumulation of property, wrested from the hands of the legitimate owners with no other formality than a simple executive order, and turned over to an administrative control exercised with great irregularity in the name of the government, to the notable depreciation of the products of those estates, to the injury of the families dependent thereon for support, and to the detriment of the public wealth, whose diminution is the inevitable result of a want of regularity and order, and the absence or withdrawal of individual interests in the control and management of property.

Such a condition of things, besides being utterly at variance with a political system whose fundamental basis must ever be justice, stern, yet considerate, removed from the rancor of party spirit, and foreign to all motives of passion, could lead to no other result than to embitter mutual resentments more and more by the sad spectacle of misery, the more keenly felt as it has been the more suddenly and unexpectedly brought about, and must, moreover, tend to render profitless a great part of the rich soil of the island, and to introduce disturbance and disorder into the system of production, thus interfering with its due development.

The Cuban insurgents, those in correspondence and relations with them, and those who, more or less openly, lend them protection and aid, thus contributing to prolong a cruel, bloody, and destructive war, doubtless merit energetic suppression and exemplary punishment, and the more so to-day when the government of the republic pledges to all citizens of Spain, on either side of the seas, assured and efficacious guarantees of respect for the rights of all, and offers the means of maintaining their opin-

ions and propagating them and causing their ideas to triumph in the only manner in which ideas can triumph in a social structure, raised upon the solid foundations of reason, truth, and right.

But even the need of such punishment can confer upon no government the power to deprive those of its citizens who stray from the right path, of their individual means of support, and to enforce upon their families the bitter necessity of begging to-day the bread that abounded but yesterday on their tables as the fruit of their labor or their economy.

Apart from the foregoing considerations, there cannot be found in international law (*derecho de gentes*) any precept or principle authorizing this class of seizures which bear upon their face the stamp of confiscation; neither under any sound judicial theory is it admissible to proceed in such a manner; nor yet can the exceptional state of war authorize, under any pretext, the adoption of preventive measures of such transcendent importance, and whose results, on the other hand, will inevitably be diametrically opposed to the purpose that inspired them.

In consideration, therefore, of the facts thus set forth, the undersigned minister presents for the approval of the council the following draft of a decree.

MADRID, July 12, 1873.

The Minister of the Colonies,
FRANCISCO SUÑER Y CAPDEVILA.

DECREE.

In consideration of the representations set forth by the minister of the colonies, the government of the republic decrees the following:

ARTICLE I. All embargoes put upon the property of insurgents and disloyal persons (*infidentes*) in Cuba, by executive order in consequence of the decree of April 20, 1869, are declared removed from the date when this present decree, published in the Madrid Gazette, shall reach the capital of the island of Cuba.

ARTICLE II. All property disembargoed, by virtue of the provisions of the preceding article, shall be forthwith delivered up to its owners or legal representatives, without requiring from them any other justification or formality than such as may be necessary to show the right under which they claim its restoration, or for their personal identification.

ARTICLE III. In order that questions growing out of the preceding provisions may be decided with greater accuracy and dispatch, the captain-general, superior civil governor of the island of Cuba, shall forthwith proceed to organize, under his own chairmanship, a board composed of the president of the audiencia as vice-chairman, the intendente of Cuba, the civil governor of Havana, the attorney-general (fiscal) of the audiencia, and the secretary of the superior civil government, who shall act as secretary of the board, having voice and vote therein; and this board shall summarily, and in the shortest possible time, decide upon such applications as may be made by the interested parties, without any other appeal than may be taken to the government of the republic through the colonial ministry.

ARTICLE IV. The board of authorities charged, under the foregoing article, with the disembargo and restoration of property of insurgents and disloyal persons, may, whenever it shall appear needful to the more thorough decision of these questions, consult the board of the public debt, (*junta de la deuda del tesoro*), heretofore charged with the administration of property embargoed by executive order, and may ask and obtain from the tribunals of every jurisdiction, and from all other dependencies of the State, the data and antecedents which may be deemed needful to such decision.

ARTICLE V. The minister of the colonies shall issue the necessary instructions for the execution of the present decree, or shall definitively approve those which may be prepared to the same end by the board of disembargoes.

MADRID, July 12, 1873

The President of the Government of the Republic,
FRANCISCO PI Y MARGALL.

The Minister of the colonies,
FRANCISCO SUÑER Y CAPDEVILA.

No. 413.

General Sickles to Mr. Fish.

No. 664.]

UNITED STATES LEGATION IN SPAIN,
Madrid, July 24, 1873. (Received August 16.)

SIR: The following is a transcript of a cable message I had the honor to send you at 2 o'clock to-day:

HAMILTON FISH, *Secretary of State, Washington:*

Minister of finance of new cabinet announced yesterday in Cortes that no reforms would be granted Cuba until insurgents laid down arms. Announcement received with great applause.

SICKLES.

JULY 24.

I am, &c.,

D. E. SICKLES.

No. 414.

General Sickles to Mr. Fish.

No. 668.]

UNITED STATES LEGATION IN SPAIN,
Madrid, July 27, 1873. (Received August 16.)

SIR: Last week Lieutenant-General Contreras put himself at the head of a seditious movement in the city of Cartagena, and being followed by a turbulent element common in most Spanish towns, he declared the province of Murcia an independent state, and renounced all allegiance to this or any other government. A considerable part of the troops of the garrison, and the crews of five or six of the best ships in the Spanish navy lying in the harbor, joined the outbreak. Cartagena is a fortified place, and a naval depot of importance.

The government at once took measures to stop the revolt. Among other steps a proclamation was issued denouncing the people on board the war vessels as pirates, and authorizing and inviting their capture by the armed forces of other nations as good prize. I sent a copy and translation of this decree to Admiral Case, commanding our European fleet, and also to Captain Wells, of the Shenandoah, the latter supposed to be lying off Malaga.

Our consul at Cartagena transmits to me, under date of 24th instant, a communication addressed to him by General Contreras, and a copy of his reply.

I have the honor to forward herewith copies and translations of these several documents, and the correspondence incident thereto.

It is not supposed that General Contreras can maintain himself many days in Cartagena. He is not distinguished for address or ability in the conduct of his rash enterprises. If he escapes the resentment of his disappointed adherents, and is able to quit Spain for foreign parts, he may congratulate himself, as the government just now is not in the humor to deal leniently with such characters.

A sort of epidemic seems to seize town after town in succession. The symptoms are the same everywhere. Under the influence of the disorder a revolutionary junta is improvised, the militia and the troops fraternize, the authorities are ousted, occasionally the civil governor and the mil-

tary governor join the insurgents, and almost uniformly these officers acquiesce in the movement or leave the place. In Cartagena a thousand or two sailors and soldiers profited by the occasion to have a frolic in the streets. One of the Spanish fleet, the *Vigilante*, commanded by a committee appointed in the fore-castle, put to sea under a red flag, and having visited Torreveja and levied a contribution of thirty-six thousand dollars, was returning to port when she was overhauled and captured by the German iron-clad, *Friederich Karl*, and taken to Gibraltar. The movement in Cartagena having as usual exhausted its strength in about a week, is understood to be near a collapse.

In Cadiz the volunteers, joined by some regular artillery, made an attack on the adjacent naval station of San Fernando, and were easily repelled, with severe loss. In Malaga a serious collision occurred in the streets between the forces led by rival chiefs, resulting in a hundred killed and wounded. In Seville there seems less disposition to fight, and the consuls are negotiating for terms with General Pavia, commanding a division of the army sent by the government to restore order in Andalusia. In Valencia the resistance is more obstinate, although it can scarcely be prolonged, since General Campos has sent for some mortars to bombard the city, and will open fire to-day if necessary.

The government maintains a firm attitude and is supported by public opinion.

I have, &c.,

D. E. SICKLES.

[Inclosure A.—Translation.]

MINISTRY OF MARINE.

Decree of July 20, 1873, declaring the naval insurgents at Cartagena pirates.

PREAMBLE.

In the midst of the grave situation through which the country is passing, when an interrupted series of intestinal discords have brought it to its present melancholy condition, a new complication unhappily arises which may be followed by varied and distinct consequences, the more transcendental in that they affect or may affect our international relations.

Several vessels of the navy at anchor in the port of Cartagena, making common cause with the insurgent masses in that maritime department, have set at nought the legitimate authority of their commanders and officers, and in open rebellion against the sole power organized by the will of the Cortes, have put to sea with the purpose of carrying out their criminal designs on the Mediterranean coasts.

The government in consequence cannot allow itself in any way to be held liable for this action, hitherto unparalleled in naval annals, nor permit that, perhaps under cover of party aims of a certain character, these vessels should commit acts of positive piracy which would compromise the dignity of Spain in the eyes of foreign nations, for, according to international law, all vessels are pirates which hold no lawful commission from a government, or carry no legal sailing-papers, and which are not under the command of an officer competently authorized to represent the public forces.

In view of this and of the urgent necessity of attacking the evil at its birth, the undersigned minister has the honor to propose the issue of the following decree.

The Minister of Marine,
JACOBO OREYRO.

MADRID, July 20, 1873.

DECREE.

ARTICLE I. The crews of the frigates of the national navy, *Almansa*, *Victoria*, and *Mendez Nunez*, the crew of the steamer *Fernando el Católico*, and of any other war vessel among those in mutiny in the department of Cartagena, shall be deemed to be pirates wherever found in the jurisdictional waters of Spain, or beyond them, by Spanish or foreign naval forces, according to articles 4, 5, and 6, section 5, chapter 6, of the general ordinances of the navy.

ARTICLE II. Commanders of war vessels of powers friendly to Spain are hereby authorized to seize the vessels specified in article I, and to pass judgment upon the individuals composing their crews in the sense expressed in that article, the Spanish government reserving to itself the ownership of the vessels, to be established by the proper reclamations through diplomatic channels.

ARTICLE III. In like manner are declared pirates any other vessels of the national navy, which, being in a state of mutiny and not under the command of officers of the navy, may put to sea from any port of the peninsula.

ARTICLE V. (IV†) The minister of marine is hereby charged with the execution of this decree, and shall communicate to the minister of state for the information of the foreign diplomatic body.

MADRID, July 20, 1873.

The Minister of Marine.

JACOBO OREYRO.

To the President of the Government of the Republic,
NICOLAS SALMERON.

[Inclosure C.]

General Sickles to Capt. C. H. Wells, commanding Shenandoah.

LEGATION OF THE UNITED STATES,
Madrid, July 22, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy and translation of a decree of the government of Spain, dated 20th instant, and published yesterday in the Official Gazette, denouncing as pirates the officers and crews of certain Spanish vessels therein described, and inviting their capture as lawful prize by the armed ships of other powers.

This decree of the executive was yesterday approved by the legislative authority.

You are therefore authorized by public law, and by the express consent of the government to which these piratical cruisers belong, to capture any one or more of them that you may encounter, and take them into port for condemnation.

I am, &c.,

D. E. SICKLES.

[Inclosure D.]

General Sickles to Rear-Admiral Case.

LEGATION OF THE UNITED STATES,
Madrid, July 22, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy and translation of a decree of the government of Spain, dated 20th instant, and published yesterday in the Official Gazette.

The same documents have been sent to Captain Wells, of the Shenandoah, with a letter, of which a copy is inclosed.

I am, &c.,

D. E. SICKLES.

[Inclosure E.]

Mr. Molina to General Sickles.

CONSULATE OF THE UNITED STATES OF AMERICA,
Cartagena, July 24, 1873. (Received July 25.)

SIR: I beg to inform you with reference to the political movement of this town, as mentioned in my last communication of the 13th instant, that the iron-clad ship Victoria left this port to pronounce Alicante in the morning of the 20th instant, having returned on the 22d, without any particular news further than they had seized the Spanish gunboat Vigilante. The member of parliament, Antonio Galves Arce, the chief of the movement, went on board the Vigilante to Torrevecija for funds, and in coming into port yesterday morning was seized by the Prussian iron-clad ship Federico Car-

los, (*Friederich Karl*,) mounted with sixteen heavy guns, and commanded by Captain Werner. This has been done on the strength of the decree issued by the Spanish government declaring said vessels to be considered as pirates. The *Vigilante* was immediately manned by a Prussian crew, and hoisted the Prussian flag, and the Spanish crew were retained by the Prussians. Immediately the news came on shore the whole of the town was in a most alarming state, and actually many threats were given to the Prussian consul, who had to go on board of his vessel with his family.

General Contreras summoned all consuls of this locality to inquire if we had received any instructions from our respective governments to hostile vessels belonging to, as they term themselves, the *Canton Murciano*, to which we all answered in the negative. Then he appointed a deputation, composed of the members of parliament, Sanvalle, Caravajal, and some members of the *Junta de Salud Publica*, to go on board of the *Federico Carlos* and arrange matters. This was at once done, and the result has been, that they, together with Galves, came to the conclusion, and signed an act to the effect, that the *Vigilante* was legally seized, not having on board any official documents nor crew, in consideration of which Galves and his crew were left at liberty, together with the funds they had, and the *Vigilante*, under the Prussian flag, left yesterday afternoon for Gibraltar.

The Prussian consul leaves to-day for Madrid, with the act signed in proper order.

I herewith inclose a copy of a communication received from General Contreras, who calls himself commander-in-chief of the army and navy of the federal republic of the *Canton Murciano*.

In consequence of the before stated, and as very likely we will be called again, I beg you to give me full instructions how to act.

I am, &c.,

CIRILO MOLINA Y CROS.

[Inclosure F.—Translation.]

General Contreras to Mr. Cirilo Molina.

(*Appendix 1.—Mr. Molina's letter.*)

FEDERAL ARMY, CANTON OF MURCIA.

I have the honor to transmit the accompanying note to you as the representative in this port of the government of your nation, in order that you may be pleased to give it due course, and requesting you to kindly acknowledge its receipt.

Health and federation.

CARTAGENA, July 23, 1873.

The General-in-chief,
JUAN CONTRERAS.

To the UNITED STATES CONSUL.

[Inclosure G.—Translation.]

Circular of General Contreras to the consular body in Cartagena, dated July 23, 1873.

[*Inclosed with appendix 1, Mr. Molina's letter.*]

The Constituent Cortes having proclaimed the federal republic as the form of government of the Spanish nation, the people looked for the fulfillment of that solemn pledge with all the speed that their anxiety and their enduring efforts in the cause of federalism merited, and on beholding a month and a half pass by without either the Cortes or the government performing even the most insignificant act in favor of the speedy establishment of the federal cantons, the Spanish provinces wherein the liberal spirit has ever attained, its highest development erected themselves into cantons without thereby entirely refusing to recognize the powers of the Constituent Cortes.

One of the provinces, that of Murcia, joined to its declaration of cantonal independence the naval forces of this port and a portion of the army, and with these tendered her aid to the spontaneous movement begun in the neighboring provinces, when she was surprised by the decree of the central government declaring the sailors who had joined the people pirates, and invoking the aid of foreign powers to prevent the people from realizing the fulfillment of the solemn constitutional enactment.

The committees (*juntas*) of the Murcian canton cannot believe that the powers friendly to Spain will intervene in a pending question between two political groups

which as yet have not declared mutual hostility. They cannot believe that the navies of enlightened nations will come to interfere in differences involving no great or transcendental issues for the future, when in other civil struggles, disastrous in their effects and protracted in their duration, no intervention has taken place. But our position demands a declaration of the fundamental facts of the present movement, not by way of convincing foreign powers, but as a refutation of the bases on which the forces of friendly nations might rely for intervention in our acts.

The attitude of the Murcian canton, like that of the others proclaimed in Spain, is sustained and justified by sixty representatives of the nation holding seats in the Constituent Cortes. And there, where the sovereignty of the people is embodied in the three hundred and fifty-eight deputies legally proclaimed, the attitudes of our cantons cannot well signify a transcendental crime when a fifth part of the representatives of the nation justify our acts.

Seven of them are now in this canton, legalizing by their presence all that is done here. Five are in the neighboring canton of Valencia, who authorize the realization of the constitutional resolution, and all who, both in Madrid or in the provinces, have made declarations favorable to the immediate organization of the cantons are ready to sustain them on all occasions.

If, therefore, a simple question of procedure separates the cantonal authorities from the system established by the Cortes, can this be an adequate motive to call forth a declaration of civil war against whole provinces animated by the memory of the energetic struggle of eighteen hundred and eight in the cause of our independence?

The cantonal committee has declared treasonable the executive power of Madrid, or its decree of foreign intervention.

The Spanish federation holds the fortified cities of Cartagena and Cadiz, and of Marcia, with the important cities of Seville, Valencia, Alicante, Jaen, Granada, and a multitude of the intervening towns, and therefore we have a right to demand that our acts be respected.

On the other hand the cantonal authorities have the full assurance that foreigners resident in the territory, under their jurisdiction, shall not be molested in the least degree, and pledge themselves to give them assurances for the future, because not only has the present prudent movement given rise to no acts of disturbance, and still less of bloodshed, but also because it has been an unequalled example of wisdom and moderation.

To the cantons belongs the right to ask for the fulfillment of the constitutional resolution. Justice is on their side because the cry raised by the people in aid of the government that convened the Cortes is now repeated by the cantons; and, lastly, abundant reason is on their side when they demand respect and consideration from foreign powers because of the proportions of the movement, the order with which it has been realized, and the facility with which all the authorities of the cantons continue in the full exercise of their powers.

Founding his action on these considerations, the undersigned, captain-general of the federal republic of Spain, general-in-chief of its army and navy, fully authorized by the first temporary authorities thereof to treat with the representatives of foreign powers, requests them to suspend the action they are called upon to execute by the decree of the government of Madrid of the 21st (20th) instant, and to maintain meanwhile all customary consideration toward the constituted authorities of the cantons of the Spanish federation.

I wish for you many years of life and prosperity for those you represent.

JUAN CONTRERAS.

CARTHAGENA, July 23, 1873.

(Inclosure H.—Appendix to Mr. Molina's letter.—Translation.)

Mr. Cirilo Molina to General Contreras.

CONSULATE OF THE UNITED STATES IN CARTA

GENERAL: I have received the communication you are pleased to address me to-day's date, accompanied by a document which you request me to transmit to my government, which I hasten to do forthwith. Up to this time I have received communication from my government concerning the decree of the minister of marine, dated 20th instant, published in the papers, and to which you refer in your communication.

Until either I or the commanders of the war vessels of my nation receive instructions you may rest assured of the amplest neutrality on my part.

Receive, general, the assurances of my most distinguished consideration.

CIRILO MOLINA Y C.

No. 415.

General Sickles to Mr. Fish.

No. 672.]

UNITED STATES LEGATION IN SPAIN,
Madrid, July 31, 1873. (Received August 21.)

SIR: After my conversation with the minister of state on the 24th instant, I found an opportunity to discuss colonial policy with Mr. Carvajal, the minister of finance, an influential member of this cabinet. I will not trouble you with a recital of the argument since the conclusions seemed satisfactory. Mr. Carvajal assured me of his own hearty sympathy with the advocates of reform in the Antilles, and he added that Mr. Salmeron, the president, shared the same views. And after a full and frank interchange of opinion Mr. Carvajal suggested a further conversation with the president, with whom he kindly undertook to arrange an appointment.

Inclosed with this dispatch I forward official reports and translations of the debates of the 23d and 26th instant, respectively. In the latter you will see that a more mature reflection, aided possibly by the evidence I had furnished of the unhappy impression made by the policy announced on the 23d, has led to the modified attitude shown in the remarks of ministers in the subsequent discussions.

These impressions are confirmed by the action of the Cortes on the 28th, approving Mr. Suñer's bill for extending to Porto Rico the ample bill of rights found in title first of the Spanish constitution. Further corroboration is afforded by the favorable reception given to the amended constitution reported by Mr. Castelar from the committee of twenty-five, in which it is proposed that Cuba and Porto Rico come in as States on an equal footing with the other members of the federation.

I am, &c.,

D. E. SICKLES.

[Inclosure A.—Translation.]

Extract from the debate in the Constituent Cortes July 23, 1873, on the bill empowering the government to levy forced contributions on reputed Carlists.

MR. ROMERO ROBLEDO. * * * * *

I shall add one more argument in conclusion. I should like to know how a contradiction is to be avoided in this proceeding on the part of the republic. To-day a forced contribution is levied upon those who aid the Carlists, while only the other day the estates of the Cuban insurgents were released from embargo and restored to them. [Mr. Betancourt interrupts the speaker.] Mr. Betancourt may say what he chooses, but it is the truth. The Carlists are enemies to liberty and modern progress, but after all they cry "Long live Spain!" We shall fight them and conquer them. And yet they do not attack the integrity of the nation. On the contrary, the Cuban insurgents, when all manner of reforms were offered to them, after the revolution of 1868, rebelled at Yara to the cry of "Death to Spain!" And when the republic was proclaimed, on the 11th of February, all sorts of offers were made to them, and it was thought the war would come to an end; but they only cried out the louder "Death to Spain!" That is to say, the Carlists, although the defenders of an abhorred cause, are our brothers and do not combat our nationality, while the others hate us and proclaim the extermination of our race. How, then, can you explain this contradiction? You cannot indorse such a discrimination which only favors the enemies of Spain. The government and the assembly must weigh this well. I have done.

THE MINISTER OF FINANCE. * * * * *

Mr. Romero Robledo assumes that there is a contradiction between our conduct toward the Cuban insurgents and toward the Carlists because the restoration of the property of the former has been ordered. I am the first to be indignant at the attitude of a portion of the inhabitants of the island of Cuba, more blinded, per-

chance, by the continued absence of political liberty in harmony with their material status, than by any real need of independence; but is there anything in common between what is done to the insurgents in Cuba and what is done to the Carlists? The estates of the Cuban insurgents were not confiscated, but embargoed. Many persons hold that it is expedient to seize the enemy's property, a principle repugnant to civilization, which nevertheless we have seen put in operation in our own time. Embargoes are contrary to the purpose in view, for they diminish the public wealth, and under this point of view we decided to restore to their owners the many estates now going to ruin. But has this anything to do with a war tax? It has been said that as an injury or punishment such measures may be taken toward communities. Experience shows their absurdity as a punishment, and therefore we employ them as an injury, establishing war taxes. We have applied the simple proverb which says, "*Who breaks, pays.*" Those who break the national unity, those who break liberty and progress, should pay the damage they inflict upon the country. "*Who breaks, pays.*" The Carlist, then, must pay.

Mr. BERTANCOURT. It was very far from my purpose to take part in the discussion, and I only do so because, having been alluded to by Mr. Romero Robledo, I was forced to interrupt him. If all those who speak here for the first time implore your benevolence, I fancy I need it more than any of the deputies I have yet heard. Your lips want to express all the inspirations of patriotism, know all the riches of the beautiful tongue of Castile, while I have had to make a special study of forgetting even the very language of a certain class of feelings, the most natural and most generous of the soul, and whose simple enunciation has hitherto sufficed in Cuba to draw down exile or martyrdom on my fellow-countrymen.

I look upon this palace as the hearthstone of the great family of Spaniards. Here we are all assembled to discuss our most sacred interests, the interests of the country. You know the outgoings and incomings of it; you are as though in your own house. But I am a stranger here. From my childhood I have been told that these doors were closed to Cuba; that my brothers had been expelled hence unjustly and ignominiously, and I learned to believe that you would never heed our rights until we should be received into the bosom of this family and called to partake of all the rights possessed by our brethren of the peninsula. Just now, therefore, on hearing, when I least expected it, Mr. Romero Robledo compare the embargoes put upon the Cubans with the war contribution it is proposed to levy on the Carlists, I could not help exclaiming in an undertone to my friend Mr. Corchado, "*Ya parecia aquelló!*" And, with my usual frankness, I shall explain these words. I had received information from Cuba that Mr. Romero Robledo would come before you for the express purpose of speaking on the colonial question; and as, in my opinion, he dragged the question most inopportunistly into this debate, I expressed my opinion about it to Mr. Corchado.

Mr. Romero Robledo has hinted that everything was permitted to the Cubans because they raised at Yara the banner of "Death to Spain," and I now rise simply to give a plain statement of the facts. Gentlemen, what the Spanish people did in Cuba on the 10th of October, 1868, was the same as had been done in the peninsula in September of the same year, when the standard of liberty was raised against the tyranny of the old régime. And the truth of this is proved by the fact that as soon as the Cubans knew of the downfall of the throne of Doña Isabel II, they asked Captain-General Lersundi to convoke a junta, which was done, and when it met, Messrs. Modet and Meestro asked that a telegram should be sent to the peninsula stating that the Cubans supported the movement of their brothers in the peninsula, and aspired to the enjoyment of all the liberal conquests of the revolution.

The reply was in the sense of a postponement of all reforms, so that it was soon seen that the conquests of the revolution were not for Cuba. Thus three months passed by until Mr. Lopez de Ayala, approving the stationary policy of General Lersundi, by his last telegram shattered the remaining hopes of the Cubans. Nevertheless, when General Domingo Dulce arrived at Havana, another junta was held, and the insurgents of Camaguey, with one single exception, agreed to lay down their arms if in reality liberal reforms were given to Cuba.

The VICE-PRESIDENT. I beg that you will confine yourself to the matter under debate.

Mr. BERTANCOURT. A most serious charge has been made against Cuba, and I wish to set the facts right.

MANY DEPUTIES. Let him speak!

Mr. BERTANCOURT. I was saying that in the junta held at the plantation of Clavelinas, all those present, with but one exception, voted to accept their liberties and lay down their arms to attain this end. And this is shown by a celebrated manifesto published in the journals of Havana when General Caballero de Rodas was in command. Afterward General Dulce named commissioners to confer with the Cubans. And what happened then? That the insurgent chief, Don Augusto Arango, being charged with carrying to Puerto Principe the basis of an arrangement, was treacherously assassinated by the volunteers, it was said, at the very entrance to the city, while upon his

body was found the *gaceta* containing his pardon by General Dulce and the basis of the agreement or compromise.

In another junta held in the house of the Marquis of Campo Florido, in Havana, it was likewise agreed that if Cuba were granted the right of autonomous government peace and happiness would soon be restored to the island.

This resolution so exasperated the volunteers that they thereupon decided to crush the Cubans to prevent their union; and then began the assassinations of Villanueva, of the Louvre, and even in the streets, which resulted in the flight of the native islanders and the embargo of their property. And thus it came to pass that the liberals, who were preparing for the election of deputies, fled terrified on seeing that Spain did not force the volunteers to respect her will. From that time the jails were crowded with Cubans, and the papers were filled with lists of embargoed estates without any procedure or form of law, but by executive orders. Such are the embargoes so justly annulled by Mr. Suñer.

I have heard with pleasure the minister of finance distinguish between embargoes imposed as a punishment, and therefore indefensible, and enforced war contributions. It is evident, therefore, that property embargoed by executive order is illegally and arbitrarily held, and for this reason Mr. Suñer ordered its restitution; it is evident that there is no relation between those embargoes and the war tax now under discussion, a tax which Cuba also supports without complaining.

But there is more to be done in this question of embargoes. In Cuba the government still holds innumerable estates belonging to the mothers, widows, and orphans of insurgents condemned to death by military or other courts, and who have perished on the scaffold or on the field of rebellion; and is it possible, gentlemen, that the republic can sustain such measures a single day longer?

I think I have said enough to demonstrate that the Cuban insurgents have not raised the standard of "Death to Spain!" That they have only desired and still desire the liberties and reforms you have here, and that, as these have never been granted them, it is unjust to charge them with ingratitude. What franchises in point of fact have been given to Cuba? What reforms has the republic essayed? Until now, nothing save the promises of Mr. Pi y Margall in his executive programme, and the disembargo of the property embargoed by executive order; which last is due to the uprightness of Mr. Suñer's principles during the few days he filled the ministry of ultramar.

Mr. Romero Robledo, therefore, has no grounds for saying that the insurgents chose the moment when reforms were given to them to break into open rebellion. No! The Cubans have been waiting for thirty years, and are waiting still; and if Spain carries thither the liberties enjoyed in the peninsula, I have the firm belief that Cuba will remain to Spain! [Applause.]

MR. ROMERO ROBLED0. I regret that your applause hamper me somewhat at this moment, for Mr. Betancourt has with great adroitness made an argument in favor of the Cuban insurgents, and arraigned the revolutionary Spain of 1808 and the republican Spain of to-day. Mr. Betancourt, who says that by reason of his sufferings he has learned nothing, knows enough to put himself, as no one else could have done, in the position best adapted for dealing the strongest blows.

He has said that on asking why there were no representatives from Cuba here he was answered that they had been expelled in 1837; and those who answered him thus answered him wrong, since they should have replied that Cuban representatives were absent from the Spanish Cortes because Argüelles, Sancho, and Calatrava, patriarchs of the liberal party, deemed that they should be absent, for they had taken seats in the previous Cortes and sold their country, and then demanded the reward of the speeches they had made and the boasts they had uttered. [Rumors.] I do no more than repeat what Agustín Argüelles said in the Cortes of 1837, resulting in the denial then of representation to the Cubans.

Moreover, I do not understand how I compelled Mr. Betancourt to ask the floor, interrupting me, when I spoke of the insurgents, by saying, "*Ya apareció aquéllo,*" since neither he nor any one else needed intelligence from Cuba to know that I would defend in this parliament, as in any other to which I may be sent, the interests of Spain in the colonies; in doing which I am no more than faithful to my antecedents.

He says I have brought a groundless charge against Cuba. This is not correct. I incriminated the rebellious and ungrateful sons of Cuba who are fighting against Spain. The question of the insurrection must not be confounded with that of the reforms offered by all the governments before and since the revolution. Mr. Betancourt says that the rebels continue in rebellion because reforms have not been given them, but in reality they get no reforms because they will not lay down their arms; and reforms are not to be demanded by armed force. The rebels of Yara rose to the cry of "Death to Spain!" and that is still their cry. And when you speak to them of reforms, and offer them the republic, they answer through their official papers in New York, that they wish from Spain neither liberty nor the republic, they will accept nothing!

Consequent the conduct of those insurgents is not to be excused, nor the policy of

Spain impugned. I have ever resolved that whenever an incident arises here concerning this unfortunate question, there should be at least one person to raise his voice in favor of the Spanish Cubans, and against the insurgents and traitors, who, while begging reforms, really seek to rend the heart of the nation.

General Dulce gave them all manner of liberties—[Interruptions from the left.] It is difficult to speak in the midst of these interruptions. Is it or is it not true, that General Dulce went to Cuba because his being in command there was a guarantee that reforms would be asked for? Gentlemen, this is notorious. I have in my possession a letter from General Dulce, a letter I will show to anyone who wishes to see it, in which he tells me that he had become fully convinced that the cry for reforms was a mere pretense—a mask—and what they wanted was independence, and nothing else. [Mr. Labra addresses a few words to the orator in an undertone.] Those who interrupt me would do better to ask the floor, and for that purpose I now allude directly to Mr. Labra. [Mr. Labra asks the floor.] I am in no way under pledges; my position here is perfectly clear, and I proclaim it frankly: I am with the republic in everything if it be necessary to the salvation of liberty and the country; I am ready to die with you while your sole guide is the integrity of the nation; but never will I be with those who seek the dismemberment of my country. This is a national question which ought to affect us more deeply than mere internal bickerings.

The minister of finance, seeing the impossibility of demonstrating the justice of the law now under consideration, has said very plainly that the motive of this measure lies in the fact that the government presented a law against the republicans a few days ago, and so it is now necessary to bring forward another against the Carlists. But I maintain that there is no equality in the two cases; and I may now add that, according to the principles he enunciates, quoting the proverb, "Who breaks pays," the minister should lose no time in submitting a bill proposing that all the republicans should pay for all the damage they have done in all their insurrections. This is not just; political parties are not to be subjected to penalties of this kind, for in such case we would all be exposed to the *lex talionis*, since we are not eternal in our rule.

The minister speaks of the laws of war. I have heard with sorrow the application he proposes to make of these laws to civil warfare. I fancy that none of the writers on international law he may have consulted establish a parallel between a war among nations and an internal insurrection, which we should not even confess to be a war.

If the foreign powers were to recognize the Carlists as belligerents to-morrow, in accordance with the minister's doctrines, how could the government protest when it could be answered in the very words of the finance minister? His excellency, in speaking of embargoes and of war contributions, tells us that the latter recognize property-rights. So do embargoes too. And he adds that the embargoes have been raised because they were detrimental to the public fortune. This is no argument; I am not discussing the question of embargoes. What I say is, that the insurgents who belong to the New York junta, and who say that they would like to know in which of their veins Spanish blood runs so that they might open it, have had their property restored to them, while a contribution is levied on the Carlists. This is a contradiction; and I repeat that you should not impose a contribution on a particular party because it is equivalent to making a law of caste.

THE MINISTER OF FINANCE. A distinction must be made between a state of warfare and a character of belligerency. The government, the chamber, the country, and the facts of the case may give rise to a state of war, and yet one of the parties may not be a belligerent. I believe that we are in a civil war, but this does not involve myself, or any one else, conceding a belligerent character to the Carlists. This depends on the conditions of the war and on other principal and accessory circumstances which are perfectly well known to the honorable gentleman. And so it cannot be inferred from my language that I deem the Carlists entitled to recognition as belligerents either by ourselves or by foreign powers.

MR. LABRA. I have no intention of making a speech on the grave question inaugurated by Mr. Romero Robledo, but when the problems are vast, and the difficulties that burden our minds great, I think that they should be made the subject of a special debate, in which theories may be brought forward and abstract facts set right with respect to a political question like that of Cuba, and with respect to a legal question like that of colonial reforms. I do not wish to disturb the course of the debate. If Mr. Romero Robledo is justified in saying that interruptions make discussion impossible, it is incumbent on me to explain why I interrupted him, adding that in my judgment it is also impossible to discuss when gratuitous assertions are made on the part of one of the contestants. This is both a question of fact and a question of judgment, and it is incumbent on me to oppose a distinct protest to the assertions of Mr. Romero Robledo.

He says that the insurrection in Cuba was from the outset in the interest of separation, and that its development has continued in this same sense up to the time when Mr. Suñer issued his decree concerning embargoed property in favor, as has been here said, of the very persons who form the insurgent junta in New York. The two

extremes are false. The decree in nowise refers to that junta, since it only affects property embargoed by executive act, and not of estates sequestered by a judicial decision. Neither was the insurrection of Yara secessionist at its outbreak; still less is it true that General Dulce proclaimed in Cuba in 1868 the liberties of the Peninsula.

I do not understand how Mr. Romero Robledo invokes the decrees of General Dulce, since they introduced no reforms. He only issued two decrees: one concerning the liberty of the press, with two lamentable restrictions, first, that nothing could be said against religious unity—which was bad enough, since in Cuba religious liberty has existed *de facto* for a long time; and second, the prohibition of attacks, not on the integrity of the country, but on slavery! And thus it was permitted to attack the national integrity, but forbidden to attack that to which no civilized nation now consents. The second decree of General Dulce recognized the right of re-union but limited its exercise solely to the voters; that is to say, he revived the decree issued by Mr. Vaamonde (*Bahamonde*, as it is more generally spelled,) in 1864, and which led to the retirement of the *progressistas*.

I had occasion at that time to speak with General Serrano and Mr. Ayala, who said to me that public order in Cuba would not be disturbed by sending General Dulce thither, and I told them that they were mistaken, and that General Dulce's appointment was insufficient to repress the insurrection. Moreover, in all the history of America it has been observed that while the first movements of colonies have never been toward separation, the second and subsequent movements have always been secessionist; and this is not to be wondered at, since it depends on the radical difference of status between the colonies and the provinces of the mother country. In the present insurrection I have always condemned the idea of separation, for I think it prejudicial to colonial autonomy. It is certain that if the insurgents had laid down their arms, or would lay them down as I had advised, the Cortes would concede that autonomy, and Cuba would obtain all the advantages of liberty without separation from the mother country.

I am fatigued, and taking up the time of the chamber, and so I will conclude by saying that we are discussing a question of facts, and I defy Mr. Romero Robledo to prove his assertions.

MR. ROMERO ROBLEDÓ. It is proper that I should expose the error into which Mr. Labra has fallen in saying that I provoked this debate on the colonial question. I simply adduced an argument applicable to the bill under discussion, and an impatient deputy, doubtless to provoke this question, interrupted me. Not only have I not originated this colonial discussion, but, in the interpellation I had the honor to explain a few days ago to the chamber, notwithstanding that several deputies had taken up this question, I deliberately avoided touching upon it for fear that affirmations would be made contrary to my own convictions, and knowing this to be a question not to be taken up incidentally. This has been my course on the colonial question, notwithstanding Mr. Navarrete took it up rather ill-advisedly and mistakenly, in my judgment, and notwithstanding, also, that Mr. Suñer, then minister of the colonies, uttered words I could not approve.

Mr. Labra denies Mr. Dulce's reforms, and between my affirmation and his negation the public mind cannot but be perplexed; but a time will come for ample discussion on this matter, and then it will be seen whether General Dulce did or did not grant reforms. I shall read the journals published at that time in Cuba, and then we will see the effect certain of their articles will produce on Spanish ears.

With respect to the last fact we will debate it too; and if Mr. Labra asks for proofs I guarantee to show him that the Cortes of 1837 closed their doors to the American deputies because of the perfidious and traitorous conduct of their representatives in previous Cortes; for, as Arguelles said, they had even demanded the prize and reward of the speeches they had made, and which, they claimed, had aided the independence of the American colonies. I shall adduce proofs of this, and meanwhile Mr. Labra is at liberty to persevere in his denial.

As to the rest, why should I weary you? It is said, "When a party confesses, proofs are needless." I applaud Mr. Labra's patriotic words, and his vehement desire that the rebels should lay down their arms. I rejoice that Mr. Labra and Mr. Betancourt differ, as it is a difference we all appreciate; but the truth is that Mr. Labra has said to us that the Cuban insurrection is separatist in its character. Is not this what he said? You all know it; the Cuban rebels are separatists, and I, as a Spaniard, addressing a parliament which is also Spanish, tell you that the insurrection is kept up by a few ingrates, an insignificant minority, as is shown by the fact that during the four years they have been in arms under the protection of the United States they have never been able to seize a single town. It is therefore our duty to support the majority in Cuba, and to uphold their rights.

MR. BETANCOURT. Mr. Romero Robledo says that it is not he who has raised this question about Cuba, but my impatience. The truth is that nothing was more out of my path than the idea that the colonial question could be brought into a debate on a question of finance. And that is why, when Mr. Romero Robledo dragged it in, I ad-

dressing Mr. Corchado in private conversation, could not resist saying in an undertone. "Ya pareció aquello!" (There it is at last.) Mr. Romero Robledo thereupon addressed me, telling me I ought to ask the floor. I did so; and that's the whole story. Afterward I stated, in explanation of my remark, that I had heard that Mr. Romero Robledo was engaged to take up the Cuban question in this parliament. It was not I, therefore, who provoked this incident, but Mr. Romero Robledo. This is perfectly clear. The honorable gentleman was, doubtless, impatient to fulfill his pledges, and it was in reality he who brought the matter into this debate.

I shall not take up the words "perfidious, vile, and traitorous," used by the honorable gentleman in speaking of the insurgents. I shall only say that the men of the old régime who carried tyranny to Cuba were the only ones well acquainted with the art of making traitors. When all the paths to liberty are shut for a people—and you yourselves, republicans, have most unmistakably proclaimed that they are shut—the right is on the side of that people if they resort to the only appeal left to them, the appeal to force.

Mr. LABRA. Mr. Romero Robledo says: "Mr. Labra asks me for proofs of a certain fact, and I will give them to him," and, remaining silent with respect to the proofs I explicitly demanded, he offers me other proofs I did not ask for.

He has spoken of several topics, and among others the attitude of the American deputies in the Spanish Cortes. I have not denied that Mr. Arguelles said what Mr. Romero Robledo says he said; what I have denied, or would have denied, is the fact that such was their attitude; and it would be most absurd if, when a historical fact was mentioned and proof thereof demanded, the words of such and such a historian were cited as sufficient proof.

The honorable gentleman has spoken to us of the Cortes of 1837. I know that the deputies from Cuba and Porto Rico were expelled from those Cortes, but by a small majority, for opposed to Mr. Arguelles were other men not less illustrious than he, like Caballero, Quintana, and others, who stood up for the rights of those colonies.

In order to convince the assembly that the expulsion of the American deputies from the Spanish Cortes was due to their perfidy, Mr. Romero Robledo has adduced arguments of much authority. But I in turn can oppose to these arguments those of the persons who fought against that resolution. Moreover, all the world knows the motives and passions which led Mr. Arguelles to make those speeches, and I can prove that there were American deputies who gave great examples of patriotism and love for Spain.

And now I turn to my second correction, also brief. The deputies from America in the legislature of 1811 gave due notice to the government that if reforms were not carried into effect the separatist movement would triumph. This can be shown from their motions and speeches. Mr. Romero Robledo with some ability made use, as an argument in his favor, of an explanation I had proffered. I said that in colonial history all insurrections bore a separatist character in their second stage, and this would have been the case with Cuba and Porto Rico had there been previous insurrections as however there were not; and Mr. Romero Robledo says: "When a party confesses, proofs are no longer needed." But I added that it is the duty of statesmen, firstly, to prevent insurrections from reaching that stage; and, secondly, when it is reached, to put down the insurrection. That of Cuba is in its second stage, and yet it is still possible to effect political reforms there like those in Canada, and Cuba will then remain under the dominion of Spain.

Mr. ROMERO ROBLED0. I shall be extremely brief in my replies. To Mr. Labra I shall simply say that since the rebellion in Cuba is in its second stage, let us first overcome the rebels and then we will discuss reforms. Mr. Betancourt asks me what my desires or pledges are respecting colonial issues. I have no other desire than to behold the triumph of the Spanish flag, nor other pledges than those imposed by my conscience and my patriotism. I am not a deputy from those provinces. I have therein neither interests nor passions, nor any kind of aspiration incompatible with my country's good. And Mr. Betancourt—what pledges does he obey? Because when he supposes that I am under pledges he leads me to suspect that he himself may be so bound. I therefore repel his question, and address him another in the self-same terms.

Mr. BETANCOURT. When I said that Mr. Romero Robledo had treated the Cuban question as he was accustomed to treat it, I did not deem I was speaking of desires and pledges in the sense in which he has understood me. If there be any pledges he must know it. I shall now give the pledges I contracted on taking my seat here. I did not seek to be a deputy. I was spontaneously elected from Porto Rico, which thereby wished to confer upon me an honor which I endeavor to deserve. Moreover, all the pledges I have are these: obey the sentiments of my heart, the love I bear to my country, and justice and liberty, ever wounded by the lips of Mr. Romero Robledo when he takes up the question of the Antilles.

Mr. ROMERO ROBLED0. I do not wish Congress to be impressed by any reticence on my part with respect to pledges I may have contracted regarding the colonial question. And I only know that when the insurrection of the traitor Lopez took place, the Betancourts and the Agüeros rose with him.

The MINISTER OF FINANCE. (Mr. Carvajal.) With a melancholy facility we have strayed away from the question under discussion. Nevertheless, Mr. Betancourt has made a remark I cannot pass over in silence. He says that the people of Cuba had a right to rebel under former governments, which has most harshly censured. Without disputing this insurrectionary right, which, in my judgment, can only exist in extreme cases, I must say that the government to-day considers the Cuban insurrection as criminal as that of the Carlists or of the *Intransigentes*; [Good! Good!] that it will hold it the more criminal in proportion as the Cubans know that this government stands ready to give them all manner of liberties as soon as they lay down the arms wherewith they endeavor to extort them from us; and that while arms are in their hands we cannot give them those liberties. [Marks of approval.] Mr. Suñer's bill is intended to say so distinctly. Under this point of view it is evident, therefore, that the government should dispel the possible effects of Mr. Betancourt's words addressed to the assembly, which is before all Spanish, and to a government whose mission is to defend the national integrity, and to make this question one with the development of our liberties on every foot of national soil. [Applause.]

But let us define the principal basis of the question now being ventilated. I have maintained that the bill under discussion tends to soften and modify in the interest of civilization and progress all that is hard, severe, and energetical in the necessities of warfare. The Roman precept, *adversus hostem aternas auctoritas esto*, is now abolished and separated from the same condition of warfare under which it was first established, but there is a general principle which we cannot lose sight of—that war should be paid for by the enemy. In barbarous times this was done by confiscation of property and person; in the present century it is effected by means of contributions. But in a state of war such exactions are enforced by arbitrary proceedings, such as the Carlists now employ, and we cannot face such a situation without weapons. For this reason, let us modify and regulate this state of things by means of law, giving to the popular corporations this natural right, and thereby fix the mode in which the war is to be paid for by the enemy.

Guided, therefore, by a principle more civilized than arbitrary, we have presented this measure with perfect independence and uprightiness. Amendments are coming in from all sides of the chamber, and, in view of this, the government leaves the house free to adopt with respect to the bill under debate such resolution as it may deem most expedient.

Mr. BETANCOURT. I am very well aware, Mr. Minister of Finance, that I am not here in a Cuban parliament. How could I be ignorant of it on seeing that Cuba has no representatives here?

The VICE-PRESIDENT. (Mr. Pedregal.) Although I regret to do so, I must notify you that you are limited to making a correction.

Mr. BETANCOURT. I am endeavoring to correct an erroneous impression as to what I said. I am a representative of the Spanish nation, and as Cuba is a part of Spanish soil, I hold that it was my duty to defend that island. As for the statement that the Cuban insurgents will have no liberties as long as they do not lay down their arms, I shall reply in the words of one of the most authoritative representatives of the republican party, who said: "The Cuban question is a faulty circle of reasoning; Cuba waits for liberties to be given her before laying down her arms, and Spain waits for the insurgents to lay down their arms before giving them their liberties." The minister of finance says that the insurgents are without excuse, because they do not abandon their arms in view of the offers of liberties now made to them. Offers have been made to them since 1837; Cuba wishes the fulfillment of these promises, and, if after their fulfillment, the insurrection continues, then, and then only, would you have the right to say to her: "Thou art a traitor to the mother country!"

The MINISTER OF FINANCE. In saying to Mr. Betancourt that the republic has given to Porto Rico all our liberties, an answer is given to him and to this insurrection which has not a single explanation, in whose favor not a solitary voice can justly be raised, and against which all of us will rise together, for we are determined that it shall cease. While the actual government exists, as also while that of which Mr. Suñer was a minister lasted, no notice will be taken of the demands of the insurgents in Cuba as long as they do not lay down their arms; and Mr. Suñer's opinion was the same as that I have expressed before. We offer the insurgents liberty, individual rights, representation in the national Congress, and political and economical reforms, as soon as they lay down their arms; and they know, and should know, that the republic is honest and does not fail in its promises or in obedience to the law of its own existence, as it has not failed with respect to the noble island of Porto Rico, which already sends a most enlightened representation to this Congress. [Great applause.]

[Inclosure C.—Translation.]

[Extract.]

Sundry interpellations touching Spanish colonial policy, in the Constituent Cortes, July 25, 1873.

Mr. BETANCOURT. I have asked the floor in order to address two inquiries, one to the government and the other to the minister of the colonies. For many years various republics in either hemisphere have entreated Spain to denounce as pirates slave-trading vessels, their crews and their outfitters; and now that this step has been taken against the insurgent vessels at Cartagena, does not the government deem that the time has come when the decorum of the nation demands that a like declaration be made against all those engaged in the abominable traffic of human flesh, and who have enjoyed and are enjoying an impunity which is a dishonor to Spain and an injury to the human race? The question I put to the minister of the colonies is simply, Is his excellency disposed to lay before us the law for the immediate and absolute abolition of slavery in Cuba, which for five years past has been under consideration, and for five months past has been daily promised to us by the republican ministers, none of whom have yet presented it? If the government wishes to reserve to itself the glory of taking the initiative, I beg that it will do so as soon as possible, since, in the contrary case, there will not be wanting in this chamber a few men to join their names with mine in beseeching that Spain shall be freed from the stigma of slavery. [Many deputies: "All of us!"]

The COLONIAL MINISTER. Mr. Betancourt's inquiry has been answered in advance by the telegram I sent to the captain-general of Cuba on taking charge of my department, in which I said that it was my purpose to extend to that island the political, administrative, and social reforms advocated by the republican party while in opposition. And I shall do so because it is neither politic nor honorable to agitate public opinion under a party standard and to ignore it as soon as power is attained. And, in particular, the measure abolishing slavery is well advanced, and I cherish the hope that it will be presented to the Cortes before I cease to hold this office.

Mr. SORNI. I sought to lay before you the bill for the abolition of slavery in Cuba and to this end I had already arranged with the slaveholders, who agreed to the measure, and without indemnification; nevertheless, as I had to write to Cuba and await a reply, time passed, and meanwhile I ceased to be minister. Had I remained in the ministry a few days longer I would have presented the abolition bill to the Cortes.

Mr. CALA.

And now I would like to know if the colonial minister is prepared to extend to the Antilles all the reforms proclaimed by the republican party while in opposition. Is he prepared to grant them without in any way considering the state of insurrection in which those islands now are or may be; or is he, on the contrary, in conformity with the statements of the minister of finance a few days ago to the effect that no reforms whatever would be conceded while anyone should remain in rebellion? I was about to put the same question to the minister of finance, but in an inverse sense, namely, whether he agreed with the colonial minister, or if he still maintained the opinion he expressed the other day which is so opposed to federal republican principles.

The COLONIAL MINISTER. In answer to Mr. Cala I shall limit myself to referring him to my explicit statements previously made to Mr. Betancourt. If Mr. Cala thinks that my ideas and those expressed by the minister of finance are in conflict, I am bound to tell him that I think he is mistaken. When these reforms come up in the council of ministers their discussions will show whether or no the minister of finance and myself are agreed in respect to them.

The MINISTER OF STATE. I think Mr. Cala will be satisfied if I inform him in reply to his question of the other day that I am unable to furnish the documents referred to because, fortunately, they are not of record in the ministry of state.

The MINISTER OF FINANCE. I propose to reply to Mr. Cala's remarks in reference to me, made during my absence. I shall simply say to him that if he wishes to acquaint himself fully with the matter in question, I beg to refer him to the *Diario de Sesiones*, where he may thoroughly inform himself of the precise words I used to Mr. Betancourt concerning the Antilles, or to the opinions of his own companions in the chamber, and then he will see if there is any difference of opinion between the colonial minister and myself respecting the reforms which are to be carried out in the Antilles. There is no such difference, Mr. Cala, nor, indeed, has there been any with respect to the measures submitted to the late cabinet by Mr. Suñer y Capdevila. I have nothing more to say.

No. 416.

General Sickles to Mr. Fish.

No. 683.]

UNITED STATES LEGATION, SPAIN,
Madrid, August 8, 1873. (Received August 30.)

SIR: I have the honor to forward herewith for your information a copy and translation of a communication from Mr. Moreno Rodriguez, minister of grace and justice addressed to the Cortes, accompanied by a bill proposing the absolute and final separation of church and state in Spain.

The bill without essential modification will undoubtedly become a law.

I am, &c.

D. E. SICKLES.

[Inclosure A.—Translation.]

Bill presented by the minister of grace and justice, declaring the independence of the Church

[From the Diario de Sesiones, No. 56, August 2, 1873.]

To the Cortes:

Among the reforms exacted by right and demanded to-day by public opinion there is, perhaps, none more pressing than the recognition of the mutual independence of the church and the state.

The new principles by which society aspires to self-government, casting aside the artificial bonds with which the old *régime* hampered the free development of all social institutions, imperiously demand that each of these institutions should possess the sovereignty that belongs to them by virtue of their aims and objects, so that being duly organized, and dwelling under the shadow of the law, they may freely work together as harmonious members of the social organism for the fulfillment of the destiny of the human race.

The equality of all forms of worship before the state, while being the most efficacious sanction of the sacred inviolability of conscience, gives also the best guarantee for this noble alliance of all the rational aims of life. By means of such equality alone is it possible that neither the power nor even the favor of the state can be allowed to decide the lot of the different religious beliefs which, animated by the noble emulation of good against evil, aspire to represent the truth in its highest and most fundamental sphere.

The reason, the right, and even the honor of republican principles, join in demanding that the Catholic Church be neither subjugated nor especially favored by the state, but recognized by it in the plenitude of its right. That the Catholic Church should, according to this principle, renounce all privileged protection on the part of the state; and that the state should, in turn, renounce all interference with or control over the life of the Church, restoring to it its own internal prerogatives, in so far as common law assigns such prerogatives to lawful corporations, admits of no doubt, although the old order of things and the *régime* of the Concordats have given rise, with respect to the economical relations between church and state, to a situation complex in the extreme, and which can be alone resolved with justice by a noble equity on the part of each. The Church acquired in Spain, in the course of centuries, an immense property, about the legitimacy of whose origin doubts have not seldom been raised, and whose object was to meet, not only the necessities of religion, but also to provide for others now watched over by divers institutions, and especially by the state. This ownership of property having been subsequently modified, whether against the will of the Church or by its consent, it has given rise to the budget of public worship, the Church still preserving and enjoying, in addition, property due in part to the sacrifices of the state, and figuring lastly among the creditors of the latter as the possessor of an enormous capital invested in public bonds. The complexity of these facts requires that, in order to put an end to them, both the institutions concerned should proceed in concourse, animated by high principles of equity and justice.

Founding his action on these considerations, the undersigned, with the approval of the executive power of the republic, has the honor to propose to the Cortes the following bill:

ARTICLE I. The state recognizes the right of the Catholic Church to govern itself in complete independence, and also the free exercise of its form of worship, and, consequently, its rights of public meeting, discharge of its functions, holding property, and establishing systems of instruction, with all other rights guaranteed by the constitution and the laws to all lawful corporations.

ART. II. The Spanish Catholic Church, and other religious corporations, may acquire and hold property in the manner prescribed by law, but subject to the prohibitory exception established by law 15, title xx, book 10 of the *Novisima Recopilacion*, which extends to all classes of bequests made in the last testamentary devises executed during the illness of which the grantor dies.

ART. III. The state renounces:

First. The exercise of the right of nomination to all vacant ecclesiastical charges, or those which may hereafter become vacant, whatever be their class and category, but without thereby relinquishing the rights of the lay patronage, (*patronato laical*.)

Second. Supreme jurisdiction and rights of all kinds relative to all the exempt jurisdictions specified and recognized in article II of the Concordat, sanctioned October 17, 1851.

Third. The *visa*, or *regium exequatur*, of all bulls, apostolic briefs, pontifical rescripts, dispensations and other documents emanating from the ecclesiastical authorities, leaving to the courts and common legislation the prosecution and punishment of whatever offenses may be committed by these means.

Fourth. The *gracias de cruzada* and *indulto quadagesimal*, and their proceeds.

Fifth. All intervention in the printing and publishing of liturgical books and others of equal or similar nature.

Sixth. All intervention in the dispensations which, until now, have been issued through the office called the *Agencia de Preces*.

Seventh. And lastly, all the powers, rights, control, prerogatives, and pontifical concessions, wether existing under the ancient royal patronage, (*patronato real*.) or of other origin, by virtue of which it has the power of intervention in the internal affairs of the Church, reserving, however, its right acquired, for valid consideration, (*titulo oneroso*.) to receive the proceeds of *expolios* (property belonging to deceased prelates) anterior to the Concordat of 1851.

ART. IV. The state recognizes:

First. The right of nuns in convents to receive the pensions they now enjoy under existing regulations. The register of these shall be transferred to the budget of the minister of finance, extinguishing the pensions of those who die.

Second. Contracts legally entered into with private parties for the repair of churches and other contracts executed conformably to existing regulations.

ART. V. All the members of the Catholic Church are in the character of citizens, subject to the duties common to all Spaniards.

ART. VI. All matters relating to the property and rights at present belonging to the Church, as well as those referring to the incomes which it has until now received from the state for various purposes, shall be made the subject of a special and definitive law, in the preparation of which the government of the republic will endeavor to proceed in accord with the authorities, corporations, and individuals especially interested.

ART. VII. All the buildings at present devoted to worship, or other religious uses, shall remain destined to the service of the Catholic Church, saving the rights which may be held thereon by private parties or corporations, until the law prescribed in the foregoing article shall be prepared. Those buildings which may properly be considered as artistic monuments by the scientific corporations to which they correspond shall be forthwith declared under the protection and immediate inspection of the state.

The Minister of Grace and Justice,

PEDRO JOSÉ MORENO RODRIQUES.

MADRID, August 1, 1873.

No. 417.

General Sickles to Mr. Fish.

No. 686.]

UNITED STATES LEGATION IN SPAIN,
Madrid, August 8, 1873. (Received August 30.)

SIR: I have the honor to forward a translation of a communication from a person identified with the insurgent movement in Valencia, addressed to the United States consul. Also, translation of a reply made on behalf of all the consuls by Mr. Cialdini, the Italian vice-consul.

The papers having been transmitted to me by Mr. Loewenstein, in charge of the United States consulate at Valencia, accompanied by a report of his proceedings, a copy of which is inclosed, I sent him certain instructions, which will be found in Appendix C.

I am, &c.,

D. E. SICKLES.

[Appendix A.]

*Mr. Loewenstein to Mr. Adee.*CONSULATE OF THE UNITED STATES,
Valencia, July 25, 1873. (Received July 30.)

SIR: I have respectfully to inform you that on the 23d instant I received and accepted an invitation from the British consul to assist at a meeting of all the consuls here in order to treat of a subject of interest to them all.

The subject being to form a commission of five, that is to represent all the consular body, (composed of twenty-one individuals.)

This consular commission proposed and accepted is composed of the representatives of the United States, France, Germany, Italy, and England.

The consul of Italy, M. Guido Cialdini, brother of the general and minister of that name, has been elected unanimously the president, and the British consul the secretary of this commission. The inclosure No. 1 is a copy of the proceedings of our meeting.

There was another reason for naming said commission not contained in the inclosure No. 1. That is, considering the actual political circumstances of this country, and that the majority of the consuls are Spanish subjects, they would rather be a difficulty than a help in resolving important questions which may arise between foreign and Spanish subjects. This will be avoided by the commission thus composed of five of the most powerful nations, acting in the name of the whole body.

I have also the honor to forward to you a copy (No. 2) of a circular received by the president of the *junta revolucionana* of Valencia, and our collective answer to it, (No. 3.)

I would also mention that a Spanish merchant here, Mr. Casimiro Luna, selling American and other sewing-machines, intended to fix, during the fair here, on the outside of his *tienda* the American flag, but I told him that this being prohibited by the law he would, by insisting upon it, oblige me to apply to the government to take it down, as I think it improper that the American flag should cover a commercial charlatany, or perhaps a fraud.

I am, &c.,

RICHARD LOEWENSTEIN.

No. 2.

[Appendix B.—Translation.]

Circular of the cantonal authorities of Valencia to the consular body, and reply of the latter, (appendices 2 and 3 to Mr. Loewenstein's dispatch of July 25, 1873.)

The necessity of providing for the restoration of order, the difficult and painful nature of the situation, and the desire we feel to speedily create a normal and orderly state of things which will protect all citizens in the free exercise of their civil rights, are powerful causes which have deferred the time when this junta should have the satisfaction of addressing the worthy representative of the United States in this city. We are the sole and supreme power of the canton, since our origin springs from the will of the people represented in the militia and manifested in an election.

Nevertheless the powers conferred upon us are merely provisional until universal suffrage comes to annul them or to confirm them. We have founded the canton conformably to the principles of the government, but without the sanction of the assembly, for we have been moved thereto by purely local and patriotic motives.

The desire to avert a great wrong from this city drove us to rebel against a government to which we were closely bound by the double tie of an idea and a common interest.

Our mission, therefore, is mainly confined to preserving social order in all its integrity, for it is the basis of public welfare, and to securing from any detriment the rights of all citizens, both natives and foreigners.

Health and federal republic.

VALENCIA, July 23, 1873.

The President,
PEDRO BARRIENTES.

To the CITIZEN CONSUL of the United States.

No. 3.

I have the honor to acknowledge the receipt of the polite communication you were pleased to send me, under date of yesterday, through your president.

I observe with satisfaction the good desires which animate the junta to sustain social

order, in order that the interests of none of the inhabitants of this canton shall suffer in the least degree.

I avail myself of this occasion to state to the junta that the consular body of this capital has appointed a committee of its own members, composed of the representatives of France, Germany, England, the United States of America, and Italy, of which I am chairman, and whose mission is to represent that body in all its official acts, and consequently the junta will be pleased to regard this reply as made in the name and stead of all the consuls accredited to this capital, to each of whom your circular is addressed.

VALENCIA, July 24, 1873.

The Vice-Consul of His Majesty the King of Italy,
G. CIALDINI.

THE JUNTA OF THE VALENCIA CANTON.

[Appendix C.]

General Sickles to Mr. Loewenstein.

No. 9.]

LEGATION OF THE UNITED STATES,
Madrid, July 30, 1873.

SIR: Your communication of the 25th instant, with three inclosures, was received to-day. You will carefully avoid any engagement with your colleagues at Valencia which may affect your entire liberty of action in your official capacity. It is not in accordance with the practice of the United States Government that its agents should associate themselves with the representatives of other powers in measures touching its political or commercial relations with the country or places to which they are accredited. You are not authorized to recognize the official character of the persons pretending to set up a separate government at Valencia. The United States recognize the government of the Spanish Republic, and no other, in this country. You have a right to demand of whomsoever you may find in the actual exercise of power in your district all needful protection for your person and the persons of those acting under you, as well as for your families and your dwellings, and likewise for the persons and property of citizens of the United States in your consular district. You have also the right to communicate freely with this legation, and with any public or private vessel of the United States that may enter any port in your district. You will, however, be particular to avoid taking any steps which may be looked upon as a recognition of any authority hostile to this government.

I am, &c.,

D. E. SICKLES.

No. 418.

General Sickles to Mr. Fish.

No. 687.]

UNITED STATES LEGATION IN SPAIN,
Madrid, August 8, 1873. (Received August 30.)

SIR: I have the satisfaction to forward a copy and translation of a law passed by the Cortes granting a comprehensive bill of rights to the inhabitants of Porto Rico, being substantially the same found in Title I of the Spanish constitution. After a failure to pass the bill on Saturday last, the 2d instant, for the want of the prescribed quorum of deputies, the measure was again brought forward day before yesterday, and received one hundred and eighty-four affirmative votes against one in the negative. Another attempt was made to count out the house but it happily failed, a sufficient number remaining, although there were but two to spare. On the failure of the bill to pass when first presented a cry of triumph went up from the conservative press, including the Imparcial, identified last year with the Zorrilla-Martos cabinet, and it was supposed the insurrectionary and turbulent spirit shown in the Spanish provinces might deter the Cortes from further concessions to the colonies. I commend to your attention the brief speech of Mr. deputy from Porto Rico, and a leading reformer and abolitionist

I am, &c.,

D. E. SICKLES.

[Inclosure A.—Translation.]

Report of the colonial committee declaring the first title of the constitution of 1869 in force in Porto Rico.

[From el Diario de las Sessions de las Cortes Constituyentes de la Republica Española. Sixth appendix to No. 42 of July 17, 1873.]

To the Cortes :

The permanent committee on the colonies has examined with all the deliberation and care possible under the circumstances the proposed law by virtue of which Title I of the Spanish constitution of 1869 is extended to the province of Porto Rico.

The committee accepts to its full extent the luminous preamble to the measure, a document which demonstrates that from to-day henceforth the colonial ministry will be animated solely by a high and broad sentiment of justice, the only one which can keep alive the sentiment of national unity beyond the Atlantic, and the only one sufficient to assure not merely the integrity of the country, but also the realization of the grand destiny reserved to Spain in the continent discovered by our great navigator of the fourteenth century.

The committee nevertheless deems it advisable to introduce some modifications into the bill submitted for its examination.

According to article 31 of the constitution of 1869, a law is requisite whenever the security of the state demands the suspension of the rights guaranteed in the 2d, 5th, 6th, and 17th articles thereof. The committee does not now discuss the goodness of this doctrine; it regards it as a fact of law, and looks only to harmonizing it with the actual state of affairs in the colonies, that is to say, with all those institutions which cannot be blotted out with the stroke of the pen, and the incongruities of which will be appreciated by the Cortes when they are finally called upon to reorganize the administration in our transatlantic provinces, if indeed such a matter be not left to the free initiative of the individual states of the Spanish federation.

For it is evident, on the one hand, that in view of the distance of Porto Rico from the mother-country, and the want of continuous and rapid communications between them, it would be scarcely less than impossible in certain cases that the 31st article referred to could be observed to the letter, for if it were, the law voted by the Cortes would sometimes arrive too late.

On the other hand, the superior governors and captains-general of the province of Porto Rico, although they do not enjoy, at least to their fullest extent, the extraordinary powers conferred under the royal order of 1825, are invested with all the authority and all the means sanctioned in the "Recopilacion des Indias" especially stated in Title III, book III, thereof, and it is difficult if not impossible to reconcile all this with the constitutional code of 1869.

It is needful, therefore, to harmonize all those regulations and face the difficulties which distance, even though slight, may bring about at times.

To this end the committee has given due attention to the propositions of law presented to the present Cortes by the worthy deputies from Porto Rico, as well as the evident spirit of the considerations with which the colonial minister prefaces the bill now under examination. But it is to be understood that the committee only endeavors to solve the difficulties of the moment without venturing any definitive opinion on the future organization of the provinces that are to constitute the individual transatlantic states of the Spanish federation.

For analogous reasons the committee opines that it is indispensable to give a certain development, and with it a certain precision, to a resort specified in the second paragraph of article 31, determining the law of public order, which is to be enforced in Porto Rico as in the Peninsula in certain determinate cases.

Basing its course on the foregoing considerations, the permanent committee on colonial affairs has the honor to propose for the approbation of the Constituent Cortes the following report :

ARTICLE I. The first title of the constitution of June 1, 1869, is declared in force in the province of Porto Rico.

ARTICLE II. When the safety of the state, in extraordinary circumstances, requires the suspension in the province of Porto Rico of the rights guaranteed in articles 2, 5, and 6, and the first, second, and third paragraphs of article 17, the superior governor shall communicate the fact to the central government by telegraph, so that the government may solicit from the Cortes the law referred to in the 31st article of the constitution.

ARTICLE III. In case of interruption of telegraphic communications, either permanently or for any length of time, by which compliance with the preceding article may be prevented, the superior civil governor of the province is hereby authorized to suspend the rights guaranteed in articles 2, 5, and 6, and paragraphs one, two, and three of the 17th article, unless the full provincial deputation convened for this purpose, together with the junta of the authorities, by a majority of votes, be unfavorable to the suspension in question.

In case of a tie the superior civil governor shall have the casting vote.

Under any circumstances the superior governor shall immediately communicate the resolution adopted, and the facts and circumstances on which it is based, to the ministry of the colonies, in order that the latter may transmit it to the Cortes, which, by means of a law if they deem it expedient, shall ratify the suspension of guarantees. In the negative case, or if thirty days elapse from the date of the suspension without the Cortes having taken any action thereon, the decree of the superior governor of Porto Rico shall be deemed to have been annulled.

ARTICLE IV. For all the effects of the 31st article of the constitution, the law of public order of April 23, 1870, shall be understood to be operative in the province of Porto Rico.

ARTICLE V. All laws and ordinances in any way opposed to the provisions of the present law are hereby annulled.

JOSÉ RAMON FERNANDEZ,
Chairman.
MANUEL GARCIA MARQUÉS.
MANUEL CORCHADO.
ENRIQUE CALVO DELGADO.
SANTIAGO SOLER.

PALACE OF THE CORTES, July 14, 1873.

[Inclosure C.—Translation.]

Extract from proceedings in the Cortes July 23, 1873. Approval of bill extending the first chapter of the Spanish constitution to Porto Rico.

[From La Gaceta de Madrid, July 29, 1873.]

The report of the permanent colonial committee on the bill extending to Porto Rico the first title of the constitution of 1869 was then taken up for debate, and there being no deputy to ask the floor upon the bill as a whole, it was then submitted to discussion by articles, and articles 1 and 2 were approved without debate.

Article 3 was read, when

Mr. Diaz Quintero said: I do not rise to impugn the article, but to make a protest and to say that, although I am not in conformity with the whole bill, I accept it as the least possible evil.

Without further discussion article 3 was approved, as were likewise articles 4 and 5 and it was announced that the bill would go before the committee on the correction of style, and that a day would be designated for putting it to a final vote.

[Inclosure D.—Translation.]

Final passage in the Constituent Cortes August 6, 1873, of the bill of rights for Porto Rico.

[Extract.]

The law declaring in force in Porto Rico the first title of the constitution of 1869, as revised by the committee on the correction of style and declared conformable to previous resolution, was then read, and upon Mr. Secretary Cagigal inquiring if it was definitively approved, several deputies demanded that the yeas and nays be taken.

Mr. LABRA. Let the names of those who have demanded the yeas and nays be placed on record.

Mr. MORAN, (Don Valentine.) Let them be recorded once, twice, and a thousand times.

The VICE-PRESIDENT. It is not customary to record the names of those who demand the yeas and nays, and the rules say nothing on the subject.

Mr. LA ROSA. I doubt if enough deputies have stood up to demand the yeas and nays.

The VICE-PRESIDENT. There is no doubt about it, Mr. Deputy.

The yeas and nays were taken.

This having been done, the said law was definitively approved by one hundred and eighty-four deputies against one, in the following form. (See the list, appendix.)

Mr. LABRA. I have asked the floor, first, to beg that the chamber will be pleased

to direct that the law which has just been passed be transmitted to Porto Rico by telegraph; and, secondly, in the name of the Porto Rican deputation, and, I think I may also say, in the name of all of the liberals of Porto Rico, to render here a public tribute of thanks to this assembly and to this government which has consecrated liberty in that island, bringing before us and voting to-day with noble enthusiasm that which henceforth may be called the bill of rights of Porto Rico.

The chamber recalls another moment of peril for the country, the time when, at the commencement of this century, the empire of Spain beyond the Atlantic fell through the shocks of a separatist movement. Then from the Antillian seas a voice resounded proclaiming that whatever might be the fate in store for Spain in the midst of that tempest, she would still have one island united to her and ready to follow her to the end in her days of glory as in the abyss of her misfortune. That voice was the voice of Porto Rico, [applause,] and her spirit is the spirit that to-day inspires me in addressing you these words. [Applause.] At the same time I have risen to express my fervent hopes that the resolution to-day taken by this chamber may re-echo to the furthest parts of Spanish territory, as well as in other lands, so that those who dwell in exile, driven away by the voice of discord and of disheartenment, may realize that there is no motive, no excuse, no pretext, for not recognizing the rule of Spain; that she cherishes the firm resolve, solemn and honorable, to consecrate liberty alike in both hemispheres. Let them know, then, that this chamber bears itself worthily, nobly, and loyally; let no one doubt the sincerity of Spain; let all be of one mind in this, and thus shall we found upon solid bases the integrity of our country by means of liberty and democracy. [Great applause.]

On the motion being put that the resolution of the chamber be transmitted by telegraph to Porto Rico, it was carried.

No. 419.

General Sickles to Mr. Fish.

No. 704.]

UNITED STATES LEGATION,
 Madrid, August 23, 1873. (Received September 18.)

SIR: During the progress of the late insurrectionary movement in Andalusia I have received from some of our consular officers narratives of the events happening under their personal observation of sufficient interest to merit the attention of the Department. Mr. Charles H. Eder, the vice-consul at Seville, in temporary charge of the consulate in Mr. Jourdan's absence, sends me a succinct account of the progress of the cantonal rebellion in that city, and the sanguinary capture of the town by the government troops under General Pavia. I annex a copy of Mr. Eder's report for your perusal. That gentleman has been informed that his course under the trying circumstances in which he was placed, as described, meets with the approval of this legation.

I am, &c.,

D. E. SICKLES.

[Inclosure.]

• *Mr. Eder to General Sickles.*

No. 36.]

UNITED STATES CONSULATE AT SEVILLE,
 August 4, 1873. (Received August 7.)

SIR: In compliance with your orders to this consulate, in your No. 34, I have the honor to give you a brief account of the principal occurrences in this city during these last days.

On the morning of the 19th of July, at a meeting of the chief of volunteers with the members of the *ayuntamiento*, they determined to form a separate state, under the denomination of "*Canton Andaluz*." The *intransigentes*, who were in the majority, and were at least more determined, proceeded immediately to the public prison, releasing their principals, who had been prisoners, with suits against them, since the occur-

rences of the 30th of June. They escorted them in triumph through the principal streets of the city, causing a great panic among the population, resulting in a general emigration to the neighboring towns and to foreign parts.

Assembled in the town-hall, they deprived the proper authorities of their command and nominated a committee under the name of "*comite de la salud publica del Canton Andaluz*," composed of twenty-four individuals, among whom were republicans of the party of order. Few of these accepted the position, thus reducing the committee to fourteen individuals, and in a short time it was further reduced to six or eight of the original members.

One of their first acts was the suspension of traffic by rail, so that on the 21st all communications were stopped, and we were without mails or telegrams from that time to the 31st of July. Emigration continued by the river and by land in all kinds of transports, and on foot.

A regiment of volunteers visited the principal towns of the province, dissolving the *ayuntamientos*, and nominating committees of the same sort as that in this city. At Utrera, a town of importance about fifteen miles distant from here, they were repulsed with great loss to the volunteers, who left behind their guns and four cannons. Animated with a spirit of revenge, they arranged to return with a greater force to Utrera, but receiving news of the approach of two columns of troops, they suspended the expedition, and ordered the erection of barricades at the principal entrances of this city.

Foreseeing that a conflict might occur in the town, and with the idea of being prepared, if possible, to avoid the same, a meeting of the consular corps was held on the morning of the 24th of July, at the German consulate, at which meeting only two residing in the city did not attend.

After a long discussion, it was agreed to send a communication to the civil governor, or to his representative, as per copy No. 1, inclosed. A permanent committee of consuls was named, who were to meet at least twice a day in this consulate of the United States, composed of consuls or vice-consuls of Germany, England, Mexico, Italy, Guatemala, Belgium, and the United States, at which all consuls of other nations might be present, so as to determine on any unforeseen occurrence. The communication referred to was delivered by three consuls to the sitting committee of public safety, the only authority existing in the city that day. It was benevolently received by the said committee, and a few hours afterward each consul was supplied with a safe-conduct, and an announcement was also placarded facilitating to all foreigners free ingress and egress, on showing a pass from their consul, viséd by the committee of public safety.

Meanwhile barricades were in construction in the interior of the city, defended by cannon, of which more than fifty were placed, of various caliber, at the different barricades. The population remained quiet, and emigration, to a very large amount, continued.

In order to avoid the prejudices the commercial community was suffering, a communication was addressed by the consuls to the committee, as per inclosed copy No. 2, and on the following day the operation of loading and discharging on the river recommenced, but on a small scale, owing to all the carts being embargoed for the transportation of war material and other purposes.

It having come to the knowledge of the consular corps that in the public building called the "*Consulado*," or "*Louja*," in which are deposited the archives of the Indies, they were storing large quantities of powder and ammunition, a commission presented itself to the committee with the intent to avoid the great harm which might occur to the works of great merit, of so much interest to the whole world, and particularly to America; and although they did not concede all we desired, an order was given not to store any more powder, and to take preferably from that edifice what was necessary for the supply of the barricades.

The commission of consuls being informed on the 26th of July, at 11 p. m., that the government troops were at Lora, repairing the bridge of the railway company so as to continue their march on Seville, we proceeded to the telegraph station by authority of the sitting committee, transmitting certain telegrams to Cordova, and at break of day on the 27th, holding a telegraphic conference with that point in the hope of communicating with the commanding general, which was not effected.

On learning that the troops were in sight of Seville, about two miles distant, and disembarking by railway, a commission of the consular corps presented itself to the committee, soliciting a railway-carriage to go out and have a conference with the general, which was immediately agreed to; and at 4 o'clock p. m., said commission composed of nine individuals, left Seville, and not meeting the general of the division we had a conversation with Brigadier Salcedo, asking for due protection, in case of an attack by the consuls and the houses of foreigners, which would be known by the display of the flags of their different nations.

The brigadier assured the commission that the consuls might rest tranquil, and the strict and positive orders would be given that they and their citizens would be respected, thus closing the interview.

The same morning of the 27th, General Pierrad arrived, placing himself at the head of the insurgents and giving orders to re-enforce and augment the barricades that were in the town.

On the following day, the 28th of July, at 2 p. m., fire was opened on both sides with cannon and musketry, without previous intimation from any quarter, which fire lasted six hours. The troops took some barricades and adjoining houses, where they remained during the night.

At 3 o'clock a. m. of the 29th the consular corps was cited to hear the sitting committee of public safety, who solicited the intervention of the corps so as to avoid the occurrences, but unfortunately it was too late, as we exacted from them, for our interference, that they should display a white flag at all the advanced posts, as also one over the *Giralda*, (the town of the cathedral,) which was done, but had no result or effect, the firing continuing on both sides from four in the morning, when it commenced again.

On this day, as also on the previous one, the attack by the troops was weak, they forming only a small number, although meanwhile they were taking up their line of attack. The defenders of the barricades then had recourse to a plan disdained and prohibited by the laws of war and humanity, and this fine town presented a horrible spectacle which dishonored her before the civilized world. With petroleum and other combustibles they set fire to the houses occupied by the troops, but, thanks to the peculiar construction of the houses in this city, the fire did not extend itself with rapidity.

The city at that time presented an imposing aspect; the inhabitants of the threatened district were flying *en masse*, carrying with them their most valuable effects and soliciting and seeking protection everywhere; the churches, including the cathedral, served as a refuge to many unfortunate families, the flames and smoke meantime rising to a great elevation.

A commission of the consular corps presented itself to the sitting committee, energetically protesting against these barbarous acts, but there was no authority over the incendiary volunteers to prevent these abuses.

At nightfall the combat ceased almost altogether, the troops remaining in the houses they had gained and the volunteers, re-enforced at the nearest barricades, continuing their incendiary work and pillage.

On the morning of the 30th the firing commenced again with more firmness by the troops and much less energy by the insurgents, many of these having abandoned their posts, disgusted at the incendiarism and pillage of their companions. At 12 o'clock the troops took the town-hall, and a few hours afterward the city was conquered.

The population, of all political opinions, received the troops with great demonstrations of joy.

The harm done by the war material is not very great, but not so that caused by the fire, which has destroyed about 30 houses. The aspect of the district is indescribable.

Several arrests have been made, among them some of the members of the committee, and two Frenchmen.

The civil governor, who took possession of his rank and post after the taking of the town-hall by the troops, ordered the same day the disarming of the volunteers, which was done without any resistance.

Among the houses burned there are some the property of French and Portuguese subjects.

For the rest, and in virtue of truth, I beg to observe that the committee of public safety, the volunteers, and the government troops have respected, as much as lay in their power, the interests of foreigners, having been affable and attentive to the indications suggested by the consular corps.

I have not sent you any printed published account of what has occurred, as I have not seen a correct one in the local newspapers.

I trust the conduct of the consular corps, and particularly mine, will meet with your approval.

I am, &c.,

CHAS. H. EDER,
United States Vice-Consul.

[Inclosure 1.—Translation.]

To the Civil Governor of this Province :

The undersigned, foreign consuls resident in Seville, having met to-day in the consulate of the German Empire, have the honor to address themselves to you to inform you that, in view of the grave circumstances through which this capital is now passing, they trust that their respective domiciles, and those of their fellow-citizens, will be respected in whatever conflict may occur.

Likewise, in the event of army forces undertaking hostile operations against this

place, they represent to you the duty incumbent upon them to put themselves in communication with the commanders of said forces, with the object of obtaining from them the respect due to their flags and their citizens. To attain this object they request you to be pleased to grant them the necessary safe-conducts, in order that they may quit and re-enter the city without any hinderance from the popular forces. And to this end the address of each is given, with the signature.

(Signatures.)

SEVILLE, July 24, 1873.

[Inclosure 2.—Translation.]

To the Chief of the Governmental Bureau of Seville :

The permanent commission of the consular body of this city having met in the consulate of the United States of America, it is resolved to address your corporation, requesting that, in order to avoid the serious prejudice suffered by the foreign vessels at anchor in this port by reason of the paralyzation of the operations of loading and unloading cargo, you will be pleased to contrive means to check this paralyzation, so that the necessary operations may go on and foreign vessels suffer no detention here.

At the same time it is also resolved to excite the zeal of your corporation to endeavor, by any means in your power, to devise ways of admitting the mails to this city, as their non-arrival causes serious prejudice to natives as well as to foreigners.

(Signatures.)

SEVILLE, July 25, 1873.

No. 420.

Mr. Fish to General Sickles.

[Extract.]

No. 366.]

DEPARTMENT OF STATE,

Washington, August 27, 1873.

SIR: Your dispatches Nos. 670 and 672, of the respective dates of the 27th and 31st July, are not calculated to command confidence in the expectation of a satisfactory settlement of the troubles in which Spain finds herself involved, either in respect to her internal or colonial affairs or her relations with other powers. As to the former, we can but sincerely regret that the effort to establish a republican form of government does not give greater promise of success. The United States promptly and cordially extended its recognition and the moral effects of its sympathy to the new government. It has further manifested its friendly interest by abstaining from insistence in the presentation of complaints on account of the frequent failure of compliance with assurance of intended reforms in the government of Cuba, and of the reparation of wrongs to the persons and property of American citizens.

Recent information from Havana shows that the decree for the release of embargoed estates had not at a very late date been proclaimed, and that influences seemed to be at work to induce the withholding of the publication and the consequent nullification of the decree.

The President has heard with deep concern and regret the announcement, said to be made by a member of the ministry of Spain, that no reforms will be granted, and no notice taken of the demands of the insurgents in Cuba, so long as they do not lay down their arms.

In the interest of Spain, no less than in that of Cuba, in the interest of the United States, in the interest of humanity, the President hopes that such may not be the determination of Spain, and you will not fail to urge upon the ministry the tendency of such policy, and the importance

in the direction of pacification, and to the arrest of the further destruction of property and waste of human life, of the disavowal or abandonment of a policy so inconsistent with a possibility of a restoration of peace.

It is therefore that it appears to us, as friends of Spain, of urgent importance that Spain, in the exercise of her historic wisdom, voluntarily recalled the inconsiderate declaration of a minister (if indeed it were made) that the granting of reforms to Cuba will not be entertained while the insurrection lasts, and the President desires that you impress in a friendly and delicate way the paramount importance of action rather than promise in the direction of reforms, of which the wisdom of the government at Madrid have more than once recognized the propriety.

I am, &c.,

HAMILTON FISH.

No. 421.

General Sickles to Mr. Fish.

No. 706.]

UNITED STATES LEGATION IN SPAIN,
Madrid, August 27, 1873. (Received September 18.)

SIR: I have the honor to forward herewith a translation of a note from the minister of state, dated 23d instant, replying to mine of June 15th last, respecting the imposition of fines upon foreign ship-masters for infractions of the peninsular customs regulations. It seems that this government is not disposed to reform the existing legislation on this subject, nor even to reciprocate our usage in the cases of fines imposed on foreign vessels. Under these circumstances it remains to be considered whether we should not modify our liberal course toward Spanish vessels, in the hope that Spain may be better able to appreciate the justice of our complaints when her own ships are exposed to the same inconveniences.

I am, &c.,

D. E. SICKLES.

[Inclosure.—Translation.]

Mr. Soler y Plá to General Sickles.

MINISTRY OF STATE,
Madrid, August 23, 1873. (Received August 26.)

SIR: In addition to what I informed you in my note of June 21st ultimo, I have the honor to acquaint you that the minister of finance, to whom I communicated the note from your legation, dated the 15th of the same month, has declared the impossibility of reforming the customs legislation and restricting the powers of the collectors to impose fines for contraventions of the existing laws, especially as their decisions may be appealed from, and do not affect the right of the prejudiced parties to make reclamation against them to the general direction, where their complaints are considered, and no other criterion is known than that of strict justice and equity.

I avail myself, &c.,

SANTIAGO SOLER Y PLÁ.

No. 422.

General Sickles to Mr. Fish.

No. 710.]

UNITED STATES LEGATION IN SPAIN,
Madrid, August 28, 1873. (Received September 18.)

SIR: I have the honor to forward herewith, for your perusal, a copy of the report of the bombardment of Almeria, furnished by Mr. Lluch, our consular agent at that place, to the consul at Malaga, and transmitted by the latter to this legation. Mr. Lluch's narrative will be found interesting and well told. This brilliant resistance of an unfortified and almost defenseless sea-port town, situated in one of the most disaffected districts in Andalusia, whose chief cities had successively joined the cantonal insurrection without a shot, and the discomfiture of the buccaneer leader, Contreras, in command of two of the most powerful vessels of the Spanish navy, deserves more than a passing mention in the history of the recent occurrences in this perturbed country, and justifies the enthusiastic vote of thanks passed to the defenders of Almeria by the Cortes in their sitting of July 30.

I am, &c.,

D. E. SICKLES.

[Inclosure.—Translation.]

[Account of the attack of the insurgent frigates *Almanza* and *Vitoria* on the town of *Almeria* Andalusia.]*Mr. A. Lluch to Mr. A. M. Hancock.*UNITED STATES CONSULAR AGENCY,
Almeria, July 31, 1873.

SIR: On the 29th instant, early in the morning, the frigates *Almanza* and *Vitoria* made their appearance, under the command of the so-styled general in chief Contreras. The remaining population of this town fled precipitately, leaving only about a thousand of the civil guard and carbineers, and some hundred or so of the well-affected volunteers, and a few *intransigentes*, who, however, were unarmed. The brigadier in general command of these forces disposed his troops at all the points in the neighborhood where a landing could be effected. The civil governor, a consular delegation, and a commission of *intransigentes*, respectively, visited the frigate to inform the commanding officer that the *intransigente* strength in this city was small, that the military authority possessed ample forces, and was resolved to prevent a landing, and that a majority of the population had declared their unwillingness to proclaim an independent canton; and therefore, in view of the comparative unimportance of the town, and in order to avoid a conflict and bloodshed, they begged him to exhibit sufficient abnegation to desist from an attack, and continue his course to other points whither it was known he had been summoned with all urgency. In view of these representations, the going and coming in the communication of which had consumed nearly the whole of the day, General Contreras answered that he would accede in part to the request made him, but that, on the same evening, the sum of one hundred thousand dollars must be paid to him as a war contribution, together with all the books and funds in the town treasury; and that, if this were not done, he would destroy the city at daybreak on the following day, the 30th.

He was roundly answered that his demands would not be acceded to, and that, if he wished, he might add to his *hoja* (register of military services) the glory of having destroyed an open town without any means of defense; but that he would not be allowed to disembark.

A most painful night passed; day dawned on the 30th, and time wore on till half-past eight o'clock, when one of the aids of General Contreras came ashore for the purpose of handing each consul a note informing him that, within one hour, he would open fire and attack the city; but it appears that that officer, on reaching the house of the English vice-consul, Mr. Barron, became alarmed at the hostile demeanor of several of the volunteers, and turned over the notes for the remaining consuls to Mr. Barron, who did not then deliver them, and in fact has only just done so to-day at 12

o'clock, since at the time he received them it is believed his only thought was to take refuge with his family on board an English merchant-vessel then in port. Anyhow, their delivery was evidently incumbent on General Contreras's aid in person.

At 10 o'clock four launches, mounting guns, approached the shore and attempted a disembarkation under cover of discharges of grenades from the *Almansa*, but on coming within Remington-rifle range the launches were received with a shower of balls which forced their precipitate retreat, with a loss, it is said, of 8 killed and 16 wounded.

This first episode being terminated, and the insurgents now comprehending that it did not agree with them to continue that mode of attack, they began to fire conical shells of 100 pounds weight, similar to those used in attacking iron-clad vessels. They fired about a dozen, and then, seeing the tranquillity and passive silence of those on shore, they ceased firing and hoisted a white flag, doubtless in the hope that those on shore would avail themselves of the offered truce, and that an arrangement of some sort might be effected; but the shore forces, having assembled and deliberated, replied by hoisting a black flag on the most elevated site in town. On seeing this, the cannon again opened fire, throwing projectiles of the same sort as before, but of 200 pounds weight, and to the number of about 20. I was interrupted in my contemplation of this spectacle by your telegram, begging me to inform you how matters were going on here. I answered you, and then returned to my post of observation on the terrace, alongside of the flag-staff. I then sent a message to the houses of the other consuls to inquire if they had received any telegrams announcing the coming of any foreign war-vessel, but there was not a single consul, besides myself, in the whole city; all had been terrified by the breath of these fire-spouting iron-mouthed monsters. The cannonade continued until 4½ o'clock, with a few intervals of rest. At that hour I went down to dinner, and I fancy the same idea must have occurred to those on board the frigates, for they fired no more. At 6½ or 7 o'clock they hoisted anchor and set sail westward. I then received your last telegram, informing me that the English gun-boat *Lynx* had started for this point, and I answered you that the frigates had already left, bound westward. Subsequently I learned that they went to Motril and seized \$12,000 there, and that from thence they sailed for Malaga. I hope they will not treat you as they have treated us.

In this encounter we have had the good fortune to have not even a single man wounded. There were not the slightest symptoms of robbery or violence, and the damage caused to the houses is insignificant, not amounting to the value of the projectiles fired at us. The public forces and authorities were all determined and at their posts, and even when exposed to the enemy's fire, they exhibited the utmost serenity and energy.

A. LLUCH,
United States Consular Agent.

A. M. HANCOCK,
United States Consul, Malaga.

No. 423.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, September 9, 1873.

Hall telegraphs from Havana that Official Gazette publishes decree of captain-general ordering immediate sale, at public auction, of all the real and personal property which has been announced to be sold by the treasury in consequence of the insurrection. He states that some American citizens are covered by the decree, and that the decree of the government of Spain restoring embargoed estates had not been published officially in Havana on 5th instant. You will remonstrate against the non-publication of the latter decree, of which you had advised the Department, and which was officially published in Madrid, and you will protest against the enforcement of the captain-general's decree, as affecting the property or rights of any American citizens.

No. 424.

General Sickles to Mr. Fish.

[Telegram received September 19, 11.15 a. m.]

MADRID, *September 19, 1873.*

Minister says, having sent positive orders to captain-general to raise all embargoes on property of American citizens and return same to owners, he replies that all our reclamations for restoration of embargoed property have been decided favorably to applicants, and no claim of this kind is now pending. The Spanish government has, nevertheless, sent further orders suspending sale of any embargoed property belonging to our citizens, no matter if not claimed.

SICKLES.

No. 425.

Mr. Sickles to Mr. Fish.

No. 757.]

UNITED STATES LEGATION IN SPAIN,
Madrid, October 17, 1873. (Received November 7.)

SIR: I have the honor to forward herewith a copy of a note sent to the minister of state, on the 16th instant, asking such reforms in the customs regulations and administration in Cuba as will prevent the abuses practiced on foreign vessels in the ports of that island.

On the same day Mr. Layard and Mr. Lindstrand made similar representations on the part of their governments respectively.

I am promised a conference with the ministers of state and of the colonies about pending matters before the departure of the latter for Cuba and Porto Rico, in which I propose to invite the particular attention of his excellency to the grievances of which our ship-masters complain.

You will observe that the note as sent differs in several passages from the draught heretofore forwarded, and that the argument is fortified by additional citations from the revenue laws and customs regulations of Spain.

I am, &c.,

D. E. SICKLES.

[Inclosure.]

*General Sickles to Mr. José de Carvajal.*UNITED STATES LEGATION IN SPAIN,
Madrid, October 16, 1873.

SIR: I have the honor to acknowledge the receipt of a note from your excellency, dated the 16th of May last, in reply to mine of the 27th of January preceding, respecting the onerous burdens imposed on the trade between the United States and Cuba by the customs authorities in that island.

I regret to have occasion to ask the attention of the government of the republic to some further representations I am instructed to make on this subject.

It appears, from sundry memorials recently presented to my Government by American ship-owners and masters of vessels, and also from the official reports of the captain-general of the United States in Cuba, that notwithstanding the assurances given me in the several communications received from the ministry of state under date of Feb-

ruary 4, 1871, and of January 2, 1873, the reforms and ameliorations therein announced have been but imperfectly carried into effect in Cuba.

The memorialists, therefore, solicit the aid of their Government in further efforts to obtain relief from grievances of which, I am persuaded, your excellency will admit that they justly complain.

It is, perhaps, unnecessary to assure your excellency that my Government disclaims any purpose of discussing the perfect right of every nation to establish and enforce such rules as it may choose to frame for the execution of its own revenue laws. It is to be presumed, however, that it cannot be the intention of this class of local ordinances to inflict needless vexation and loss on foreign vessels engaged in legitimate commerce between friendly countries.

That your excellency may see how difficult it has been for foreign ship-masters to inform themselves as to the requirements of the customs regulations in Cuba, I may be permitted to recapitulate the successive orders, decrees, and circulars which have been published from time to time within a few years past.

On the 1st of July, 1859, a royal order was issued in Madrid, prescribing numerous regulations for the government of foreign commerce with Cuba.

The order was suspended soon after its publication, and remained in abeyance until July, 1867. It was then promulgated anew, with important modifications respecting the manifest.

With the publication of the decree of 1867, appeared also in the Spanish, French, and English languages what purported to be identical "rules to be observed by the captains and supercargoes of vessels, in conformity with the royal order of July 1, 1859, the royal decree of March 1, 1867, and the rules in force according to the existing custom-house regulations."

On the 18th of November, 1868, the last-named ordinances were suspended, and a fresh compilation of rules issued, in which it is to be especially noted that the requirements as to the manifest were again changed and made more exacting; and also that the Spanish original and the English and French versions, as published, differed essentially in the terms of the first rule prescribing the contents of the manifest.

On the 16th of May, 1870, the rules of 1868 were again promulgated with further modifications and interpretations announced in a circular from the intendente-general de hacienda of Cuba.

On the 9th of June, 1870, the minister of ultramar ordered the remission of all fines imposed in Cuba for the non-presentation of a third copy of the manifest; forbidding the provincial authorities from changing the customs legislation; declaring them personally liable for damages caused by such transgression; and restoring to force and effect the royal order of July 1, 1859, as modified by subsequent orders. This decree was published in Cuba, July 6, 1870.

On the 3d of November, 1870, the intendente general de hacienda, in an official communication, informed the consul-general of the United States at Havana that so much of the last-mentioned decree of June 9 as remitted fines for the non-production of a third copy of the manifest had been annulled on the 21st of September.

On the 29th of December, 1872, another decree was published, containing a new code of regulations, modifying in various particulars those previously in force.

On the 2d of January, 1873, the minister of state informed the undersigned, in reply to sundry reclamations made by the United States Government: 1st, that hereafter no fine imposed by the customs authorities in Cuba upon captains or supercargoes of national or foreign vessels for errors, omissions, or inaccuracies in ships' manifests or *sobordos* should take effect without the previous approval of the intendente general de hacienda, the administrators and treasurers of the several custom-houses being required to exact, on their own responsibility, a sufficient guarantee to protect the interests of the treasury in case vessels put to sea before the payment of fines; 2d, that with all convenient speed the intendente should propose such separation as could be made between the facts and details now required to be stated in the *sobordos*, retaining such as served to prevent fraud and discontinuing those not important to the interests of the revenue; and 3d, that fines imposed on captains or supercargoes of vessels for errors in their papers and subsequently revoked, as well as those spontaneously condoned by the supreme government, should be refunded within the fixed term of one year, counting from the date of the reception by the intendente of the order directing such restitution or declaring the penalty to have been improvidently imposed.

My Government is not informed that these dispositions have been published in Cuba, nor is it advised that they have yet been put in practice.

In my notes of July 16, 1870, November 27, 1872, and January 27, 1873, the attention of your excellency was invited to various clauses of the royal order of July 1, 1859, the decree of March 1, 1867, the regulations of November 11, 1868, and those of December 26, 1872, which seemed to my Government unreasonably severe and punitive in their treatment of lawful commerce. It is unnecessary to recapitulate the views presented in those communications. I desire now, more especially, to bring to your excellency's notice the representations made by the merchants of New York and Bos-

ton in a recent communication they have addressed to the Department of State at Washington.

They show, for example, that in making out their manifests they are entirely dependent on the shippers of cargo for information as to the weights, values, and contents of packages shipped; and that irresponsible parties sometimes give false or inaccurate descriptions of their consignments, resulting in fines imposed on vessels, largely in excess of the freight received. It is, therefore, suggested that whenever the manifest and bill of lading agree, and the contents, weight, or value of any package be found on examination to differ from the same in the manifest, the penalty thereby incurred shall be imposed on goods and not upon the vessel. In such cases, if it should be established on the part of the consignees that the master of the vessel is in fault, they would have ample legal remedies against the ship-owner. On this point the consul-general of the United States at Havana reports, under date of January 13, 1873, that he had suggested to the intendente, that it would be more just to hold the goods rather than the vessel responsible for any concealment or deceit respecting the contents of packages, and that the intendente replied that such a rule would be more equitable, but the regulations put the fine on the vessel.

It also appears that the customs authorities at the several ports in Cuba place different constructions on the laws and regulations prescribing the form and contents of a ship's manifest. Fines have been imposed in one port for stating that for which fines were imposed in another port for omitting. Inasmuch as it is required in all cases that the manifest shall be certified in duplicate by the Spanish consul at or nearest to the port of loading, it is proposed as a just and convenient remedy for such irregularities that manifests bearing the certificate of a Spanish consul shall be accepted in any of the ports of Cuba as regular and sufficient in form.

I have observed that in nearly all of the cases I have had occasion to bring to the notice of the predecessors of your excellency, the manifest in duplicate had been exhibited to the Spanish consul at the port of departure, one copy of the document having been left with him to be transmitted to the port of destination and the other, approved under the hand and seal of the consul, returned to the master of the vessel to be afterward presented by him to the customs authorities. Surely it should be held sufficient to exonerate ship-masters from penalty if their papers are found to be in due form by the commercial agents of the country to which they are bound. If a ship-master arriving in Cuba does not produce the consul's certificate, he is fined \$500. If he does produce such a certificate and the manifest is nevertheless informal, he is fined for every oversight or neglect of the consul to point out informalities subsequently discovered by the more expert customs officers in Cuba. The blame, if any, in such cases is with the consul. And yet others who are blameless pay the penalty. And not only are the ship-masters fined when consuls overlook mistakes in a manifest, which it is their duty to correct, but it has not infrequently happened that American vessels are not made to pay a penalty because the certificate of the Spanish consul was informal. The brig *Dexter Washburne*, of Portland, was fined \$100 at Matanzas because the consul at Charleston had neglected to impress his official seal on a manifest after verifying it. Spanish consuls may be presumed to know the customs regulations in Spanish ports. At least their official certificate and seal authenticating a manifest should be accepted as evidence of an honest intent on the part of ship-masters to respect and obey Spanish laws. And if the consul is excused for ignorance of the customs regulations of his own country, the foreign ship-master should not be punished for the fault of the official to whom he is compelled, under heavy penalties, to apply to certify the regularity of his papers.

It is likewise stated that ship-masters are only informed at the last moment before the departure of their vessel of fines imposed on them. This notice is usually received when application is made at the custom-house to clear their ships for another port, so that the vessel must be indefinitely detained if payment be contested, or else the fine must be paid, no matter how unjust it may be, in order to avoid the greater loss of detention. It would seem that a practice so unreasonable and inconvenient might be prevented by a regulation requiring the customs authorities to make known to the captains or supercargoes of vessels, within forty-eight hours after the ship's papers shall be delivered to the proper officer, all fines inflicted for irregularities in the manifest.

Complaint is also made by fifty-five American ship-masters who had delivered cargoes in the port of Matanzas, and thirty-three captains of American ships which had made voyages to the port of Santiago de Cuba, that with the utmost desire on their part to conform to the requirements of the customs authorities, they had, nevertheless, found it impossible to fill up a manifest which had not afforded some pretext for fines ranging from twenty-five to five hundred dollars. So various and so frivolous are the grounds on which fines are imposed that it would be in vain, they say, to attempt to enumerate all of them. Informalities of the most trivial nature are deemed sufficient to warrant the severest penalties. These ship-masters state: "It is never alleged that we intend to defraud the Spanish revenue. We are fined for an absence of the name

of the shipper of the goods and the consignee; for a failure to express numbers, weights, and measures in letters and figures; for a failure to state, after the enumeration of our cargo, that we carry nothing else; for a failure to make a similar statement when we come in ballast; for an absence of what is known as the asseveration, or the words 'So help me God;' for the slightest error in converting American weights and measures into Spanish denominations; for omitting, in the heading of the manifest, the nationality, class, tonnage of the vessel, name of captain, place whence she comes and port whither bound; for consigning goods to order, although they may be so consigned in the bill of lading."

Illustrations of the character of these penalties may be seen in the reports of the American consuls in Cuba. It appears that, although the regulations may have been followed in stating the generic class of freight, yet vessels are fined because a manifest does not also contain a specific description of the cargo. For example, fines have been imposed because hoops were not described as "wooden" hoops, and because nails were not stated to be "iron" nails. In other cases, extreme technicality is required in the terms used in stating the nationality of a vessel. It is held to be insufficient when the manifest shows the name of a ship and the port or place where she is registered, since, for example, fines have been inflicted when the manifest has described a vessel as "the brig Hudson, of New York," because it was not stated that she was the "American brig Hudson, of New York." Penalties have likewise been exacted for omitting to state the marks and numbers of packages which were neither numbered nor marked.

Two remarkable cases are found in a late dispatch from the United States consul-general in Havana. He reports that the American mail-steamer *Crescent City*, having arrived in that port on the 13th of October last, with a manifest containing fifty-eight items of cargo, was fined fifty-nine times; in other words, a fine of twenty-five dollars for each item in the manifest and five hundred dollars besides, for the want of the usual consular authentication of that document, although the consul's certificate had never before been required of mail-steamer; that is to say, the manifest having been filled up under a misapprehension of the regulations in force at the moment, and the same error having occurred in noting each item of freight, amounting at most to but one offense, if it could be called an offense, yet the penalty was repeated fifty-eight times, according to the letter of a rule not known to the master until after his arrival in port; and there is a case now pending at *Sagua la Grande*, that of the American brig *G. de Zaldo*, which has been fined one hundred and forty-nine times for mistakes in her manifest. One hundred of these fines are for a single item, noted in the manifest as 100 kegs of lard. The customs authorities say these should have been called "tierces," and for that misnomer they impose a hundred fines of twenty-five dollars each! It is scarcely too much to affirm that customs regulations executed in such a spirit tend toward the exclusion of foreign vessels from commerce with Cuba.

As a general rule, a ship's manifest agrees in its description of the cargo with the bills of lading delivered; and these are made out from the data furnished by consignors in settling the terms and conditions of the contract for freight. This custom was recognized in the royal order of July 1, 1858, and in the royal decree of March 1, 1867. It is the general practice of commercial nations to regard the manifest as a means only of identifying the several shipments constituting the cargo. It is the peculiar office of the invoice, as distinguished from the manifest or bill of lading, to set forth the information on which duties are ascertained. The owner or agent entering goods in a foreign port for consumption or sale alone possesses full and accurate knowledge respecting his importation. The mere carrier, whether a ship-owner, or a railway corporation, or an express company, cannot furnish information respecting the contents of closed packages. Duties are never charged and collected upon the statements contained in a manifest. Port-charges do not depend on the nature of the cargo. It is not, therefore, easy to discover what useful purpose is served by exacting in a manifest more than is necessary for the identification of the articles comprising the cargo and less than is required for the computation of imposts.

The payment of duties is seldom, if ever, evaded by means of combinations between owners of vessels and owners of cargo. The risk incurred by the ship would be far greater than any gain derived from the transaction. And since ship-owners are not the accessories of consignees in defrauding the revenue, neither should they be made to suffer penalties for the conduct of others for whose acts they are not justly responsible. Nor can ship-masters, by collusion with parties at the port of destination, defraud the revenue without extreme peril to themselves and the vessels they command. It is a mistake to assume, as seems to be often done in Cuba, that the revenue frauds said to be so common there are to be attributed to masters of foreign vessels. These practices on the part of unprincipled dealers in commercial towns generally depend for their success on facilities acquired by long residence, by confidential relations with subordinate customs officers, by false representations in invoices, and by various devices known to themselves in making up packages. The ship's manifest neither aids a dishonest importer in consummating a fraud, nor assists a vigilant revenue official in detecting imposture. On the contrary, it most frequently happens that an upright

ship-master is subjected to penalties which he would have escaped if he had conspired with those whose connivance is essential to the success of revenue frauds.

I might point out several instances in which the requirements of one regulation cannot be obeyed without violating the provisions of another. One illustration of these contradictions will be sufficient to show the necessity of a further revision of these ordinances. Article IV requires the captain, at the end of the voyage, to note in the duplicate *sobordo* he retains, 1, any goods in the hands of the crew; 2, the surplus ship's stores; 3, arms and ammunition; 4, the coal on board, if the vessel be a steamer. And yet Article VIII denounces any amendment or alteration whatever in the *sobordo* or manifest as a forgery, for which the captain will be arraigned before the criminal tribunals.

It is extremely desirable that the uncertainty resulting from so many successive orders and decrees, and the various interpretations given to particular clauses at the several ports in Cuba, should be removed by an authoritative declaration of the supreme government.

1st. Is a third manifest necessary besides the two required to be certified by the Spanish consul?

I have already shown that on the 9th of June, 1870, a decree was issued by the minister of ultramar, remitting all fines imposed in the island of Cuba for the non-presentation of a third manifest. This decree was published in the official gazette at Havana and communicated to the Department of State at Washington. Yet afterwards numerous fines were extracted from foreign vessels because they were not provided with a third manifest. Subsequently, on the 4th of February, 1871, the minister of state, Mr. Martos, in reply to a note from me on this subject said:

"Respecting fines inflicted on captains of vessels for informalities in their manifests, or for not having presented them, in addition to the cargo-list certified by the Spanish consul at the port from whence they sail, considering that in these omissions there was no intention to defraud, the said fines have been remitted in those cases in which the vessels had entered the ports of the island of Cuba since the 19th December, 1868, that being the date when the order of the provisional government, of the 11th of November then last past, commenced to be in force."

Nevertheless, it appears that the customs authorities in Cuba continued to impose fines as well for not presenting as for informalities in the third manifest.

And now, according to the tenor of Article VII of the new regulations of December 1872, the captain must provide himself with a manifest besides the duplicate *sobordo* certified by the consul.

2d. Is it necessary that foreign vessels should state their tonnage according to Spanish measurement?

Upon this point likewise, contrary decisions have been made since I had the honor to receive the note of the minister of state, Mr. Martos, dated February 4, 1871, in which his excellency said:

"Captains of foreign vessels are no longer required to declare the tonnage of their vessels in Spanish measure, it being sufficient on the first voyage for them to make such declaration in conformity with the builder's measurement, or according to the measurement of the respective nations to which they belong; being, however, obliged thereafter to show certificates of the measurement that shall have been used for the collection of tonnage-dues, as laid down in the order of 9th of July last."

Nevertheless, the new regulations of December 1872, Article XII, impose a charge on the captain who fails to declare the exact capacity of his vessel according to the Spanish standard.

On this point I may remark that the general customs ordinances of Spain (Article XLVI) do not require that the manifest of a foreign ship shall contain a statement of her tonnage in Spanish measurement.

3d. Is it enough that the manifest state generally the class of merchandise comprising the cargo, with the marks, numbers, and weight of packages, or must the contents of each and every package be particularly described?

4th. It is respectfully suggested that whenever the manifest and bill of lading agree, and the contents of packages are found on examination to differ materially from the description of the same in the manifest, the penalty thereby incurred shall be imposed on the goods and not upon the vessel.

5th. To the end that foreign ship-masters entering Cuban ports may be relieved from the hardship and vexation of so many penalties imposed for trivial informalities in the manifest, it is respectfully submitted that the certificate of the Spanish consul at the port of departure should be accepted as a sufficient authentication of the regularity of that document.

6th. A further regulation is respectfully proposed requiring the customs authorities to make known to the captains or supercargoes of vessels all fines for irregularities in ships' papers within forty-eight hours after said documents shall have been delivered to the proper officer.

7th. Lastly, I beg leave to observe to your excellency that long delays continue to

occur in the return of money collected for fines subsequently remitted. Fines imposed on American vessels in 1868, and which General Lersundi ordered to be returned more than four years ago, are still withheld by the intendency. Considering the facility with which penalties are inflicted and the difficulty incident to their remission, it would seem there should be no hesitation in the matter of restitution after a decision to that effect has been announced.

Respecting several of the foregoing suggestions, I may, in conclusion, cite in support of the views now presented, the decree of the government of the republic dated May 30, 1873, and Article XLVI of the general customs ordinances of Spain. For example, Article I of the decree requires the captain of a vessel coming from a foreign port to present one general manifest of the cargo, visaed by the Spanish consul at the port of departure, or by the local authorities if there be no Spanish consul. So much of the decree of May 30, 1873, as requires one manifest only, is identical with Article XLVI of the general customs ordinances. Articles V and VI provide that when the manifest and bill of lading agree in the description of the freight and in the statement of the gross weight, the consignees shall pay any fine imposed for errors in such description or weight that may appear in the further examination of the cargo by the customs officers. And if the captain has deviated from the bill of lading in making out his manifest, then he must pay the fine incurred by reason of any discrepancy between the cargo and the manifest. Article X forbids Spanish consuls certifying a manifest that is not drawn up in conformity with the regulations in force; and consular officers are required besides to note on manifests presented to them any mistakes or amendments made therein, and to advise the general customs office in Madrid, by post on the very same day, of all manifests they certify and the particulars thereof.

Appended to this note I have taken the liberty to transmit for your excellency's perusal several papers on this subject which I have received from my Government.

A is a copy of a dispatch from the consulate general of the United States at Havana, dated October 30, 1872, giving many examples of unjust fines imposed.

B is an extract from a subsequent communication from the consul-general, dated January 13, 1873.

C is a copy of a memorial addressed to the Secretary of State of the United States, dated New York, January 13, 1873, and signed by many respectable ship-owners trading between that city and the several ports in the island of Cuba; the same memorial is also signed, under date of January 23, 1873, by other firms of equal respectability residing in Boston.

I avail myself of this opportunity to repeat to your excellency the assurances of my most distinguished consideration.

D. E. SICKLES.

His Excellency the MINISTER OF STATE.

[Inclosure A.]

Mr. Torbert to Mr. Fish.

UNITED STATES CONSULATE GENERAL,
Havana, October 30, 1872.

SIR: I transmit herewith three copies of what are styled the "Regulations for the guidance of captains and supercargoes of Spanish as well as foreign vessels," &c. These regulations are a recapitulation of the royal order of 1st July, 1859, put into force on the 1st July, 1867, which has so frequently been referred to in communications from this office. It seems unnecessary to call the Department's attention to the ambiguities, contradictions, and absurdities contained in this document. The so-called translation into English is quite as intelligible as the original in Spanish. Under these regulations fines are imposed for the following offenses:

- For omitting to express class of vessel, whether ship, bark, brig, &c., \$25.
- For omitting the nationality of the vessel: it is not sufficient to state the brig ———, of Boston; the master must state the American brig ———, of Boston; the penalty of such omission is \$25.
- For omitting name of the vessel, \$25.
- For omitting to state the exact Spanish tonnage measurement, \$25.
- For omitting master's name, \$25.
- For omitting the port or ports from whence arriving, \$25.
- For omitting the name of the shipper or shippers, each omission, \$25.
- For omitting names of consignee or consignees, each omission, \$25.
- For omitting to state the kind of package, \$25.
- For omitting to state in writing, as well as in figures, the quantity or number of packages or pieces, \$25.
- For omitting marks and numbers, although the packages may have neither, \$25.
- For omitting to state the generic class of the effects manifested, such as wooden hoops; iron nails, &c., \$25.

For omitting to state the gross weight of different items, \$25; and other penalties for discrepancies in weights. If goods are to go into bond, or are in transit, and not so stated, \$25.

For omitting to state at the foot of the manifest that the vessel brings no other cargo, although she may be in ballast, \$25.

For omitting to give the weights and measurements in the decimal or French system, \$25 each omission.

For omitting to manifest any goods that the crew may have in their possession, \$25. Omitting to note the surplus stores, \$25.

Omitting to state the arms and ammunition on board, \$25.

Omitting to state the quantity of coals on board, if the vessel is a steamer, \$25.

Omitting to deliver the manifest the moment of the visit, \$200.

For manifesting goods to order, whether or not so required by bill of lading, \$25.

If the manifests have not been authenticated by the Spanish consul, a fine of \$100 is imposed. In a case where the Spanish consul had neglected to impress his seal on the manifest, it was held by the customs officials at Matanzas that there was no authentication, and the vessel was fined accordingly.

For omitting in the manifest any of the requisites of rule 1, \$25.

In addition to the consular manifest called "*sobordo*," another simple manifest, not authenticated, is required; this requisite is not clearly provided for in the royal order and only inferred from the second paragraph of rule 7; nevertheless a failure to produce it subjects the master to a penalty of \$500. Numbers of our vessels have been subjected to these exorbitant fines. Any erasure, alteration, or interlineation, subjects the master to a charge of forgery.

I know of no instances where this penalty has been enforced. A fine of \$25 is usually imposed for each defect.

The presentation of the consular manifest is obligatory in all the ports of the island at which the vessel may touch, for orders or in distress.

Rule 12 provides that the master who does not declare the exact Spanish tonnage, shall pay the expense of admeasurement, should there result an excess of 10 per cent. This rule is inconsistent with the first paragraph of rule 1.

All goods omitted in the manifests are confiscated, and a penalty of double duties imposed on the master, and if the duties should exceed \$400, the vessel, freight, money, &c., will be confiscated.

For every package missing, upon the discharge of a vessel, a fine of \$200 is imposed.

For discharging goods without permits a fine of \$1,000 is imposed.

Articles 16, 23, and 26 provide for penalties which are not clearly defined.

Vessels coming from a port where there is no Spanish consular officer are required to have their manifests verified by three merchants, who will also certify that no such officer resides at the place, or within a radius of thirty kilometers; if omitted, a penalty of \$100 is imposed. There is no provision for this penalty in the regulations, but the fine is frequently imposed notwithstanding.

The mail-steamer *Crescent City*, of and from New York, arrived here on the 15th instant, the day upon which the circular of the intendente, referred to in my No. 123, went into effect. Her manifest comprises fifty-eight items, and a fine of \$25 has been imposed for each, and one of \$500 for want of the consular authentication, which, hitherto, has not been required of mail-steamers.

I availed myself of the opportunity to urge upon the intendente the suspension of the royal order of July 1, 1859, in view of the gross injustice it inflicts upon foreign commerce, while experience has shown the impossibility of ship-masters making out their manifests, in accordance with its provisions, and not incurring some one of its numerous penalties. I acquainted him with the instructions of the Treasury Department of the United States relative to fines upon foreign vessels for want of manifests; that such fines were not enforced without consulting the Department, and I asked that the same considerations be extended to our vessels, in the out-ports of the island, where it had been customary to impose fines and exact their payment before appeal could be made to the central authority.

I also called his attention to the fines imposed on our vessels at Manzanillo in 1868, which General Lersundi had ordered to be restored more than four years ago, and which had never been carried out by the proper department of the intendency. He took note of my suggestions and promised that they should have due attention.

It is due to this officer to state that upon his arrival here he found the greatest demoralization in his department, and that he is endeavoring faithfully to effect reforms therein. He makes, however, the usual mistake of his predecessors in supposing that many of these irregularities are to be attributed to the masters of foreign vessels.

I am, sir, &c.,

A. T. A. TORBERT,
Consul-General.

[Inclosure B.]

Mr. Torbert to Mr. Fish.

UNITED STATES CONSULATE-GENERAL,
Havana, January 13, 1873.

SIR:

This matter of fines is giving a great deal of trouble to the American shipping arriving in the island. The intendente has adopted the rule that the captains shall know and manifest every article, and the weight of the same, that he brings, and for every error or mistake they impose a fine of \$25. If the bill of lading from which the captain makes his manifest is not correct, he would have (in order to comply with the rule here) to open every package and weigh the same. I told the intendente that he should not expect to make foreign ship-masters detectives for his custom-house, but that he should hold the goods and make the consignees responsible for any false entries in the custom-house. He says that would be better, but their law or orders puts the fine on the vessel.

Another annoyance is, that a vessel may arrive here with a cargo and be in port a month, reload, and when the captain goes to the custom-house to clear for sea, he may be told there is a fine on his vessel on account of some informality about his inward cargo. In many cases of this kind the fine (although manifestly unjust) has been paid rather than delay going to sea and knowing the time it takes to settle such things with the officials. A case in point I had recently: The American ship Marcia C. Day, of New York, arrived here from Cardiff on the 21st of November, with a cargo of coal; the captain's manifest called for so many tons, and that amount was entered by the consignees at the custom-house; the cargo discharged agreed with the captain's manifest. When the vessel was ready to go to sea, about the 4th of January, 1873, the parties were informed that there was a heavy fine on the vessel because the Spanish consul's certified manifest from Cardiff was one million kilograms less than the number of tons called for by the captain's and entered at the custom-house. The consignee informs me that he was told at the custom-house that the fine would be about \$8,000. I at once addressed a note to the intendente, with a memorial of the consignee, which was never answered. After waiting six or seven days, the captain determined to discharge his crew and abandon his vessel. I informed the intendente of his determination in a personal interview. He asked me not to do that, and I told him such would be the case if some decision was not promptly given in the case. The next day the vessel was allowed to go to sea without the fine being exacted.

There is a case pending now at Sagua la Grande of the American brig G. de Zaldo, which has been fined one hundred and forty-nine times, at \$25 each, for mistakes in manifest. One item on the manifest, one hundred kegs of lard, they say should be tierces, and they impose one hundred fines of \$25 each. Another item of two hundred and thirty-five barrels of potatoes, thirty-five turned out to be beans, and they place thirty-five fines of \$25 each, &c.

I am, sir, &c.,

A. T. A. TORBERT,
Consul-General.

[Inclosure C.]

SIR: We, the undersigned, citizens of the United States, and owners and agents of vessels trading between this port and the several ports of the island of Cuba, would respectfully state that the practice of imposing fines on vessels arriving in Cuban ports by the Spanish customs authorities thereof, for so-called errors in manifesting cargo, has become so onerous and burdensome that we feel constrained to solicit the interference of your Department in our behalf.

The Spanish laws require that a vessel bound for Cuban ports shall make out manifests of cargo, the same to be certified by the Spanish consul residing at, or nearest to, the port of loading, in which manifest the captain must declare positively and without qualification, the several and different kinds of packages, their marks, the generic class of contents, as well as the weights and values of the same, and for every instance where, on arrival in Cuba, the examination of the cargo shows a difference between the packages and the weights, and contents of same as actually found, and the same as manifested, the vessel is fined, while the goods escape all responsibility.

That although the *generic* class of the goods is stated on the manifest, in compliance with the requirements of the Spanish laws, and said manifests accepted and certified to by the Spanish consul, yet the vessel is fined for not stating the *specific* class.

That we are entirely dependent on shippers of cargo for information as to weights, values, and contents of packages shipped, from which to make out manifests, and irresponsible parties often give erroneous description of their part of cargo, resulting in fines imposed on the vessels, at times greatly in excess of the freight, against which we have no redress.

That the customs authorities at the several ports in Cuba place different constructions on the laws relative to vessels, and the manifests of same, and fines have been imposed in one port for stating that for which fines were imposed in another port for omitting.

That the captain is only informed of any fines imposed on his vessel when he attempts to clear her at the custom-house, whereby he has either to pay the fines or detain the vessel indefinitely while contesting the same.

That although we are willing and endeavor to comply with the said laws regulating manifests, yet, under the conflicting constructions placed on same by the different collectors of customs in Cuba, we find it impossible to do so, or to avoid fines.

In cases where fines are imposed, an appeal to the superior authorities at Havana is permitted on payment, under protest, of said fines, but unless the amount of such fine is excessive, the delay occasioned by the detention of the vessel would exceed in most cases the amount of such fine, even if recovered.

We would respectfully represent to the Department that as the vessel, through her agents, is entirely dependent on the shippers of cargo for information necessary to describe on the manifest the contents and weights of packages shipped, the propriety of imposing fines on the goods erroneously described on manifest, instead of on the vessel, as then the shipper would have a sure remedy against the vessel in case of error on her part or on the part of her agents in making out manifests, while under existing regulations it is in most cases almost, if not impossible, for the vessel to recover the amount of fines from the shipper.

Therefore your memorialists pray that the Department will take such action in the matter as may seem most advisable to obtain such relief in the premises as they may be equitably entitled to.

NEW YORK, *January 13, 1873.*

Waydell & Co.
James Henry.
R. P. Buck & Co.
John Chrystal.
Charles Cooper.
Snow & Richardson.
Oliver Bryan.
Samuel Duncan.
Lunt Dras. Brothers.
H. W. Loud & Co.
B. T. Thurlow & Son.
John Swan.
James E. Ward & Co.
J. H. Winchester & Co.
Miller & Houghton.

Hand & Swan.
Walch, Fjeld & Way.
Simpson, Clapp & Co.
Henry Moss.
Carver & Barnes.
Evans, Ball & Co.
H. D. & I. W. Brockman.
Thompson & Hunter.
Brett, Son & Co.
R. H. Griffith.
B. J. Wenberg.
L. C. Wenberg.
F. Alexandre & Sons.
Boyd Hincken.
S. C. Loud & Co.

T. M. Mayhew & Co.
James W. Elwell & Co.
Abiel Abbot.
J. O. Ward.
Borland, Dearborn & Co.
Atlantic Mail Steamship Co.
A. W. Dimock, president.
E. Sanches y Dolz.
Warren Ray.
Snow & Burgess.
Jonas Smith & Co.
E. D. Hurlbut & Co.
Van Brunt & Brother.
I. B. Phillips & Sons.
C. H. Trumbull.

BOSTON, *January 28, 1873.*

Bridge, Lord & Co.
Aug't B. Perry & Co.
Gilmore, Kingsbury & Co.
John S. Emery & Co.
Kilham, Londt & Co.
Cutter, McLean & Co.
John Walter & Co.
Doane & Crowell.
Gamman & Co.
Hinckley Brothers & Co.
Pendleton & Rose.
Thayer & Lincoln.

Baker & Humphrey.
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Hon. HAMILTON FISH,
Secretary of State, Washington, D. C.

No. 426.

General Sickles to Mr. Fish.

No. 770.]

UNITED STATES LEGATION IN SPAIN,
Madrid, October 23, 1873. (Received Nov. 12.)

SIR: Referring to my dispatch No. 757, of the 17th instant, in relation to the concerted action taken with the representatives of England and Sweden in this capital, with reference to the existing system of customs, regulations, and fines in Cuba, I have now the honor to forward herewith copies of the notes sent in to this government by Mr. Layard and Mr. Lindstrand on the 16th instant, in pursuance of our agreement.

I am, &c.,

D. E. SICKLES.

[Inclosure 1.]

*Mr. Layard to minister for foreign affairs.*MADRID, *October 16, 1873.*

M. LE MINISTRE: It has been my duty, acting under instructions from my government, to call the serious attention of the Spanish government, on various occasions, to the injuries inflicted upon British trade and shipping in Cuba in consequence of the fines imposed upon ship-masters by the custom-house authorities in that island for alleged violation of the customs laws and regulations. It is unnecessary for me to recapitulate the many complaints, on the part of British ship-owners and ship-masters, which I have been compelled to submit to the department of state with reference to this subject. Some of them still remain unredressed. But I would especially refer your excellency to a memorandum, dated the 14th December of last year, which I placed in the hands of Señor Martos, then minister for foreign affairs. Unfortunately, hitherto, notwithstanding the repeated representations and remonstrances of Her Majesty's government, the system of levying fines on foreign shipping in Cuba, which has led to so much injustice and to such grave hardships, has not been essentially modified; and even when the supreme government, recognizing that injustice and those hardships, has given orders that fines wrongfully levied should be remitted and repaid, its orders have either not been obeyed, or years have elapsed before the sums thus extorted have been returned.

I particularly beg to call your excellency's notice to the fact that the fines imposed upon the British vessels *Evening Star* and *San José*—so far back as June, 1869, in the case of the latter vessel—as far as I am aware have not to this day been repaid, notwithstanding the repeated remonstrances of Her Majesty's government and the repeated orders sent by the supreme government to the Cuban authorities for their repayment.

The great difficulty, I might almost say the impossibility of satisfying the alleged requirements of the Cuban custom laws, and of escaping the imposition of heavy fines, although there may be no intention whatever on the part of ship-masters to evade the revenue laws, but on the contrary every desire to comply with them, is partly caused by the many successive and contradictory orders, decrees, and circulars that have been published from time to time during the last few years, commencing from the royal order of 1st July, 1859. It is scarcely possible to ascertain what regulations are actually in force. It now appears that the English and French translations of the decree of 1857, containing the rules to be observed by the captains and supercargoes of vessels in Cuba, published officially by the Spanish government, differ essentially from the original, and ship-owners and ship-masters have consequently been led into error by trusting to those translations, and have inadvertently exposed themselves to heavy penalties.

With reference to the fines imposed for mistakes, omissions, or other irregularities in the ship's manifest, ship-owners and ship-masters complain that, by the Cuban customs regulations, they are unjustly made to suffer for the acts of others, over whom they cannot have any control. In making out their manifests, they are entirely dependent on the shippers of cargo for information as to the weights, values, and contents of packages shipped; yet, in consequence of false or inaccurate descriptions given of consignments, fines are imposed on their vessels, often largely in excess of the freight received. It

would be just that, whenever the manifest and the bill of lading agree, and the contents, weights, or value of any package be found on examination to differ from the descriptions of the same in the manifests, the penalty thereby incurred should be imposed on the goods in the said package, and not upon the vessel.

It further appears that the custom-house authorities at the several ports in Cuba place different constructions on the laws and regulations prescribing the form and contents of a ship's manifest. Thus fines have been imposed in one port for stating that for which fines were imposed in another port for omitting. As it is required that the manifest shall be certified in duplicate by the Spanish consul at or nearest to the port of shipment, the manifest thus certified should be accepted in any of the ports of Cuba as regular and sufficient in form. It, however, sometimes happens that fines are imposed upon vessels for an error or oversight committed by the Spanish consul himself; surely this is not just or reasonable.

It is likewise stated that ship-masters are only informed at the last moment before the departure of their vessels of fines imposed upon them; usually when application is made at the custom-house to clear the ship for another port. The vessel may consequently be indefinitely detained, and the owners exposed to the most serious loss and inconvenience, unless the fine, however unjust, be paid. It would seem reasonable that the custom-house authorities should make known to the captains or supercargoes of vessels all fines for irregularities in ships' papers within forty-eight hours after those documents shall have been delivered to the proper officer.

With the utmost desire on the part of ship-masters to conform to the requirements of the custom-house authorities in filling up the ship's manifest, they find it almost impossible not to afford some pretext for the imposition of fines, varying from \$25 to \$500. The most trifling mistakes or omissions, a mere verbal inaccuracy, expose them to heavy penalties.

There are certain points, however, upon which it is highly desirable that the supreme government should issue some distinct and authoritative declaration in order that doubts raised by the various interpretations given to existing orders and decrees should be removed. The principal appear to be :

1. Is a third manifest necessary in addition to the two required to be certified by the Spanish consul ?

2. Is it necessary that foreign vessels should state their tonnage according to Spanish measurement ?

3. Is it enough that the manifest state generally the class of merchandise, comprising the cargo, with the marks, numbers, and weight of packages, or must the contents of each and every package be particularly described ? I would venture to suggest that whenever the manifest and bill of lading agree, and the contents of the packages are found, on examination, to differ materially from the description of the same in the manifest, the penalty thereby incurred should be imposed upon the goods and not upon the vessel.

I would further submit, to the end that foreign ship-masters entering Cuban ports may be relieved from the hardship and vexation of so many penalties imposed for trivial informalities in the manifest, that the certificate of the Spanish consul at the port of departure should be accepted as a sufficient authentication of that document. I would also suggest that the custom-house authorities in Cuba should be directed to make known to the captains or supercargoes of vessels all fines for irregularities in ships' papers within forty-eight hours after they shall have been delivered to the proper officer.

I need scarcely assure your excellency that Her Majesty's government, in instructing me to place before your excellency the above suggestions, has no desire whatever to question the right of the Spanish government to make and enforce such laws and regulations as it may consider necessary for the protection of its revenue. Her Majesty's government is convinced that it will be for the interest of both Spain and England, and will tend to the development of the legitimate commerce between them, if all unnecessary difficulties thrown in the way of British ship-owners, such as those I have described, be removed. It is, therefore, with confidence that I submit the foregoing statement to your excellency's enlightened judgment, believing, at the same time, that as his excellency, the minister for the colonies, is about to proceed on a mission to the Antilles, the moment is especially opportune for inquiry into a matter which so intimately concerns the friendly intercourse between the two nations.

I avail, &c.,

A. H. LAYARD.

His Excellency the MINISTER OF STATE, &c., &c., &c.

[Inclosure 2.—Translation.]

Mr. Lindstrand to Mr. Carraval.

MADRID, October 16, 1873.

Mr. MINISTER: In a dispatch which I have just received, the government of the King, my august sovereign, referring to the desire expressed by that of the United States of America to obtain its co-operation in the representations which the minister of the United States at Madrid has been instructed to make to the Spanish government concerning the customs laws of the island of Cuba, instructs me to co-operate in such measures as it may be deemed necessary to adopt for the purpose of securing a modification of these laws.

While I have the honor hereby to obey this superior order, I think that it is not necessary for me to enter into any minute statements, inasmuch as the motives set forth in the note of General Sickles of this date are entirely in harmony with the views of the government of the King. The necessity of a simplification of the custom-house regulations, as well as of a mitigation of penalties, are therein clearly demonstrated; the obstacles which these laws place in the way of the development of international relations are constantly giving rise to complaints, which daily become more urgent on the part of merchants and navigators, and it is evident that the adoption of a new *régime*, which will do away with all annoying and superfluous formalities, and proportion the penalties inflicted to the offense, cannot fail to exercise the most salutary influence upon commerce between the island of Cuba and foreign countries. The time seems to me to have arrived for the introduction of the desired reforms, and I feel confident that the Spanish government, desirous of giving us evidence of the lofty sentiments which actuate it, will view this step with favor, and adopt a decision in accordance with the legitimate desires of those interested.

I avail myself, &c.,

LINDSTRAND.

His Excellency M. DE CARVAJAL,
Minister of State of Spain, &c., &c., &c.

No. 427.

Mr. Fish to Admiral Polo de Bernabé.

DEPARTMENT OF STATE,
Washington, December 17, 1872.

SIR: I have the honor to acknowledge the receipt of your note of the 31st of October, 1872, in relation to the case of Augustin Santa Rosa. A perusal of the extracts from the dispatch of the captain-general of the island of Cuba (embodied in your note) induces the belief that the captain-general had not been put in possession of all the facts and circumstances of the transaction at the time of his writing that dispatch, and that a full and correct knowledge of these facts and circumstances would have led him to a different conclusion.

With a view to a clear and perfect understanding of the reasons for the immediate release of Santa Rosa, which I am now about to submit, I take occasion to state briefly the facts, as they have come to the knowledge of this Department from information deemed satisfactory. It appears that in June, 1871, Santa Rosa being then engaged in the insurrection, was hotly pursued by detachments from the forces under command of Colonel Laba Marin; that by flight and strategy he had several times escaped capture. On the 4th of July of that year Santa Rosa received a letter from Colonel Marin, in which the latter proposed to him that, if he would surrender, he, Santa Rosa, should receive a general amnesty and pardon for all his previous insurrectionary acts against the Spanish authority in Cuba, reserving only to the government the option of allowing Santa Rosa to remain in Cuba or banishing him from the

Spanish dominions. On the conditions just expressed, Santa Rosa surrendered on the same day the proposition was made, relying on the word of a soldier for the fulfillment of the conditions. Colonel Marin kept his word, and on the next day furnished Santa Rosa with a letter of general safe-conduct and intrusted him with written communications, to be carried by him to the insurgent camp. Exposure and hardship had so told on Santa Rosa that he was prostrated with illness on the journey, and was found insensible in the fields by three men, who took him to their hut. There he remained until the end of August, when a scouting party from the encampment of San Geronimo took him, with thirty-six others, prisoners, and conveyed them to the encampment aforesaid. There they took from Santa Rosa the communications from Colonel Marin to the insurgents, of which Santa Rosa was the bearer, Marin's letter of safe-conduct to him, and also the letter of Marin, which contained the proposition for surrender and pardon, thus depriving him of the best means of protecting himself from the punishments denounced against the insurgents. He was detained there until the 28th of September, when he was sent to Puerto Principe. Here the military governor, upon hearing the conditions of his surrender, at once discharged him. Two months after, on the 28th of November, he was again arrested, imprisoned, and with several others subjected to a military trial and examined as to the events of the insurrection and the capture of the steamer Comandatarío. All the depositions and documents were forwarded to the captain-general, (Valmaseda,) and on the 14th of March, 1872, Santa Rosa was, by his order, released. Santa Rosa now turned his attention to earning money sufficient to defray his expenses to the United States, where his family were. Having secured this, on the 9th of July, 1872, he applied to the proper officer of police for a permit to go to Havana. It was granted. He proceeded to Havana by steamer; reached that city on the 13th of July, took up his lodgings at the Western Inn, and immediately reported himself to the commissary of police. On the night of that day he was arrested at his lodgings by this same commissary of police and three policemen, and the next day bound and taken through the streets to the public prison, where he is still held in close confinement on the charge founded on his participation in the capture of the Comandatarío. After remaining in prison fifty-four days, on a visit of the Spanish admiral to the prison, Santa Rosa presented his case to him, and that officer assured him that if upon inquiry, which was then being made, he found the fact that Santa Rosa had been pardoned, true, he would release him. Santa Rosa, however, still remains in prison.

In the extracts from the communication of the captain-general which you have done me the honor to transmit in your note, the fact of Santa Rosa's pardon is conceded; the arguments of his excellency are directed solely to a limitation of its terms. The capture of the Comandatarío, it is insisted by the captain-general, was a common crime, like that of robbery, murder, or arson; that it was, moreover, the crime of piracy, which is denounced by the codes of all nations, and therefore cannot be understood to have been included in or covered by a pardon for his insurrectionary acts. The circumstances attending the granting of the pardon; the terms of the pardon itself requiring only the one condition of his being allowed to remain or compelled to leave the colony—the status of Santa Rosa, his relation to and attitude toward the Spanish government at the time he accepted the pardon, all forbid its interpretation in the restrictive sense in which the captain-general claims that it must be understood. Among the Spanish authorities who were called upon to interpret this par-

don the captain-general stands alone in the construction which he claims for it. Colonel Marin, who represented the government in the negotiations which resulted in Santa Rosa's surrender, did not understand the pardon in this restrictive sense. The military governor at Puerto Principe did not so understand it; on the contrary, when he became satisfied of the facts and the conditions upon which Santa Rosa surrendered, he promptly released him. But the interpretation claimed for it on behalf of Santa Rosa has still higher authority to support it. After his second arrest in November, 1871, at Puerto Principe, before a military court of inquiry, with an army officer appointed to conduct the examination on the part of the government, Santa Rosa was interrogated touching the events of the Cuban insurrection and the capture of the Comandatarío. The proceedings of that court, with the evidence, documentary and other, were submitted to the captain-general, (Count Valmaseda,) and with all the facts before him, on the 14th of March following, that distinguished officer ordered Santa Rosa to be discharged; and in pursuance of such order, and in accordance with the plain import of his pardon, he was again released.

It is not the nature of the crime which may be involved in the capture of the Comandatarío that is now being discussed, but rather the character which attaches to that crime, growing out of the relation in which Santa Rosa stood to the Spanish government at the moment of his participation in that capture. If he was then in a hostile attitude toward the local government of Cuba, associated with the insurrectionists who were seeking the overthrow of that government, and aiding them in their revolutionary efforts, then his acts, in connection with that enterprise, (whatever views may be taken of these acts abstractly considered,) would be taken as a political offense, and must be understood to have been included in and covered by the proposition of pardon tendered on behalf of the government by Colonel Marin, and by which that officer secured the surrender of Santa Rosa. That this was the character in which Santa Rosa was held and treated by the local authorities of Cuba long prior to the date of the Comandatarío capture, (May, 1869,) the public records of the government in Cuba will, it is believed, abundantly show as early as November, 1868, (the precise date is not known,) that Santa Rosa was arrested by the government authorities of the island, and confined in Moro Castle on a charge of being "chief of insurrection." From this imprisonment, it appears, he was released on the 13th of January 1869, under a decree of general amnesty to all political prisoners, proclaimed by the captain-general, (Dulce.) Following closely on this release from confinement, Santa Rosa seems to have again joined himself to the insurgents, and the fact that he continued from thence up to the date of his surrender to Colonel Marin to maintain an attitude of active hostility to the Spanish government, and especially the Cuban authorities, is, I submit, clearly inferable from all the facts and circumstances of the case. At his trial, in November, 1871, before a military court-martial at Puerto Principe, he was called upon to answer for his past insurrectionary acts, among which his participation in the capture of the Comandatarío was included. Upon what other ground than that the Comandatarío affair was considered as a political and insurrectionary crime could it have been embraced in those proceedings?

There is still another consideration which, it is believed, should have great weight in determining the matter in dispute in favor of Santa Rosa. Colonel Marin, who represented his government in the transaction of the surrender and pardon, and Santa Rosa stood in the relation to each other of soldiers in opposing and hostile forces; Marin proposed to Santa Rosa

that he should surrender and cease his warfare on the government on condition of his receiving a complete and full amnesty and pardon. The conditions were accepted by Santa Rosa. He immediately surrendered. If there is any ambiguity in the terms of the agreement, it is a universal rule of construction, nowhere held more sacred than in Spanish law, that that sense must prevail against either party in which he had reason to believe the other party understood it. It cannot be believed that, with any other understanding than that now claimed by him, Santa Rosa would have accepted the proposal for surrender. It may also be assumed, without any violence to truth, that during the progress of the insurrection, which has unfortunately existed in the island of Cuba for the last four years, acts have been committed by the insurgents involving the lives of innocent persons, the robbery of individuals, and the burning of private property; but it surely will not, therefore, be contended that if one of the rebel chiefs should surrender, on condition of receiving a complete amnesty and pardon for his insurrectionary acts, he would still be amenable to trial and punishment for a murder, arson, or robbery committed during and in the course of his active rebellion and war against the government.

With the appreciation I entertain of the sense of justice and honor which animate the authorities of the Spanish government in Cuba, I cannot permit myself to doubt that, upon a further consideration of the facts and circumstances connected with the case, the captain-general will see the justice and propriety of ordering the immediate release of Santa Rosa.

I avail, &c.,

HAMILTON FISH.

No. 428.

Mr. Fish to Admiral Polo de Bernabe.

DEPARTMENT OF STATE,
Washington, January 30, 1873.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, transmitting a copy of a communication addressed to you by the captain-general of the island of Cuba, bearing date the 20th ultimo, and relating to the proposed renting by the colonial government of certain embargoed estates situate in that island, but owned by persons who are known to be citizens of the United States.

Referring to three telegrams, those recently received from you by the captain-general, apprising him of my protest against the proposed renting of the estates of Raman Fernandez Criado, Thomas de Mora and Martin Mueses, and (following the language of the captain-general's communication) "some other Cuban or American, whose name cannot be understood from the translation made of said telegrams," the captain-general proceeds to say that the renting of property advertised to take place on the 18th of that month (December) would in nowise prejudice the question nor place any obstacles in the way of the settlement of the pending claims, either of the persons then in question or of those of any others in the same situation. Whatever force might attach to such a proposition if applied to the general question of the estates proposed to be rented, when applied to the cases of Criado, Mueses, and the two de

Moras, becomes inapplicable, and indeed it is difficult to imagine by what process of reasoning the conclusion to which his excellency the captain-general seems to have arrived could have been reached in reference to the estates of the persons named in his communication to you.

No questions in relation to the claims of these several persons for the release of their estates which had been placed under embargo were then pending. The questions relating to the release of these several estates had been already settled and the release of the property ordered by the government of Spain. This Government has received from that of His Majesty the King repeated assurances that these orders would be speedily executed, and I am advised by a telegram from General Sickles, which I had the honor to read to you, that so late as the 17th instant, the minister of state at Madrid expressed his surprise and regret at the continued delay in executing the orders for release in the cases of Thomas de Mora, Criado, Mueses, and Mrs. de Mora. To say that the leasing, by authority of government, of property for a term of three years would place no obstacles in the way of the settlement of claims of the owners of that property, seems to be the enunciation of a contradiction. The owners' right to the immediate possession and enjoyment of his property is not only absolute and guaranteed by treaty, but has been admitted, recognized, and declared by the government at Madrid, while that in Cuba seizes the estate, excludes the rightful owner and undertakes to put a stranger in possession of the property, not only without the consent but against the will of the owners. No matter what conditions may have been incorporated in the lease, the occupancy by the tenant of the government deprives the owner of the possession of his property for the time being, and is a practical, absolute, and formidable obstacle to his attainment of his rights. I must, moreover, call your attention to the fact that the very act of renting the estate but too plainly manifests a postponement and delay, if not a non-compliance on the part of the government with its promise of a release of the property, and subjects the owner to new and further proceedings to recover its possession, and may involve him in protracted litigation.

It is added that, by a provision in the contract, the lessee is required, in case of a settlement of the claim, to surrender the property before the expiration of the term of the lease, but it must be remembered that in the mean time the lessee may commit waste upon the property and otherwise damage it, and it is not alleged that any provision has been made whereby the owner of the property is secured any recourse against the lessee, whom the government puts in possession of his estates, either for indemnity against damage done the estate or for compensation for its use and occupation. That these estates are leased by the Spanish government because, as the captain-general alleges, of a disinterested desire on its part constantly to improve the management of the property, would scarcely in any case be considered by the owner of the estate a satisfactory reason for such action. Governments are not often the most economical or judicious managers of private estates, and all persons naturally claim the right of managing their own property, and insist upon being the best judges of the means to be used for its improvement.

Still less can such a reason avail to justify the action of the government of Spain in relation to the estates of Criado and the others named; for in these cases the order for the restoration of their property and estates had already been pronounced by the supreme government of Spain, and the only obstacle then (the time of the proposed renting) existing, to these parties managing their own property and reaping the profits of

its products, was the failure of the Cuban authorities to carry into execution the orders of the government.

In relation to the application of Thomas J. Mora for certain documentary evidence from the record of mortgages, deemed necessary in procuring the restoration of his property, it is urged by the captain-general that this is not a governmental question, but one to be settled by the party interested, or his attorney, in the ordinary courts. The correctness of this, as the statement of a general proposition, is readily perceived and at once admitted; indeed, his excellency might have stated the rule still broader, and asserted that copies from the public records affecting the title to real estate should be procurable upon the simple application of any citizen interested in such record, as is the rule and the practice in the United States. In this case, however, the authorities in Cuba require the production by a citizen of the United States of that which is under the control of their own officials, and upon application being made by the citizen to the proper officer for the required document the official refuses it. This is Mr. Mora's case; and the course just stated as having been pursued by the Cuban authorities in regard to it involves a violation of the plainest principles of right and equity. It affords me, however, sincere satisfaction to receive the assurance of the captain-general that he will use his personal efforts to facilitate the procuring of the desired document by Mr. Mora or his attorney, and the high personal character and reputation for honor and integrity of that distinguished officer, together with the traditional sensitiveness of Spain in the observance of right and administration of justice, lead me to indulge the confident hope that his efforts will be successful, and that no technicalities of colonial administration will be allowed to delay justice or to interfere with the execution of orders and the fulfillment of promises made by the government of His Majesty at Madrid.

I must again press upon your attention the earnest desire of this Government that in the several cases of the estates of Criado, Muesca, Thomas de Mora, and Mrs. de Mora, in which a release of the property from embargo has been ordered by the government of Spain, the fulfillment of the order and the restoration of the property may be no longer delayed by the officials in Cuba charged with its execution.

Accept, sir, &c.

HAMILTON FISH.

No. 429.

Señor Castelar to Admiral Polo.

[Received from Spanish minister March 6, 1873.]

MINISTRY OF STATE, POLITICAL SECTION,
Madrid, February 12, 1873.

MOST EXCELLENT SIR: You have already been made aware by the telegrams transmitted from this ministry that the sovereign assembly of the Spanish nation has proclaimed a republican form of government as the definitive form of the government of the State. This act has not been brought about by revolution; it has not been born of stupor and amazement; no, it has been born of the profound conviction and of the sovereign will of two legislative bodies, which, having recently been chosen by universal suffrage, based upon full authority and exercised in

perfect peace, became convinced that, under existing circumstances long since foreseen, such was the national sentiment.

While doing full justice to the sentiments of loyalty, to the enlightenment and the constitutional sense of the monarch, it is but fair to say that he could not overcome the innate repugnance of this proud nation to anything that could be construed, whether rightly or not, to impair its independence. This being the case, the king, with lofty and dignified patriotism, decided the conflict by abdicating the throne of Spain, both for himself and his successors.

His purpose being known, and his abdication having been made public, there was but one opinion among all parties, one thought, that of the imperious, irresistible, and supreme necessity of substituting a republican for the monarchical form of government.

The Cortes of the Spanish nation, with high patriotism, with a political perspicacity of which there are few examples, and with a loftiness of views natural to our enlightened race, rose grandly to the demands of the hour, carrying out the public will, and establishing the form of government which belongs to democracies, viz, the republican form. No inward or outward pressure, no threats, no tumults, influenced their deliberations. The people were quiet, the army obedient, all the authorities in the peaceful exercise of their functions, when, by the vote of both houses, convened as a national assembly, we passed, pleasantly and tranquilly, to the new order of things.

The national government, composed of the representatives of the people, was then appointed, as your excellency is aware; and this government, having met immediately after, resolved to use all the means at its command, all its energies, to execute the mandate of the assembly, and to preserve public order at whatever cost.

I hope, therefore, that your excellency, being actuated by your enlightenment and patriotism, will inform the government to which you are accredited that the republican form is that which has been definitively adopted for our government, and that, in order to sustain and establish it, we rely upon that respect for the laws which characterizes the Spanish people, and which has been so admirably demonstrated during the past four years of democratic rule, and on the fidelity of the army, which is resolved to sustain the new form of government.

Try, your excellency, to dispel all prejudices; seek to inculcate the idea that this republic represents the national will and furnishes a guarantee of public order; endeavor to demonstrate its pacific character, both at home and abroad; and, finally, endeavor to show that our country possesses those virtues which are necessary among nations fit to govern themselves. Dispel the erroneous impressions which may prevail in other countries in regard to the attitude of the army; as we are resolved to sustain and improve its organization, so is the Spanish army resolved to maintain our authority, which is legitimate, as born of the will of our people.

Be pleased to read this dispatch to the Minister of Foreign Affairs at Washington, and to leave a copy of it in his hands.

God, &c.,

EMILIO CASTELAR.

No. 430.

Señor Castelar to Admiral Polo.

[Received from Admiral Polo March 20, 1873.]

MINISTRY OF STATE OF THE SPANISH REPUBLIC,
POLITICAL SECTION, *Madrid, February 25, 1873.*

MOST EXCELLENT SIR: The Spanish nation has solved a most difficult problem—that of changing one form of government for another without trouble or turbulence, as if it were accomplishing a natural transformation, long prepared by the firmness of its resolutions, and brought in proper time by the logic of events. Spain has passed from the monarchy to the republic—has passed peacefully, legally, in the plenitude of her authority and the exercise of her sovereignty.

It would not be astonishing if, on seeing this great transformation, those charged with the maintenance of social stability attribute it to the sudden caprice of a people in delirium, when it should be attributed to their mature and well-judged desire vigorously to embody in themselves the spirit of modern times, and assume a brilliant place in the amphiotyonic council of Europe. All who have taken the pains to consider our character and read our history, will find among the qualities of the Spanish people a respect for their traditions which rises to a worship, and a constancy in their ideas which borders upon tenacity.

Among the ideas most warmly cherished by our grave people, that of monarchy has always been pre-eminent; it has always been their gonfalon in battle, their consolation in misfortune, the highest personification of their authority, the depository of their glories, in whose warmth they have lived so many centuries, and under whose shelter they have aggrandized the national territory in lengthened struggles.

But it is needful to make clear and loud declaration that the world may understand that in our country the monarchy was dead in the higher ranks of society before the monarchical spirit was extinguished in the conscience of the people. Perhaps in antagonism to popular instinct, perhaps in antagonism to popular faith, and for reasons special, national, peculiar to our history, and apart from the European movement, the monarchical institution has disappeared from among us. The day that a crowd of courtiers, commingled with a crowd of the people, angrily pushed forward, under the impulse of a plot hatched in the palace, defiance on their lips, and contempt in their breasts, to disturb the tranquil majesty of their monarchs in the royal residence of Aranjuez itself, history registers in its annals the beginning of the judgment of the Kings by their vassals, and the end of the old Spanish monarchy. Shortly after this event, the time-honored institution which dominated Europe and discovered America solemnly ceded its own country to the foreigner, and the war of independence, although it always invoked the monarchy as its divinity, manifests disobedience to the express will of the Kings on the eve of a gigantic struggle with the genius and fortune of the conqueror.

Three times since then it has been attempted to revive the old monarchy with the new spirit. The constitution of 1812 formed the democratic monarchy; that of 1837 the parliamentary monarchy, and that of 1869 the elective monarchy. Our people struggled to preserve their traditional and historical organization. After so many trials, made in good faith, inspired by the ancient monarchical sentiment, and by the respect of our legislators for the form of government established throughout

Europe, it is certain, nay, more, indubitable, that to-day the race of kings is run in Spain; that to-day none of the ancient dynasties, none of the new pretenders, can boast of mustering all parties on his side, or of interpreting the national sentiments.

Such is our situation, coldly considered. It is impossible to inspire faith in the stability of the monarchy, and in the pacific transmission of its privileges by hereditary right, in a people who have seen pass before their eyes so many monarchs; it is impossible to deny that an institution so strong and so firmly implanted by ages in our customs could not have fallen from its height by the conspiracy of parties, by speeches from the tribunes, by cries of the people or of the army, but only by the internal disorganization which has inevitably caused its death.

The monarchy having disappeared by a number of domestic—purely domestic—causes, inherent in our history and our peculiar character, the republic appears of itself, of its own virtue, by the law of necessity, as some organisms appear behind others in the bosom of nature. And this virtue of political principles, this complement of the historical laws, was imposed the more strongly after the revolution of September, which was applauded by the people and recognized by every government. The princes dethroned who had the privilege of representing the ancient tradition, natural rights proclaimed in all their extension, universal suffrage recognized in all its latitudes, religious liberty acclaimed in all its purity, the principle of popular sovereignty consecrated in all its truth by the sanction of the laws and the right of victory, the powers emanating from the election, the natural organization of these principles—the inflexible and fatal result of this movement was found, by forces superior to the will of man, in the proclamation of the republic. The governments of Europe who recognized the legitimacy of the principles of the revolution will not be able to deny the legitimacy of its consequences; those who recognized the powers emanating from that act will not be able to deny the definite and stable regimen which has been necessarily and logically derived from that act.

The Constituent Cortes of 1869, whose patriotism and wisdom will be recorded with applause by history, determined from the first moment of their life to proclaim the monarchical form of government, which they did for three fundamental reasons: First, because it corresponded with the traditions of the Spanish people; second, because they (the Spaniards) believed it would secure the liberal principles of the revolution; and third, because it would harmonize their form of government with those existing in nearly every part of Europe. But all these designs were dashed to pieces by the obstacles of reality. We had a monarchy, but no monarch. Among us we had not one of those dynasties that represent religious and national principles united to modern spirit, such as are represented by the dynasty of England; neither had we princes and kings like those who have formed, in diplomatic councils and on fields of battle, the unity of Italy and that of Germany. Our dynasties, some defeated in civil war and others dethroned by revolution, could not present, as a glorious title, the stability of the dynasties which even yet represent the genius of Peter the Great and Charles V. We were not united to the monarchical form of government by international treaties, like Belgium, Holland, Greece, and Roumania. We had to look for a king in foreign lands, running double risk—the exterior risk of disturbing the peace of Europe, and the interior risk of wounding the national sentiments. None of the powers who believed themselves concerned in the maintenance of the monarchical régime here smoothed our road. They all eluded giving us their concurrence by respectful observations or

formal negatives. And sad experience soon demonstrated that the best thing for the domestic tranquillity of Spain, and the most certain for the peace and stability of Europe, would have been to keep ourselves in our own shell, and tranquilly and peacefully establish, as we do now, a modest republic.

But the Cortes, believing themselves committed to the introduction of a monarch, searched for one in foreign lands and brought him here. He was of an illustrious line and gallant temperament. He was united by political interests and recent records to the greatest powers of the world; to France by the war of 1859, to Prussia by the war of 1866, and to Great Britain by the establishment of the constitutional monarchy in Italy. He was instructed in the highest examples, and inclined to respect the national representation. He counted on the support of all the parties who effected the revolution, from the most conservative to the most radical; but, nevertheless, all these political, historic, and diplomatic advantages of the young and courageous prince were not enough, no! to resist the most earnest sentiment of our race—the national sentiment.

This sentiment has opposed him in all his designs, and at last has vanquished him. This sentiment left him in such solitude that it was complete asphyxia. Whoever believes that there existed here a mysterious conspiracy against the young prince is deceived. The Cortes respected his rights; the ministers called to power seconded him zealously, and the ministers deposed obeyed him respectfully; the army fought for his authority, the towns received his commissioners, and justice was done in his name; nobody disputed any of his prerogatives, or murmured at any of his privileges; but nevertheless, under all the appearances of power, he felt that he was completely wanting in the highest and strongest power—the power which is born of public opinion, and which is based on the love of the people. And he renounced for himself and his family a crown of which he only felt the weight on his brows and not the dignity in his soul. What was to be done after this supreme moment? Was the King to be asked to withdraw his abdication? It would be unworthy of us. Should we return to the past and hand over to a dethroned dynasty the guardianship of the people? Impossible. Should we create a military dictatorship? Absurd. Should we revert to another period of provisional administration? Dangerous.

Up to this there were two methods of solving all our revolutionary crises: During the period that might be called that of action, the juntas; during that of solutions, the Cortes. In the present instance we confined ourselves within the limits of the strictest legality. There was no need to have recourse to revolutionary expedients, and the juntas were useless. There were only political difficulties to be settled, and the Cortes naturally suggested themselves. In the absence of the supreme power, the Cortes took upon itself all power, and in so doing realized a thought which, if it had not been expressed, had been foreseen in the latest committee meetings. The exponent of the national will, borrowing its inspiration from the ideas uppermost in every mouth and the sentiment born in every heart, obeying the supreme laws of political necessity, faithful to the incontrovertible logic of facts, the Cortes proclaimed the republic—proclaimed it in the plenitude of its authority and the exercise of its power, after sober and solemn deliberations, uninfluenced by pressure from without or menace from within, leaving to a Cortes Constituyentes, which should be convoked in due season, and elected in entire freedom, the organization of powers within the republic.

Thus it is that we possess a government national by its character, pop-

ular by its nature, legitimate by its origin, solid by its organism, definitive in its foundation, stable by its long preparation, and with tendencies to preserve and strengthen the peace of Europe. Here, in those profound changes, is seen no violent revolution; no! on the contrary, we have but a necessary evolution. We had individual rights promulgated in formulas as ample as those of the Federal Constitution of the United States; we had the suffrage extended to every citizen; we had, although it might not have been all that we wished, great municipal and provincial autonomy; we found ourselves without a king by the renunciation of the throne by the monarch for himself and his descendants. Under these circumstances the Cortes, the true power of the state, have proclaimed the republic. All this is explained by the reasonable laws of logic, and all is built on the legitimate bases of the constitution.

The republic is not provisional; no, whatever its interior organism may be, the republic is definitive. Thus the legality of the republic has not been questioned by anybody in Spain. The Cortes, which provided for the absence of the monarch, and undertook the national defense in the epic years from 1808 to 1814; the Cortes, which abrogated the rights of Don Carlos to the ancient order of Spain; the Cortes, which hastened, as far as they could, the majority of Doña Isabel II; the Cortes, which recognized and sanctioned the dethronement of the Bourbon dynasty; the Cortes, the most permanent power in our nationality, inasmuch as the kings have disappeared and they have remained; the Cortes, as the proper incorporation of our feelings, proclaimed the republic, and an entire people in both continents, wherever our flag floats, has acknowledged and respected the legality of the proclamation.

Observe the conduct of the authorities. As soon as they received notice that the republic was proclaimed they gave it spontaneous greeting. The captain-general, as well as the civil governors, the magistrates of all the territories, as well as the alcaldes of all the towns, manifested their adhesion to the assembly and their obedience to the government. The conservative classes have recognized the necessity of this transformation, and the clergy have confessed that they hope to see religious independence and their right of association made more secure by the liberty of our recent institutions than by the protection of the last monarchies. The army has proclaimed the republic everywhere with fervid enthusiasm.

It is necessary to destroy the false conceptions rooted in Europe respecting the conduct of our army. There is a common belief that it has risen of its own free will to erect a military dictatorship and assume its predominance over the other classes of society. The Spanish army, an army of liberty, of country, of independence, has some errors to its score, some shadows on its history. I repeat but the truth when I say those shadows are exceptional. Never has the Spanish army constituted a military dictatorship. In all times when oppression was hardest, arrogance most insolent, the principle of right forgotten, individual security trampled under foot, and the laws set at naught, the army, sprung from the people and inspired by the thought of the people, has turned its weapons against tyranny and in favor of liberty. Those antecedents satisfy us that in any contingencies which may arise in the future we shall possess an army for the country as for the republic.

It is most important that the false idea of our country being ungovernable and self-willed should be destroyed. A long separation from public life, by the blind faith she had in kings, eclipsed in her spirit those virtues she once showed for governing in the parliaments and municipalities of the middle age. But, with her conscience full of ideality and

her heart of enthusiasm, both brave and modest, valiant and prudent, as serene and as self-possessed in the chances of war as in political crises, accustomed to obey and respect the elective authorities—thanks to her deeply-seated municipal habits—with austere republican dignity, even when under the monarchy, and with the personal independence of the most illustrious races as the basis of her character; sometimes fanatic, but always so for ideas; disinterested even to abnegation, and patient even to martyrdom, it can well be assured that she will live the difficult but wholesome life of liberty.

Europe entire must understand that the most constant and tenacious desire of our nation is to govern herself. Our character is not open to those caprices which might cause us to fear a fall from the republican institutions to anarchy or a dictatorship. Whenever the Spanish people have made at the true opportunity a political progress, they have preserved it with true constancy. Since 1836 we have had constitutional institutions, in form more or less free, and we have never lost them, employing, even in the midst of the greatest revolutions, their proceedings to enter into full democracy. The government of the republic is to-day resolved to give to the people an electoral liberty so great and general that they may express their ideas and aspirations with a sincerity not always used. We will assiduously prevent all official and bureaucratic influence, and we will punish with equal severity the violent pressure of political parties and of the mob. We will give every security for the most timid to exercise their rights, and we will uphold the respect every elector owes to other electors and to his own sovereignty. Those who know the public life of those who have had the undeserved honor of having founded the republic, know we will faithfully keep our words.

The governments of Europe should have the same security. Our proposals must make them comprehend, sooner or later, that we are a legal power, not composed in any manner of conspirators, but of legislators accustomed to frame and obey the laws.

And we, so jealous of our autonomy, of our independence, will never conspire against the autonomy or independence of other nations; so that, in our internal politics, as well as in our foreign relations, we have only to inspire ourselves with the eternal principles of justice.

Consequently, I have a special charge from all the members of the executive power to make it understood that our republic will not be a hot-bed of discord in Europe. These changes and transformations are completely internal, and have no relations whatever with the different political and international problems in the world. Our great separation from all European influence (which has sometimes mortified our Spanish pride) now serves providentially for the regeneration of this our beloved country. We do not owe anything to those who agitate the world from the great cities, which may be called the cosmopolitan cities, the capitals of intelligence and of ideas. We were considered a dead people, great because of our glories, but with the grandness of ruins, after the manner of those empires buried underneath the valleys of Asia. Spanish democracy, in generous vengeance for this forgetfulness, discussed her destinies with herself, harmonizing the progressive ideas of the times with the national spirit. Thus she has never had, and has not now, that vague cosmopolitanism which might cause alarm abroad, nor those Utopian dreams which might cause difficulties without number at home. We have a republic entirely our own, born of the national feeling. Even if we intended any other thing our geographical position imposes this policy on us, exclusively Spanish. It is unnecessary to say that we do not desire any annexations to or increase of our territory. A republic in which, like our own, there are so many municipal elements, cannot be a conquering

republic. Its own nature subjects it to this idea, to organize its powers in the best possible manner, and to educate its citizens into elevation. We have territory enough for our activity in the world. We desire to preserve it, and we will preserve it at all cost and in all its integrity. But we should be ungrateful if we attempted to increase it, and all the more by conquests, either directly, which might expose us to the undesirable glories of war and to the dangerous chances of Cæsarism; or indirectly, which might cause us to forget in others the principle we love above all in ourselves—the principle of national autonomy.

I repeat it, and will do so a thousand times. For the independence of Spain, for the dignity of Spain, we have the same worship as all the Spanish generations. We neither wish nor need anybody to recognize our right of governing ourselves. We feel ourselves so equal to it, that the conviction, of our strength and the austere conscience of our authority are enough for us. The great nation that occupies the north of the American continent, in spite of the distance, has immediately recognized us, and has communicated to us its fervent sympathy for this nation, which has discovered with prodigies of genius and valor the road of liberty and democracies. The Swiss Confederation has just followed the example, and has blessed our new-born republic from its holy mountains. These two acts of two free countries, of two democratic countries, of two republican countries, of two countries friends of all the powers, strengthen us and demonstrate to us that they have no fear of our not deserving the greatness which the new institutions promise to us, or of our staining with excesses the name of modern democracy. I have a right to hope that the rest of the world, after my loyal explanations, will hold back no longer. It would be unworthy of me, it would not be representing the energy of my nation and of my race, if I placed my faith in fantastic dreams. We have great and immense difficulties to overcome; complications will appear in the pursuance of our line of action, and the dangerous change from one form of government to another. They have never been hidden from our sight and our patriotism. What we can say is that, for the whole time we occupy our posts, we are resolved to strengthen interior order, and to respect the peace of all Europe. But, ah, let not the foreign nations ask us for energy, and then deny us the only thing we ask them—their moral help—so that, as we have founded our republic in legality, we may consolidate it in the most perfect order and the closest amity with all the nations and governments of the earth.

If your excellency will look into the ideas I have expressed, you will find it easy to second the designs of the executive power of the republic; and I hope that, from your zeal for good service, you will be able to expound them at a fitting time and occasion to your minister of foreign affairs, to whom I hope you will read, and, if he desires it, give a copy of the present dispatch.

EMILIO CASTELAR.

No. 431.

Mr. Duffie to Mr. Davis.

No. 375.]

UNITED STATES CONSULATE,
Cadiz, July 27, 1873. (Received August 26.)

SIR: I beg to inform you that hostilities commenced between the dock-yard and volunteer forces on the 22d instant, at 11.15 a. m., and con-

tinned with great force all that day and the day following, but with few casualties on both sides.

On the night of the 23d, at 11 o'clock p. m., a respectable person of this city came to inform me that a boat bearing a flag of truce, and commanded by the son-in-law of the admiral of the dock-yard, bearer of a dispatch for the French consul, had been seized and the officer imprisoned, and wishing me to use my influence in procuring the liberty of said officer.

I proceeded to the "*comité de salud publica*," and had an interview with the president, and found it was impossible to obtain the liberation of said officer, as the flag of truce was used by him for visiting the British iron-clad *Triumph*, and not the *comité*. During my interview with the president and *comité*, they gave me to understand that they were tired and sorry of having commenced hostilities, and insinuated that they would be pleased to have matters arranged. I then offered my services toward this end, which they immediately accepted, with the understanding that everything should be considered strictly private and confidential, giving as a reason for this that the volunteers might create disturbances, thinking that the *comité* intended to compromise with their adversaries.

The *comité* gave the following conditions for treating for peace with the admiral:

That the admiral and the troops might evacuate the dock-yard with the honors of war, by land or with the fleet. That the arsenal and its dependencies should be delivered over to the *comité* of the canton of Cadiz.

The president of the *comité*, notwithstanding not wishing to take upon himself the entire responsibility of this affair, at the time of giving me said conditions, requested me to consult them with the general commanding the volunteer forces at San Fernando.

On the following morning, at 7 a. m., I proceeded on a special train with my vice-consul, Mr. Younger, and accompanied by two members of the *comité*, to San Fernando, where I had an interview with the Brigadier Egina, and these two members, who were not of the same opinion as the *comité* at Cadiz, but resolved that the following propositions should be presented to the Admiral Arias, of the dock-yard:

That the garrison troops of the dock-yard would be allowed to evacuate the place with the honors of war and their arms; but the seamen to leave disarmed, but none of the vessels of war should leave the arsenal. That a sufficient number of officers should remain to deliver the arsenal and all its appurtenances in due form.

Both myself and vice-consul considered these terms too humiliating, and used every endeavor to have them modified, but without effect; and although we considered them utterly unacceptable, but for the sake of humanity, and wishing to stop the effusion of blood, for a short time at least, I wrote a letter, of which I inclose translation, to the admiral, and after some delay, caused by the volunteers in front refusing to allow their officers to hoist the white flag until it was accompanied by the United States colors, I received the admiral's reply, as per translation herewith.

The commander of the volunteer forces having given me his word of honor that all works pending should be stopped immediately, I proceeded with my vice-consul down to the dock-yard, where we were received with all honors and the greatest attention and friendliness by the admiral and his staff. The terms of which I was bearer were instantly and indignantly rejected; the admiral, besides stating that having re-

ceived the command of the dock-yard and its dependencies from the government, he would nor could not deliver it but to the government, adding also that, having re-enforcements, the dock-yard was in a state to defend itself against the volunteers for at least three months, being sufficiently rationed and having abundance of ammunitions.

During our conference with the admiral he frequently expressed his desire of terminating that unfortunate state of affairs, and to this effect charged us with the following propositions to the *comité* of Cadiz :

That a truce of six or eight days should be agreed upon, during which time the two belligerent parties should suspend all hostilities and works, and remain within their lines ; and during said period the *comité* of Cadiz should send to Madrid commissioners to treat with the government regarding the course the admiral should take, either continuing to defend his command or delivering it over to the *comité*.

On our departure we received the same honors and civilities from the admiral, who instructed us to inform the general of the volunteers that during our negotiations he would suspend hostilities, if not fired upon by his adversaries.

On our return we laid the conditions of the admiral before the authorities at San Fernando, who, although they personally refused them, would not take upon themselves the responsibility of giving a decided answer before consulting the *comité* at Cadiz, for which purpose they, on our return to Cadiz, accompanied us, at 7 p. m.

On the 25th, at 2 p. m., the *comité* informed me that the admiral's propositions were rejected, whereupon they placed a steamer at my disposal, in which I and my vice-consul proceeded to the arsenal, to inform that there were no apparent probabilities of arriving to a peaceful solution of hostilities.

The admiral received our information with marks of great regret, but assured us that he could not grant other terms, and that he should commence hostilities the next morning at 8 o'clock a. m., precisely, and would not cease until the volunteers were disarmed and re-organized under the true principles of order, of republicanism, of all of which we informed the Cadiz *comité* at our return.

As the admiral had said the day before, the dock-yard and squadron recommenced hostilities on the 26th, at 8 o'clock, a. m., precisely, which was promptly replied to by the batteries of the volunteer forces, and a heavy cannonade, chiefly from the arsenal, was kept up the whole day.

As my dispatch would be incomplete without giving you further details regarding the state of the dock-yard and volunteer forces, and the reasons which have caused this serious conflict, I beg to inform you, with all impartiality, that on my visit at San Fernando I found the volunteers greatly disheartened, unruly, and disorganized, in general confessing themselves tired out, and wishing for peace.

At the dock-yard, on the contrary, I found, to all appearance, everything in the greatest order, good discipline, and enthusiasm among the troops and navy. The dock-yard and squadron did not receive the least damage during the first two days of hostilities, and only had one man slightly wounded.

The positions of the volunteers had, however, been more roughly handled, as the naval college, the barracks, railway-stations, and other places, showed marks of better firing, they having had, besides, several killed and wounded.

The first gun at the commencement of hostilities was from the volunteers.

The chief instigator of these disturbances is a man called Mota, mayor of San Fernando, and who, with 600 or 700 volunteers of the

lowest class, instigated the volunteers of Cadiz to take part in the operations against the dock-yard, it is said, with personal views of revenge, as he formerly held the position of boatswain and was dismissed in disgrace.

It is rumored to-day that he has been assassinated by the volunteers, of which I have no doubt, as he had many enemies in the *comité* of Cadiz.

I am, &c.,

A. N. DUFFIE.

[Inclosure 1.—Translation.]

Mr. Duffie to Admiral Arias.

SAN FERNANDO, July 24, 1873.

YOUR EXCELLENCY: Wishing to pass over to that arsenal for holding (accompanied by my vice-consul) a conference with your excellency, and having obtained from the chief of the volunteer forces a suspension of hostilities during said conference, I have to beg of your excellency if we can pass into the arsenal, the firing ceasing also on the part of the forces under your excellency's command during said period.

I am, &c.,

A. N. DUFFIE.

[Inclosure 2.—Translation.]

Admiral Arias to Mr. Duffie.

ARSENAL OF THE CARRACA, July 24, 1873.

SIR: In reply to your letter, which I just received, which was brought by a person who was permitted to enter this arsenal on account of having presented himself bearing the flag of the United States of North America, I have to say that your person, as well as that of the vice-consul of the United States, will be admitted as soon as you present yourselves in this arsenal, and I will have the pleasure of verifying with you the conference which you desire.

In due deference to the character and your representation, I give orders for the suspension of hostilities as long as the enemy does, but informing you that my adversaries are erecting works for augmenting their means of attack; considering this militarily, it is the same as a continuation of firing on their part, and thus I ought not nor cannot consent to the said suspension, if the enemy does not suspend the works which they commenced.

I am, &c.,

JOSÉ RODRIGUEZ DE ARIAS.

No. 432.

Mr. Duffie to Mr. Davis.

No. 378.]

UNITED STATES CONSULATE,
Cadiz, August 5, 1873. (Received August 26.)

SIR: I have the honor to inform you that, yesterday at 1 o'clock a. m., the consular corps received a request from the *comité* of public safety to repair to their headquarters, situated in the custom-house of this city.

The consular corps acceded to their request, and on arrival were informed by the president, Mr. Salvochea, that the *comité* had resolved to resign their authority into the hands of the consular corps.

A conference among the consuls took place, after which it was decided to accept the transitory power with which the resignation of the *comité* invested them, chiefly for humanity's sake and for stopping the shedding of blood, as at 2.30 o'clock a. m. firing commenced in the city between the artillery troops of the line and the volunteers, the former wishing to overthrow the *comité*, and which ceased as soon as it

was known by them that the *comité* had resigned their powers to the foreign consuls.

The reasons for the resignation of the *comité*, in my opinion, consisted in that about forty of our principal merchants having been shut up by them for twelve hours under the demand of \$100,000, which they stoutly refused, (and who were liberated at the request of the consuls,) thus leaving them without funds to pay their volunteers and troops; that their troops having become entirely disorganized, the close approach of the government troops and the fleet of foreign vessels having been increased by three British iron-clads, must have decided them to take that step.

During our temporary administration a military and civil governor as well as captain of the port were appointed, and all the naval officers liberated.

At 12 o'clock Admiral Lobo arrived at Cadiz, into whose hands the consular corps gave over the entire government of the city and retired; but before this Admiral Lobo addressed the foreign consuls in the most flattering terms, assuring them, in the name of the Spanish government, that the difficult commission they had for humanity sake taken charge of, was most highly appreciated, and that the city of Cadiz would never forget the great benefit received from them.

At about 2 o'clock p. m. the government troops, under the command of General Pavia, marched into the town without firing a shot; the volunteers were disarmed, and at present the city has recovered its former tranquillity, although commercial transactions are extremely dull, but which will improve as soon as it is seen that business can be transacted with safety.

General Pavia proceeds from this to Granada, where there exists another "comité of public safety," and after the pacification of that city and its province, the whole province of Andalusia will be under the control of the established government.

I am, &c.,

A. N. DUFFIE.

[Inclosure 1.—Translation.]

Proclamation of consular corps to the people of Cadiz.

Inhabitants of Cadiz:

The *comité de salud publica* has resigned its power into the hands of the foreign consular body of Cadiz. The consuls have not vacillated in accepting so difficult a commission on account of the affection they profess for so noble a people, trusting in the honesty and wisdom of all classes of the population in the towns, whose co-operation they solicit, so that order, tranquillity, and confidence be complete in Cadiz.

They all desire to be aided in this task by the battalions of volunteers, as they already are by the regular forces, so that order may be completely secured in Cadiz, without in the least wounding the just and patriotic susceptibility of the inhabitants of Cadiz, till the moment, near at hand, that the troops of the Spanish government commanded by General Pavia may receive from us the powers which legally belong to them.

The Commission,
 P. BENEDETTE,
Consul of France.
 T. READE,
English Consul.
 E. KROPF,
Consul of Germany.
 A. J. CHRISTOPHERSEN,
Consul of Sweden.
 RAMON ALCON,
Italian Consul.
 I. DAMASCO DE MORAES,
Consul of Portugal.

CADIZ, August 4, 1873.

No. 433.

Mr. Hancock to Mr. Davis.

No. 238.]

UNITED STATES CONSULATE,
Malaga, August 2, 1873. (Received August 26.)

SIR: On Friday, the 25th ultimo, a conflict occurred in the streets of this city, between the followers of Francisco Solier and Edward Carvajal, two contestants for local popularity and honors, in which eleven were killed and twenty-three wounded. Some eight or nine of the wounded have since died.

On Monday, the 28th ultimo, two insurgent iron-clad vessels, the *Victoria* and *Almanza*, left Carthagena under command of General Contreras, to depredate on the towns along the coast between that place and Malaga. Together they carried something near two thousand people, made up of the very worst class of the population. Rumor says that the prison-doors were opened and nearly a thousand criminals of every class composed a part of this motley crew. The first place they stopped was at Almeria, one of the dependencies of this consulate, about eighty miles east of this. Under the threat of bombardment they demanded from the people \$100,000 to be paid within an hour. Instead of raising the money (in fact it would have been impossible) the entire populace deserted the town, leaving a garrison of from eight hundred to a thousand volunteers, to prevent a landing of the followers of Contreras, if possible. At the end of the hour given some twenty shots were fired. Then, after a short respite, about twenty more were fired and the bombardment ceased. One or two houses were slightly damaged but no lives lost.

At eight o'clock on Tuesday evening they weighed anchor and put to sea without having received a farthing.

Their next anchoring was at Motril, some forty miles east of this, in this province; and there they demanded \$16,000, which was given in bills of exchange on Malaga.

Yesterday, Friday morning, the *Almanza* made her appearance in the distance off this harbor, when the English iron-clad *Swiftsure*, Captain Ward, and the German iron-clad *Prince Frederick Charles*, under the command of Commodore Werner, put to sea to prevent her coming in. The German iron-clad fired a shell across the bow of the *Almanza*, when her guns were loaded and run out and the deck cleared for action. Seeing the same preparations on the two other iron-clads, the insurgents changed their minds and lowered their flag and surrendered. General Contreras was ordered on board the German vessel and there made a prisoner. The three vessels then started for Carthagena, and about two hours afterward they overhauled the *Victoria* and took her also.

They go back to Carthagena with them, and it is reported that the German iron-clad will blockade the port to prevent their coming out again.

Immediately after the occurrence there was general rejoicing here that Malaga had been saved from the fury of these people; but a reaction is now taking place, and notwithstanding the action of the Madrid government in declaring these vessels pirates, a feeling of hostility is manifested at the interference of foreign nations. It is commonly said, as this is a contest between Spaniards, that foreign governments, so long as their subjects are allowed time to make their escape, have no business to take sides with either party in the absence of a recognition of the Madrid government.

Considering the interest of our commerce and the Americans who reside here, I am inclined to regard it a matter of congratulation that these vessels were taken by the vessels of other nations than our own. Communism must have its run here, and it will be the better, I think, that we have not interfered between the contending factions.

We are quiet for the present, but will not long remain so.

At Granada, the capital of this kingdom, the red republicans have absolute control, and have adopted rules and regulations for the government of the city, very like those of the Paris commune.

I have, &c.,

A. M. HANCOCK.
