

Merchant, to accompany House bill No. 7526—to the Committee on Invalid Pensions.

Also, petitions of W. W. Brewer and 12 citizens of Tiffin, E. S. Stine and 6 citizens of Millersville, and S. M. Loose and 3 others, of Ballville, Ohio, in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PACKER of Pennsylvania: Petitions of the Woman's Christian Temperance Union, Methodist Episcopal Church, Union Church, Baptist Church, Epworth League, and others, of Mansfield, Tioga County, Pa., and Methodist Episcopal Church of Picture Rocks, Lycoming County, Pa., favoring the passage of bills to raise the age of protection for girls to 18 years in the District of Columbia and the Territories, to protect State anti-cigarette laws, and to forbid interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of Picture Rocks, Pa., and of Woman's Christian Temperance Union, Methodist Episcopal, Union, and Baptist churches, Epworth League, and citizens, of Mansfield, Tioga County, Pa., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. PERKINS: Petition of 13 citizens of Correctionville, Iowa, in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petitions of W. J. Gitton and 28 others, of McAfee, Ky.; Thomas H. Moore and 9 others, Gurney Junction, Ala.; J. J. Weatherby and 13 others, Milford, Ala.; D. J. Fleming and 20 others, Lawrence, Ala.; G. E. Burbank and 10 others, Cherokee, Ala.; J. T. May and 10 others, Montgomery, Ala.; V. T. Hudmon and 27 others, Opelika, Ala.; T. L. Moore and 30 others, Eufaula, Ala.; J. R. Porterfield and 30 others, Greenville, Ala.; Davenport, Morris & Co. and 15 others, Richmond, Va.; I. K. Talifino and 25 others, Remington, Va.; S. C. Bargess and 16 others, Philadelphia, Tenn.; E. M. Muce and 8 others, Stewart, Miss.; J. R. McLelland and 30 others, Mooresville, N. C., and Judge O. F. Littlefield and 11 others, Jesup, Ga., in favor of the passage of House bill 7130 and Senate bill 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of the Woman's Christian Temperance Union of East Haven, Conn., for the passage of a bill to forbid interstate transmission of lottery and other gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of East Haven, Conn., in favor of the passage of the Broderick bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East Haven, Conn., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. STURTEVANT: Petition of citizens of Meadville, Pa., protesting against the passage of Senate bill No. 2736, in relation to the regulation of insurance—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Fairview, Erie County, Pa., asking for the passage of a bill restricting railroad fares to 2 cents per mile for passengers—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union and 130 citizens of McLane, Pa., in favor of the passage of bills to forbid the interstate transmission of lottery messages by telegraph, to raise the age of protection for girls to 18 years, and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of citizens of McLane, Pa., against the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. TONGUE: Petition of the Presbyterian Church of Ashland, Oreg.; also petition of citizens of the State of Oregon, for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WARNER: Petition of 201 citizens of Monticello and Bennett, Piatt County, Ill., and of the Thirteenth Congressional district of Illinois, in favor of the repeal or radical modification of the civil-service law—to the Committee on Reform in the Civil Service.

Also, resolutions adopted by the fire departments of Clinton, Dewitt County, and Champaign, Champaign County, State of Illinois, in opposition to Senate bill No. 2736, to establish a division in the Treasury Department for the regulation of insurance, and for other purposes—to the Committee on Interstate and Foreign Commerce.

Also, petitions of 39 citizens of Monticello, 25 citizens of Gibson City, 62 citizens of Arcola, 40 citizens of Urbana, 40 citizens of Champaign, and Lodge No. 315, Locomotive Engineers' Division,

of Clinton, Illinois, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, five petitions of numerous citizens of Bloomington, Ill., in favor of legislation which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

Also, petitions of citizens of Tuscola, Douglas County, Ill., in favor of bills to forbid the interstate transmission of lottery messages and to raise the age of protection for girls—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union and 190 citizens of Tuscola, Ill., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

SATURDAY, April 16, 1898.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

JOHN P. THOMAS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 164) granting an increase of pension to John P. Thomas, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate further insist on its amendment and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. CANNON, and Mr. KENNEY were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 427) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence;

A bill (H. R. 3963) to permit certain parties to intervene in the equity cause of The United States against Morris and others, pending in the supreme court of the District of Columbia;

A bill (H. R. 4099) to confer jurisdiction upon the circuit courts in certain cases;

A bill (H. R. 4104) relating to the jurisdiction of the United States courts, and regulating procedure concerning the same;

A bill (H. R. 5521) declaring the Federal jail at the city of Fort Smith, Ark., a national prison for certain purposes;

A bill (H. R. 6160) to amend section 4746 of the Revised Statutes of the United States; and

A bill (H. R. 6901) to prevent the abatement of certain actions.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 6468) authorizing the Supreme Lodge of the Knights of Pythias to erect and maintain a sanitarium and bath house on the Government reservation at the city of Hot Springs, Ark.; and

A bill (H. R. 8162) to authorize the Secretary of the Interior to rent or lease certain portions of forest reserve.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 7089) to amend section 3542 of the Revised Statutes, fixing the amount that may be allowed the coiner and melter and refiner of the coinage mints and assay office at New York for the wastage of gold and silver; and

A joint resolution (H. Res. 14) authorizing articles imported from foreign countries for the sole purpose of exhibition at the Texas State Fair and Dallas Exposition, to be held at Dallas, Tex., in 1898, to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

The bill (H. R. 3391) for the relief of W. H. Barnard and Robert Thomas was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 5311) granting to the Chattanooga Rapid Transit Company the right to cross with its track the Dry Valley road to the Chickamauga and Chattanooga National Park was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8581) for the protection of the people of the Indian

Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 9210) granting an increase of pension to George H. Baldwin was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. Res. 24) relative to the medal of honor authorized by the act of December 21, 1861, and July 16, 1862, was read twice by its title, and referred to the Committee on Naval Affairs.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting an estimate of appropriation, \$5,425, to be immediately available, for the purpose of repairing the marine barracks and officers' quarters at the navy-yard, Mare Island, Cal., recently damaged by the earthquake of March 30, 1898; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting a report made by Examiner W. P. De Pue as to the advisability of a change in the present law governing the holding of terms of court at Bay City, in the northern division of the eastern district of Michigan, etc.; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House agrees to the amendments of the Senate to the following bills:

A bill (H. R. 639) increasing the pension of Charles B. Eades, Hopkinsville, Ky.;

A bill (H. R. 2629) to grant a pension to John Thurston, of Island Pond, Vt.;

A bill (H. R. 3132) for the relief of P. P. Miner, Company B, Twelfth Indiana Infantry;

A bill (H. R. 5994) to grant a pension to Mrs. M. Louise Anderson; and

A bill (H. R. 7539) granting an increase of pension to Mrs. Martha M. McCall.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 90) granting a pension to Eunice Taylor;

A bill (H. R. 92) granting a pension to Auguste Whitmer;

A bill (H. R. 239) granting a pension to Rosa Karger;

A bill (H. R. 298) granting an increase of pension to Charles McAllister;

A bill (H. R. 368) for the relief of Charlotte A. Walker;

A bill (H. R. 777) to increase the pension of David N. Thompson;

A bill (H. R. 1246) for the relief of C. B. Bryan & Co.;

A bill (H. R. 1322) granting a pension to Benjamin F. Howland;

A bill (H. R. 2015) granting a pension to Elisabeth Lane;

A bill (H. R. 2074) granting a pension to Jane H. Sandborn;

A bill (H. R. 2426) granting an increase of pension to Helen Larned;

A bill (H. R. 4206) granting an increase of pension to Jacob G. Frick;

A bill (H. R. 4247) granting a pension to Sarah A. Landram;

A bill (H. R. 4300) to increase the pension to John C. Wagoner;

A bill (H. R. 4314) to increase the pension of Moritz Tshoepe;

A bill (H. R. 4548) granting a pension to Mathew B. Nale;

A bill (H. R. 7536) granting a pension to Jane A. Wilkinson; and

A bill (H. R. 7943) to make Knoxville, Tenn., a port of delivery, and to create the office of surveyor of customs.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry citizens of Silver City, N. Mex., remonstrating against the policy of peace at any price, and favoring the attitude of the President and Congress on the Cuban question; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the congregation of the Central Presbyterian Church, of Newburg, Ind., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of 364 members of the Protective Grange, of Brattleboro, Vt., praying for the enactment of legislation to further extend the free delivery of mail in rural sections, and also to discontinue the free distribution of seeds and documents by the Government; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented sundry memorials of Christian organi-

zations of Richmond, Ind., remonstrating against any action being taken to dispossess William Duncan and his tribe of Indians of Annette Island; which were referred to the Committee on Territories.

He also presented a petition of sundry citizens of Huntington, Ind., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. DAVIS presented resolutions adopted by the officers and heads of departments of the publishing house of Funk & Wagnalls, of New York, favoring the immediate and unanimous passage of the Senate resolutions in regard to intervention in Cuba; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4400) granting an increase of pension to Joel Blackman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4399) granting a pension to Sarah Jordan, reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Claims, to whom was referred the bill (H. R. 7318) for the relief of Frank Loyd, of Georgia, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4416) granting a pension to May F. Hilliard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 4417) granting a pension to Julia A. Veazey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced a bill (S. 4418) for the relief of Julia Moore Selden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT of Connecticut submitted an amendment authorizing the Secretary of the Interior to pay out of the interest of the money due the Cherokee Nation \$7,500, with interest at 6 per cent, to Wilkinson Call, for services as attorney, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTUS submitted an amendment relative to the appointment of a dental pathologist for the Army Medical Museum, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table, and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 310) granting a pension to Johnson Hays;

A bill (S. 603) granting a pension to Clarissa E. Hobbs;

A bill (S. 1345) granting an increase of pension to Sarah Brumm;

A bill (S. 1466) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry;

A bill (S. 1467) granting a pension to Adolphine Krez, widow of Conrad Krez, late colonel Twenty-seventh Wisconsin Infantry and brevet brigadier-general of volunteers; and

A bill (S. 1751) granting an increase of pension to Moses M. Crants.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 99) granting a pension to Ira Ingraham;

A bill (H. R. 584) granting a pension to Mary I. Valentine;

A bill (H. R. 772) granting an increase of pension to William Taylor;

A bill (H. R. 1288) for the relief of Samuel McKee;

A bill (H. R. 2318) for the relief of John T. Brewster;

A bill (H. R. 2497) to increase the pension of James E. Easton;

A bill (H. R. 2866) granting an increase of pension to Myntie L. Hamilton;

A bill (H. R. 4189) granting an increase of pension to Newton W. Cooper;

A bill (H. R. 4488) granting an increase of pension to Peter Castle;

A bill (H. R. 4961) granting an increase of pension to George W. Osborn;

A bill (H. R. 5776) granting an increase of pension to Sidney J. Hare;

A bill (H. R. 6411) granting an increase of pension to Henry K. Opp;

A bill (H. R. 7321) granting an increase of pension to Lauritz Olsen;

A bill (H. R. 7554) granting a pension to William Iott;
 A bill (H. R. 7802) granting a pension to Emily A. Hausuer;
 A bill (H. R. 8181) for the relief of John A. Bingham;
 A bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft;
 A bill (H. R. 8680) granting an increase of pension to William Tompkins; and
 A bill (H. R. 9043) granting an increase of pension to Ann M. Smith.

INTERVENTION IN CUBAN AFFAIRS.

Mr. DAVIS. I move that the Senate proceed to the consideration of Senate joint resolution 149.

The VICE-PRESIDENT. Is there objection to the motion of the Senator from Minnesota?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 149) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Mr. TELLER. I think we ought to have a quorum of the Senate present, and I suggest the lack of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested by the Senator from Colorado, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Deboe,	Mallory,	Proctor,
Bacon,	Fairbanks,	Mantle,	Rawlins,
Berry,	Foraker,	Mason,	Spooner,
Burrows,	Gallinger,	Mitchell,	Stewart,
Caffery,	Gear,	Money,	Teller,
Cannon,	Hale,	Nelson,	Turley,
Carter,	Heitfeld,	Pasco,	Turner,
Chandler,	Jones, Ark.	Perkins,	Turpie,
Clay,	Kenney,	Pettus,	White.
Cullom,	Kyle,	Platt, Conn.	
Davis,	Lodge,	Platt, N. Y.	

Mr. MONEY. I desire to state that my colleague, the senior Senator from Mississippi [Mr. WALTHALL], is absent on account of sickness.

Mr. JONES of Arkansas. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. PASCO. I suggest that it does not yet appear that there is not a quorum present. There has been no announcement of the result.

Mr. JONES of Arkansas. I thought there had been an announcement made.

The VICE-PRESIDENT. Forty-two Senators have answered to their names. The motion of the Senator from Arkansas is in order. Is there any objection to it? The Chair hears none, and the Sergeant-at-Arms is so directed.

Mr. PRITCHARD, Mr. QUAY, Mr. PETTIGREW, and Mr. ROACH entered the Chamber and answered to their names.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is now present.

Mr. BACON. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. CANNON. Mr. President, I am for peace, for a holy peace, for an everlasting peace, for peace with Spain, and peace with all the world. And the surest road to that peace is through the brazen gate of war. There is but one other road by which it can be honorably reached by the United States, and if only one other way by which it can be honorably attained, only one possible road which the American people will traverse to reach it, and that is by the absolute recession of the Spanish monarchy from all its claims of sovereignty over the Island of Cuba.

Mr. President, I had intended to discuss the question of intervention and the particular form which it should take, but in the brief moments which under the agreement we are allowed I shall be able only to say that I am for a declaration of intervention so decisive and so direct, so removed from all possibility of Executive change, so removed from all possibility of doubt in the mind of Spain as to what the American people mean when they declare that the war in Cuba must stop, that if Spain shall commit a further act of aggression after the American Congress has spoken in the name of 75,000,000 of freemen, the end inevitably will be war.

Mr. President, it will be a fatal error if at this time we shall repeat the mistake of two years ago and one year ago. Every declaration by the United States officially made has been accepted by Spain and has been complied with. Our prudence has been carried into the domain of folly. We have not asked enough nor in time. I agree with those Senators who have spoken, I agree with the committee, I agree with the fact and with the sentiment of all the people of the United States in appreciation of that fact,

that had we spoken two years ago, had we spoken one year ago, in recognition of the belligerency of Cuba, our women would not now be weeping for their dead, sunk in Havana Harbor. If we shall fail now to do the courageous thing, the outspoken thing, God knows what result may flow to us and the world.

It is not my purpose to criticize the President of the United States. It is far less from my purpose to defend him here. Passionate rhetoric has been expended in answering the indictment which he himself helped to bring. It has three counts in it. One is made by the Committee on Foreign Relations, in which it says that had belligerent rights been accorded to the Cubans, the trouble would have been settled without intervention by the United States, and that means without the loss of our battle ship and our sailors and without the danger of war. The two other counts are made by the President himself in his message, one in which he declares that "The long trial has proved that the object for which Spain has waged the war can not be attained," while at the same time he declares against the recognition of the Republic of Cuba, which has destroyed all hope of the attainment of Spain's cruel purpose. The other count is in the declaration that intervention "involves, however, hostile constraint upon both the parties to the contest, as well to enforce a truce as to guide the eventual settlement." No matter what accusation or innuendo may be directed against the President, no matter how much of the time of the Senate and the country may be consumed in defending him against a charge too well laid or it would not have needed such resentment, the case will go down to history and the people will judge whether the President of the United States in the year which has elapsed since his inauguration has been vacillating, without a purpose, without a policy, one thing to-day and another thing to-morrow, or whether he has been a man who throughout all the year was looking straight into the eye of infinite wisdom and gathering there strength for a course as resistless as the movement of the stars.

Mr. President, I am for the recognition of the existing government in Cuba because I believe in the logic of the report made by the committee. Every argument of that report is either in favor of the recognition of the existing republic or it is against any recognition of the Cuban people.

When we go to war to recognize the people of Cuba, when we go to war upon an issue which Spain has made before the world, we go to war to make Cuba free or we go to war for conquest. I care not how much the question may be obscured by long and adroit arguments upon international law, this fact remains. It is plain to every man who judges solely by the dictates of common sense. If we take possession of that island, no matter how holy our present intention to establish a stable government there, when we come as conquerors and after some time at least, Heaven alone knows now how long a time, the manipulators of political events in the world alone will then decree how long a time, we must hold possession of the island until some satisfactory government shall be established.

Mr. President, it has taken us three long years to come to the verge of recognition of a republic already there, a republic which has made the name of Gomez glorious throughout the world, a republic whose soldiers in the field have turned back the power of Spain. How long will it take us to recognize the next republic which will be established there? We who have had every vital interest, we who have had a commerce amounting to \$100,000,000 a year with Cuba, we who have sympathy with the republic and with the aspiration for liberty, have failed to recognize that government in three years of warfare maintained heroically. How long will it take the governments of Europe to recognize the republic which we shall establish, when every vital interest which they have is against such recognition?

The President asks that we shall make a government capable of maintaining its international obligations. Judged by the record of the past three years, it would take a generation to make a republic there which could have international relations and obligations with Europe.

We have had one war of conquest, and only one, and the nation was sorely punished soon after. The historian may trace some connection between the war with Mexico and the war between the States, the most tremendous struggle recorded by history. Let us not make another.

Mr. President, the sensitiveness entertained here with regard to the prerogative of the Executive is, to my mind, misapplied and unnecessary. The Senate has by a majority vote on two occasions declared that recognition is a legislative right. It is a strange thing to me that always when we will to do a thing we can do it lawfully, with holy purpose, without intrusion into other rights, and when we will not to do it the argument is made so magnificently as to almost convince disbelievers that it is wrong. If we had the right to pass the belligerency resolutions which the Senate itself sent to the other body, then we have the right to pass the resolutions of the majority of the committee with the addition of the resolution of the minority of the committee.

It will be observed that the argument is now exactly the argument of two years ago and one year ago, an invocation of international law to restrain the people of the United States. It has been inquired here that if we should recognize the existing Republic of Cuba by what right would we enter Cuba? Upon whose invitation? Mr. President, upon whose invitation are we entering Cuba now? Upon the invitation of Spain, which, according to our own admission, is the lawful government? No; against the protest of Spain. Can we not enter Cuba against the protest, if it should be offered, of the insurgent government by the same right which dictates us now? It is above commercial interest, it is above partisanship, it is above international law. It is more than an invitation; it is a command. It was uttered from the Mount, "Blessed are the peacemakers;" and the United States, in obedience to that command, will enter Cuba against the protests of all the governments of the earth and make peace there forever.

Mr. President, let no man deceive himself with the thought that the contest is unworthy of our courage and our splendor. We enter war, if at all, with Spain, the jackal of nations, feasting upon a battlefield on the bodies of the dead slain there in heroic combat, and sending her midnight cry to the lion and the eagle of Europe to join her. We will emerge from that war after a contest Heaven knows of what length, and with foes. Every throne in Europe trembles at the breath of warfare. And that which drives Spain to external combat to avert internecine strife may possibly be sufficient to induce other nations to join her. Spain asks an alliance with Germany, with Austria-Hungary, with Russia, and also with England and France. Eliminating the two latter countries from consideration, the allied forces of Spain, Germany, Austria-Hungary, and Russia are now on a peace footing of more than 2,000,000 men, with a navy of nearly 700 vessels, backed by a population, outside of the colonies, of 225,000,000.

Some men who do not favor these resolutions have expressed a fear of the consequences to us from armed intervention or mediation by European countries, and other men who do not favor these resolutions have expressed a fear of it lest the United States shall be written coward for destroying Spain. If we keep our motive pure and our purpose high, we will be sustained by Providence. We will vindicate ourselves to our consciences, to the wisdom and honor of the world, and to the day of judgment; and when the war shall have ended the United States will be able, I trust, to write a story of the deed in this one sentence: "The hand of God moved this country to destroy in Cuba the divine right of kings and establish there the diviner right of the people."

Mr. ALLEN. Mr. President, I would not consume the time of the Senate this morning but for the fact that I think it highly important to direct attention to one or two matters that have been thus far overlooked. I am glad to see this hour come. I have been looking forward confidently for the last two years and a half to the time when the United States, in its majesty and its power, would declare that Spain must retire from this continent. But on the 7th of this month there took place in this capital city a scene that was never witnessed in the United States before, and I trust will never be witnessed again. On that day the minister of Austria, the ambassador of France, the ambassador of Germany, the ambassador of Great Britain, the chargé d'affaires of Italy, and the chargé d'affaires of Russia entered the White House, representing their respective Governments, without protest, and there presented to the people of the United States, through the President, this remarkable document:

The undersigned, representatives of Germany, Austria-Hungary, France, Great Britain, Italy, and Russia, duly authorized in that behalf, address, in the name of their respective governments, a pressing appeal to the feelings of humanity and moderation of the President and of the American people in their existing differences with Spain. They earnestly hope that further negotiations will lead to an agreement which, while securing the maintenance of peace, will afford all necessary guaranties for the reestablishment of order in Cuba.

The powers do not doubt that the humanitarian and purely disinterested character of this representation will be fully recognized and appreciated by the American nation.

To that the President responded in a short address, as follows:

The Government of the United States recognizes the good will which has prompted the friendly communication of the representatives of Germany, Austria-Hungary, France, Great Britain, Italy, and Russia, as set forth in the address of your excellencies, and shares the hope therein expressed that the outcome of the situation in Cuba may be the maintenance of peace between the United States and Spain by affording the necessary guaranties for the reestablishment of order in the island, so terminating the chronic condition of disturbance there which so deeply injures the interests and menaces the tranquillity of the American nation by the character and consequences of the struggle thus kept at our doors, besides shocking its sentiment of humanity.

The Government of the United States appreciates the humanitarian and disinterested character of the communication now made on behalf of the powers named, and for its part is confident that equal appreciation will be shown for its own earnest and unselfish endeavors to fulfill a duty to humanity by ending a situation the indefinite prolongation of which has become insufferable.

Mr. President, this was most remarkable. I have not been able to find its similitude or parallel in the history of this country, and I am informed by Senators who have served for many years that they have never known of an instance of the kind before.

I want to register my protest against the so-called powers of Europe entering the White House of the United States and telling the American people what they shall do respecting a policy to be pursued on this hemisphere. I can not understand, when the papers were alive with the story that this was to take place, why the President of the United States or some other person in authority did not indicate to the powers that the presentation of a paper of that kind would be a violation of the traditions and the doctrines of this country. They know we do not tolerate foreign interference in our affairs.

But, Mr. President, this was the first step taken, evidently with the consent of the Administration, looking to the breaking down entirely of the policy of this nation and of the Monroe doctrine. We are capable of caring for ourselves. We are not enjoying our liberty to-day because Europe or the powers desire us to enjoy it. They would destroy a republican form of government this moment if they had the power to do so. While I will not inveigh against them at this or at any other time, I want it to be distinctly understood, so far as my voice in the Senate is concerned, and so far as my influence as a citizen may go, I will be found registering an unalterable protest against the recurrence of such a scene; and we are informed further since this note was received that the powers are mustering themselves for another assault on the White House; they are to go again to register, in more emphatic language than is here contained, their protest against our course respecting the Island of Cuba. So much for that matter.

Then, Mr. President, we have had a great variety of international law quoted and referred to in this Chamber during this discussion. I am not much of an international lawyer—and, anticipating what some one may think, I will say that I am not much of a lawyer of any kind—but I would not believe a man who had all the wisdom of Solomon if he would declare to me on his solemn oath that a revolutionary government in Cuba, among her own people, that would overthrow the reigning dynasty there, and recognized by us, would not destroy every obligation of that island, so far as the world is concerned, of the territory occupied by it. Sir, when a people through revolution destroy the reigning government and set up one of their own different in form, they take their title to the territory they control free from the obligations of the preceding sovereignty. So it is that when one sovereignty invades the territory of another and overthrows the reigning government and itself sets up a sovereignty, it assumes and is liable for the obligations of the sovereignty overthrown.

There is the keynote to the situation in this discussion. If the resolution of the minority shall prevail, it will be impossible to make this Government responsible for the Spanish-Cuban debt. If we intervene without recognizing the existence of the Cuban Republic, it will not be twenty-four months until Europe will be inviting us to an international arbitration to determine the liability of the United States for the Spanish-Cuban indebtedness.

Mr. President, it is important that we should bear these distinctions in mind. If we adopt the majority resolution, let us not go to the people a year or two from now and say, "Well, we did not understand the force of the resolution." When the men who are hovering over this Capitol, as vultures over a carrion, come here to beseech Congress to assume responsibility for the Spanish-Cuban indebtedness, now amounting to \$519,000,000, let us not say we were not aware of our liability. It is because we are liable, it is because the law of nations will hold us liable, that we find this fierce contest waged against the proposed amendment recognizing the existence of the present Republic of Cuba.

Mr. President, without consuming time, I ask to print as a part of my remarks an editorial from the New York Commercial of the 4th of this month, stating in detail an account of the Cuban indebtedness, its different forms and amounts.

The VICE-PRESIDENT. There being no objection, it will be so ordered.

The statement is as follows:

[New York Commercial, Monday, April 4, 1898.]

SPAIN'S CUBAN DEBT.

The possibility that the indebtedness contracted by Spain in its administration of Cuba may play a part in the ultimate outcome of the Cuban question renders a succinct statement of what the debt consists of, how it was contracted, and where it is held of more than ordinary interest at this juncture. It may be mentioned at the outset that for bookkeeping purposes the Cuban treasury has been kept separate from that of the peninsula. This is, of course, a mere fiction, since Cuba, in spite of the severe taxation imposed upon it, has long been unable to meet the heavy charges for interest and sinking funds, and even before the present revolution in the island began the guaranty of the Spanish treasury and of portions of the peninsula revenues were all that gave any value to the several issues of Spanish-Cuban bonds.

These borrowings on the part of Spain for the account of Cuba consist of three distinct loans and the floating debt of the insular treasury. The first loan was made in 1886, and was nominally for \$124,000,000 at 6 per cent. There are \$117,970,000 of the bonds outstanding, and the interest and sinking-fund charges per annum are \$7,838,200. In 1890 a new 5 per cent Cuban loan, with the usual Spanish guaranty, was created, nominally to refund the old 6 per cent loan and pay off the floating debt, which consisted of advances from the Spanish treasury. The refunding part of the operation was never completed, and when the present war on the island broke out, the bonds thus reserved were, of course, used to defray Spain's war expenses. At present

there are about \$171,000,000 of the loan of 1890 outstanding, involving interest and sinking-fund charges of \$9,700,000 per annum. Both the loan of 1886 and that of 1890 are payable, principal and interest, in gold.

The next Cuban loan was created in 1896, and as the insular revenues were exhausted, the guaranty of the imperial treasury had to be supplemented by a positive lien upon the Spanish customs receipts. This loan, it is also to be noted, is payable not in gold, but in silver pesetas. It consists of \$160,000,000 of 5 per cent bonds, which have been issued from time to time during the past three years, mainly by the method of obtaining advances upon them from the Bank of Spain, which institution, to use a colloquial phrase, has carried the bag through the whole of Spain's desperate effort to obtain possession of its revolted colony. The charges upon the loan of 1896-1898, which was to be redeemed or refunded in eight years, amount to \$26,000,000 per annum. Besides this, the latest returns from Madrid on the condition of the Cuban treasury places its floating indebtedness, consisting in the main of overdue salaries, pay of troops, and other expenses, at some \$70,000,000.

Thus the entire Spanish-Cuban debt is composed of the two gold loans, amounting to \$289,000,000, and carrying annual charges of \$17,500,000 gold, the silver loan of \$160,000,000, with annual charges of \$26,000,000, and the floating debt of \$70,000,000. The total of the debt of \$519,000,000, to which may be added the heavy expenditures made by the Spanish treasury since the beginning of the insurrection. Contrary to the general opinion, the bulk of the three Cuban loans are held in Spain, and not in Paris or London. It would, therefore, seem that the anxiety which the Paris market is said to feel, and which it has been suggested might lead to intervention by the French, is not wholly on account of French ownership of the Spanish-Cuban debt, but probably anxiety as to the effect of the conflict with Cuba and the further possible results of interference by the United States on the position of Spain itself and the solvency of its peninsular treasury.

Mr. ALLEN. That account shows that the total indebtedness, as I said, is, in round numbers, \$519,000,000. Seventy million dollars of that is floating debt; the remainder is bonded indebtedness. The bonded indebtedness issued during hostilities is something like \$175,000,000, diverted refunding bonds, and the remainder was issued long before hostilities began. The Spanish treasury keeps a distinct and separate account with the Island of Cuba.

Mr. President, these are all the propositions to which I desire to direct attention at this time. I want the people of the United States to know that Congress understands very distinctly and very well that, if we intervene in the affairs of Cuba without recognizing the political existence of the present republic or some hostile government there, we do so with the full knowledge that we will be called upon hereafter to pay the Spanish-Cuban debt; and I may be uncharitable enough—making no reference to what has been said in this Chamber—to believe that that is the fixed and settled policy in some quarters in this city.

So far as the course of the President of the United States is concerned, I want to say I have the utmost confidence in his good faith and good intentions. I would not suffer myself to question his patriotism. I do not agree with his message; I do not agree with the policy thus far manifested by him of shirking responsibility. I do not think he has the wisest advisers in the world, nor do I think that all his advisers are patriotic men, looking alone to the glory and the interest of the country in what they do.

But, Mr. President, much as I differ from the President respecting great national problems—and the time will never come in his life and mine when we will agree—if he will look this great question resolutely in the face from now on, turning neither to the right nor to the left, having constantly the glory and the honor of his country in view and refraining from a policy of procrastination, drive Spain from this continent, I will forget for the time being my partisanship and I will do all I can to support him in a patriotic and conscientious spirit. I will strengthen his arms. But, Mr. President, we want resolution, determination, at the head of the Government. When the President puts his hand to the plow he must not turn back, and I will be found at his side until the contest is at an end.

Some Senators on the other side of the Chamber have pictured to us the consequences of war. There are a few of us who know what war means. There are over twenty gentlemen in this Chamber who know what war means. Some of us, Mr. President, know what war means, and to carry a musket in the ranks as a private soldier, where the fighting is done and where the suffering takes place.

The VICE-PRESIDENT. The time of the Senator has expired.

Mr. ALLEN. I regret it, Mr. President.

Mr. MORGAN. We all do.

Mr. BURROWS. Mr. President, it is very difficult to compress an hour's argument into fifteen minutes, and therefore I ask leave of the Senate to insert in my remarks some references that I desire to make without reading them.

Mr. FRYE. What is the request of the Senator?

Mr. BURROWS. To insert in my remarks some references which I desire to make without reading them.

Mr. FRYE. I understood it to be a request to insert a speech in the RECORD without delivering it.

Mr. BURROWS. No; I wish I could do that and relieve the Senator from Maine of the annoyance of listening to me.

Mr. TELLER. I understand the Senator from Michigan only desires to submit certain quotations and citations to be printed in his remarks without reading.

Mr. CHANDLER. Simply to insert some references without reading them.

Mr. BURROWS. That is all.

Mr. FRYE. I simply misunderstood the Senator.

Mr. TELLER. There is no objection to the request of the Senator, and I also suggest that his time shall not begin to run until he commences to speak.

Mr. BURROWS. I simply wish to insert some quotations from authors without reading.

The VICE-PRESIDENT. Without objection, that order will be made.

Mr. BURROWS. Mr. President, after a half century of peace with all the nations of the world, we stand to-day at the threshold of a foreign war. The President of the United States, with exalted patriotism and unquestioned endeavor, has sought by every honorable means at his command to avert so dire a calamity. War with Spain, however, seems inevitable. The land and naval forces of the two nations are already marshaling for the conflict.

At such an hour we owe it to ourselves, to posterity, and to mankind to make known the reasons which force us to this final arbitrament of the sword. For what we do at this hour will be finally tried not in the hot heat of the passions of to-day, but in the cooler judgment of to-morrow.

Why, then, this war? The President in his message of April 11 has made answer so clear and comprehensive that it will stand in history as an indictment against Spain, for which she is justly called to the bar of public judgment.

By every principle of international law, to which all nations must yield implicit obedience or forfeit the considerate regard of the great family of civilized nations, the Kingdom of Spain was bound so long as she exercises sovereignty over the Island of Cuba and her people to so administer the affairs of government therein as not to jeopardize the interests or violate the rights of other states, nor, in the language of a great writer on international law, "permit an excess of injustice and cruelty which deeply wounds our customs and our civilization." Spain has failed to discharge her obligations in this regard.

In the language of the President—

The present revolution is but the successor of other similar insurrections which have occurred in Cuba against the dominion of Spain, extending over a period of nearly half a century, each of which during its progress has subjected the United States to great effort and expense in enforcing its neutrality laws, caused great losses to American trade and commerce, produced irritation and annoyance and disturbance among our citizens, and by the exercise of cruel, barbarous, and uncivilized practices of warfare shocked the sensibilities and offended the humane sympathies of our people.

Epitomizing this indictment, the Island of Cuba, under Spanish domination, has been "ravaged by fire and sword; a prosperous community reduced to want; its commerce paralyzed; its productiveness diminished; its fields laid waste; its mills in ruin, and its people perishing by tens of thousands from hunger and destitution." Under our neutrality laws, which we have sought in good faith to enforce in observance of our international obligations, we have been put to the enormous expense of "policing our own waters." "Our trade has suffered," "the capital invested by our citizens has been largely lost, and a spirit of unrest created among our own citizens, which has diverted the attention of our people from the peaceful pursuits of life."

The peasantry have been driven into the towns, provisions interdicted, fields laid waste, dwellings unroofed and fired, mills destroyed, and the land made desolate and unfit for human habitation, while untold thousands of woman and children have been starved to death as the effect of the order of reconcentration, which, in the language of the President, "worked its predestined results." Well does President McKinley say in this connection: "This is not civilized warfare; it is extermination, and the only peace it will beget is that of the wilderness and the grave." And last, though not least of the counts in this fearful indictment, a majestic battle ship of the Republic while moored in the harbor of Havana and entitled to the protection of the Spanish authorities was hurled to destruction with its human cargo, if not by the direction of the Spanish Government, at least, it is believed, with the consent and connivance of her officials.

Such, Mr. President, is the deplorable and unquestioned condition of affairs in the Island of Cuba. Is it any wonder that the President of the United States, in reviewing this frightful record of maladministration and crime, should exclaim in the fullness of his soul:

In the name of humanity, in the name of civilization, in behalf of endangered American interests, which give us the right and the duty to speak and to act, the war in Cuba must stop.

Since President McKinley assumed the duties of his great office he has sought by every honorable means in his power to bring about an amelioration of the condition of affairs in Cuba, restoring peace and order to that unhappy people, without resorting to the dire extremity of war. In this he has been unable to succeed, and while meeting with disappointments abroad he has been subjected to cruel, unjust criticism at home. I have no doubt that while carrying the great weight of responsibility in this awful

crisis, knowing he had the fate of 75,000,000 people in his hands, he has felt much as Abraham Lincoln did when visited by a delegation criticising his course, he exclaimed:

Gentlemen, suppose all the property you were worth was in gold and you had put it in the hands of Blondin to carry across the Niagara River on a rope. Would you shake the cable or keep shouting out to him: "Blondin, stand up a little straighter; Blondin, stoop a little more; go a little faster; lean a little more to the north; lean a little more to the south?"

No, you would hold your breath as well as your tongue, and keep your hands off until he was safe over. The Government are carrying an immense weight. Untold treasures are in their hands. They are doing the very best they can. Don't badger them. Keep silence, and we'll get you safe across.

Gentlemen would do well to imitate the patriotism of Benjamin Harrison, who, when asked in regard to the present emergency and as to whether he had read the President's message, replied:

Yes, I have read it; but I do not care to express an opinion on it. When a pilot is hired to steer a ship through the rapids it does more harm than good for persons to begin yelling at him and telling him how to steer.

We can confidently trust the *man*, his courage and patriotism, who as a *boy* braved the storm of battle for four years, won advancement from private to major, and of whom his commander, General Hayes, said:

The night was never too dark; the weather was never too cold; there was no sleet, or storm, or hail, or snow, or rain that was in the way of his prompt and efficient performance of duty.

He will do his duty now. His name and fame will endure when his traducers are forgotten. History will say of him, as Canning said of Washington, "He had the courage to be wise; he dared to be unpopular."

We agree with the President that this war must stop. But how to stop it has become the sole issue and the only point of contention. Shall it be by intervention or independence, or both? If war must come, it is of the highest moment that we plant ourselves upon ground so high and impregnable as to be secure from the assaults of adverse criticism and command the supporting judgment of the civilized nations of the world. This the President of the United States invites us to do by recommending armed intervention in the Island of Cuba, and his reasons therefor are so potent and comprehensive that I beg to insert them in my remarks:

The forcible intervention of the United States as a neutral to stop the war, according to the large dictates of humanity and following many historical precedents where neighboring states have interfered to check the hopeless sacrifices of life by internecine conflicts beyond their borders, is justifiable on rational grounds. It involves, however, hostile constraint upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement.

WHY WE SHOULD ACT.

The grounds for such intervention may be briefly summarized as follows: First. In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and is therefore none of our business. It is specially our duty, for it is right at our door.

Second. We owe it to our citizens in Cuba to afford them that protection and indemnity for life and property, which no government there can or will afford, and to that end to terminate the conditions that deprive them of legal protection.

Third. The right to intervene may be justified by the very serious injury to the commerce, trade, and business of our people, and by the wanton destruction of property and devastation of the island.

Fourth. And which is of the utmost importance. The present condition of affairs in Cuba is a constant menace to our peace, and entails upon this Government an enormous expense. With such a conflict waged for years in an island so near us, and with which our people have such trade and business relations—when the lives and liberty of our citizens are in constant danger and their property destroyed and themselves ruined—where our trading vessels are liable to seizure and are seized at our very door by warships of a foreign nation, the expeditions of filibustering that we are powerless to prevent altogether, and the irritating questions and entanglements thus arising—all these and others that I need not mention, with the resulting strained relations, are a constant menace to our peace, and compel us to keep on a semi-war footing with a nation with which we are at peace.

The House of Representatives, if I may be permitted to speak of the coordinate branch of the Congress, has already approved of the remedy suggested by the President, with but 19 dissenting votes, and as far as the right of intervention is concerned, there is scarcely a dissenting voice in this Chamber, but there are those who hold to the belief that independence and intervention should go hand in hand.

Of course a bare declaration of independence, unaccompanied by any act on the part of the United States to enforce and secure such independence, would be an idle ceremony; hence those who advocate the recognition of the Cuban Republic as a sovereignty couple with it the armed intervention of the United States in the support of such sovereignty.

While I will go as "far as who goes farthest" to secure the independence of Cuba, yet I am anxious to avoid a declaration of policy which I am sure will not stand the test of reason or find support in the established precedents of nations. To recognize the Cuban insurgents as a sovereign and independent nationality requires a status which they do not, in my judgment, possess, and to give such recognition when unwarranted will weaken our cause in the public judgment.

I desire to quote from Mr. Pomeroy, a recognized authority on international law, in support of this contention.

After noting the various stages of a revolt from the parent state from the initial moment to the consummation of independence and the law applicable to each of such conditions, and that recognition is, after all, but a declaration or acknowledgment of an established fact, the author proceeds to note the several kinds of recognition applicable to the various stages of a revolution. He says:

Applying these principles, which are self-evident, we find that the international law adopts and describes three grades of recognition, as follows:

First. Recognition of belligerency, or mere recognition of the revolted people, as an aggregate of persons, who are carrying on a proper war, and are, therefore, in fact, clothed with belligerent rights and duties.

Second. Virtual or de facto recognition, which amounts to such an admission of the existence of the revolted community as a de facto state as is implied by the recognition of its commercial flag and the appointment of consuls in its commercial ports.

Third. Formal or absolute recognition, which, of course, implies a complete admission of the existence of a new state as one of the family of nations, entitled to send and receive ambassadors, enter into treaties, and the like.

The author then proceeds to discuss at length the conditions that would warrant the recognition of belligerency and also a "virtual recognition," and finally to lay down the law governing cases of recognition of the independence of a new sovereignty. As the pending resolution proposes to accord to the people of Cuba the character of a republic, and so recognize them as absolutely separated from and independent of the sovereignty of Spain, I will be pardoned for quoting at some length, not only from this author but also from other recognized authorities, for the purpose of showing the proposed action has no warrant in international law or the practice of nations.

Under the heading "Formal, absolute recognition of independence and sovereignty," Mr. Pomeroy says:

This is the final act which admits a community as an equal into the family of nations, with all the international rights which flow from the law. Of course this highest grade includes all the others and swallows them up by conferring all the special rights and privileges which they do.

When the parent state has itself ceased its attempts at coercion, and has recognized the independence and sovereignty of its revolted subjects, of course there is no difficulty as to the course of other powers. The country most interested having taken the final step, and having admitted the existence of the new state, having conceded to its former subjects not only de facto but de jure separate national existence, there is nothing left for other powers but to follow the example. At least such is the uniform practice of all states which profess to be guided by the rules of international law.

The important, delicate, and often difficult question will arise when the parent state has refused to recognize the independence of its revolted subjects and still asserts its de jure authority over them. Under such circumstances many other nations, disregarding the attitude of the parent state, take the final step and make a formal, absolute recognition of the independence, sovereignty, and equality of the new society, thus treating it, so far as they are concerned, as de jure as well as de facto a state. All writers upon international law answer this question in the affirmative, and assert that such recognition, when properly made, gives no just cause of offense to the parent state. The universal practice of civilized nations is in perfect accordance with these doctrines of the publicists.

Under what circumstances, then, is such a formal recognition justifiable? As we have seen, all grades of recognition are merely public admissions of the existence of a fact without any inquiry as to whether that fact ought to have existed. Thus, one grade admits a community existing capable of carrying on war; the second admits a community existing having commercial relations and capable of maintaining them for the time being; the third admits a society as existing which is, in fact, independent and sovereign. When this fact is patent, the recognition is not only justifiable, but should be given. On the contrary, until the independence has become actual, the recognition of it would be the mere assertion of an untruth and a grave moral injury to the parent state—a grave breach of international comity, at least.

This grade of recognition necessarily implies that, in the opinion of the nation recognizing, the revolted community has completely succeeded in establishing its actual independence and the parent state has completely failed in its attempt at coercion, and that all further attempts will be equally unsuccessful. There must, therefore, be a very different state of circumstances to warrant this grade of recognition than is sufficient to justify either of the lesser grades. The revolted province must have been able to maintain its integrity, its government, its exclusive control, over a definite country. It must have entirely repelled all attempts of the parent state to recover that country or to exercise jurisdiction therein. Further still, the parent state must have either virtually ceased to make any organized attempts to recover its hold and reassert its dominion, or it must be evident that these attempts will be fruitless. * * *

The effect of such recognition is to admit the new state into the family of nations and to clothe it with all international rights. As a consequence, its national and commercial flag will be recognized; treaties will be made with it; ambassadors sent to and by it; it would be able to wage proper war, etc.

The author then quotes the opinion of recognized authorities on international law in support of his views, and among them Phillimore, who, in summing up the discussion, says:

Speaking generally, two facts should occur before this grave step be taken: First. The practical cessation of hostilities on the part of the old state, which may long precede the theoretical renunciation of her rights over the revolted member of her former dominions.

Second. There should occur the consolidation of the new state, so far, at least, as to be in a condition of maintaining international relations with other countries—an absolute, bona fide possession of independence as a separate kingdom, not the enjoyment of perfect and undisturbed internal tranquility, a test too severe for many of the oldest kingdoms; but there should be the existence of a government acknowledged by the people over whom it is set, and ready and able to prove its responsibility for their conduct when they come in contact with foreign nations.

The author then cites approvingly the views of Mr. Dana, as follows:

But with reference to a final recognition by a general treaty, or by the establishing of full diplomatic intercourse, a more positive rule can be laid down. The only test required is that the new state shall be in fact what the recognizing state assumes it to be. * * * It is not necessary that the

parent state or the deposed dynasty should have ceased from all efforts to regain its power. On the other hand, it is necessary that the contest should have been virtually decided.

The author then closes his admirable lecture on the subject with the following reference to our own history and his view of the law applicable thereto:

This subject will be concluded by another reference to our late history. Would a formal recognition by a foreign power of the independence of the Confederate States have been in accordance with the rules of the international law as indicated by the practice of nations? I answer, most decidedly, no. At any period of the contest, had a third country acknowledged the seceding States as independent, it would have done an act entirely without precedent in the history of the world.

The mere length of the contest may be unimportant; independence may be practically won in a short, decisive struggle of a few months, or it may be fought for through years of varying success; but all authorities are agreed that the independence must be virtually won. There was no time during our late war when the United States intermitted their efforts, no time when the Government and the people were not fully determined to press forward in their endeavors. Had a foreign power recognized the independence of the Confederacy, our Government would have had ample ground for breaking off at once all diplomatic intercourse with that power, even if the act would not have warranted graver measures of redress.

While all writers on international law recognize the right and duty of established nations to recognize a new sovereignty, I think the conditions upon which such recognition can take place and be justified were never more clearly and forcefully stated than by General Grant in 1875, when in a message to Congress he gave reasons for not recognizing the independence of the then insurgent forces in Cuba. Let me quote from that message:

INDEPENDENCE.

In contests of this nature, where a considerable body of people who have attempted to free themselves of the control of the superior government have reached such point in occupation of territory, in power, and in general organization as to constitute in fact a body politic, having a government in substance as well as in name, possessed of the elements of stability, and equipped with the machinery for the administration of internal policy and the execution of its laws, prepared and able to administer justice at home, as well as in its dealings with other powers, it is within the province of those other powers to recognize its existence as a new and independent nation. In such cases other nations simply deal with an actually existing condition of things and recognize as one of the powers of the earth that body politic which, possessing the necessary elements, has in fact become a new power. In a word, the creation of a new state is a fact.

To establish the condition of things essential to the recognition of this fact there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations, and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A power should exist complete in its organization, ready to take and able to maintain its place among the nations of the earth.

While conscious that the insurrection in Cuba has shown a strength and endurance which make it at least doubtful whether it be in the power of Spain to subdue it, it seems unquestionable that no such civil organization exists which may be recognized as an independent government capable of performing its international obligations and entitled to be treated as one of the powers of the earth. A recognition under such circumstances would be inconsistent with the facts, and would compel the power granting it soon to support by force the government to which it had really given its only claim of existence. In my judgment, the United States should adhere to the policy and the principles which have heretofore been its sure and safe guides in like contests between revolting colonies and their mother country, and, acting only upon the clearest evidence, should avoid any possibility of suspicion or of imputation.

In the light of this statement, which I believe to be the crystallization of the law on this subject, it remains only to inquire whether the present insurrection in Cuba has reached a condition of government which entitles it to assume a place among the nations of the earth as a new sovereignty. The Senator from Ohio says they have a president, a vice-president, and secretaries of state, a capital, and a constitution. Grant it; yet this does not constitute a sovereignty.

There must be something more than designated officials; there must be an active, living organism, capable of administering justice at home, discharging the obligations of international life. Have the insurgents such a government? I have sought for information upon this subject outside the parties immediately interested to find, if possible, the exact status of what the insurgents are pleased to call their government. The last official information upon this subject I find in the report of Secretary Olney, of December 7, 1896, a little over a year ago. I beg to quote:

No prominent seaport has been attacked by the insurgents or even menaced beyond occasional raids upon the outskirts. A large part of the 2,200 miles of the irregular coast line of Cuba, comprising the comparatively unsettled stretches of its western extremity and the inhospitable mountain shores of its eastern part, is practically in the hands of the revolutionists.

The character of these shores, filled to the westward with shallow indentations inaccessible to any but light vessels of small tonnage, and to the eastward with rocky nooks dangerous to approach by night and affording insecure anchorage for larger craft, lends itself peculiarly to the guerrilla warfare of the interior, so that the insurgents, being relieved of the need of maintaining and garrisoning points upon the coast, are effectively able to utilize a considerable part of it as occasion offers to communicate with the outside world and to receive clandestine supplies of men, arms, and ammunition.

So far as our information shows, there is not only no effective local government by the insurgents in the territories they overrun, but there is not even a tangible pretense to established administration anywhere. Their organization, confined to the shifting exigencies of the military operations of the hour, is nomadic, without definite centers and lacking the most elementary features of municipal government. There nowhere appears the nucleus of statehood. The machinery for exercising the legitimate rights and powers of sovereignty and responding to the obligations which de facto sovereignty entails

in the face of equal rights of other states, is conspicuously lacking. It is not possible to discern a homogeneous political entity, possessing and exercising the functions of administration and capable, if left to itself, of maintaining orderly government in its own territory and sustaining normal relations with the external family of governments.

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

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

And on the other a nomadic association without the insignia of orderly government and strong only to wage harassing warfare in the interior.

The insurgent authority, as has been seen, finds no regular administrative expression; it is asserted only by the sporadic and irresponsible force of arms.

But why multiply authorities? The insurgents themselves in their constitution adopted only last October, but six months ago, acknowledge they were not in possession of a government, but that a free republic was only in anticipation.

I quote from that constitution:

We, the representatives of the Cuban people, freely meeting in constituent assembly, convoked by virtue of the mandate contained in the constitution of the 16th of September, 1895, ratify our firm and unshakable resolve of obtaining the absolute and immediate independence of the island, in order to establish in it a Democratic republic, and inspiring ourselves in the present necessities of the revolution; we decree the following:

CONSTITUTION OF THE REPUBLIC OF CUBA.

TITLE I.—Of the territory and of citizenship.

ARTICLE 1. The Republic of Cuba will embrace all the territory occupied by the Island of Cuba and the adjacent islands and keys. A law will determine the division of the territory.

Do we propose to declare that an established fact which the insurgents themselves in their fundamental law affirm to be only a hope yet to be realized?

Mr. President, I can not bring myself to believe, much as I would be delighted so to do, that the status of the insurgents in the Island of Cuba is such as would justify us, in the light of authority and precedent, in recognizing their independence, and I am apprehensive that to do so would weaken our cause among the nations of the earth and perhaps involve us in unforeseen complications. If we recognize the independence of the insurgents in Cuba before their independence is established as a matter of fact, may not the other nations of the earth having possessions in the Western Hemisphere see in this step a menace to their own colonial sovereignty and as a matter of self-protection ally themselves, in sympathy at least, with the Kingdom of Spain? If such should be the case, it would be most unfortunate. How much better, wiser, and safer to take a beaten track, illumined with the light of precedent and practice, than to enter upon any uncertain way beset with unseen danger and terminating, possibly, in disaster.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. BURROWS. If the Senate will kindly give me one minute more, I shall conclude.

Mr. CHANDLER. I ask unanimous consent that the Senator may be permitted to finish his speech.

Mr. BURROWS. I shall not occupy probably more than a minute.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. BURROWS. I am for intervention, therefore, and I agree with the President in his recommendation, because I believe that to be a step sanctioned by precedent and the practice of nations, and will bring to us the approving judgment of all the nations of Christendom. More than that, I believe in it because it is sure to accomplish independence for the people of Cuba—the great end desired by all—and establish for them a free and stable government.

Intervention, too, is a peaceful instrumentality. Its very name "intervention," "to come between," is the essence of peace. Such a step is not a hostile act, unless one of the parties to the contest shall see fit to so regard it. It is proposed to enter the Island of Cuba with the armed forces of the United States for the purpose of restoring order on the one hand, while ministering with the other the necessities of life to her starving people. If Spain should resist our efforts in this regard she herself would become the aggressor, and in such a conflict she would lose the sympathy and support of the Christian world.

It would, therefore, in case of intervention, be peace or war, as she might prefer. That she would resist our efforts is undoubtedly true, and the issue would then be made up between Spain and the United States and the military forces of the United States would be compelled, in the interest of peace, good government, and humanity, to prosecute the contest until Spain should yield her sovereignty in that island. This much accomplished, is it not plain that the way to independence for the Cuban people would be speedily opened.

Having expelled from the island one of the contending parties and restored peace, so far as that party is concerned, there would be nothing remaining for the United States to do but to say to the insurgents and the inhabitants of Cuba: "You, too, must keep the peace, restore order in this island, return to your farms, rebuild your homes under a government of your own choice," and when this shall be accomplished and the Republic of Cuba becomes a sovereignty in fact as well as in name, peace and order restored, the United States Government would withdraw her forces and welcome into the family of nations the Republic of Cuba.

We will have thus accomplished the desire of her people and escaped the criticism and secured the approving judgment of the world. With this end in view, I shall cheerfully vote for the recommendation of the President to be clothed with power to intervene in the Island of Cuba with the land and naval forces of the United States, to the end that a stable government may be formed within her borders by her own people, capable of establishing and maintaining peace at home and assuming the obligations of international life. To the consummation of this high purpose we ought to move with united effort. There should be no discordant notes.

As we opened our Treasury to feed the Cuban poor and without a dissenting vote expressed our confidence in the Executive by placing \$50,000,000 in his hands to enable him to prepare for national defense, let us not now, when the supreme moment for action comes and we are ready, weaken our cause by divided council. Unity of action now is worth a hundred battle ships and unnumbered legions. Neither party spirit nor personal ambition should find a place in this high transaction. They belong to other times and other occasions. Let us sustain the Executive and the Army and Navy under his command as they move forward on land and sea to establish peace, order, and good government in the Island of Cuba and set her star in the galaxy of nations.

Mr. JONES of Arkansas. I rise to a question of order. There was a unanimous-consent agreement last night that debate should be limited to fifteen minutes to each Senator. The Senator from Nebraska [Mr. ALLEN] was cut off in the midst of a sentence, and there was no request made that he be permitted to finish it; and I shall object to any deviation from this rule for the balance of the day. Senators must cease at the end of the fifteen minutes, except in the case of the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Mr. President, what I have to say will be briefly said. The time for oratory and impassioned utterance has passed. The time has never been for hot words, for epithets, for intemperate speech. Oratory will not bombard Morro Castle. Stinging words, ungracious and unjust epithets may reach and wound the President of the United States, but they will not pierce the armor of Spanish battle ships.

I wish first to state my position and my conviction so clearly that I shall not be and can not be misinterpreted or misunderstood. I shall not pause to frame the indictment upon which we proceed to the arbitrament of war. The reasons why the present conditions in Cuba must cease are known to all mankind, and they are set forth clearly, forcibly, and patriotically in the message of the President of the United States. Those conditions have imperiled our peace, inflicted unbearable injuries upon us, are inconsistent with our commercial and national interests, outrage every sentiment of humanity, impede and make against civilization. They must end. With this conviction, and it is unalterable, I have hoped and until recently believed that the end might be accomplished without war, without the burdens and losses of war.

I believe to-day that what is common with all American citizens I thus desire might have been accomplished peacefully had it not been for the intemperate, inflammatory statements and misstatements of those who from the first have planned and desired to plunge this country into war. I have not been among those who desire war. I would, if possible, have averted it, never for a moment losing sight of the purposes to be accomplished; and I pray the All-wise and Almighty Disposer of events that there may be some way found to put an end to the conditions in Cuba without war. I have no apology to offer for this. When the hot blood of the present hour, when the unreasoning and unthinking sentiment for blood, shall have passed, the man who shall have sought peace with honor will find his indorsement in the hearts of the American people.

I have only unstinted praise to bestow upon and the heartiest thanks to give to the President of the United States that in the discharge of his great responsibility he has desired the attainment

of the end in view through peace rather than through war. Mr. President, one who heard and regards what has been uttered in the Senate of the United States within the past few days might think that the desire to indict and discredit the President of the United States was as strong as the purpose to maintain the honor of the Government and to put an end to the conditions which exist in Cuba. I regret it. From the position taken by the President of the United States upon the failure of diplomatic negotiations to secure the emancipation of Cuba the United States can not recede and ought not to recede. In the language of the Executive—

In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop—

And in that island there must be established—

a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own.

The duty of putting an end to existing conditions is no more imperative and no higher than the duty of seeing that order shall be maintained there in the future and that a government shall be there established which shall give the United States and the world no more cause for complaint. If this, our determined purpose, results in war, it must come. We shall be false to ourselves, to humanity, and the world, recreant to duty, and cowardly if we hesitate or falter now.

But, Mr. President, there is conflict in the inauguration of this war, I am sorry to say. The President of the United States and the House of Representatives have declared our purpose in making war, if war it is to be. They have put that purpose on high and impregnable grounds. They have put it upon grounds which challenge the consent and admiration of mankind. They stand united as to the ground upon which this conflict shall commence. Against them in the Senate we are called upon to adopt another reason for the war. We are called to put it upon a lower ground, an infinitely lower ground, an untenable ground, upon a ground which the judgment of mankind can not and will not approve. That is the issue here. It is more than an issue of language, more than an issue of words, more than an issue of pride of opinion. It is an issue made in the Senate of the United States against the Executive and the House of Representatives. Mr. President, I regret it. It is unfortunate, it is deplorable, it is unpardonable.

The President of the United States says, and this language can not be too often repeated:

In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop.

Those words are to become immortal in the history of the United States. The Committee on Foreign Relations, unanimous in its committee room, but divided in the Senate, says in effect, "in the name of Maximo Gomez, in the name of the Cuban junta in New York, Spain must withdraw from the Island of Cuba." There is the issue, clear and distinct. That can not be avoided.

I do not care whether the resolutions of the committee are adopted or the amendment proposed by the Senator from Indiana [Mr. TURPIE] be added, they mean the same thing; they mean, and mean only, that the United States is to engage in this great conflict, with all its results, with all its losses, and with all its burdens, with all its demoralization, with all its unforeseen and far-reaching consequences, only to establish and set up the mythical government of the miscalled Republic of Cuba.

What sacredness so encircles that mythical government that the United States must forget its high and lofty mission of humanity and duty to enlist under the banner and take orders from the insurgents in Cuba? If those people are independent they have a government there, and it does not need the amendment of the Senator from Indiana to say so. I do not go into the argument to prove they have no right to recognition. No man may presume to tread again the ground so thoroughly gone over by the distinguished Senator from Wisconsin [Mr. SPOONER], who has made it so clear that it scarcely can be contradicted or evaded that there is no condition of things in Cuba which justifies the United States in recognizing a government there.

Mr. President, to recognize that pretended government, which even Consul-General Lee does not believe to exist, except as a skeleton, would be to turn back upon every utterance of this country, upon every principle laid down by our Presidents and Secretaries of State in this country. Before we do that let us expunge the record. Let us blot out from our history what Monroe and Jackson and Grant and Hayes and Arthur and Harrison have written into it. Let us wipe out from our history what Adams and Seward and Evarts and Fish, our great Secretaries of State, have written into it. Let us eat our own words in the great contest of the civil war, when we claimed that the Confederate States were not entitled to recognition and our claim was acceded to. Nay, more, to do it we must give up the Monroe doctrine—the doctrine on which we planted ourselves, on which we stand to-day, on which, without bluster androdomontade, we say we will defy the

world. What was that doctrine? It is to be found in two sentences:

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

It consists of two propositions. One proposition is that we will not interfere with existing colonies or dependencies of any European power, and the other is that when we have acknowledged the independence of a colony upon the Western Hemisphere we will not tolerate foreign interference. Are we to abandon half of the doctrine, to discredit half of the doctrine, and say before a colony has maintained its independence we will interfere and enable it to secure that independence? If we discredit and abandon half of the doctrine, how can we ask European nations to accede to the remainder?

But why not stand with the President? Why not meet upon its own ground the House of Representatives? Why not go to Cuba to do what we say we go there for—to put an end to the conditions which have become insufferable and intolerable?

The Senator from Nebraska [Mr. ALLEN] took occasion this morning to regret and to denounce the propositions which were made by the powers to our Government looking to the securing of peace. It has been the fashion in this debate, I am sorry to say, to peruse the message of the President of the United States with a magnifying glass of high power to see if some word can not be discovered in it from which the charge can be made that he is unpatriotic, vacillating, and dishonest in purpose. Oh, the shame of it, Mr. President; the shame of it for the present, and the insufferable shame of it for the future. It did not require a magnifying glass, if this whole interview had been read, to find the high, lofty, and unalterable purpose of the President of the United States. I will supply the omission. I will read the language in which he met the proposition of the great powers of the world:

The Government of the United States appreciates the humanitarian and disinterested character of the communication now made on behalf of the powers named, and for its part is confident that equal appreciation will be shown for its own earnest and unselfish endeavors to fulfill a duty to humanity by ending a situation the indefinite prolongation of which has become insufferable.

I commend any man who still thinks it is his duty to attack, discredit, and malign the President to turn his magnifying glass upon those grand and noble words.

Mr. ALLEN. Will the Senator from Connecticut permit me? I did not criticise the language of the President of the United States. I criticised, and desired to criticise, simply the fact that the powers had the presumption to invade and the President not moral power enough to resist an invasion of the White House to submit the communication.

Mr. PLATT of Connecticut. I suppose, Mr. President, that if the people of the United States, in the exercise of their suffrages and their wisdom, should ever elect the honorable and distinguished Senator from Nebraska to the White House and the ambassadors of the nations of the earth came there for an interview he would direct the doorkeeper to turn them away.

Mr. ALLEN. They were refused by Mr. Seward thirty years ago.

Mr. PLATT of Connecticut. I have no time to answer interruptions. I say that we can not, without turning our back on every sentence which has been uttered or written by the Presidents of the United States and the Secretaries of State of the United States, recognize an independent government in Cuba.

What if we do? What if we lower the banner; what if we abandon the high and noble, Christian-like ground which has been taken by the President of the United States, and come down to the level of the men who desire the recognition of a government which has no real existence as much or more than they do the triumph of our arms in Cuba? If we recognize it on this floor, we must recognize it on the soil of Cuba. If we say in the joint resolution, in this solemn act of Congress, that the people of Cuba are free and independent, we mean that they are free and independent in the sense in which we are free and independent, and when we go to the Island of Cuba we must treat that people as a free and independent people.

We must march under their banner, not ours, or if we march under ours it must be subordinated to the flag of the Republic of Cuba, so called. General Miles, the commander of our Army, and the President of the United States, if he takes the field as the Commander in Chief of our Army, must take their orders from Maximo Gomez. The Senator from Kentucky [Mr. LINDSAY] saw the pinch of this, and therefore he introduced a resolution that when we go there we shall go by agreement; that our Army shall march under the command of our own general.

When we are through, when the last Spanish soldier shall have

been driven from that soil, what then? Accede to the demands of Maximo Gomez that we leave at the same time. There is no escape from this. We go there with high and holy purpose to discharge the imperative duty of seeing that the government which shall exist in Cuba after the Spaniards leave shall be a stable government, one which can secure peace to its citizens, protect our citizens, and maintain and discharge every international obligation. But General Gomez will say, "No; you recognized our government; our government will take care of this. Get out!" What an ignominious ending for the campaign!

Mr. President, we ought to pass resolutions here which we can justify. We ought not to give our consent to resolutions unjustifiable in their character, for the reason that we desire to accomplish the great purpose in view. When Abraham Lincoln put his name to that immortal document which struck the shackles from the limbs of 4,000,000 people, after having suffered abuse, vituperation, vilification which the abuse heaped upon President McKinley does not parallel, he wrote these magnificent words: "And upon this act, sincerely believed to be an act of justice warranted by the Constitution upon military necessity, I invoke the deliberate judgment of mankind and the gracious favor of Almighty God." Mr. President, I implore, I adjure the Senate to pass no resolutions upon which it may not write in spirit, if not in fact, the words, "And upon this act we invoke the deliberate judgment of mankind and the gracious favor of Almighty God."

Mr. BACON. Mr. President, I request that the Chair will give me notice when I reach one minute of the expiration of my time.

I regret that within the limited time it will be necessary for me to speak rapidly, and that what I shall say must of necessity be somewhat disjointed and irregular. If I had, however, but one minute, I would wish to say this, to which I am moved particularly by what has fallen from the Senator from Wisconsin [Mr. SPOONER], the Senator from Michigan [Mr. BURROWS], and the Senator from Connecticut [Mr. PLATT]: I think it is the greatest injustice on the part of Senators to attribute to unfriendliness and a hostile spirit everything which may be said by Senators not in accordance with what may be recommended by the President of the United States. I desire for myself to disclaim any such design or any such spirit. The President of the United States has his prerogatives, and we have ours; he has his duties, and we have ours; and each is responsible for the proper discharge of the same.

Mr. President, I have not been one of those who desired war. I think it is very greatly to be deplored. I know that it means death to many of the present generation, and that it means a grievous burden of debt to the next generation. Therefore I have entirely sympathized with the efforts of the President to avert war, and if he had not come to Congress and said that his efforts were at an end, I would be willing, if he desired it, to give him still further opportunity to avert war. It is apparent, however, that war must come, and it only remains to shape the issue properly.

But, Mr. President, that does not relieve me from the necessity of passing upon the grave questions which are submitted to-day, in view of my constitutional obligation to decide upon the question as a member of the Senate whether there shall be war; and if war, in what manner it shall be waged. Unfortunately, I differ from the President of the United States in his recommendations. The President of the United States asks that Congress shall clothe him with the power to wage war at his discretion. I think it would be unconstitutional to grant him that power, and consequently I can not agree with him. The resolutions passed by the House of Representatives, in my opinion, practically propose to confer upon him this power. Therefore, under no circumstances could I, in view of my constitutional obligations, vote for those resolutions. But that is not hostility to the President.

In the same way I regard the recognition of the independence of the Cubans as an essential in case of intervention. The President of the United States thinks it should not be accorded to them. That difference does not constitute hostility on my part or on the part of those who agree with me.

In addition to a great many other reasons which I can not stop to go over, I think the question as to whether recognition either accompanies or precedes the act of intervention will have a most material bearing upon the possibility, to put it no stronger, of this Government being made liable for a part of the Spanish-Cuban bonds in the future; and I only remind gentlemen who discuss the legal question involved that that is a question not to be decided in courts, but it mayhap be decided at the cannon's mouth.

My colleague [Mr. CLAY] has already spoken upon this subject and will probably not again have an opportunity to address the Senate upon it. Therefore I take occasion to say for him that as to these positions which would make it impossible for me to vote for the House resolutions he agrees with me.

The Senator from Wisconsin [Mr. SPOONER] yesterday made a very long and elaborate and able argument on the subject as to where resides the prerogative of recognizing the independence of

a nation. I would have been glad, and had intended, to submit some remarks in reply. It is a subject upon which I have bestowed much labor in its investigation, and upon which I have very fixed opinions. But it is manifestly now impossible for me to do so.

I desire simply to say one thing, which is that the assumption that it is exclusively an Executive prerogative implies necessarily that the power is lodged in one man to decide with what people of the world this country will maintain or will not maintain diplomatic relations. I say, not to go into the argument, that that is a position which is absolutely abhorrent to the genius of our institutions, and absolutely inconsistent with the letter and spirit of our Constitution, and that it can only find proper place in monarchical and absolute governments, where the voice of the people and of their representatives is neither heard nor heeded. But, Mr. President, I can not go into it. However, I desire to submit one further reflection in this connection.

There are two ways in which a declaration of independence may be regarded; one where there is no dispute about the fact of independence, the other where there is a dispute about the fact. In the one case recognition is a formality; in the other case it is the highest act of governmental power. An illustration of the latter case is to be had in the declaration of our own independence. When we say that a people are free and independent we do not necessarily mean that there is no dispute over it or that there is no contest over it. We mean to say that thereafter sovereignty shall rest there in the new nation, and that we dispute that it rests, or that it shall thereafter rest, where it formerly rested.

When the people of the Colonies decided in 1776 and proclaimed that they were free, they did not pretend that there was no further dispute about that fact, but they simply meant that thenceforth they repudiated and denied the sovereignty of the government which had theretofore been over them. When France three years thereafter recognized the Government of the United States as free and independent, it did not mean to say that all doubt as to whether that independence had been established was removed, but it simply meant to say that thereafter France recognized the sovereignty of this people, and denied that thereafter there was or that thereafter there should be, in the recognition of France, any sovereignty in the British Government over this territory. Therefore, when we say to-day that we recognize the independence of the Cuban people, we mean to say that we deny that thereafter there is or shall be, in our recognition, any sovereignty of Spain in that island.

Mr. President, one word more on the subject of the rules with reference to what shall justify a government in recognizing the independence of a new government. All the rules with reference to what shall justify a government in recognizing the independence of another nation are made for the benefit of the parent nation from which the new government is to be sundered. It is to prevent injustice to that parent government; and therefore the care and particularity with which it is laid down that so long as there is a possibility, if you please, that that government can restore its authority, independence of the new government shall not be acknowledged.

Mr. President, one-half of the argument of the learned Senator from Wisconsin yesterday was devoted to that question. While I would gladly reply in detail, I think it can all be disposed of with one single comment, and that is that, applying as it does only to the question of maintaining the rights due to the parent nation, to see that no injustice is done to the sovereignty of the parent nation, it has no place in a consideration where we avow at the same time our purpose to strike down the power and sovereignty of that nation in that connection.

Mr. President, I would be glad if I could elaborate this subject, but it is manifest that I can not do so. I want to say one thing more. There never was a man who sat in the Presidential chair more zealous of the Executive prerogative than Andrew Jackson, and here is what he said about it in his message to Congress about Texas. I can not read all of it, only a part of it:

It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution, and most safe that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted.

And thereafter he sent a message, the last message he ever sent to Congress, in which he said he recognized the Republic of Texas in response to the resolution which had been passed by Congress, recognizing it, as he said, as a decision of the question. Utterances to the same effect are found in other state papers, and the doctrine has been repeatedly asserted by Congress, and in one or the other House thereof.

Mr. President, aside from the suggestions which have been so strongly urged, that it is to our personal interest to recognize the independence of the Cubans, the merest justice requires that we should do so.

There has never been a more heroic struggle for liberty than has been made by that people. There have never been greater sacrifices made by a people to obtain their liberty than have been made by them. They have not made the ordinary sacrifices that other contestants for liberty have made. Many of us in this Chamber have known what it was to face the dangers of battle, but no one here has ever faced a danger of battle such as the Cuban patriots through long years have faced. No man here has ever entered battle knowing that if he escaped the bullet and became a captive he would meet with death by execution. Yet that has been the case of the Cubans in their ten years' war, as well as in the present war.

I read from the American Cyclopædia, Volume V, page 555, as to the execution of Cuban soldiers in five years between 1868 and 1872, inclusive. I have not the records for the succeeding years of that war, or of the present war.

According to official reports forwarded from Madrid by the United States minister, 13,600 Cubans had been killed in battle up to August, 1872, besides 43,500 prisoners whom the Spanish minister admitted to have been put to death.

My God, Mr. President, can we turn our backs upon men who have shown such heroism and such heroic sacrifice! For one I will not, either by my voice or by my vote.

The Senator from Connecticut [Mr. PLATT] who has just taken his seat, sneers at Gomez. Mr. President, if there is a certain fact, that fact is the independence of Cuba, and as certain as is the independence of Cuba, so certain will it be that in the future the name of this man Gomez will be found on the list of those immortal names that were not born to die. It will go down in history with the names of Washington and Bolivar, the great liberators of men from the bondage of tyranny and oppression.

Mr. President, in the histories of peoples a time comes for sacrifice. Such a time seems now at hand. I doubt not that the North is equally ready to make sacrifice with the South, but in the condition of things the sacrifice to be made in this war must be more serious in the South than in the North. The great volume of money which is to be spent in carrying on this war will be spent at the North and West and will quicken their industries.

We have few or none of the factories at the South which will make the munitions of war necessary to furnish the clothing and supplies for the armies, nor are we the large producers of the food crops which will be needed to supply them. On the contrary, our enterprises will be largely paralyzed by war, and our great product of cotton is to be put to a price that will not only not be remunerative, but be an absolute disaster to the man who produces it.

If communication with Cuba, through those who come and go, brings the yellow fever to our shores, the South will be the principal sufferer from this cause. The first hostile gun that is fired will find its echoes in our hills and valleys. If disaster should by possibility come, the seaports of the South will be those to be ravaged.

Nevertheless, Mr. President, our people will not be laggards in the struggle. But we do ask this: If we are to make this sacrifice, let it not be a sacrifice in the interests of the holders of the Spanish bonds, but let it be a sacrifice in the interest of humanity. If this sacrifice has to be made, let it not be for the purpose of invasion and conquest, but let it be because the great clock of the world has struck the morning hour when there shall be born to independence and freedom a new and heroic people.

The VICE-PRESIDENT. The Senator from Georgia has one minute left of his time.

Mr. BACON. Mr. President, I utilize that moment by asking that there may be read from the desk what I desire to have placed in the permanent records as a piece of evidence relative to the question whether the *Maine* was blown up by torpedoes furnished by the Spanish Government. I desire to call attention simply to the fact that what is to be read by the Secretary are extracts from two Spanish newspapers published in Madrid. One of them is an interview with the former minister of marine under the ministry of Canovas, which, of course, preceded by several months the time of the explosion of the *Maine*. The other is the comment of the *Imparcial* upon the publication of that interview, and expressing regret for it for the reason that it might give rise to the very use which I now make of it.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

MADRID, April 11, 1898.

El Heraldo De Madrid publishes an interview with Admiral Beranger, former minister of marine, in the course of which he expressed his confidence in the ability of the Spanish navy to win in the event of a war with the United States.

"There is no fear," said Admiral Beranger, of our Cuban ports being exposed to a night attack, inasmuch as Havana, Cienfuegos, Nuevitas, and Santiago de Cuba are defended by electric and automatic torpedoes with a large radius of action.

"The late Señor Canovas del Castillo, who paid attention to these matters, decided in accord with myself to send to Cuba 190 torpedoes, which must have been placed in those harbors. Chacon, the well-known torpedo expert, undertook to convey and place these engines.

"I have already said that by sea we shall be victorious. I will give you my reasons. The first is the excellent discipline maintained on our ships; the second is that on board the American vessels as soon as firing is opened, a panic will set in, since it is common knowledge that their crews comprise men of every nationality. Pitted ship against ship, we have nothing to fear."

El Imparcial, commenting on this interview, says:

IMPARCIAL REGRETS THE CONFESSION.

"That those torpedoes should be sent in case war should break out is very natural; but that as much should be admitted at this moment constitutes a twofold imprudence; in the first place, because it warns the enemy, and the enemy being warned, it will do its best to cripple those defenses; and secondly, because the jingoes, availing themselves of the evidence afforded by the minister of marine of the late Señor Canovas, will assert that one of the torpedoes he describes caused the *Maine* explosion."

Mr. WELLINGTON. Mr. President, the Senate of the United States will be called upon by its vote upon the resolutions which have been placed before us by the Committee on Foreign Relations to decide between peace and war—to decide whether we shall further rest under the white wings of peace and enjoy its privileges and advantages, or whether we shall let loose the dogs of war and accept all the evils they may bring. It is, in my humble judgment, a most important hour in the history of our country, and each Senator here has a duty to perform for which he is responsible to himself, his constituency, his country, and his God.

I advance to this duty with great hesitancy. When I came to the Senate and was first called upon to evidence my opinion upon the difficulties and differences then existing as between our country and Spain, I held that there was no occasion for interference and favored peace. Since then I have carefully considered the questions confronting us, and have been unable to convince myself that there is anything in the situation which demands war at the hands of the American people. I act upon this occasion as my conscience dictates and reason decides, and I have asked the indulgence of the Senate to give the cause of this action.

No man has a higher esteem or a greater regard for the Committee on Foreign Relations of the Senate; no man has a stronger admiration for the ability, the wisdom, and the statesmanship of the distinguished chairman of that committee [Mr. DAVIS].

I have listened with interest and have endeavored to be convinced against the judgment I had formed by the many most interesting and able addresses I have heard during this debate. I have listened with eager attention to the magnificent speech and have heard with gratification the noble sentiments expressed by the senior Senator from Massachusetts [Mr. HOAR]. I agree with the sentiment of his speech, but am sorry to say that from the sentiments there expressed I can not make the same deduction or reach the same result. To his mind war was inevitable and war seemed necessary. I have not been able to reach that conclusion.

I heard the eloquent and impassioned appeal of the Senator from Ohio [Mr. FORAKER], for whom and for whose judgment I have the highest regard also. I heard his forcible presentation of the case, but can not agree that either intervention by force of arms or recognition of the Cuban Republic is expedient or justifiable. Permit me to say here and now that if armed intervention there is to be, in my opinion there would be less of danger, difficulty, and disaster surrounding and attending it if you entered upon it by the recognition of the Cuban Republic. But, sir, I am opposed to intervention either with or without recognition. Either of these plans means war. I am in favor of peace, and shall cast my vote against the resolutions offered by the whole committee and those by the minority.

Mr. President, why do I do this? I do so because to my mind there is no justification for a declaration of war or any resolution which will inevitably lead to war between the American people and the Kingdom of Spain. War can not be justified at any time by any nation unless there shall have been exhausted every effort of peace, unless diplomatic negotiations have been resorted to in vain. In my humble judgment this condition has not been reached as between the American Government and the Spanish Kingdom. After a careful reading of the President's message I can not find that he expresses any such idea. I may be wrong, but until I am convinced of my error I will stand for peace, vote against war. I can not do otherwise.

As I see the contention between the two countries it may be divided into two parts—it is a double question. The one affects us not directly or indirectly; it concerns the Kingdom of Spain and its rebellious dependency, the Island of Cuba. The other does concern us directly, and though it is an occurrence that grew out of the first, it should be considered alone and apart from the other. I refer to the destruction of the American battle ship *Maine* and the sending into eternity of the officers and sailors of that fated vessel.

Mr. President, so far as the first part of this contention is concerned it extends over many years. The Island of Cuba has been under Spanish rule since its discovery more than four centuries ago. I do not stand here as an apologist for Spanish policies. I

believe that the colonial policy of the Kingdom of Spain in this latter part of the nineteenth century of the Christian era is the same colonial policy that it had in the sixteenth century. It has not advanced, and the same spirit animates it now that imbued it then. I believe that it has borne down the people who have rested under its shadow of corruption and maladministration. Under its baneful influence one dependency after another has passed from her control.

I believe that the people of the Island of Cuba had every reason for rebellion against the Kingdom of Spain, and I can not, if I would, defend such a policy. But, sir, we stand apart from that. We are not within its circle. It is a quarrel with which in its origin we have nothing to do, and in which, according to the law of nations, we have no right to intervene. It is a revolt by the Cubans against the system of government under which they have been living, and after an examination of all its environments I am forced to the conclusion that it is not only a protest against Spanish government, but, with some of the insurgents at least, a rebellion against any and all authority. I agree that they were driven to it by centuries of misgovernment, and that the culmination was reached when the last outbreak occurred. Three years have passed since the Cubans again took up arms against the domination of Spain. Three years with various mutations and changeable fortunes of war have backward rolled since then, and during the passage of this time the sympathy of the American people has naturally gone out to the struggling and suffering insurgents. It has gone out to them as it would go out, and does go out, to every people upon the face of God's earth who struggle for liberty, freedom, and self-government.

But, sir, while Spain may be chargeable with culpability, and while to a certain degree she is responsible for the condition which has been evolved, and which now exists, she is not alone to blame. The insurgents have themselves been much at fault. As we view the beginning of this struggle we shall see that the insurgents began such a system of war as can not be justified by the Christian civilization of this era. They did not begin their battle for independence as did the American people when they severed the bonds which bound them to the British people. The American revolutionists armed themselves and marched to attack the British troops. They fought in the open field; they fought according to the principles of modern warfare. Not so the Cubans. They began, as would outlaws and bandits, a system of guerrilla warfare, a series of bushwacking attacks.

It may have been and may be the only system which they could adopt. It may have been necessary for their cause to make war in this fashion, but, sir, it is also the system of war which of necessity and perforce did bring about the condition that exists in that island. The insurgent bands, by their incursions upon neutral territory and cultivated zones of the island, began the burning of houses, the destruction of plantations, the plunder of villages, and murder of inhabitants. By their sweeping with rapid movement from their retreats to attack places where they were least expected they gained advantages, but did so at the expense of their own country. Angered by this mode of attack, made resentful by this fashion of battle, the Spanish Government naturally sought means to subdue this rebellion and to pacify the provinces in revolt.

Campos was unsuccessful, and therefore the home Government determined to send General Weyler to attempt the difficult task. He began the execution of a plan which, in its effect, completed the destruction begun by the insurgents. Between the operations of the two contending forces the productive districts of Cuba, in at least a portion of the island, were destroyed, and where there had been cultivated fields and prosperous homes there began to be, and there is now, a wilderness in which nature runs wild and rank weeds have taken the place of those products which give sustenance to man. Both parties in this contest have transgressed the laws of God and of nations in such measure as can not be condoned. As the months and years of this struggle accumulated and as time went on the sympathies of the American people for the insurgents, their cause, and their suffering grew stronger and deeper and gradually colored the policy of the Administration. This sympathy began to manifest itself by protests against Spanish rule, by efforts to relieve the needs of the Cuban people.

In a Republic like ours, the sympathies of the people gradually direct the nation's will, and the Government usually formulates a policy that is in consonance with it. The American Government began to make suggestions to the Spanish Government, and through diplomatic channels expressed its opposition to the methods and means pursued in the attempt to put down the rebellion. However these diplomatic negotiations may have been begun and agreed to, the fact remains that the first demand which seems to have been made upon the Spanish power was that as the Government of Spain had caused the war by improper administration and by the imposition of such burdens as could no longer be borne, they should correct this state of affairs, remove the cause of the rebellion, and by the introduction of a government for the Cubans

in which they should themselves participate, thus remedy the matter. In response to these suggestions the liberal government of Sagasta determined to give autonomy to the island.

As I understand it, autonomy was given to the Cuban people because it was suggested by our Government and diplomatic negotiations had been conducted to that end. Now, sir, when we had suggested that the Spanish Government, by its Captain-General, should introduce autonomy, was it not our duty to give whatever moral influence we had in its favor and cause its acceptance by the Cubans?

Did the American people do that? In all fairness the answer must be, they did not. On the contrary they did, by their sympathy and by the action of the Senate of the United States in the passage of a resolution recognizing the belligerency of the insurgents, give encouragement to them to refuse autonomy, and this caused the failure of the movement.

The Spanish Government recalled General Weyler and in his stead sent the humane Blanco to introduce the new policy. When he arrived he began the difficult task but found opposition at every point. Part of the radical Spaniards stood sullenly aside. The insurgents refused submission, and in the meanwhile the condition of the reconcentrados became acute. The policy of General Weyler, in his attempt to subdue the insurgents, was to drive them to the necessity of open battle by depriving them of the means of subsistence, and in order to do this he removed the neutral people, those who had been engaged in production and cultivation and were still fortunate enough to exist, from their homes and habitations and concentrated them within the protection of the guns of the Spanish cities and there forced them to remain.

The people of the cities, themselves upon the verge of want, had little to give to the reconcentrados, and these defenseless people were rapidly brought to a state most pitiable, in which want and hunger brought starvation and every form of death. This order of concentration can not be justified. It was wrong when executed, and in the light of to-day, in the clear sunshine of the present, it seems a dread and terrible crime against humanity. But, sir, it was the logical result of the events begun by the insurgents, continued by the Spanish, and consummated by both.

We know that when war comes, even under the most favorable conditions, production is less and consumption grows more; but under the system of war existing in Cuba it was much worse than ordinarily. Production ceased almost entirely, agriculture was annihilated, and the cultivated districts reverted into natural disorder. The Captain-General sent to relieve Weyler found this condition. He saw the dread environments which surrounded these people. He attempted to give relief, and in this attempt was greatly aided by the charitable contributions of the American people.

But there was not enough, and at last the situation grew more dreadful and deplorable; and when the true state became known to our people, their outraged feeling against Spain caused a still further demand to be made upon that country. It was that the policy of concentration must be abrogated—the reconcentrados returned to their homes and maintained there until they could enter upon tilling the soil and producing the sustenance they required. To this demand the Spanish Government also acceded, and General Blanco received the order which he began to execute. In his endeavor to send back to their homes these unfortunate people there was also, in a great degree, a failure.

It is said that the Spanish Government was not intent upon carrying this policy into effect. It has been said in this, as in many other matters, that they were treacherous; but, sir, the failure is not chargeable as much to the Spaniard as it is to the fact that these people were so weak and helpless, composed of women, children, and old men emaciated by hunger, until they were in a starving condition and unable almost to travel, incapable of labor or of any effort of self-sustainment. Not only this, but when they arrived at their homes, or rather the place where their homes once were, they found nothing but ruin. They were shelterless and without food; but even in this condition, which could be relieved by American charity and Spanish aid, they were not allowed to rest in peace because of the attacks, not of the Spanish, but of the insurgent bands.

This is not a Spanish story, and I give it not upon my own authority, but refer you to the Senator from Massachusetts [Mr. HOAR], when he told you of the mission of love and benevolence which induced a noble American woman to leave a home of comfort in Massachusetts and devote herself to these suffering people. Who can doubt the statement of Clara Barton, whose name and fame will be the one bright page in this dread story of murder, plunder, rapine, starvation, and death?

Americans and Spaniards together worked to bring about an amelioration of these conditions, but our people felt there was but one remedy which could be successfully applied. War must cease and the Spanish Government depart from the island. Therefore a further demand was made upon Spain. The President asked that an armistice be granted and continued, and that the Spanish troops be removed and the Cubans given self-government. In

due time a cessation of hostilities came and the Spanish Government granted the armistice. It is said that this result was attained not by American diplomacy but was given in answer to a request from another source.

I do not know how this may be. I have not been initiated into the maze of these diplomatic negotiations, but I do know that an armistice was granted by the Kingdom of Spain, and that General Blanco, the commander of forces and Captain-General of Cuba, was instructed to carry it into effect.

It has been asserted that Spain was not in earnest; it has been said that she would treacherously forego the obligation and merely make pretension of an armistice to gain an advantage for herself. But, sir, to my mind the sending of General Blanco, a man of high honor, of humane motives, of great intelligence, and, above all, of a generous heart, a man whose ideas are much akin to our own, would indicate that the Spanish Government did wish to better the conditions prevailing in Cuba and bring about a state of peace.

But, sir, the armistice has not been successful. The armistice has been a failure as well as the home sending of the reconcentrados; and, sir, who is responsible for the failure of the armistice? Not the Spanish Government, but the insurgents themselves, incited to their action by the American people. Upon the very day that the order was issued and transmitted to Cuba the President's message reached the Congress of the United States; and, sir, instead of carefully considering that message and acting upon the suggestion, which if not plainly stated was at least distinctively intimated, the Congress has so construed it as to mean an appeal to rush into immediate and indefensible war.

We can not expect success either for autonomy or for any movement inaugurated by an armistice when the moral force and power, not to speak of the armed forces, of the United States are against Spain and favorable to the insurgents and a continuance of their war.

I have attempted in a brief manner to follow step by step the demands of this Government and the concessions of Spain. I have shown that every suggestion made by this Government has been agreed to by the Spanish ministry, and that the situation upon the morning of the reception of the President's message to Congress was such as to lead the fair-minded and impartial critic to believe that every desire of the American people would in the end be accomplished by peaceful means. But, sir, the resolution now before the Senate would destroy every hope of further diplomacy, prevent the President from making further effort for a peaceful solution of the question, by bringing the country into immediate armed intervention.

Sir, I appeal to the Senate to pause for a moment and calmly consider whether we have reached the point where negotiations must cease and active war begin. I can not think so. I appeal for peace. I do not believe that the President of the United States is of the opinion that diplomacy has been a failure and that we should at the present engage in war. I have read his message; I have carefully, nay prayerfully, considered it. It has been read here before, but I wish again to emphasize and call the attention of the Senate to the President's expression at the close of his message, and there I think is the concentrated thought and desire of the Chief Magistrate. He says:

In view of these facts and of these considerations, I ask Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes.

Sir, I see in this appeal of the President nothing more nor less than this, that he calls upon Congress to so place him that if he finds in the end that all negotiations and every effort of diplomacy to secure the demands of this country in the Cuban case have been in vain, he may then stretch out the strong arm of the American people and strike down the power of Spain by the mailed hand of war. But I contend that the President has not yet contemplated that condition. I contend that the President in his heart feels, as every patriotic and peace-loving American citizen must feel, that there is no necessity for any war so long as we can accomplish by pacific methods all that is desired.

What is it that we desire in this contention? The aspiration of the American people is that there may be a free government in Cuba and that the people of that island may enjoy the right of liberty, even as we are privileged to enjoy it. If this can be accomplished in peace, where is the argument that will justify war? If war comes, it will open a veritable Pandora's box of ills. Our foreign commerce will be paralyzed, our trade crippled, industries come to a standstill, the arm of labor will be lamed, taxes will increase, values become unsettled, the currency deranged, and the public debt augmented. If war comes, the thunder of guns, the whirling of swords, and the noise of battle will bring death and disaster to our men, sorrow to our homes, contaminating diseases to our shores.

What will we gain by war? Victory may crown our endeavors. That we doubt not; but to win every battle and bring disaster upon the foe at every point will still find us losers in the fight. What can we gain by war? Glory? Nay; there can be no glory in defeating a nation than whom we are stronger as 5 to 1. Conquest? Nay; we desire no acquisition of territory by that means. Revenge? Are we certain that we have sustained such wrong as to crave the blood of the innocent ones even of Spain? Freedom for the Cubans? Are we certain that it will not come by diplomacy and tranquil achievement? Until we are certain, the voice of the Master should be heard and the angry waves of national passion should be stilled.

To what does the present situation point? Let me read once again the closing sentences of the President's message. He says:

Yesterday, and since the preparation of the foregoing message, official information was received by me that the latest decree of the Queen Regent of Spain directs General Blanco, in order to prepare and facilitate peace, to proclaim a suspension of hostilities, the duration and details of which have not yet been communicated to me.

Now, Senators, let me impress upon you the last words of this message:

This fact with every other pertinent consideration will, I am sure, have your just and careful attention in the solemn deliberation upon which you are about to enter. If this measure attains a successful result, then our aspirations as a Christian, peace-loving people will be realized. If it fails, it will be only another justification for our contemplated action.

The President here plainly indicates, though it may not be stated in direct language, that he yet believes negotiations will result in good, that he yet believes the issuance of this armistice will bring peace to Cuba. We have every reason to believe that it will bring peace and freedom to Cuba. For we have every reason to take for granted that the Spanish Government will be forced to withdraw its troops and independence for the Cuban people will eventually result.

There is a difficulty in the way of the Spanish Government agreeing to every point in the contention at the present moment. Senators here understand that the present Government of Spain stands upon precarious grounds. If the Spanish ministry were, without attempt at delay by diplomatic action, to consent to every demand made by the United States the Liberal Government would fall and we would be responsible for a reactionary movement by the rise and accession of the Carlists to power in Spain.

We talk of humanity. It is a splendid sentiment. But, sir, the march of humanity demands not only that Cuba shall have relief, her people be free and endowed with self-government, but it also demands that the Kingdom of Spain shall be thrown open to the spirit which pervades the American Republic, and that gradually there shall be a more liberal government, and perhaps after the passage of a short period of time there may be fraternal relations between the republic of Spain, which shall have arisen from the ashes of the ancient monarchy, and the United States of America. I pray to God that the day may come; but if you overthrow the present liberal Government and cause a reactionary movement you will place Spain in such a position that the movement of liberty may be retarded a hundred years.

Mr. President, I find I have spoken longer than I intended upon this branch of the subject. Now I wish to say a word or two upon the other.

Every Senator who has here spoken seems to have the sentiment, the idea, and the thought that the Spanish Government was responsible for the blowing up of our war ship. I can not think so. I have not seen in the report of the commission appointed to investigate that dread disaster, and I have not heard from any other source, anything that would lead me to that conclusion. If you would hold the Spanish Government liable for blowing up our vessel, then, sir, General Blanco, who commands in Havana, must be the responsible person. He is the representative of the Spanish Government, and from and through him responsibility must come.

What did Consul-General Lee say concerning that noble man? I speak of him as a noble man because, though he is a Spaniard, and though we have no great love for that nation, I say to you that "one touch of nature makes the whole world kin;" and a noble man who attempts to do his duty to his Government and humanity, even though he be a Spaniard, deserves the plaudits of Americans. I have not seen any evidence that would hold General Blanco responsible for the destruction of the *Maine*. What was his condition when he heard of this most lamentable occurrence? Tears were in his eyes, and he tremblingly expressed sorrow and contrition that such an event should have taken place. It has been said, when our vessel had been blown up and the souls of our sailors were sweeping into eternity, that Spanish officers regaled themselves with champagne and were in glee and high spirits over it. It may have been so, but I remember also that other Spanish officers and other Spanish men at the very risk of their lives went out into Havana Harbor to save American sailors.

Mr. GALLINGER. Will it interrupt the Senator for me to read just one or two passages from the testimony of General Lee on this point?

Mr. WELLINGTON. If the Senator will not take too long.

Mr. GALLINGER. No; just a moment. I appreciate the courtesy of the Senator. It appears that Senator FORAKER asked General Lee this question:

Senator FORAKER. Have you any doubt but that it was put there by the Government?

Consul-General LEE. I do not think it was put there by the Government. I think probably it was the act of four or five subordinate officers.

Senator FORAKER. Spanish officers?

Consul-General LEE. Spanish officers, who had knowledge of the location and probably were experts, and had that branch of the service to look after. I do not think General Blanco gave any order about it.

Mr. WELLINGTON. I thank the Senator for reading that passage from the report of the commission, because it brings to my mind a thought that may be of value in this connection. It may be true that some Spanish officer was responsible for the blowing up of the battleship *Maine*, though there is no direct proof even of the fact that the explosion came from without; but, sir, may there not be those who say we are responsible for the defeat of autonomy in Cuba and, by that defeat, indirectly the cause of this disaster? When the Spanish Liberal Government gave autonomy to the Cubans, it disgruntled and caused to fall away from her certain radical Spaniards then in authority.

Some of them may still be in power, and those are the people who, perhaps, were guilty of this most treacherous and horrible act. I can not for a moment imagine that the Spanish Government, represented by General Blanco in the harbor of Havana, would be so utterly lost to every feeling of humanity as to be guilty of this high crime against all civil law and terrible sin against the command of God. And, sir, so long as there is no proof that such was the case, and so long as that is not present with us, so long will we not be justified in holding Spain accountable.

I desire to assert here and now with all the emphasis of which I am capable that if it were clear to my mind that the Spanish Government by its chief officer had been guilty of this crime, I would say that it must be war, swift and sure, now and without a moment's hesitation, because that would place us in such a position as to be beyond further deliberation and beyond arbitration. No remedy save and alone that of war could be had. I may again be in error, but until I am convinced, until Spanish responsibility has been made clear to me, I for one can not give my consent to declare war on this proposition.

Sir, war may come, and from the present temper of the American Congress I fear it will come. So far as I am concerned, I say now, as I said at the beginning, I favor peace, and being for peace I will vote for peace. I will not contend for one thing and vote for another. I have a solemn, firm, and fixed conviction, arrived at after calm deliberation, not in the forum of passion but before the judgment seat of reason, that to precipitate the American people into war with Spain at this time would be a crime against Christian civilization, justice, and right. I believe that my people, the people of the Commonwealth of Maryland, whom I in part represent upon the floor of this Senate, the conservative and thinking people, stand as I do upon this question. I shall therefore vote against the resolution declaring for or eventuating in war.

Our people are conservative; but, sir, if the United States of America by its Congress shall say that war must come, we will bow to the will of the majority of our countrymen. That majority must accept the responsibility, and when war is upon us, then, sir, we will not take the advice of my friend the Senator from Ohio [Mr. FORAKER] and betake ourselves to the rear, but our people will be found in the very forefront of battle for the cause of the Union.

We are a conservative people; but, sir, Maryland has always been loyal and true to the best interests of the American Republic. When Massachusetts began the American Revolution and our militiamen for the first time met British regulars; when Concord and Lexington and Bunker Hill had been fought and the war which must end either in independence or submission of the Colonies had begun; when Massachusetts sent an appeal to her sister Colonies for aid in the great struggle that was upon her, the Colony of Maryland was the first to respond, and from my native mountains marched the first company of riflemen, who lingered not until they reached beleaguered Boston. Through the Revolutionary war Maryland troops more than once saved the day and snatched victory from defeat; more than once the Maryland line saved the American Army. In 1812, when English troops descended upon our coasts, razed our towns and cities, burned our houses, plundered our villages, not only Maryland men, but Maryland youths and children went out that they might defend the honor and integrity of the country.

In 1848, when American arms invaded Mexico, Marylanders performed deeds of valor. When the great civil war came, Maryland, though a Southern State, remained true to the Union. Sentiment was divided there. We were a narrow strip between the two great sections of our land. To the north of us was the one idea, to the south another, and the two great waves of opinion met upon the border land in contention. Our people were

divided. Some of our men donned the gray and marched with their Southern brethren under the Confederate banner. Others put on the blue and stood for the flag of the Union, and at Gettysburg, the bloodiest spot upon that ensanguined field except one, perhaps (and that will be remembered by the Senator from Minnesota), Marylander met Marylander and the men in blue struggled and contended with those in gray for mastery.

We love our country; we love its institutions; we love its flag; we are proud of its history; we look upon it as the banner which floated over Washington in the darkest hour of the American Revolution, when he was surrounded by ragged Continentals at Valley Forge—barefooted and hatless, tattered and torn, hungry and cold. And the flag waved proudly again over Maryland troops in the midsummer of his glory, when Washington received the sword of Cornwallis at Yorktown.

It was carried by Maryland volunteers in the second war with England; it was placed upon the topmost rampart of Montezuma's tower in Mexico; it was dragged in the dust at Bull Run; it was glorified and had final victory at Appomattox, but it has a greater glory, not in war, but in peace. As its silent folds are floating in this hour, they stand as an emblem of a reunited, peaceful, liberty-loving people, having but one aspiration, and that is that liberty, freedom, and self-government shall go out and become the heritage of all the peoples of the world.

So, if war must be, then Maryland will be found with you; but in this hour which must decide for the future, in this fateful hour, the vote of one of her Senators, at least, will be registered for peace.

Mr. CAFFERY obtained the floor.

Mr. TELLER. Will the Senator allow me to offer an amendment?

Mr. CAFFERY. I yield to the Senator.

Mr. TELLER. I desire to offer a substitute for the Senate resolution, which I simply ask to have printed.

Mr. ALLISON. I hope the Senator from Colorado will ask that his amendment be read.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The amendment proposed by the Senator from Colorado will be read.

The SECRETARY. It is proposed to strike out all after the resolving clause of the joint resolution and insert:

First. That the people of the Island of Cuba are, and of right ought to be, free and independent, and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful Government of that island.

Second. That it is now apparent that Spain can not maintain her control of Cuba against the republican government of that island. The war now existing between the Government of Spain and the Republic of Cuba, as now conducted, is destructive of the interests of the people of Cuba and injurious to the interests of the United States, and has created a condition in that island that can no longer be endured.

The only hope of relief and repose from such a condition is the enforced pacification of Cuba by the withdrawal of the land and naval forces of Spain from that island; it is, therefore, the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once withdraw its land and naval forces from Cuba and Cuban waters. If Spain fails or refuses to accede to such demand, it will be the duty of the Government of the United States in defense of its interests and in the interest of humanity to take such measures as shall put an immediate stop to the war in Cuba, hereby disclaiming any disposition or intention to exercise jurisdiction or control over said island except for the pacification thereof and a determination when that is accomplished to leave the government and control of the island to the people thereof.

Resolved, That the President is hereby authorized and directed to take at once such steps as may be necessary to terminate hostilities in the Island of Cuba and to secure to the people of that island an independent republican government by the people thereof; and the President is authorized and directed to use, if necessary, the land and naval forces of the United States for the purpose of carrying this joint resolution into effect.

Mr. TELLER. I ask that the substitute resolution which I have offered may be printed.

The PRESIDING OFFICER. The substitute proposed by the Senator from Colorado will be printed, in the absence of objection.

Mr. TURPIE. In my first report in behalf of the minority of the Committee on Foreign Relations I find that the RECORD says that the word "offered" was used by me, but to make it clear I now offer the amendment.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to insert, in line 4, after the word "independent," the following:

And that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

The PRESIDING OFFICER. The amendment will lie on the table subject to the motion of the Senator from Indiana.

Mr. CAFFERY. Mr. President, differing so radically with the majority of my colleagues on this side of the Chamber as to the questions involved in the pending resolution and amendments, I approach their discussion with a full sense of the fallibility of my own judgment and with deference to the contrary views of my colleagues. I have tried to view this question in every light that I could, so as to ascertain what position the United States could

take that would be sustained by international law while being just and beneficial to both sides of the contestants now carrying on hostilities in the Island of Cuba. If my conclusions are wrong, it is my misfortune, not my fault.

Mr. President, I have stood once before on the brink of war. Though quite young, I counseled moderation and delay. I counseled due consideration of the disastrous consequences that might flow from war precipitately waged. My counsels were swept to the winds, and I was swept along with the balance of my people into the most colossal war that was ever waged between civilized nations. Sir, the hostile sections that engaged in that dreadful conflict were each a unit. It was North against South. If we, unhappily, must go to war with Spain, it will be waged on our part by a solid Union. There will be no North nor South nor East nor West. It will be the war of a great Republic with one of the oldest States of Christendom.

But, Mr. President, in emergencies of this sort, where popular passions become aroused, the motives of men not in entire accord with the enthusiastic populace seem to be questioned. Whoever dares to utter an opinion or give expression to a thought not in line with the prevailing current of popular opinion is gibbeted by a libelous press. I will send up to the desk and have read a clipping from the Washington Times of to-day's issue in regard to myself.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[From the Washington Times, April 16.]

A MARKED MAN.

The country has marked with surprise and indignation the extraordinary course pursued in the Senate for the last two days by a Southern Senator who appears anxious to constitute himself the head center of a small but compact body of persons whose effort is to help Spain as much as possible in the present crisis.

The underlying motive of such a service is somewhat problematical. It may be a desire to earn glory or it might be a political sin with a name not to be mentioned except upon the most damning evidence of its existence. But, be that as it may, the Senator in question needs careful watching. His gyrations yesterday suggest the propriety of observation if not of investigation. His former association with an institution of charity and learning known as the Louisiana State Lottery Company renders him all the more worthy to have the critical eyes of his colleagues and of all American patriots firmly fixed upon him.

Mr. CAFFERY. It is rarely that I ever notice newspaper articles, nor would I have seen this one but for the fact that a friend has just sent it in to me. There is nothing in the article about which I care to make any statement except the charge that I was ever an agent of the Louisiana State Lottery Company. The grotesqueness of the lie is the only thing that commends itself to my especial notice, for, Mr. President, if there is anything in my life for which I take pride it is in the efforts which I made to help break down the infamous institution of the Louisiana State Lottery Company.

I say this editorial applies to me, though I am not named, because I am the only Senator from Louisiana who took any part in the debate on the Cuban question during the last two days.

I point to the balance of that editorial as a commentary on the times. Sir, it is an epitome of the corruption of American journalism. It shows the extent and the depth to which libelous, corrupt newspapers will go in order to lash public men into following their arrogant dictation. Sir, when I can bring myself, as humble as I am, to take one line of action or one inspiration of thought from the libelous and slanderous journals that are now attempting to hound this country on to war, I hope that moment will be my last.

Mr. President, I differ, and I differ honestly, with the Committee on Foreign Relations in the view which it has taken of this matter. The joint resolution which it has reported is a declaration of war. Whatever action I favor, and I do favor intervention, is predicated upon it as a humane movement which may result in war, but which is justified under international law. If war comes of it, our hands are clean. If war does not come of it, then, conjointly with Spain and the insurgents, we will relieve Cuba of the terrible suffering and destitution and misery and death which now prevail there.

Intervention by a friendly power to put an end to hostilities that have culminated into barbarous cruelties, inhuman slaughter, more inhuman starvation, and universal ruin, waste, and destruction is justified by that code which prescribes the rule of conduct among civilized nations. Nearness to the scene of conflict is a controlling factor in prompting the intervention. Being justified by principle and practice among the nations, it can not be construed, necessarily, into an act of war. While nonintervention is the rule, intervention in such a case as that of Cuba forms a just exception. Spain has not been able to pacify the island nor subdue the insurgents. The work of death and destruction goes on with a fearfully increasing progress. Humanity stands aghast at the awful spectacle, and the President, following its noble dictates and sustained by the law of nations, which is likewise God's, asks of us the power to intervene to arrest carnage and death. I, Mr. President, stand ready to grant it.

Sir, the conflict in Cuba is but the culmination of a series of revolutions commencing fifty years ago. Last night the Senator from Texas [Mr. CHILTON] alluded to the insurrection headed by Lopez, in which the gallant Kentuckian, Crittenden, lost his life. The recollections of my earliest boyhood are associated with that insurrection, for from my native town went one of the most gallant men that God ever created and was slaughtered on Cuban soil for what he thought was Cuban liberty. From the expedition of Lopez till to-day there have been insurrections after insurrections to meet the same untimely fate, the same crushing disaster, as that of Lopez.

In vain has autonomy been offered by Spain. It has been rejected by the insurgents. In vain has an armistice been offered by Spain. It has likewise been rejected by the insurgents.

The fighting still goes on, and it must cease.

But the present revolution assumes a proportion and a scope of destructive power greater than any of the preceding ones. Its inevitable result is to make Cuba a charnel house of destruction and death. From the topographical condition of that country, from the character of the people who inhabit it, descended as they are from the Spaniards, a guerrilla war is the only war they would naturally fight. From the time that the Saracens invaded Spain and defeated the Spaniards at Gibraltar until the last Moor was driven out eight hundred years after there was a constant guerrilla hand-to-hand fight between the Spaniard and the Moor.

The guerrilla instinct has been inherited by all of Spanish blood from centuries of strife, and we see it developed in Cuba to the most extensive proportions. A handful of insurgents occupying the interior of the island bid defiance to the trained soldiery of Spain. The island is about 750 miles long and about 50 miles wide. It has a population of 1,600,000 people. The interior is occupied by mountains. The habitations are mostly upon the seaboard. The insurgents retire to the mountain fastnesses and from there they swoop down upon the Spanish soldiery.

Sir, it is manifest from the history of this revolution, the inability of 200,000 armed and equipped and disciplined Spanish troops to put down 30,000 insurgents, that the power of Spain is slowly dying in that island. It is manifest that the loss of her sovereignty is but a question of time. But it does not result, even if that island is a desert, that the roving bands of insurgents without a government of law, without the forces of a civilized government, are therefore a state; and we are called upon in the amendment to the resolution to recognize a state. What is recognition? It is merely certifying to the existence of a fact. It is perceiving the identity of some status and so declaring. You can not make it by words. You can not recognize a state which has no existence, and all the power of the great Congress of the United States can not create the smallest state in Christendom by statute or declaration.

Mr. President, how do civilized countries wage war or how do they recognize the existence of war? They wage war by state against state. It is not every individual of every state who is at war with every other individual of the opposing hostile state. Noncombatants are safe. That is one of the blessings—an unalloyed, a grand blessing—that the international code has bestowed upon civilization. In ancient times during war every man's hand was against his adversary. The Romans butchered and murdered and killed or enslaved every man whose state was hostile to Rome, whether with arms or whether without. The murder of prisoners was common. But modern civilization has erected another standard. War is carried on by state against state and with regularly drilled and equipped armies. It has become a science. It is the science of death, but still it is a science. It is not a pell-mell, hurly-burly fight. So, therefore, when you recognize belligerency you must recognize a war which is carried on under the code of civilized nations.

It is immaterial to inquire, as to the existence of belligerency, whether the power of recognizing it belongs to the Executive or to the legislative branch of Government, or to both conjoined; but when you recognize belligerency you must perceive, identify, point out something which civilization calls, in the language of President Grant, the terrible and awful dignity of war; not roving, undisciplined bands, not men fighting here to-day and there to-morrow over a vast expanse of territory, which they do not hold permanently, or substantially so, but you must find an army. Is there such an army in Cuba as comes up to the requirements of the modern definition of "war"? Do you find such a government as comes up to the modern definition of a "government"? Has it exclusive power within any certain area of territory? Has it courts, and does it administer justice? All these questions must be answered in the affirmative, and answered not upon inference, not upon loose, disjointed facts, not upon a paper constitution and paper schoolhouses and levies of blackmail called taxes, but you must have your established government, your equipped institutions capable of exercising all the functions of civil government, and regular armies, carrying on war under civilized methods, and then you have belligerence.

Belligerence is nothing more, upon an investigation of the authorities, which I do not care to read to any extent, than temporary statehood. When statehood becomes permanent, then you recognize the State. When it is only temporary and there is a doubt of its permanence, as in the case of Texas when General Jackson forbore to recognize the independence of that State until such time as there would be no danger of Mexican subjugation, you recognize belligerence. The only marked essential distinction is as between a permanent and temporary statehood. With whom will this great Government deal in the matter of belligerence? It must be with some political entity that has the muniments of a state, something that is covered by statehood indicia, something that there can be no mistake about upon the part of the recognizing power. That is belligerence. It is not necessary that these requirements be of a permanent character. Temporary possession of them authorizes the recognition of belligerence.

Mr. President, at the expense of thrashing over some of the old straw perhaps, I will quote certain definitions of statehood, in order to see whether or not we can recognize the independence or belligerence of the insurgents under Maximo Gomez or anybody else.

Mr. Wheaton, page 33, in his definition of a state, says:

A state is also distinguishable from an unsettled horde of wandering savages not yet formed into a civil society. The legal idea of a state necessarily implies that of the habitual obedience of its members to those persons in whom the superiority is vested and of a fixed abode and definite territory belonging to the people by whom it is occupied.

I will read another one of them, and ask that the other definitions which I have may be inserted in my remarks in the RECORD. Woolsey, section 36, says:

A state is a community of persons living within certain limits of territory under a permanent organization, which aims to secure the prevalence of justice by self-imposed law.

Then I refer to Hall, section 1:

The marks of an independent state are that the community constituting it is permanently established for a political end, that it possesses a defined territory, and that it is independent of external control.

Now, in regard to the proposition which I have advanced, that belligerence is temporary statehood, I cite Hall, section 5, page 34:

It is no doubt incumbent upon a state to treat subjects who may have succeeded in establishing a temporary independence as belligerents and not as criminals, and if it is incumbent upon the state itself, it is still more so upon foreign governments, who deal only with external facts and who have no right to pass judgment upon the value, from a moral or a municipally legal point of view, of political occurrences taking place within other countries.

There is the recognition of the proposition as to belligerence which I advanced, as drawn from the definition of statehood itself. I think it needs no further corroboration. It is self-evident to my mind.

We are called upon to vote for that which will stultify us. We are called upon to acknowledge in our legislative capacity and as having jurisdiction over the matter that which does not exist; and, sir, if it exists at all, where is the scope of its influence; where is the extent of its existence? It is said that Havana is held by the Spaniards. There are 250,000 inhabitants of that island in the one city of Havana. A majority of the population of the island is in the cities on the seaboard, not a single one of which is held by the insurgents. Now, if independence is recognized, how can the recognition cover any other than the territory occupied exclusively by the insurgents? Who has informed us where that territory is? Who could possibly define its limits and give it a local habitation? What skillful guide could conduct an American minister to the mountain capital of Gomez? It has been admitted that twice that fancied capital has been changed, but that would amount to little if there had ever been one.

Every President from Grant to McKinley, having cognizance of all the facts surrounding the case, has refused to recognize the independence of Cuba or its belligerence; and, sir, they had sympathy—not mock sympathy, but real American sympathy—for real patriots struggling for real liberty. Were they unsympathetic with the struggle for human liberty? No, sir; and if there is one argument of a practical character stronger than another to convince me of the absolute inutility of the power of recognition belonging to the legislative branch, it is our inability to get the information upon which that decision must be founded. With all the evidence upon which belligerency can be based in the possession of the President, who but him can ascertain its existence?

Mr. MASON. Mr. President—

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. CAFFERY. I decline to be interrupted now.

Mr. MASON. Very well.

Mr. CAFFERY. Here we are, sir, meditating now this question of war between Spain and the United States. Here is the report of the Committee on Foreign Relations, a volume of 600 pages, purporting to be the evidence and papers concerning the existing relations between Spain and the United States, and we

have had three days to examine it in the midst of this exciting and absorbing debate, when we sit from 10 a. m. to late in the evening. I have not read that book. I have not had the time; and I am called on here, in this acute spasm of public indignation and wrath against the atrocities committed in Cuba, to decide upon this great question of war.

The Executive is charged, and charged solely, and charged exclusively, with the power of recognition. I have heard Senators say that because the Senate could make a commercial treaty or could make any other treaty, therefore there was a concurrent power and jurisdiction between the legislative branch and the executive branch in regard to recognition. It is not so, sir. Before you negotiate your treaty you must recognize the credentials of the representatives of powers with whom you deal, and who does that but the President? His recognition is all-sufficient and all-conclusive as to the existence of states when he recognizes their ministry as clothed with power to transact the treaty. It springs from the power to appoint and receive ministers and ambassadors. That gives a wide and exclusive operation for the executive exercise of authority in the premises.

The Executive is clothed with entire jurisdiction over our external affairs so far as diplomacy goes. Is there a man in the Senate who does not know that it largely rests within the discretion of a President whether to precipitate a war or not by acts or correspondence entirely under his control? He has charge of all the diplomatic negotiations looking to laying the foundation, both in deed and in word, for a state of affairs that may necessarily lead to war; and when we declare war, we do nothing more than act upon the findings of the Executive.

Mr. President, there can be no recognition of belligerency or independence in Cuba that will hold water under the canons of international law. We will stultify ourselves, we will violate the international law, if we do so. That law appears to be scoffed at, sneered at, as nonexistent. No civilized nation on the globe can dare fly in the face of the enlightened conscience of mankind. That law has for its sanction the rebuke of the nations of the world, and unless we want to be outlawed, unless we want to be outside of the pale of the family of nations, we can not knowingly and flagrantly violate any of the articles of the code that governs the conduct of nations toward each other.

The question of belligerency and the question of recognition have been so fully argued that I will simply content myself with the statement I have made of the general principles that I think bear upon the question.

I desire to take up the proposition advanced by the Senator from Ohio [Mr. FORAKER] in this connection. He stated that if we did recognize the independence of Cuba, and if there were anything lacking, if there were a missing link, we could make that up afterwards. In other words, that we could make independence and then recognize it.

You can not make a status of independence for another. You can only make your own. You may be an ally of another, but if you go outside of the confines of your own territory and dip into the affairs of another state and recognize that which does not exist, and set to work to make what you want to recognize, you have violated the international compact that binds states and civilized government. It does not make any difference in the case of Cuba whether the quotations that the Senator makes from President McKinley's message apply or not. If the sovereignty of Spain has ceased, it does not necessarily follow that the sovereignty of the insurgents rises and comes into existence.

We can only deal with the present state of facts. We can not predicate action on a contingent condition which, though likely, is not certain to happen. It would unsettle the relations of the world were the doctrine to obtain that, because a state may and of right ought to become independent, therefore we will proceed to recognize something nonexistent, and proceed by our aid to create the future existence of what we presently do not know to exist, or know not to exist.

Independence can not be made any other way by the people of Cuba than by clothing themselves with the muniments of statehood, and if they have not got them it makes no difference whether there is a Spaniard there or not. It may be that after the Spaniards leave the island the Cubans will proceed to get together after a while, with aid from the United States, and build up something that we can call a state, but before that happens we can not recognize it.

Mr. President, my deliberate opinion is that we stultify ourselves in voting for independence, and that the President of the United States would be bound to veto the resolution if we adopted it.

To show that the insurgents are as much to blame for the condition of affairs as the Spaniards, I will read some reports of our consuls laid before us on the 11th instant. I will turn over and read some of their reports and we will see the condition of affairs there. I have not time to read many of them. Here is a communication from Mr. Hyatt to Mr. Day of the 31st of January last.

I will read only the last part of it, and ask that the whole of it be incorporated in my remarks.

Mr. Hyatt to Mr. Day.
CONSULATE OF THE UNITED STATES,
Santiago de Cuba, January 31, 1893.

SIR: I desire to inform the honorable Department of State that Captain-General Blanco arrived at this port on Friday night, the 28th instant, but remained on shipboard until the next morning.

The consular corps called soon after his arrival. Most of General Blanco's remarks were directed to the French and American consuls.

Colonel Marsh, of General Blanco's staff, called upon and dined with me the same evening. He speaks fairly good English, and is a gentleman of rare social qualities. On leaving he said: "I shall be at all times most happy to use whatever influence I may have with General Blanco in securing a favorable resolution of any matters that you may desire to present to him."

I told him I was prepared to take advantage of his offer at once, as there had just arrived at the custom-house in this place a quantity of quinine which the collector of customs said he could not deliver duty free without instructions from Havana. The colonel promised to lay the matter at once before the Captain-General, and the quinine is released, and, as I understand, it is ordered that all future shipments are to be promptly delivered to me, if any shall come.

On Sunday morning the regular passenger train on the Sabanilla and Maroto Railroad, when 5 miles out of Santiago, was blown up by dynamite bombs, exploded by electric wires; two cars were shivered in atoms. Five passengers were killed outright and twenty-two badly wounded, some of whom have since died. It is thought by some that the insurgents believed that Captain-General Blanco was on the train; by others that they merely wanted to notify the general that they were around and attending to business.

I am, etc.,

PULASKI F. HYATT,
United States Consul.

Here is another extract showing how war is carried on in that island, the sort of highly civilized soldiers that we are to recognize, and the highly civilized conduct by which warfare is carried on. It is a letter from Mr. Hyatt again, and no one who reads these reports can accuse Mr. Hyatt of any partiality to the Spaniards. All his sympathies are with the insurgents. I read this to show how they treat autonomy:

Mr. Hyatt to Mr. Day.
CONSULATE OF THE UNITED STATES,
Santiago de Cuba, February 1, 1893.

SIR: The military conditions here upon the surface are not materially changed, but to one who watches the signs of the times and knows the character of the men who act the drama the situation is not without portent.

The era of good feeling is passing away, while bitter words and cruel acts are again coming to the front. Those engaged in works of mercy are denounced for keeping alive a tribe that ought to be dead. But it can not be said there is no excuse for harsh judgment. The stoppage of all agricultural pursuits and the blowing up of cars containing innocent people can not be justified even under the guise of war. Extremists of both sides seem able to dominate the sentiments of their respective parties, while a deep feeling of personal hatred pervades their breasts.

General Blanco's mild and humane policy meets with but a feeble response from his own followers, while the insurgents laugh at the old man who throws sods and grass instead of stones.

Autonomy is already a dead issue, while buying insurgent leaders thus far is not a marked success, the insurgent generals having already imprisoned several officers suspected of venality.

Colonel Marsh, of General Blanco's staff, said recently: "Spain fails to comprehend that Cuba has, as it were, two mothers—a political one, which is Spain; a commercial one, which is the United States; and the political mother fails to see that the commercial mother has any rights, while the commercial mother can not shake off her responsibility, for God has made them next-door neighbors."

I do not believe that the Western Continent has ever witnessed death by starvation equal to that which now exists in eastern Cuba.

Very respectfully, etc.,

PULASKI F. HYATT,
United States Consul.

There is where the insurgents are blowing up passenger trains and killing passengers, private individuals, and where the consul states that autonomy is dead. I will read another extract from Mr. Hyatt to Mr. Day. Let us see how they treat Americans over there. I read from No. 421, and ask that the whole letter be incorporated in my remarks:

Mr. Hyatt to Mr. Day.
CONSULATE OF THE UNITED STATES,
Santiago de Cuba, January 12, 1893.

SIR: I deem it a duty to lay before the honorable Department of State the situation here as affecting American interests, and to inclose herewith an order issued by command of Gen. Maximo Gomez, and a translation of the same, forbidding the grinding of the sugar crop for the years 1897 and 1898.

In this part of Cuba, so far as I can learn, all idea of making a sugar crop is entirely abandoned.

I regret to say that the stoppage of industries, from present appearances, will not halt at the sugar crop, but coffee and other agricultural crops fall under the same ban.

I had hoped that after the reconcentration order was revoked, through the energetic action of the present administration, we would find no trouble in reinstating American industries; but it appears that all of the benefits that should have accrued to our citizens are thwarted by the action of the insurgents, who refuse to allow them to return to their sugar, coffee, and other estates. The Pompo manganese mines, owned by Americans, would at the present time be a very profitable investment if allowed to operate, are also being held up by the same power.

The three Revery brothers, who I informed you recently I was about to assist in returning to their coffee and fruit estates, got there only to find they could not go to work until permission was obtained from the insurgent commander, which permission seems doubtful, I myself, as I understand my duty, being inhibited from rendering them any assistance at this point.

These, with several sugar estates within my consular district, are held up and becoming more worthless than before.

It is beyond the power of my pen to describe the situation in eastern Cuba. Squalidity, starvation, sickness, and death meets one in all places. Beggars

through our doors and stop us on the streets. The dead in large numbers remain over from day to day in the cemeteries unburied.

Very respectfully,

PULASKI F. HYATT,
United States Consul.

I have one or two more here. Here is one on page 33 that I will incorporate, the order of Calixto Garcia, who appears to be the insurgents' commander, ordering that any one who offered autonomy should be shot.

[Inclosure in No. 405.]

MILITARY DEPARTMENT OF THE EAST,
GENERAL HEADQUARTERS,
Baire, November 6, 1897. (Third of Independence.)

To the commanding generals of the first, second, and third army corps of eastern Cuba:

Duly informed through the press that the Spanish Government is offering autonomy with the intention by these means to subdue the revolution, or at least to bring about disturbances in our ranks and weaken our cause, this general headquarters reminds you that the spirit and letter of our constitution does not admit with Spain any treaty whatever that is not based upon the absolute independence of Cuba.

In accordance with this I will be inexorable, submitting to a summary trial and will consider as traitors all civil or military officers of whatever rank who receive messages, commissions, or have any intercourse with the enemy, as the supreme government of the republic is the only one authorized, and listen to any overtures that may be made, and even the government will only listen to proposals acknowledging the absolute independence of Cuba by the Spanish Government. All persons who come within our lines commissioned by the enemy with proposals to submit to Spain will be tried and punished as spies.

In order to avoid any ignorance being professed on this subject, you will circulate this communication among your subordinates, posting this order during eight days at your headquarters and have it read in the presence of the troops.

Country and liberty.

CALIXTO GARCIA,

Commander in Chief of the Department of the East.

(Baire is a small village lying about 54 miles from the city of Santiago.)

Then, again, on page 34, I will read the letter of Mr. Hyatt to Mr. Day, No. 410:

Mr. Hyatt to Mr. Day.

No. 410.]

CONSULATE OF THE UNITED STATES,
Santiago de Cuba, December 5, 1897.

SIR: The situation in this part of Cuba is not destitute of activity; nevertheless, it seems to be one of expectancy, both sides posing and waiting to see what will happen in the United States.

There is a more secure feeling since the arrival of Governor-General Blanco; otherwise no perceptible change. The reconcentration order is relaxed, but not removed; but many people have reached a point where it is a matter of entire indifference to them whether it is removed or not, for they have lost all interest in the problem of existence.

A census of the island taken to-day, as compared with one taken three years ago, I feel confident would show that two-thirds of the residents are missing; and the Spanish army would make no better showing.

The rainy season is practically over, and cooler weather is apparent, the thermometer ranging from 70° to 85° F. through the twenty-four hours, in the shade.

His Excellency Enrique Capriles, a former governor of this province, has returned to this post of duty. His former record is a sufficient guaranty of an honorable administration.

Mr. Rigney, an American sugar planter near Manzanillo, was preparing to grind during the coming season. A few nights since the insurgents fired seven cannon shots among his buildings, one ball passing through the roof of his house. Americans were hopeful that they would be allowed to make their crop, and several are making ready to do so; but the action of the insurgents toward Mr. Rigney gives the problem a doubtful aspect. It may have been a personal matter against Mr. Rigney.

The number of destitute Americans fed by this consulate decreased from 89 to 64, but is again on the increase. Since being fed, sickness among them has materially decreased and their appearance has greatly improved.

Very respectfully,

PULASKI F. HYATT,
United States Consul.

I will not read any more, but I will ask that the next one, No. 413, on page 35, be incorporated to show that the order of reconcentration was practically wiped out at the date of this letter, December 14, 1897.

The letter is as follows:

Mr. Hyatt to Mr. Day.

No. 413.]

CONSULATE OF THE UNITED STATES,
Santiago de Cuba, December 14, 1897.

SIR: Since my last dispatch on the situation in Cuba several military engagements of more or less importance have occurred, and the insurgents are claiming to have had the best in the fight; but until an engagement shall take place of sufficient importance to have a controlling influence, I can safely leave the press to report on such matters.

I take it to be a matter of far greater importance that I shall watch the trend of public opinion and its effects on the political situation, for thus far battles have not been the most important factors in the Cuban problem.

Up to the present we have only garbled accounts as to the contents of the President's message, so it is too early to say what its effects will be. I shall, however, watch such results with much concern, as all parties have looked forward to it with deepest solicitation.

The order of reconcentration is now practically wiped out, and so far as the Spanish Government is concerned, men go about nearly as they please. The insurgents and their sympathizers will unquestionably take advantage of the revocation to get from the towns and cities what they need, and otherwise strengthen their cause.

The effect on agricultural pursuits will be disappointing, because the great majority of those who would or should take up the work joined the insurgent forces when compelled to leave their homes, and the portion which came within the lines of reconcentration are women, children, old and sickly people, most of whom seem to have little interest in the problem of life. There is no one to take these people back to the fields and utilize their remaining strength. Their houses are destroyed, their fields are overgrown with weeds, they have no seed to plant, and if they had, they can not live

sixty or eighty days until the crop matures, which, when grown, would more than likely be taken by one or the other of the contending parties.

Many of those who are attached to their families have them within the insurgent lines.

Finally, I give it as my opinion, an opinion that I am sure is not biased in favor of Cuba, that Spain will be compelled to prosecute a far more vigorous war than has yet been done if she conquers peace in Cuba. I think I speak advisedly when I say that in this end of the island, at least, there are many thousand square miles where the foot of the Spanish soldier has never trod. Within this zone the insurgents have their families, corral their horses and cattle, and raise their crops. They reach the outside world by methods of their own.

Why Spain, with a large body of as obedient and brave soldiers as ever shouldered a gun, has not penetrated these grounds and scattered to the four winds the comparatively small body of men who are there is a question I will not attempt to answer.

As I write a man is dying on the street in front of my door, the third in a comparatively short time.

Very respectfully,

PULASKI F. HYATT,
United States Consul.

Mr. CAFFERY. Mr. President, not only from these consular reports, but from the statements in General Grant's first message and the statements of every President who has written of Cuba since, have the wars between the insurgents and the Spanish Government been characterized, on either side, as of excessive atrocity, of unexampled fierceness, and of complete devastation and ruin to the country. It has been shown that the combatants on either side are guilty of excesses. The war first started with the firing of the cane fields in eastern Cuba. When Weyler, for whom I have no words but those of condemnation, saw that the insurgents were destroying the power of the sugar planters and others to make a living and pay taxes to the Spanish Government, he ordered the reconcentration of the pacificos, thought to be friendly to the insurgents. So between these two atrocious policies of destruction that island is a desert and a waste.

Both sides are responsible for it; the insurgents as well as the Spaniards. They are the same sort of people. There is no difference between them in respect to cruelty and a talent for destruction. They are mostly all of Spanish blood. They inherit all the virtues and all the vices of their parentage. They have shown as much cruelty in warfare, as much wanton waste and destruction of property, as the Spaniards themselves.

General Grant mentions in one of his messages the fearful tragedy of the murder by the insurgents of 600 Spanish prisoners at one swoop. It may or may not have been retaliation; but there was and is a war of absolute extermination going on there. That is the reason, and the only reason, why we can intervene. The only basis upon which you can put intervention, outside of the right of self-defense, is on the humane basis. That is a real, legal basis. It is a basis that is acknowledged by the humane code that governs the conduct of nations. It is a fearful responsibility for a state to undertake to judge of the circumstances that authorize an intervention for humane purposes.

The ground must be clear of doubt; the facts must be known with certainty. No mere sympathy for a people struggling for freedom is a proper or legal basis.

We seek no gain; we seek no conquest. If, to gain ends of peace, we must use the agency of war, the responsibility does not rest with us. We must discharge, in the face of difficulties both present and others looming up in the future, a solemn duty to humanity and to civilization.

The probability of some reconcentrados dying by reason of our intervention may come to pass, but it is better that some should die than all. It is better to save some than that all should perish.

But, sir, the exigency is on us. Impelled by the highest motive that can animate a nation, we are compelled to intervene; and for what? To stop a war of extermination and devastation; nothing more. If in order to restore peace, and permanently secure it, we may have to go farther and establish a government, we do that as incidental to the power to intervene—in order to carry out the beneficent purposes of the intervention.

Sir, that embarrassments and difficulties may grow out of this none will deny, but we can not foresee what the future may bring forth in the incidental duties that may devolve upon us. I regret that the hand of the President has been forced by the clamor for war. He and his predecessor have declared that affairs might get so bad as to compel the United States to intervene, and the time is at hand now to do so.

That is the basis upon which we can rest and defy civilization to point out one single flaw in our procedure. It is not only a right, but in our case it is a duty, a high Christian, civilized duty. It is useless to talk as to whether or not autonomy has been offered. It has been offered, but it has been rejected. The bearer of a flag of truce was murdered in cold blood who tendered on behalf of Spain the offer of autonomy and self-government to the islanders. There is an order in the consular reports from which I have read showing that it is death to speak of autonomy to an insurgent.

Sir, what kind of a cause is that? Even a whisper of peace is met by the murderous machete. Is that the sort of a republic that

we want to unduly launch upon the civilized world, created by our breath, where the bearer of a flag of truce and the conveyor of a message of peace has to be murdered?

Sir, we are justified under the international law and in the Christian conscience of civilization for intervention. It is said we have to recognize what does not exist in order to make that intervention good. Sir, we will then start with a fraud. We will start by passing a spurious counterfeit statehood upon the world. That is a start that the United States deliberately proposes to make in this contemplated proceeding. We can not do it and maintain our self-respect as one of the self-respecting nations of the globe. You can not make states like you make paper money. You can not make states like you enact a statute. They are something to be made by and on behalf of the people who reside in them, and no outsider can by statute make them. Any demand, therefore, for us to acknowledge the existence of a fraud, the existence of a counterfeit, ought to be spurned out of this Chamber.

Sir, the war feeling must be strong that would carry our people to the length of recognizing a falsehood and perpetrating a wrong and launching upon international life a counterfeit state, which would inevitably lead to war.

And whose war would it be, Mr. President? Ours? Is there a foot of American soil that has been invaded by the hostile tread of the invader? Is there a single citizen of the United States deprived of his life or liberty anywhere in the civilized world for which we ought to take up arms? Whose fight is it that we are plunging into? Not our fight. It is a fight between certain insurrectionary persons in the Island of Cuba and the Spanish Crown, and under ordinary circumstances we have nothing to do with it.

Sir, if there was one single legitimate cause of war to unite this people, 1,000,000 swords would leap from their scabbards to defend the honor and the power and the reputation of the United States without debating the question an instant. Why do we talk here? Because this resolution involves the consideration of a momentous question affecting the good name and the reputation of the United States. It affects us very nearly, very closely. It affects us in our judgment and in our conscience.

Sir, this is not a question to be decided by passionate appeal. This is not a question to be submitted to the arts of rhetoric. This question can not be decided by vilification of Spain; nor, sir, ought it to be decided with any reference to any small, political, contemptible, partisan advantage.

Sir, this country appears to be swept from its feet by a perfect cyclone of passion. Men of ordinary judgment appear to be lost in amazement when they contemplate the extent to which mixed sympathy and passion are driving us.

Sir, men get up here in this Chamber and tell us it is no time to talk, but to act. Act how? Are we going to act foolishly? Are we going to act without cause? Are we going to plunge these 70,000,000 people into the horrors of war? We are told to act, to turn loose the dogs of war and let them dip their bloody tongues in human gore. That is the cry heard everywhere. Any temperate counsel is spurned, and a man of moderation is talked of as I have been talked of in the editorial that I have placed upon the records this morning.

Mr. President, I will lay down my position thus: The United States of America, moved and inspired by the highest considerations of humanity and duty, do hereby declare that the war between Spain and her insurgent colony shall cease. This is the language, the noble language, of President McKinley. And that in order to make that declaration good he shall intervene there with all the power of this great Republic, and then and there, if necessary, establish such a government as will secure permanent peace. Whether Spain likes it or whether Spain does not, we have gone too far to consider.

It is idle, sir, to refer to all the concomitant and conspiring circumstances and incidents that tend to the terrible conclusion of war. This ground of pure, unalloyed humanity is sufficient for any Senator in this Chamber to stand on. It is an aggravation of it to bring in the finding in regard to the *Maine*. That is an aggravating cause, but no man can say that it is a controlling cause.

Why, sir, have we gone insane? Here is a board of inquiry constituted out of our own officers. Their finding is thrown to the winds. Another hearing is taken by a body of civilians and they find suspicion of foul play by Spain, which an able court of inquiry did not entertain or did not put down in their report.

Ah, sir, I commend that report of the naval court of inquiry and Captain Sigsbee's telegram preceding that report. It ought to have given the tone to the American conduct and to the American action in regard to this whole question between the United States and Spain. "Suspend your judgment," says that most admirable officer, suspend your judgment; do not go off too quick; do not lose your heads; we will investigate; we will try to find out how this occurred, and when it is found out, we will say so. In the meantime "suspend your judgment."

An admirable, excellent, noble telegram, and at the time that

it was written calculated to allay what he must have known were the high-wrought feelings of a great-hearted people struck almost dumb at the news of the terrible catastrophe. Instead of following that example, every art of rhetoric, every device of the demagogue, is resorted to to help plunge this country into a precipitate war.

Sir, I do not contemplate an honorable war, a just war, with any other feeling than one of sorrow, but I do contemplate a war waged between the United States and another power without a just ground as the most fearful curse that could fall upon the devoted heads of our good, honest, patriotic citizens.

Sir, as showing the rash and ill-considered war clamor, the finding of the Navy board of inquiry and the action and stand of the President are set aside, and the incident of the *Maine* is taken as the firm ground of battle.

Our own court has found no *casus belli*. Our own President has founded no case on that incident.

No impartial man can find a case on what, though terrible and shocking, sending a thrill of horror throughout the globe, has not been traced to Spain or Spain's act. Until Spain's complicity is established her liability to war does not arise.

Mr. President, I had intended to elaborate the questions in this case at much greater length. I will only now state some conclusions that I think may flow from intervention.

I have no hesitancy in saying that the condition of affairs in Cuba may be such after intervention as to require other than a cast-iron line of procedure. We are but little acquainted with that people and their conditions. The honorable Senator from Vermont [Mr. PROCTOR] has given the clearest, the most succinct, and the most comprehensive statement that I have heard on the subject, and he does not satisfy me entirely. He could not have known the insurgents, the body of whom are to constitute the electorate. He did not see them; he was in the city of Havana mostly, and necessarily got his information secondhand.

Mr. HOAR and Mr. GRAY. Nor did he speak Spanish.

Mr. CAFFERY. Well, that is another drawback; but whether he spoke Spanish or not, he was not in the field, where he could discover precisely what kind of a government that people require. That ultimately some kind of a government of the people will be established there is without question; but, Mr. President, that is a most delicate operation, involving a practical acquaintance with the local conditions, involving a knowledge of who ought and who ought not to belong to the electorate, involving, in short, a complete inquiry as to the social and political conditions of that island.

Does not everybody know that after this war—you may say it is the culmination of the war of 1868—has lasted now thirteen years, with a break of seventeen years, the feelings of bitterness and hatred that have been engendered between the contestants must require of whoever goes in there to establish a government most cautious, most wise action?

The honorable Senator from Mississippi [Mr. MONEY] in a speech delivered in this body said that the insurgents had four centuries of wrongs to resent and injuries to avenge, and that the *lex talionis* would be applied. If that be so, Mr. President, is it not incumbent upon us to give the President of the United States the widest latitude of operation, the widest discretion? It seems to me so. It seems to me that the House resolution must be modified in some particulars so as to give him a full and plenary jurisdiction on the lines that he asks for in his message.

I must say, sir, that that message commends itself to me, to the world, to civilization, as one of the most sagacious, wise, humane, and statesmanlike documents that ever came from a civilized ruler. It will be a memorial hereafter to the wisdom and patience and patriotism of President McKinley. It will show, when the proper occasion arises, the man whom the American electorate selects for the Presidency will always rise up to its height, however high it may be, and the greater the occasion the greater his patriotism.

Mr. President, one thought more, and I will take my seat. I have no doubt in my own mind that in the future the Island of Cuba will be ours. I do not say that we ought, in a spirit of aggression or greed for additional territory, to take any steps to bring about that result; but I do say that the finger of destiny itself points to it. It is not in the condition of the Hawaiian Islands or some insignificant point in the Pacific or the Atlantic. It is necessary to round up, as Mr. Jefferson said in an early day, the full possessions of the American Republic. No man can sail past the Florida Keys into the Gulf of Mexico who does not see the vast importance of that island to the American Republic. It is a part, and an essential part, of the Monroe doctrine that that island shall belong to no other foreign country than Spain.

What is the significance of that doctrine, Mr. President? Some time in the course of events Spain will have to let go that island. Spain is poor. She is vexed with dynastic trouble. Her resources can not much longer stand the drain of keeping up a struggle in which the chances of success are desperate. There will be an

independent government in Cuba, even if we, the United States keep hands off now. Then Americans will flock there. They will finally get control of the government. Revolutions will, no doubt, break out at intervals, as they have in every Spanish-American country, but constant accessions of Americans will gradually cement their strength and importance. Loyalty to the Stars and Stripes will compel the erection of our national ensign as the governing flag in Cuba. I do not say, Mr. President, that I desire to see Cuba a State in the American Union. Certainly not until after a long tutelage of the population under Federal guardianship. That tutelage will be found necessary to fit the mass of the inhabitants there for the duties of citizenship as we understand them. But the destiny of Cuba is to be a part of a Republic to which, by situation and interests, she is and will be so closely bound.

With its nearness to this great Republic, right under the shadow of our institutions and influence, with the commercial intercourse between us and Cuba so large and constantly increasing, it is the part of wisdom to forecast the time when the lone star of the Cuban banner will glitter in the constellation on the blue field of our own star-spangled banner. But, ah, sir, that is not what the insurgents want now. They want independence. They have had the United States fighting their battles all the way along. The Cuban junta has directed operations from the city of New York. It does not stand them in hand to say that they have not sold or issued over a hundred thousand dollars of bonds. It is manifest that nobody will take them until the independence of that island is recognized; and to this end, they have bent every energy to force recognition by the United States.

Now, sir, when they get their independence, what then? Their bonds will, I am told, go to 40 cents in the dollar. They want, perhaps, to take the plantations that belong to the Spaniards as security for them. The Spaniards own nearly all the property. That appears to be the fact from the representations of the consuls. There are in Cuba about 300,000 Spaniards; there are about 800,000 Cubans; there are about 500,000 colored. That 800,000 will probably dominate the balance of the population, possibly tolerating the colored, until such time as they can be set aside. Such a heterogeneous population, animated by the hatreds of war, liable to clash from racial differences, naturally leads to revolution. A government recognized to-day may be extinct to-morrow, until finally the result of which I have spoken will come to pass—the incorporation of the island into the territory of this Republic.

Mr. President, I will leave the subject at this point. I have endeavored to look at this question as calmly and as dispassionately as I could. Whether or not I have struck the right line is for others to say. But whatever conclusion I have arrived at has at least been one attained after much reflection and after the best judgment I could give to the question.

Mr. HAWLEY. Mr. President, I rise to speak with much hesitation and much sadness. I can not help seeing before me, possibly, a great addition to that debt from which we thought we had happily recovered in a great measure. I see before me the possible sacrifice of many lives, the anxieties and sorrows of hundreds and thousands, an aggregate of centuries of suffering. But I have listened with the others to all, or very nearly all, of the debate, and to the decision and conclusion that honor and duty call upon us to declare war with Spain for the purpose of putting a forcible end to great wrongs.

Our position as a nation seems to command it. We are, we will say, seventy-five millions of people, surpassing all others in physical power and material resources of all descriptions. We claim to be at the head of the world in wisdom, freedom, law, the liberty of our Constitution, and our system in general.

Evidently, Mr. President, we can not expect that we should drift through the world, being thus crowded along, you may say, by Divine Providence, to this magnificent position, without taking some of the responsibilities that naturally fall upon such power and such a situation.

We shall be inexcusable if we see near by us a comparatively powerful and cruel people most grossly oppressing for generations, robbing, trampling upon—yes, under the forms of war—murdering people by the scores of thousands. The instinct that always pushes an honorable gentleman to interfere between a cowardly bully and a weak cripple demands that we interpose with the powerful mailed hand of the great Republic and say "Stop!" And notwithstanding the sad aspect of many things, I say we must go forward "to meet the shadowy future without fear and with a manly heart" and meet the situation.

But I have some criticisms to suggest—and that is chiefly my reason for rising—of the resolutions that are before us. I wish my constituents to understand that I can not pass them by without something of objection. The first point that occurs to me is that I am opposed to a declaration of the independence of the so-called Republic of Cuba. I think that is unnecessary. I think it is not justified by the facts. Heroic as have been the struggles of that people for a long series of years, thirteen years out of the last thirty years having been spent in fighting, I can not think that

they have yet clearly and legally reached the position where they are entitled to be called an independent government.

I think that General Jackson stated this matter about as well as anyone, and, though it has been frequently quoted, I think it necessary to incorporate the substance of what he said in my remarks. He said, relating to acknowledging the independent existence of Texas in 1836:

It has thus made known to the world that the uniform policy and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognize the authority of the prevailing party without reference to our particular interests and views or to the merits of the original controversy.

* * * But on this, as on every other trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and the revolted colonies we stood aloof, and waited not only until the ability of the new states to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away—

That is not the present position at all—

Then, and not until then, were they recognized.

Such was our course in regard to Mexico herself. * * * It is true that with regard to Texas the civil authority of Mexico has been expelled—

He was speaking in view of the then existing situation—

its invading army defeated, the chief of the Republic himself captured, and all present power to control the newly organized government of Texas annihilated within its confines—

That is far ahead of this situation—

but, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Texas. The Mexican Republic, under another Executive, is rallying its forces under a new leader and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion the independence of Texas may be considered as suspended.

And one of the most combative and gallant and vigorous military men we ever had in the country dared to stop there. The situation was far, very far, in advance of the situation of the relations between Cuba and Spain:

Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the government constituted by them.

That statement General Jackson did not make without abundant legal counsel of the highest authority, and I judge from what I have read and heard and the full, learned, and long speeches we have heard from various Senators that this position is justified by the ablest writers on international law and by the conduct of nations whose decisions are most entitled to respect. Therefore I can not vote to declare that Cuba is independent. I might say that of right she ought to be independent; but she is not independent, and why say it? It is not necessary to our entering honorably upon this contest. Besides—and it has been fully discussed among other topics—it may give rise to very dangerous complications.

We all know that a great jealousy is entertained among all the great powers of the world, a fear that we may be seeking to aggrandize ourselves and to enter upon that most reprehensible and, as nations go, I think, dishonorable practice in the extension of territory, which picks a quarrel and finally seizes the territory, which steps into a controversy and turns it to its own advantage, for evidence of which consult every page of history of the last one hundred years. We do not desire to be involved in these controversies. We do not wish other powers to say to us that we also have joined them in this selfish and cruel policy. We are not seeking conquest and annexation.

The Senate resolution then demands—

That the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces.

I think that unnecessary. Why set that task? It would very probably be the result of the war we are anticipating; but why put in limitations or restrictions? Recite our provocation; recite the absolute justice of our case, and then declare war to right the wrongs, and leave the details to come up, as they will, in their due order hereafter. The lawyer who attempts to provide for every emergency by great particularity of precaution is laying the ground for lawsuits and only embarrassing himself.

The supervision of the war and the treaty, if one shall be made, and all the negotiations that doubtless will be going along sub rosa during the contest—all those are in charge of the President, because the Constitution puts our foreign relations in his hands, and no law we may pass here can take them out of his hands. He will be the captain-general of our armies and of our navies and the controller of our international relations in any event. Why not leave it so?

I vastly prefer the House resolution, which says:

That the President is hereby authorized and directed to interfere at once to stop the war in Cuba—

I think that, however the American people may differ among themselves, they are all of them willing to say that—

to the end and with the purpose of securing permanent peace and order

there and establishing by the free action of the people thereof a stable and independent government of their own in the island of Cuba.

That is democratic; that is American doctrine. Then follows the delegation of authority to the President, empowering him to use the land and naval forces of the United States to execute the purpose of the resolution. That is necessary. Those people have undergone terrible afflictions.

I speak of the thirteen years of war out of thirty; the desperate, vindictive, fierce, utterly unappeasable ferocity of that outraged people. Whatever you may say of inherited characteristics, no people could have so conducted themselves during such a number of years, with such very limited resources and such immense discouragements, unless there had been a foundation for their hatreds; and there is a foundation, the Lord knows, great enough. Their taxation, according to the latest figures I have seen, would bring, if a similar taxation were levied here, \$1,120,000,000 a year—considerably more than twice what our taxation is; and that is upon a comparatively weak and poor people, nothing or next to nothing of which is returned in the way of the internal development of the island.

And there is a tax upon exports, even upon their tobacco, but nothing comparatively is done for the little railroads that might be run from the interior towns to the seaports, or any works that build up trade and commerce. Very little is done that we read or hear of in the improvement of the harbors; indeed the money is all taken to Spain under the most cruel conditions, with but a mere supposition of return. And since 1878 a very considerable portion of the revenue is devoted to paying interest upon the debt incurred in subduing after ten years of war.

Of course, fifteen minutes is a very short time to men accustomed to take their time in political campaigns; but I can not close these few observations without giving in defense, if I may call it such—no, that is not necessary—without saying some words in favor of the President and of a President, of any President of the United States; for every one of them, by the fact of his having been intrusted with the gigantic power of this nation, is entitled to our instant respect from the day he is declared to be nominated, and they have justified it.

Take them together, make out of the Presidents for one hundred and ninety years one man who has been President, and he will be found to be a gentleman, a brave man, a patriot, and an honest man. Nor can it be supposed that any man will take that position without feeling "Now, this is all I can hope for in the way of earthly power or honor. What remains to me is to make a record such that posterity shall speak well of me." No President has been in the chair, and it is impossible that any shall be in the future, who will not think so of himself and of his duty. Nor is there a President of whom any gentleman ought even to insinuate that he has been impelled by selfish or corrupt motives in the discharge of his high duties.

The President of the United States is entitled to our sympathy. He is the loneliest man in the Republic. There is no man above him in power; no man equal to him in power. No man has the painful responsibilities that he bears. Therefore every American gentleman, whoever may be the President, should sympathize with him, extend to him a welcoming hand and a welcoming voice, and stand by him while he is right.

I am proud to say that I have endeavored to go with the President and have found myself justified in doing so. I would rather he had been a trifle in default in his delay, though I think he has not been, and in his love of peace and in his desire to avoid bloodshed and the waste of treasure, than to have seen him blood-thirsty, hasty, and revengeful in plunging into the horrors of war.

Mr. President, our President is a soldier, a gentleman, a statesman, and this supreme crisis will only serve to bring out the brightness of his character. Save only in exceptional cases that exhibit his worth by contrast, he has won the sympathy and respect of the world.

Mr. WHITE. Mr. President, I recognize the solemnity of this occasion, the most momentous that within my brief day has challenged the attention of the American people. To its solution there should be brought the best intellectual capacity of all who have the obligation or right to act, and the judgment rendered should be uninfluenced by aught else than the dictates of justice. The high duty which we are called to perform will test our qualifications for the trust committed to our keeping. It is disagreeable, to use an expression scarcely forcible enough to cover the occasion, to dissent from the common view—to antagonize a general but suddenly formed conclusion. It is pleasant to receive the plaudits of our fellow-men.

The approval that evidences the concurrence of the public inspires us all, adducing unfeigned delight that conscientious thought has permitted us to take action in accordance with the general view. Confronted by these considerations and thoroughly appreciative of the good will of those by whom I am surrounded, I can not avoid the fact that there stand on the other side suggestions of the most solemn obligations. These I must interpret for

myself. There is for me nothing save to express those conclusions which my conception of right have caused me to form regardless of personal interest. I can less easily depart from the pathway thus demarked than sacrifice my most cherished and dearest surroundings.

Nay, Mr. President, the terrible responsibility which requires our attention is beyond all things merely personal or individual. We are here to do the right, no matter what ill shall attend us. We are here compelled to make history; not vaingloriously to seek to transmit our names to posterity, but to write the record of a nation which we love beyond self, a record which we should so make that when we have passed away will shine bright and unchanging in the full radiance of the intellectuality and morality of enlightened men.

Mr. President, what are the questions here? We witness, but slightly removed, a scene of war. The intervening distance is hourly diminishing. I agree that the conditions are such that it is almost useless, perhaps absolutely so, to urge a pause or to attempt to retard the warlike tendency. But it will not be amiss in this moment of excitement, this hour of exaltation, this time of unreasoning patriotism, to delay an instant and to reflect upon the nature of the act about to be done and the consequences certain to follow.

The situation is of mighty import. It is no waste of time to portray it with impartiality and candor. The acts here done will live as long as freedom—as long as justice shall be administered among men. We must be warranted not by an excited populace, but by wise decrees of unimpassioned history. I regret that under these circumstances, either in the report of the Senate committee or upon this floor, expressions have been used indicating prejudice and savoring of revenge. I regret that the debates in this Chamber should refer to stale events transpiring under Spanish influences more than three hundred years ago, or that the committee should have spoken of "the duplicity, perfidy, and cruelty of the Spanish character, as they have always been."

Mr. President, the right to make such charges we have waived. We have accepted a seat with Spain in the family of nations. She has not been excluded from our sovereign society. We have thrown around her the arm of fraternal friendship and seized her hand in affectionate clasp. We have received her ministers, sent ours to her court, and in all respects declared to the world our friendship for her. During our great Exposition we invited her representatives to our shores. The Infanta Eulalia was received with almost unexampled honors—greater, perhaps, than were accorded to the envoys of other countries. We are estopped to seek a cause for estrangement in the wrongs of departed generations. The present difficulties must be determined in the light of actual conditions, without reference to the transgressions of antiquity. Any other treatment would be undignified and even puerile. Let us meet the momentous questions presented to us in the light of their peculiar and legitimate surroundings. As rational men we can afford to treat as immaterial and unfortunate the references to the Duke of Alva and the Inquisition. We will not, I presume, pretend to free Cuba or to attack Spain because of these iniquities.

Mr. President, no one doubts that Cuba has been misgoverned. No one doubts that many places and many peoples in this world have been misgoverned. No one doubts that this great Republic is potent enough to defend herself in any engagement. I cordially indorse the utterances of the Senator from Colorado [Mr. WOLCOTT] with reference to this topic. There is no glory to be gained by the United States in a war with Spain. Intrinsically and as far as war itself, disentangled from other propositions, is concerned, no fame will be won by us. Spain is weak. She no longer commands the sea or dominates the land. In the march of events—by forces beyond her control—her foreign dominions have been taken away. She has been shorn of the possessions which she acquired by her enterprise and her valor. She has lost nearly all these, until she stands to-day in the presence of her woes, the Niobe of nations. Her financial embarrassments, her shattered treasury, her army reduced by disease and hunger, her navy of indifferent strength, her resources lessening daily—she is, indeed, but a remnant of the Spain which wrested the Alhambra from the Moslem.

I do not fear her. No American fears her. There is no rational question of the outcome of the impending struggle. It must be victory for the American people. But, Mr. President, powerful as we are, with millions of freemen ready, whatever may be our personal views, to spring to arms and to give our every dollar and the last drop of blood to vindicate our nation's honor and defend our flag; with our fertile soil budding and blossoming with products of luxury and necessity over an almost limitless area; with all the gifts and blessings of nature about us in rich profusion—our possession and our heritage—we are great enough to do justice.

In the early days of this Republic, in the dawn of our nation's life, a great statesman said with truth that he knew of no spectacle more sublime than that of a powerful nation kneeling before the altar of justice and sacrificing there alike her passion and her pride.

Here we can rest an instant to look upon conditions as they actually exist, and to write in compliance with verity a record which in cooler moments will be scrutinized by our children, who will ask themselves whether we were right. There may be no recall for our error. There can be no excuse for a mistake easily detected or direful in result.

The President of the United States, charged by the Constitution with the conduct of our diplomatic affairs, has been earnestly and actively engaged in attempting to bring about order in Cuba, followed by the independence of that island. It is my opinion that if he is permitted to pursue the course he has marked out for himself, if we let him alone, Cuba will be free, the *Maine* incident will be justly and honorably settled, and not one drop of American or other blood will be shed as a result of present estrangements.

But we are to have war. Every Senator who has spoken declares so, and in the same breath deprecates such a consequence. In beautiful language, in phraseology I will not attempt to rival, Senators have depicted here the atrocities of warfare. Who knows them not? Who has read the story of man and has failed to sicken at the ghastly spectacle of the battlefield?

Lo, the giant on the mountain stands,
His blood-red tresses gleaming in the sun.

When did reason assign to brutal conflict the settlement of any dispute? What true Christian ever willingly consecrated to the arbitrament of brutality issues involving rectitude and honor? War is the last resort. If wantonly resorted to it is wholesale murder.

There are times when settlement is impossible, when every reasonable offer has been spurned, and when the welfare and honor of individual and people alike demand that the sword shall be drawn. But the cause must be evident and undeniable. All other solutions must have failed. The nation that rushes into war in hot haste has not drank of the fountain of wisdom. When I was a child but some 8 years of age, the horrors of internecine strife broke upon the United States. Shattered forms, some of them in this Chamber, ruined homes all over the land, men and women mourning for those holier to them than property or life, furnish proof even now before the world that—

Elemental rage is tame to the wrath of man.

Nearly a million names upon our pension roll rehearse the story more graphically than human lips may depict it, and demonstrate how much of ill effect remains more than a third of a century after the storm has passed. This is but an instance. All history is thronged with examples and is pictured with the terrible experience. Senators conceding all this yet say that war must come, because our honor shall not be impugned, even though a desperate struggle may be forced upon humanity.

I agree that there are occasions where an appeal to arms alone remains. I repudiate the calumny that those who do not find a reason for extreme measures here are for "peace at any price." This slanderous charge emanates from the thoughtless or insincere. I am for war only when it can not be honorably and wisely avoided. I am against war where the desired legitimate results can be otherwise attained. I am opposed to precipitate action. In the presence of such a possibility those charged with grave responsibility should be patient as well as firm, just as well as courageous. A delay, even if compelled by an opponent without candor, is better than unnecessary hostilities.

I propose in a very general manner to examine the alleged grounds for the action we are asked to take by the Committee on Foreign Relations. We are told that the abhorrent conditions in Cuba have been a disgrace to civilization, and have culminated in the destruction of the *Maine* and 266 of her officers and crew, and that the conditions prevailing can not longer be endured, as has been set forth by the President in his message of April 11, 1898; and hence we are expected to declare that the people of Cuba are, and of right ought to be, free and independent; that this Government demand that Spain at once leave the island, and that this demand be enforced by the President. The Executive, in the message referred to, merely sought authority to take measures to stop hostilities, establish a stable government, and to use the Army and Navy, if needful, for these purposes. All concede that Spain will not yield to these demands.

Mr. President, a Senator has said that the *Maine* incident alone or the Cuban inhumanities alone might not be sufficient to precipitate war, but that conjointly they render this outcome unavoidable. Our people have never been so thrilled as when they learned that their great and beautiful ship in the harbor of Havana had been torn to pieces and that the bodies of loved ones had been driven into the mud and mire of an alleged peaceful haven. They were not and are not in a condition to take a judicial view. The public heart was fired, and the demand for vengeance echoed and echoes from every hill. It is borne from the shores of the Pacific far inland; it does not pause on the summit of the Sierras; nor does it lose its resonance upon the crest of the Rocky Mountains. From ocean to ocean it thunders, and on the stormy

Atlantic tells in the language of a common kindred its uncompromising resolve.

Pause a minute, Senators, and ask yourselves: Is there, even under these circumstances, no possible solution except that of arms? I will not discuss the evidence as to the destruction of the *Maine*. I will not go over the reports of the American and Spanish boards. I may not entirely agree with everything which has been said concerning them, but I do not intend to make this an arena for such a disputation. I assume, as it is my duty to do in view of the position of my Government, that the report of the American board is correct. But shall the adverse party be absolutely prevented from questioning this conclusion? Senators say that Spain has virtually admitted the act. No such confession will ever be found by the impartial investigator. Spain denies that she either directly or indirectly did it. The President, declaring that the naval court of inquiry has the unqualified confidence of the Government, says of that report:

It did not assume to place the responsibility. That remains to be fixed.

He then declares that the *Maine* incident discloses an intolerable state of things in Cuba, informs us that Spain assures us that she will do all that the highest honor requires, and that she proposes—

That the facts be ascertained by an impartial investigation by experts, whose decision Spain accepts in advance.

To this communication no reply has been made. No ultimatum has been issued by us; no final demand regarding the *Maine*; no refusal to arbitrate. The President does not find any cause for war here. But it is said war alone will atone for the *Maine*. Neither the question of liability nor indemnity can, it is asserted, be considered. Assuming a crime was committed, who are the guilty persons?

General Lee says that he does not believe that General Blanco had anything to do with it or had any knowledge of it; that when Blanco heard of it he cried; he seemed to regret it as much as anyone. Well might Blanco regret it. He knew, as the world knows, that such an act upon the part of Spain would be madness. General Lee, who was on the ground and observed the tout ensemble of the situation, said he was confident of Blanco's sincerity in grief. But at all events it is vehemently averred that this was an external explosion; that it was the result of the act of a Spaniard, an officer of Spain, and the penalty of his deed, under the laws of nations and the dictates of justice, should be visited not only upon him but should likewise be inflicted upon Spain. And for this we must resort to war. No indemnity will suffice or be accepted.

Senators have said no indemnity can reach this case. What can reach it? A few years ago in an Asiatic empire there were several missionaries murdered. Three great nations demanded that the guilty should be punished. Ten or fifteen miserable wretches were seized, bound and placed side by side, and beheaded. Perhaps some of them were guilty. At all events, they were offered in atonement. One of the nations involved objected that there were still others who had been participants in the original crime, and the officer in charge of the province, desiring no foreign complication, ordered out other victims and beheaded them likewise, remarking to the insistent foreigners, "Is there anything else, gentlemen, that I can do for you?"

Are we, Senators, to solve the *Maine* issue upon this atonement theory?

Upon what principle are we to act? Is there any question as to how the dispute should be settled? If it was the deliberate act of an individual and by any process of investigation we could discover that individual, it would be our duty to follow him up and to demand that he should be delivered over to impartial justice. But we do not know the perpetrator. We can not identify him. We insist, however, that Spain shall be punished as a criminal and that barbaric methods shall be invoked.

Mr. President, in cases such as this there is no settlement worthy of the age save the imposition, if the facts be proven, of a liberal and commensurate indemnity and suitable admission of the propriety of our demands.

I would not waive indemnity. Such a waiver would be in the interest of Spain. Assuming that the *Maine* was lost under circumstances involving that Kingdom, a sum commensurate with the deed should be exacted. If you decline indemnity, what are you to do? Shall we train our guns on Morro Castle, upon the city of Havana, drop our shells upon the innocent, and send to eternal judgment men, women, and children who knew nothing in advance of the *Maine* disaster and are not guilty unless their mere presence in the island makes them so? Will you invade Spain? Will you carry the sword of conquest to her capital city and destroy her as would the conquerors of old? Surely such conduct would be antagonistic to the teachings of Christianity. But I am told, "As a penalty, free Cuba."

But, Mr. President, if you admit that there is to be a penalty at all susceptible of justification, you must concede that it should be exacted in accordance with the rules and laws of civilized peoples. You can not justly free Cuba except upon the merits of

her claims. If she is entitled to freedom, her argument must rest upon its own merits. The day for an eye for an eye and a tooth for a tooth, if it ever existed, has passed away. Such a doctrine can not be taught, save by a heretic, from the pulpit of civilization. Surely no human being in this enlightened age wishes to slay an innocent person because of the misconduct or crime of another. Shall we find consolation in the mangled forms and destroyed property which will follow our invasion? If this be true as to the injury we are to do the Spaniard, what shall we say of our own people? Who shall ever pay for the stalwart and brilliant American manhood to be sacrificed? For these no money can be paid or indemnity exacted. If our heroes must die, let it be in an unavoidable conflict, not in a case still under negotiation and where there is a difference of opinion as to the facts.

There are times and hours when such calamities must occur. Such times have been; they are not forgotten in the glorious records of human prowess. But the time is not now. Upon what do you rely to justify war, Senators? Who is the President of the United States? I am not of his party. I need not call attention to that fact. But he, as our Executive, charged with the duty of administering diplomatic affairs, in a state paper which will remain here as long as the archives of this Government endure, has stated your case. Before the world to-day, to-morrow, and after is and will be that statement, made within the Presidential jurisdiction—a statement emanating from the loftiest station known to our system.

What does he tell us? He informs us in appropriate and plain words that the *Maine* matter is the subject of diplomatic negotiation; that he has forwarded a note to Spain and that Spain has responded, declaring that she is willing to submit the matter to an impartial tribunal and to accept its verdict as final. To that proposition no reply, no demand, has been made. We have not officially insisted that Spain must do any particular thing in consequence of the *Maine* incident. She denies that she is guilty, and because she so denies we are told *eo instanti* arose a *casus belli*; that because she negatives the charge in the indictment she can not be heard before any tribunal save one of our own creation. Such is the proposition upon which you must act.

In the council halls of reason, in that tribunal where a single nation does not dominate, but where civilization asserts itself and justice and manhood prevail, it will be held that there has been no judicial investigation of this subject, and this will be the verdict of history, regardless of the report of the Committee on Foreign Relations. No man can judicially investigate the case of one he loves and honors, and who has died, according to common report, by perfidious hands. Can one so interested impartially try the accused? Our own jurisprudence is built on other and more rational lines. Human nature is too weak, its infirmities too obvious, to permit under such conditions that impartiality which alone makes a judgment final in the opinion of the able and the just. No investigation has been conducted with "judicial thoroughness and deliberation," the Committee on Foreign Relations to the contrary. No such judicial thoroughness is being displayed here. We are rushing along at a rate to make familiarity with the record an impossibility, and are given less time to examine issues involving war than is ordinarily accorded to a litigant in an unimportant matter.

For a moment let us consider the other phase of this unhappy dispute—that which seeks to justify our invasion of Cuba because of the inhumanities which have been practiced there. The President feelingly and forcibly alludes to the barbarities which he hopes to terminate. He attributes the extraordinary suffering to Weyler's reconcentration order, but at the same time there is transmitted to us correspondence from our consuls in Cuba showing not only that the reconcentration order has been vacated, but that the insurgents have themselves interfered with the ability of the people to earn their bread. From these reports I make the following extracts:

On page 28, Mr. McGarr, at Cienfuegos, says:

Small predatory parties of insurgents make frequent attempts to fire the cane fields, and it requires constant and active vigilance to prevent their destruction.

On November 17, 1897, Mr. Brice, at Matanzas, reported (page 29):

A general order has been issued allowing reconcentrados to return to the country, but the restrictions placed in order are such as to practically prohibit. If they went, what can they do without money, food, or shelter? Only those who can obtain employment on sugar plantations can live. Insurgents say no one will be allowed to grind in Province of Matanzas.

The same consul, on December 17, 1897 (page 30), reported:

A few plantations are grinding cane. In every case they are heavily guarded by Spanish troops and have paid insurgents for so doing. Was shown a letter from insurgent chief to owner of a large plantation, in which price demanded for grinding was 2,000 centones (\$10.00 United States gold). It was paid.

On page 33 of the same report there is a copy of an order issued by Calixto Garcia, of date November 6, 1897, in which it is stated:

All persons who come within our lines commissioned by the enemy with proposals to submit to Spain will be tried and punished as spies.

Mr. Hyatt, at Santiago de Cuba, reported on December 5, 1897 (page 34):

Mr. Rigney, an American sugar planter near Manzanillo, was preparing to grind during the coming season. A few nights since the insurgents fired seven cannon shots among his buildings, one ball passing through the roof of his house. Americans were hopeful that they would be allowed to make their crop, and several are making ready to do so; but the action of the insurgents toward Mr. Rigney gives the problem a doubtful aspect. It may have been a personal matter against Mr. Rigney.

The same consul, on December 14, 1897, reported (page 35):

The order of reconcentration is now practically wiped out, and, so far as the Spanish Government is concerned, men go about nearly as they please. The insurgents and their sympathizers will unquestionably take advantage of the revocation to get from the towns and cities what they need, and otherwise strengthen their cause.

On January 12, 1898, Mr. Hyatt reports (page 38):

I had hoped that after the reconcentration order was revoked, through the energetic action of the present Administration, we would find no trouble in reinstating American industries; but it appears that all of the benefits that should have accrued to our citizens are thwarted by the action of the insurgents, who refuse to allow them to return to their sugar, coffee, and other estates. The Pompo manganese mines, owned by Americans, which would at the present time be a very profitable investment if allowed to operate, are also being held up by the same power.

The three Revery brothers, who I informed you recently I was about to assist in returning to their coffee and fruit estates, got there only to find they could not go to work until permission was obtained from the insurgent commander, which permission seems doubtful. I myself, as I understand my duty, being inhibited from rendering them any assistance at this point.

Mr. Hyatt likewise reported on January 31, 1898 (page 40):

On Sunday morning the regular passenger train on the Sabanilla and Maroto Railroad, when 5 miles out of Santiago, was blown up by dynamite bombs, exploded by electric wires; two cars were shivered in atoms. Five passengers were killed outright and twenty-two badly wounded, some of whom have since died. It is thought by some that the insurgents believed that Captain-General Blanco was on the train; by others that they merely wanted to notify the General that they were around and attending to business.

This, it will be observed, is the condition of things prevailing after the reconcentration order has been vacated.

On February 1, 1898, Mr. Hyatt again forwarded a report (page 41). He said:

General Blanco's mild and humane policy meets with but a feeble response from his own followers, while the insurgents laugh at the old man who throws sods and grass instead of stones.

Mr. Barker, at Sagua la Grande, on November 20, 1897 (page 46), reported as follows:

As to grinding the present crop, I have interviewed most of the largest planters in this consular district, who stated that unless assured of immunity from the insurgent chief—Gomez—they would not jeopardize their property by attempting to grind.

On December 15, 1897 (page 49), he further reported:

Thinking it may interest the Department, I have the honor to transmit herewith clippings from a leading Spanish journal published in Havana, * * * calling attention to the inability of the mills to grind in the Province of Santiago de Cuba, which is one of the obstacles to grinding in this (Santa Clara) province, were the planters able to pay tribute required by the insurgents.

Mr. Barker, on December 28, 1897 (page 50), states:

To grind this cane without interruption would be the means of saving the lives of thousands who, without this or outside aid within the next thirty to fifty days, must die of actual hunger. Over a month since the planters were officially advised of Spain's inability to provide protection in order to operate their mills. This leaves the sugar growers entirely in the hands of the Cubans in revolt, as to whether they will be allowed to grind without hindrance or fear of total destruction of their property. I know that strict orders have been given to subordinate commanders under no circumstances must mills be permitted to grind, under penalty of violation of the order destruction of property.

The people of Cuba have indeed had a hard time. Apart from personal perils, they have also been forced to pay onerous taxes and to submit to the most extravagant impositions—a state of things for which Spaniards and insurgents seem to be both responsible. I am informed by authority which I deem good that all the sugar mills in Pinar del Rio, Matanzas, and Havana were closed by the insurgents, each factory having some 500 men dependent upon it.

This was a measure of war. I am not challenging or discussing the propriety of it. War is not sympathy—it does not beget comfort or happiness. In our civil conflict we learned something of it. I have read in the records of that period, which our Government is publishing, letters from those who belonged to the respective armies giving accounts of fearful suffering too horrible to describe and incident to the remorseless business of carnage. Death amid the lurid fires of destruction has been, not only in Cuba but in many other lands, the common attendant of war.

It appears plainly enough from the President's message that there were two leading reasons for Cuba's suffering. One was the brutal order of Weyler and the other was the conduct of the insurgents in refusing to allow people to go abroad and produce or procure the necessities of life, as shown by the reports which I have read.

Mr. President, I shall endeavor in a moment to show by the President's message that Spain, instead of ignoring, has been yielding to our demands and that we waited while the obnoxious orders of Weyler were in force, and are now demanding war when the spirit of concession seems to be abroad.

But I will digress a moment to consider the specific resolutions before us. The President, in the light of the facts alluded to in the consular reports, concluded that the condition of affairs in Cuba was such that there was no government which he could afford to recognize. The majority of the committee, in addition to the preamble, reported the following:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

The minority propose this:

The undersigned members of said committee cordially concur in the report made upon the Cuban resolutions, but we favor the immediate recognition of the Republic of Cuba, as organized in that island, as a free, independent, and sovereign power among the nations of the world.

If we concur with the general situation outlined by the President, if we accompany the majority of the committee, we can not escape the conclusion that the amendment of the minority is right, and that the Republic of Cuba, not the people of Cuba, are entitled to recognition. It must be understood that I am opposed either to a declaration of war or to resolutions which must bring war. I hold that there is nothing which we are legitimately entitled to seek which can not be obtained by diplomacy, and that Executive successes warrant this conclusion. But if we must acknowledge the independence of either "the people" or the "Republic" of Cuba, I favor the latter. If there is any governmental organization in Cuba, outside of that of Spain, it is that over which Masó presides. The report of the committee shows this, and if it does not establish that the insurgents have a government, it fails altogether. I might add that I cordially agree with the Senator from Wisconsin [Mr. SPOONER] that the power to recognize is an Executive function. I elaborately discussed that proposition upon another occasion. But the Senate it seems is determined to recognize one of two organizations, and we must all make our choice, whether we do or do not favor either.

I have no suspicion with reference to this subject. My conclusions may be wrong. I have been mistaken more than once. I accord that absolute concession of independent judgment to my neighbor that I demand for myself. But I fear that a grave error is threatened.

Assuming the position taken by the majority of the Senate, how can it be that the people of Cuba are free, but without a government? Is there a monarchy in Cuba, Mr. President? The majority's resolution denies it. If the people of Cuba are free, what is the character of their government? From the circumstances of the case, it must be a republic. If you mean that the people are free, you mean that Maximo Gomez and those who follow him have been successful. The people of Cuba are not free, certainly, disassociated from the Republic of Cuba. Who are the men who have struggled for their freedom—the men who have hidden in the swamps, sought refuge in the forests, passed through labor and travail to accomplish the existence of a nation? If Cuba is free—and you say so—it is the insurgents who have made it so, and their government, the republic, is the representative of the people. Then why not recognize the republic, if you insist upon some recognition?

What is the meaning of the word "people" as here used? In this sense the word means a nation. It is a political entity. It is not a nomadic band of disorganized adventurers or inhabitants without a head. There can not be a free people composed of scattering tribes or individuals with diverse objects waging local dispute, each contesting with his neighbor. If the word "people" is at all appropriate, it means the physical expression in governmental form of the concentrated power and will of those who inhabit the territory involved. Such an organization alone constitutes in diplomatic phrase a people. Why not, therefore, identify the government which you wish to recognize? Why should there be any question here—any doubt to perplex us in the future?

If you are determined to expel Spain from Cuba; if you are determined to contend that violation of the Monroe doctrine is desirable and that it is wise as well as just to invade Cuba; if you are willing to repudiate the precedents of our history and the teachings of the fathers, be nevertheless consistent. Do not go to Cuba without a declaration of what you intend to do. Do not go there without placing upon your banner in indelible and certain language the object you seek to attain. This looks like a war of conquest. For the first time in our history we are to engage in the avocation of either subduing a state or of making a government.

Every member of this body admits that war should come only

as a dernier resort. Then do not invoke it, save only in the cause of that liberty to which every Senator here declares that he is willing to pledge his life; but do not compel it merely because Spain for so many months declined those concessions which she is now making. Even if she is slow, or, as is said, evasive, every hour brings us nearer to the end we all covet. She is gradually acceding to our suggestions. Is there any question as to the ultimate action of those who may seek to carry out the mandates of the majority resolutions?

I attribute no ulterior motives, but able and patriotic men here and elsewhere have construed these resolutions as meaning that something may occur not in accordance with the wishes of any of the American people. Those who approve of intervention do not consent that the insurgents shall be ignored or that we shall be foreign state makers. Let the language, if you must pass any resolution, be plain and simple. Let the words be such that they can not be misunderstood. Now, that attention is called to it, there is no excuse for ambiguity. And out of all this horrid work—if we are to plunge into bloody scenes—let us at least evolve something like a real republic. The President well says that forced annexation would be criminal aggression. Have a care that this does not result.

Oh, if it should happen, which I trust can not be, that after a conflict involving the taking of life, the weeping of widows and orphans, the deprivation of limb, and the sacrifice of the flower of our flock, it should appear that we had waged a war of conquest, and that the permeating motive was not patriotism, but sordid avarice, what a desecration, what a disgrace to the American name! Let us have no doubt about this. We all agree that improper motives are absent, but our phrases will be the subject of ruthless investigation, and the vast importance of the occasion suggests consummate prudence.

I agree, as I have said, with my friend from Wisconsin [Mr. SPOONER]. He and I have discussed the subject here before that the Executive has the power of recognizing independence. I concur with him in disapproval of language which directs the Executive—a coordinate branch of the Government. But I do not design to reopen that issue, so ably treated by that distinguished Senator. I repeat, if we are to have recognition at all—and I believe that subject should be left to the Executive—let it be the only recognition for which there is the slightest argument, that of the Republic of Cuba.

Mr. President, whatever we are to do, I repeat, let it be obviously definite, specific, positive, so that this work may not be worse than it must be.

The majority of the committee have stated as follows—I refer to the report, page 19—in speaking of the insurgents:

They have not been subdued. The autonomy proffered was specious and illusory. It has been rejected by the insurgents, not because it was specious and illusory, but because they will accept nothing short of complete national independence. The suggestion of a more complete autonomy has also been rejected by them. They declare to the United States and Spain alike that no terms short of independence which those powers may attempt to prescribe to them will be accepted. Spain refuses to grant independence.

Thus the committee notifies the world that the Cuban insurgents absolutely decline to accept anything short of independence, and that independence the committee does not intend shall be granted. They have placed the insurgents before us as men who will not voluntarily allow the intervention which this resolution professes to extend. The President asks for authority to establish a stable government. He makes no tender to the insurgents. He seems to recognize the peculiarity of such a course in the light of our nonintervention history.

Sensors, you who believe in intervention as being warranted in the name of humanity, and who are satisfied of your jurisdiction and insist upon immediate invasion, study this platform upon which your country must stand with painstaking devotion. Declare not that a people are free, but give that people a name. Nowhere in the narrative of man's transactions can there be found recognition such as this—so threatened and so defended.

Mr. President, returning for a moment to the second point, as to the propriety of our interference upon grounds of humanity, let me call your attention to the diplomatic situation. Our attitude is shown more particularly by the Presidential message. The President of the United States has informed us that the order of reconcentration has been vacated. The consular reports cited are to the same purport. We learn that that order to which we attribute terrible suffering has been set aside. The consular reports advise us that the partial failure of this late humane act is largely due to the intervention of those who are contesting with Spain. There is now no order of reconcentration. In response to an intimation from the President, General Blanco has been required to suspend hostilities. The bloody mandates of Weyler are all merely history.

The demand of the Executive that they should be revoked and vacated has been affirmatively met. If the details are incomplete, the tendency of the present Spanish policy is toward a reversal of

her former plan of campaign. You are, therefore, before your fellowmen with the only grounds upon which you rely for intervention swept away from you in response to Executive and popular demand. The *Maine* incident, I have said, is not closed. It is a subject in dispute, with an offer from Spain to arbitrate, to which offer we have not responded; nor, indeed, have we made—as I have heretofore observed—any demand whatever with relation to that calamity. Here is our complaint, the basis of our international action, upon which we must justify an attack, met by concessions from Spain. There is not one syllable in the Presidential message to indicate that it is useless to go further. If any such inference could be drawn from the body of the document, it is expressly negated by the postscript, which shows unmistakably that the matter is in fieri, that it is still in progress. That debate has not been terminated. The President's language is as follows:

Yesterday, and since the preparation of the foregoing message, official information was received by me that the latest decree of the Queen Regent of Spain directs General Blanco, in order to prepare and facilitate peace, to proclaim a suspension of hostilities, the duration and details of which have not yet been communicated to me.

This fact, with every other pertinent consideration, will, I am sure, have your just and careful attention in the solemn deliberations upon which you are about to enter. If this measure attains a successful result, then our aspirations as a Christian, peace-loving people will be realized. If it fails, it will be only another justification for our contemplated action.

But we must have war anyhow. Our people want it. It is necessary for us, and so it is to come. Such is the unreasoning language of not a few. But I trust that if we follow such advice we will not proceed upon any basis marked out in the resolutions which are before the Senate.

Years ago a man was appointed from England to a judicial position in India. He fulfilled the duties of his office ably. He was known as a great jurist. His practice was to enter judgment without comment. But he lost his head and filed an opinion. He was at once removed. The resolutions under discussion, thus hurriedly constructed I regret to say, must remain, not for a day, not as a private affair between litigants, who generally lose their individualities and seldom transmit the memory of their wrongs, but your decision will be here photographed as long as society and government continue to be. The reasons which you assign must be those which history will justify under the most rigid scrutiny. If you are determined to fight, if you think, considering the whole situation, there ought to be a war, why not make a naked declaration to that end and proceed without the assignment of reasons which, I fear, will in calmer moments be considered inadequate. We have heard in this debate able men eloquently attacking these resolutions. Their arguments will be more patiently examined hereafter.

Walk upon our streets. We find one man saying war ought to be declared upon one ground, and another who says it ought to be declared upon a different account. The situation must be dubious when the friends of action find it so hard to agree, so difficult to justify.

I repeat, that I fail to see in the light of a careful and painstaking investigation that the end has yet been reached and that argument must be supplanted by force. But for Heaven's sake, make this record clear upon its face at least. Do not so construct it as to disclose any inherent weakness unnecessarily.

Oh, I am told, we are powerful and unconquerable. True. We are mighty. From one end of this great Republic to the other there are in this exigency only united hearts, which argumentative differences can not sever. There is not one who will not aid in defending our common flag. Our resources are boundless; the courage of our people undenied. Granted that we might subjugate the world. There is something beyond that. This, we are proud and prone to claim, is the Republic of the ages. Here is realized the dream of the ancient philosophers who led the vanguard of progress; those mighty few who sought to solve at too early a day the intricacies incident to a free government organized so as to conserve and advance society. Are we to render a verdict justified only by an appeal to power? Shall ours be the barbarian's plea? No, I repeat, a thousand times no! I plead for a determination that will through all the years be approved by those who, knowing the truth, love it.

Mr. President, we have been told that other nations would not have submitted to the *Maine* and other experiences which have been ours. Without further discussion I will concede the assertion, though it might be questioned. Many of the powers of this world—alleged civilized nations—have violated every canon of rectitude and with gory sword have cut pathways for their armies through many opposing ranks and have raised the savage voice of triumph above the lamentations of suffering womanhood and childhood. They have erected their governments over the ashes of departed races. The corner stones of their institutions rest upon human pain and human sorrow. Shall we follow in the wake of such as these? Surely not.

I may be censured for my opinion. Slow in my judgment though I be, I will not involve my country in a controversy which

does not meet the entire approval of my conscience. No blame, no condemnation, will ever force me to bring on a conflict which I deem unrequired by any demand of the highest honor or loftiest patriotism, and which I consider in every sense premature, contrary to foundation principles, and establishing a precedent upon which we may be seduced from those moorings where the ship of state has safely ridden since the days of her first illustrious captain. I do not care what other nations might do or may have done. I do not take advice from them. The higher mission of our Republic should beget higher resolves, and weak or great, we should apply the same rules to all.

Witness the face of nature as it illumines the loftier walks of civilization wherever on this earth the banner of Christianity and advancement has been borne. What language does it speak? It talks words of peace and good will. Men may violate the precepts of right, but the tide of progress will flow ever onward toward better things. Whenever this Republic, acting in the interests of justice, shall demand that a foreign government must acquiesce in that which we can properly demand, that decision I am willing to enforce. When an exaction is insisted upon, I am prepared to maintain our ultimatum at whatever cost. Otherwise the Government must finally fail.

But I will not continue. I might say much that is pertinent along the same lines. I love liberty; I aspire to witness the betterment of man everywhere. But I see plainly that in this instance our just ends could be achieved by peaceful methods. I care more for my own than for any other land. I will not voluntarily, without imperative circumstances, force new problems upon her or permit her to be allured from considerations of grave domestic concern.

Mr. President, those of us who dissent from the attitude of the majority here, and who think that the time has not arrived for the fierce arbitrament of the sword, entertain no doubt as to the issue. We know that our flag must triumph. We know that it must win on land and sea. There will be no dissenters in the camp. This is our council hall. In these Chambers, in connection with the Executive, are solved all questions of peace and war.

We have our opinions, deeply rooted, perhaps, and firmly set, but we are all Americans. The flag that floats above this Capitol is the flag of the whole people. The individual theory must, after our vote here, be subordinated to the judgment of the majority. When that judgment is rendered there is but one view that can prevail, there is but one course to pursue. Shoulder to shoulder, hand in hand, we march forward with equal step to vindicate the conduct and the action of that Government which we believe to be the best that Almighty God has permitted in all time.

Upon the morrow, when this fearful crisis shall be upon us, in evidence of faith and loyalty and union, let there float from every housetop in the United States the Stars and Stripes.

Mr. BATE obtained the floor.

Mr. HAWLEY. Will the Senator from Tennessee kindly yield to me for a moment?

Mr. BATE. Yes, sir.

PROHIBITION OF EXPORT OF COAL.

Mr. HAWLEY. I introduce a joint resolution and ask for its immediate consideration. I send it to the desk that it may be read for information.

The VICE-PRESIDENT. Immediate consideration is asked for a joint resolution, which will be read.

Mr. COCKRELL. Let it be read for information.

Mr. HAWLEY. The reasons for it appear in the morning newspapers.

The Secretary read the joint resolution, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. One moment. Let us know what would be the effect of it.

Mr. HAWLEY. To authorize the President to stop the heavy export of coal that is going out.

Mr. HOAR. For Spain.

Mr. HAWLEY. For Spain; and it is of more value to them than powder.

Mr. PETTUS. If the joint resolution ought to pass, and I am willing that it should, it ought to be an order. Congress can not give the President that sort of authority. If we desire to order that coal shall not be exported, it must be ordered by law. It can not be ordered at the will and pleasure of the President, as he sees fit.

Mr. COCKRELL. I think the Senator from Connecticut can modify the joint resolution so as to meet that point. I hope it may be done.

Mr. HOAR. We shall be obliged to commit to the President of the United States, in my opinion, a hundred times before this emergency is over, a like discretion. But in order to remove the scruple of a single Senator or of any number of Senators in regard to a matter so pressing, I move an amendment which the Secretary will please take down.

Mr. MILLS. Very well; move the amendment and then I will raise a point of order.

Mr. HOAR. Substitute an enacting clause and strike out all of the resolution and insert:

The export of coal or other material used in war from any seaport of the United States is hereby prohibited until otherwise ordered by Congress.

The VICE-PRESIDENT. The Secretary will read the bill as now proposed.

The bill (S. 4419) to prohibit the export of coal and other material used in war was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the export of coal or other material used in war from any seaport of the United States is hereby prohibited until otherwise ordered by Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. QUAY. It seems to me there should be some provision for the exportation of coal when necessary by special license of the President. The bill makes an absolute prohibition.

Mr. GORMAN. Mr. President, I rise to a question of order. By unanimous consent the consideration of the matter before the Senate was to proceed to-day, and I shall object to anything being interposed at this time.

The VICE-PRESIDENT. Objection is made, and the bill lies over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the bill (S. 3154) to amend an act entitled "An act giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Mich., between the villages of Houghton and Hancock," approved March 3, 1891.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 504) granting an increase of pension to Mrs. Christine C. Barnard.

The message further announced that the House insists upon its amendment to the bill (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 20,000 copies of the message of the President of April 11, 1898, together with Senate Report 885, being the report of the Committee on Foreign Relations relative to affairs in Cuba, etc.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 157) to increase the pension of Gen. James W. McMillan;

A bill (S. 487) granting a pension to Delia Gilman;

A bill (S. 499) granting a pension to Sarah R. Fray;

A bill (S. 668) granting a pension to Frances E. Pease;

A bill (S. 1450) granting a pension to Catharine Leary;

A bill (S. 3517) granting a pension to Rhoda A. Van Niman;

A bill (H. R. 639) increasing the pension of Charles B. Eades;

A bill (H. R. 2629) to grant a pension to John Thurston;

A bill (H. R. 3132) granting a pension to Plum P. Miner;

A bill (H. R. 5994) to grant a pension to M. Louise Anderson; and

A bill (H. R. 7539) granting an increase of pension to Martha M. McCall.

INTERVENTION IN CUBAN AFFAIRS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 149) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Mr. BATE. Mr. President, I suppose, according to the arrangement of last night when I was not here, time was allotted to me of fifteen minutes without any request of mine. It is proper, how-

ever, upon an occasion of this kind, so momentous, so fateful, that every Senator who desires should be heard in regard to it and let his position be known to his constituents and the country. I feel much interest, as do my constituents, in this measure, and I would not be candid were I not to say I approach it with a degree of embarrassment.

I have no hesitation, however, in giving my voice and my vote for the independence of Cuba, and I am glad that my colleague and I agree upon this. I believe, in doing so, that we not only do that which is right, but reflect the will of our constituents, whatever they may think upon the subject of peace. I believe that the independence of Cuba should be acknowledged according to the minority resolution presented by the Senator from Indiana [Mr. TURPIE], and it is to that that I propose to speak. Under all the circumstances, I approve of it, and expect to cast my vote for that report known as the minority report, and principally for the reason that it acknowledges the independence of Cuba, and does it promptly and without equivocation.

Mr. President, for years and years you and I and all of us have been hearing of the troubles in the Island of Cuba. It is a part of the current history of the times. There was a time when the United States was solicitous to take Cuba as a part of her Government. But it seems not to be so now. But it has, however, become the sentiment of this country that Cuba should be cared for by the United States.

Her wrongs, her grievances, perpetrated by Spanish rule, have become more or less personal. She has had a war period of many years. But an angry and ominous one has hung over her, filled with wrath, for the last three years. The Government of Spain has so long held Cuba by the throat that she thinks her grip can not be loosed, and resists with violence every effort in that direction, and especially so of any effort by the Cubans themselves. Insurgents have sprung up and for the last three years held at bay Spanish power. I have no criticism upon them because they rebelled against the power of a tyrant.

Insurgents and rebels are synonymous terms, and they have my sympathies.

Mr. President, you may search history—sacred and profane, ancient and modern—and you will find that wherever the word "liberty" is found there are the words "rebel" and "insurgent" on the page in front of it. Rebels and insurgents are the fore-runners of liberty, and history so writes it. I have no criticism to make upon the Cuban insurgents. They did the best they could under the circumstances. One of the best evidences of their patriotism consists in the fact that they fought those battles without money and held the territory without outside aid. They have sustained their cause and have governed the larger part of the beautiful Island of Cuba. Two of the states and three or four of the provinces are under the control of the insurgents and have been for three years.

But we are told in this Chamber that we can not recognize their independence before intervention for fear that when our forces go there General Gomez will take command of them and will govern the conduct of the war. Mr. President, that is not a patriotic idea. That is not the view for a man to take who wants to see Cuba free. It is not the view that Lafayette took when he brought his fortune and his men to America. He did not ask, "Shall I command?" or "Shall the French nation dictate the conduct of the war?" He asked no such question, but tendered his sword unconditional to Washington and took the part assigned him.

When, in the crowning act of our old Revolution, at Yorktown, the tricolor of France fluttered in front while Lafayette was with Washington in the rear of Cornwallis, neither D'Estaing nor Count De Grasse hesitated to cooperate with the American Army and report to an American general. No, Mr. President, should our troops go to Cuba there would be no friction as to commanders. That would soon be adjusted to perfect satisfaction. It is not one of those matters about which we need have apprehension.

The insurgents for the last three years maintained themselves. They have not had, in a strict sense, a government *de jure*, but it can not be questioned, in the face of the fact of the reports which have been made to us from official authorities, that there was and is a government *de facto*, one that we must recognize, and one which has been able to maintain its authority over the territory of that Government in defiance of the power of Spain, notwithstanding her 200,000 troops which were upon Cuban soil. The Cubans have held that territory until this day; they have defended it; they have kept up their little flag for three years in actual warfare against them. And why is it said they are not a power to treat with?

Why need we hesitate upon the ground that General Gomez may take charge of the troops that may be sent there? There is nothing in it other than mere suspicion, and I dismiss it.

History is not without precedents where, under similar circumstances, independence has been acknowledged and recognition given by the nations of the earth. I give a precedent in point from our own country.

Passing by the "Ostend manifesto," which pointed to intervention in Cuba, it must not be forgotten when Maximilian was Emperor of Mexico, possessed of the capital and at the head of a Government, Juarez was a fugitive in the mountains and his government as itinerant as that of Cuba at present. The United States maintained diplomatic relations with Juarez as far as was practicable with a government which, like that of Cuba at present, had neither local habitation nor abiding place.

This country did not stop to inquire where the capital was, nor what seaports were held by Juarez, nor whether his legislature was in session or otherwise, but, regarding Maximilian as a European potentate invading an American State, we gave our moral influence and were prepared to add physical force to the fugitive and peripatetic government of Juarez without drawing the fine distinctions of international law.

A great nation makes precedents and discovers principles suitable and applicable to its own conditions and necessities. The United States called into existence the Monroe doctrine, which, if not yet written in the books of international law, stands as unchangeable as the laws of the Medes and Persians.

This country, in the case of Maximilian, made Europe understand that no foreign prince shall ever sit permanently on an American throne, and the time has now come to further emphasize the fact that the despotism of a European State shall not continue on the Island of Cuba, almost in touch with our shores. The opportunity has offered to enforce this doctrine, and we should embrace it with promptness and vigor and let consequences take care of themselves.

This is an example, Mr. President, which is on all fours with the one now before us in the case of the insurgents of Cuba. But it is said that these Cuban insurgents and rebels are without ships and without forts. They needed no ships, and they could not use them if they had them, for the reason that the insurgent government has not been acknowledged by the world; but if their independence had been acknowledged by the United States or by other nations, Cuba could have provided herself with ships to carry her commerce and she could have had all the relations with the outer world necessary for an independent government.

Neither was it so in the South American republics. When Mr. Monroe recognized them they were without ships of war and had but little commerce, and yet, sir, in the name of liberty, President Monroe did acknowledge them; and if that means anything, it means recognition. The doctrine known as the Monroe doctrine, which, although I believe it is not known on the pages of books on international law, yet the Monroe doctrine is now known and recognized everywhere, and is as fixed and unchangeable as the laws of the Medes and Persians. The Senate so recognizes it.

Mr. President, the right to recognize the independence of a people struggling bravely for national existence appeals so strongly to the American people that the shadowy principles of international law will hardly counterbalance that sympathy which springs in the hearts of a people who won their independence despite the law of nations and the power of Great Britain. The wrongs against which the American colonies revolted were matters of political principle; those against which the Cubans have been in arms these many years have superadded to the same principles the horrors of a warfare hitherto unknown among civilized nations, involving the very existence of the people.

Recognition of independence is always a question of fact, the criterion suggested by publicists being whether the old government had recognized the independence of the new. But no such principle is recognized by this country. Our independence preceded by eight years England's recognition. France in recognizing the United States disregarded the principles of noninterference, and the practice of European governments has for a century been that of interference.

The nations of Europe in 1792 interfered in French affairs and attempted to set up another government for the people of France. The principle of interference to stop the effusion of blood, or to put an end to anarchy, such as that which has existed in Cuba, was, in 1827, justified by England, France, and Russia, when these nations intervened between the Sultan of Turkey and his rebellious subjects, the people of Greece.

The Porte rejected the overtures of the nations, as Spain does those of the United States, and the great naval victory of Navarino became the precedent which it is to be hoped will follow in Havana Harbor. In 1823 France intervened between the Government of Spain and her rebellious subjects, and the army of France marched to Madrid. Again, in 1839, England intervened between the Government of Spain and her rebellious subjects, the Carlists. In 1825 Mr. Canning intervened between Spain and her rebellious colonies in South America, and "called the New World into existence to redress the balance of the old."

The late abortive attempt at intervention of the nations of Europe between Turkey and Armenia recognized the principle of intervention, but it is to be hoped that the fiasco will not be repeated in our intervention between Spain and the Cubans. History is replete with examples and precedents which justify our action

and intervention in Cuba, but on no page of history is recorded a parallel act of perfidy and treachery to that which sunk the *Maine* in the harbor of Havana.

A crime so recent, a horror so appalling, requires of me no repetition of its circumstances. It stands without a precedent and, happily for humanity, without a parallel among nations. Too gross in its iniquity for arbitration, too infamous in its character to be canceled by money, our people approve the Administration in its silence as to indemnity. The mangled forms of American sailors, the shattered wreck of our American battle ship, the dishonor of our flag, admit neither arbitration nor indemnity, but demand of this country prompt recognition of independence for Cuba and immediate active intervention, if necessary, to secure it.

I fully comprehend the responsibility that rests on those who appeal to war. I am familiar with its suffering, its cost, its horrors, but I fully agree with that sentiment expressed so epigrammatically by the Senator from Wisconsin [Mr. MITCHELL] that, "There is something worse than war; something better than money." I add to it by saying that dishonor is worse than war and liberty better than money. Intervention in Cuba and independence for the Cubans may be a matter for debate and discussion, but the crime which sunk the *Maine* cries aloud for punishment—swift, sure, and severe. My vote for those resolutions is given more because of the crime against our flag, our battle ship, and our gallant sailors, than for any other cause.

However much I may desire to see Cuba free and independent by her own efforts, my indignation over the perfidy which deliberately selected the best place in the Havana Harbor to destroy an American ship, and perpetrated a crime without a parallel, carries my judgment for certain, swift, and severe punishment. The ghastly sight "will not down at my bidding."

Go for a moment to the harbor of Havana and see the wreck of that vessel. You are Americans who are proud of your sailors and proud of the flag under which they were. Look there and see the misfortune that overcame them. I believe it was treachery. I do not charge the Spanish Government was a party to it, but I say they had placed those mines there. They knew that fact, and they should have given notice to any of the vessels of another friendly power coming within the purview of such a danger, just as a railroad engineer is required to blow his whistle at a crossing or as a flag is held up to indicate where there is a point of danger.

They knew the danger was there; they had placed the mines there for a purpose; they were silent as to their location, and the authorities certainly directed our battle ship *Maine* to be towed to that point and fastened to that buoy, without giving us notice that the danger was there. The captain of the *Maine* did not know the parts of the bay in which mines were located. He did not know they were there.

He did not have the least intimation that there was danger there; and I say that the death of those sailors of our country cries out in the face of all the civilized world for vengeance. I seek not vengeance; yet I say that under such circumstances we can not overlook what has occurred. No man who loves the flag of his country, no man who loves its honor, believes that that outrage can be wiped out by the payment of money. It is the trembling coward, the sordid huckster, who teaches such doctrine. Our people believe in maintaining the honor of this country, and they feel that this midnight assassination needs rebuke.

I have never thought since the sinking of that vessel that we could keep out of war. As I regard it, it is in itself a *casus belli*. In my judgment it was the duty of the United States Government to have promptly demanded satisfactory explanation, and, Mr. President, as so much has been said in this debate about Andrew Jackson in recognition of the independence of Texas, I venture to say that if he had been at the head of affairs, old Hickory, "by the eternal," would have let loose the dogs of war on Morro Castle in forty-eight hours after the destruction of the *Maine* and murder of our sailors, and perhaps would by this time have made peace with Spain with Cuba free.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. CLARK. Mr. President, a vote on the pending resolution and amendments will be taken at the close of this day's legislative session. I wish it could come now. I have no pride that would cause me to address the Senate or country if by remaining silent the action of the Senate would be hastened by a single moment. Even if I had the graces of oratory of other Senators in this Chamber, if my silence would hasten final action by one time beat of the clock, iron bars could not unseal my lips; for I know, as every Senator here knows, that while we are talking in the Senate of the United States, men, women, and children are dying of starvation in Cuba, the victims of a warfare the most cruel, inhuman, and barbarous of modern times; but knowing as I do that my silence will have no effect to produce quicker action, and aware of the fact that my speaking to this resolution will be productive of no delay in action, I feel it my privilege and duty to give my views in general terms and in few words upon the pending proposition.

Mr. President, with due deference to the conservative warning

of the senior Senator from Connecticut, and with complete respect for the legal doubts of the Senator from California, I have still no fear or hesitation in regard to the vote which I shall give upon these resolutions, nor do I care much for the text of the resolution. Whatever form of expression is agreed upon, the result is the same—war, swift and sure, and war with the most diplomatic, the most deceitful, and the most cruel of all the Christian nations of the earth, a nation that for three hundred years, because of its deceit and cruelty, has seen its power fade and its possessions diminish, until from the time of the magnificent power of Charles and the cruel inhumanities of Alva it has been reduced to the feeble Government of the present and the savage barbarism of Weyler. Even in the face of the certainty of a contest with a nation that has accumulated only vices with its years, and from which we may expect in course of war to receive only deceit and treachery and the methods of war used by a nation of such characteristics, still, Mr. President, this Senate and this nation should not hesitate, nor will they.

The report of the Committee on Foreign Relations, prepared by the eminent chairman of that committee, replete with historical precedents and the legal learning for which he is so justly distinguished, and with its conclusions of fact drawn from indisputable evidence, is such a terrible arraignment of the Government of Spain as must cause every patriotic heart to throb with fervent heat at the indignities suffered by the United States and every Christian soul to stand appalled at the unprecedented cruelty and inhumanity of the long-continued, frantic, and futile efforts to subdue a liberty-loving people.

I had hoped, although almost against hope, that a peaceful solution might be had of all our difficulties. I believe the President, in the trying situation presented, has acted with a patriotism, a wisdom, a moderation, and a patience that will fully commend his course to the sober, candid, and honest judgment of the American people; but I felt in my heart, Mr. President, when our battle ship went down in Havana Harbor, that all hope of such an adjustment was at an end.

Mr. President, as the evidence accumulated, under careful and honest investigation, that the loss of our sailors was due to the direct criminal action of Spain or to her equally criminal negligence, the diplomacy of the world could have accomplished nothing. I most heartily indorse the President for his efforts to secure a peaceful solution. I as fully indorse and commend his course in remitting the whole matter to Congress when it became apparent that further diplomacy would be futile.

Mr. President, I have no wish nor time to discuss the Cuban question proper, nor to go into detail of the miserable condition of that most unhappy island. Others in this Chamber have drawn pictures from personal observation, from well-authenticated facts, and from undisputed conditions, that leads us to wonder if, after all, there is such a thing as Christian civilization on God's earth after two thousand years of Christian teaching; and, Mr. President, the half has not been told, and, as is stated in the report of the committee, even Turkey, "who, abominable and atrocious as her cruelty has been toward her subjects in Greece and in the northern part of her dominions in Europe, has not approached the eminence at which Spain stands in solitary and unapproachable infamy."

The Committee on Foreign Relations, in making up its judgment as set forth in the resolution and report, has very properly, it seems to me, seen fit to go over the entire ground of our relations with Cuba and Spain. Such a course I believe to be a wise one; and yet, Mr. President, in my judgment the insufferable conditions that have prevailed in Cuba for three years, without mention of the *Maine*, of which I desire to speak later, would justify Congress in the course which I believe it will take; and leaving out of the question all such statements of inhuman conditions as have not been fully proven, still a case of perfect justification is made that demands prompt and decisive action.

No matter whether the ground of broad humanity is taken or whether we look only to the rights of Americans and the outrages on American citizenship, our duty is equally clear. I hope, Mr. President, the time may come when our citizenship shall be as we now sometimes falsely boast it is—the perfect guaranty of personal and property security the world over. I believe the time is now opportune. I have no disposition, Mr. President, to give ought but praise to those efforts which have released the citizens of this nation from foreign dungeons.

Thank God for an Americanism that under conditions as they have existed could accomplish that much; may it be but a forerunner of a governmental firmness of policy that shall make the flag of our nation omnipotent to protect our citizenship the world over. But, Mr. President, though prison doors have opened, there are other wrongs to be righted. The eloquent, distinguished, and patriotic junior Senator from Indiana has said in this Chamber during this debate that "not an American citizen is to-day imprisoned on Spanish soil."

Mr. President, I thank God if such is the fact, but I can not

lose sight of the other more potent fact that many an American citizen lies to-day imprisoned in Spanish soil, victims of national hate and official vindictiveness, rotted in dungeons or sentenced to death by star-chamber proceedings or drum-head courts-martial. All in all, such a violation of national rights is made up by the record as is seldom found in the history of the world, and all this without thought or word of excuse, regret or apology from Spain.

But, Mr. President, the crowning infamy of Spain was reached when, in the darkness of night, on the 15th of February, by her agencies, our noble ship was blown from the face of the seas and 266 of her officers and crew were ushered, unshriven and without a prayer or farewell, into the presence of their Maker. God pity the soul and the nation that could compass such a deed. Such an act can not be settled by diplomatic correspondence nor treated by any tribunal of arbitration, the learned and eloquent Senator from California to the contrary notwithstanding. There is but one remedy, and would to God that remedy could restore to our country and to their wives and sweethearts our naval heroes who so miserably perished. That remedy is justice, swift, sure, and complete.

There may be some who doubt the criminal responsibility of Spain. I am not one of them. Eminent lawyers on this floor say the guilt is not conclusively fixed. Mr. President, I would not assume to match my legal acquirements against some of national reputation who have taken that position in this debate. I have been a lawyer only in a sort of a way. But I have been a prosecuting attorney, years ago, in a new country, upon the frontier, where crimes were then frequent and where juries were inclined to fully obey the instructions of the court, to "give the defendant the benefit of all reasonable doubt;" and, Mr. President, in my judgment, upon the evidence of our court of inquiry, to which we are fully committed, and by which we must be bound, in connection with other evidence produced, which has not been and which can not be disputed, there is no impartial jury on the face of the earth that would not find a man guilty of murder in the first degree upon evidence of like character in an ordinary court of justice.

I believe the evidence shows not only guilt beyond all reasonable doubt, but guilt beyond all and any doubt. I can not go into the minute evidence of this transaction at the present time. It is unnecessary to do so, and a minute discussion would be both undesirable and unprofitable, even if time permitted. There are two things, Mr. President, that are said to reach nearly to infallibility, and these are the intuition of a good woman and the general opinion and conclusions of a great and a just nation, and the belief of this Republic to-day is that Spain destroyed the *Maine* and should be held responsible for the act, and, my word for it, if war shall come, the battle cry on sea and land will be "Remember the *Maine*!" This belief of the people is perfectly rational and is drawn from the well-known facts in the case.

Our ship, on a friendly visit in a Spanish harbor, was anchored by Spanish officials over a Spanish mine, placed there by Spanish authority; and the vessel and crew were destroyed either by Spanish authority direct or by Spanish negligence equally criminal. The conclusion is irresistible to the general mind, and in the general mind only, unaccustomed to specious nicety of hairsplitting as to conclusiveness of evidence, do we find the true conclusions.

Mr. President, in this connection I desire to read a portion of a letter received by me but a few days ago from a citizen of my own State, who lives 2,000 miles from the Atlantic seacoast and 6,000 feet above sea level, and who is not consequently hampered in his reasoning by the doubts and fears that seem to create so much disturbance in the minds of some who have their being nearer the tide water of New York Bay. This gentleman is a graduate of our Naval Academy, afterwards a lawyer of wide practice, and now one of the most efficient as well as one of the most conservative judges upon the trial bench of our intermountain courts, Judge Scott, of the district court of the first district of Wyoming. With only the testimony of our naval board of inquiry before him, he brings to the consideration of the question his technical knowledge acquired at our Naval Academy and the severe processes of his judicial mind and arrives at the conclusions expressed in his letter of April 8, a portion of which I desire to read. He says:

I have read the evidence and studied the exhibits in the light of my early education and later training, and I confess that while the report is not as full and complete as I would wish, yet I am forced to but one conclusion, and that is that the Spanish Government is responsible in any view of the case. The evidence conclusively shows that the first blow received by the ship was from the outside and must have been from some very powerful agent to have forced the keel up through the ship, as shown by the exhibit, while the second explosion from the reserve magazine was the immediate cause of the destruction of so many lives. These facts being established, it seems to me to be an easy problem to solve.

No one can say that the mine which caused the destruction of the ship could have been placed in that position without the knowledge of the agents or officers of the Spanish Government. It was a harbor over which that government had jurisdiction and absolute control, and a mine in that position could only be there for one lawful purpose, and that for the national defense.

It is apparent that time fuses could not be used with these engines of destruction. It must, therefore, have been exploded by wire properly connected with the mine and an electrical generator conveniently placed, and the connection of the circuit made by key when the *Maine* swung into position to receive the full force of the blow from the explosion of the mine.

The position of the *Maine* as she swung at her anchorage and the place of the mine at the time of the explosion, or rather its position with reference to the *Maine* at the time of the explosion, imparts a knowledge to the one who completed the circuit or manipulated the keyboard of the exact position, respectively, of the mine and the ship. That it was figured down to a mathematical certainty is evidenced from the fact that the full force of the explosion was received on the keel of the *Maine*. This was not the work of a novice. It was the work of an expert, thoroughly versed in that art of warfare. The mine and the mechanism for using it must have been Government property and under the control of the Government and its employees, for no one else could or would have been allowed to place it there, thus endangering the free navigation of the harbor by merchantmen and other ships frequenting the harbor, and, as stated above, it would have been unlawfully there for any other purpose than for the national defense.

If the mine was exploded by the officers in charge of the same, or if it was exploded by their consent, it was an act of the Spanish Government. On the other hand, if exploded by some one without their knowledge or consent, the Spanish Government is still liable on the principle that if I set a spring gun in my yard, whereby my neighbor is shot and killed, I am criminally liable. I think our citizens ought to be protected in every port on the face of the globe, and that whether they wear the uniform of a sailor or soldier or are in civilian's dress. The *Maine* was on a lawful mission, securely anchored in the harbor of a nation with whom we were at peace. That nation was in duty bound to so govern her citizens that the lives and property of our citizens would be safe. If it actively through its officers and agents assassinated our citizens, or tacitly consented to, or negligently permitted such assassination, it seems to me that no greater cause for war could ever be presented, and especially so in this case where the means of such assassination must have been in the very nature of things the property of Spain.

And, Mr. President, the conclusion of Judge Scott is the conclusion of the American people, and to that conclusion, formed not in haste but after a careful and honest consideration of all the well-known facts in the case, I believe this Senate, by the vote shortly to be taken, will give its full answer. Mr. President, the bond question is raised, but the time has long passed since I have considered this question from a money standpoint. We are warned by Senators, in private at least, that by our action we are possibly creating a national liability of our own for four hundred millions of Spanish bonds, to the payment of which the revenues of Cuba stand pledged, or an indefinite amount of Cuban bonds, which we might be held responsible for.

Mr. President, to me this question has passed beyond the matter of bonds into the broader and, as I think, more patriotic field of national honor. The question of responsibility or nonliability for bonds enters not my mind, nor does it disturb me in the least in the consideration of this question. The time for financial pettifoggery is passed. It cost us a third of a century ago three thousand million dollars to preserve the integrity of the union of these States. I am willing now to devote, if necessary, three thousand millions to preserve the honor of the nation. It is a burden that may perchance rest upon the shoulders of our children and our children's children, but if American patriotism still lives, it is a burden they will gladly accept and honestly discharge; and in this statement I believe I voice the sentiment and the patriotism and rightly interpret the great heart of this Republic.

Mr. President, war is the court of last resort. Woe to that nation that has not a righteous cause. The great captain of Europe uttered an atrocious fallacy when he said, "God is on the side of the strongest battalions." All history disproves the utterance. God is ever on the side of the right, and in this coming contest we are in the right. We stand for freedom of peoples and for republican government, for free institutions and national honor, and in the trying days that are upon us the American people, having a just knowledge of their responsibility and a full appreciation of their duties, will have but one watchword: "Remember humanity; remember the *Maine*." And to this they will add the fervent and confident prayer, "May God speed the right."

Mr. PASCO. Mr. President, though I have participated but little in the debates in the Senate upon the different phases of the Cuban question as they have from time to time been presented here, I have been greatly interested in the uprising of the people there against the domination of Spain, and my earnest sympathy has constantly been with them in the brave struggle for independence and a republican form of government which they have thus far maintained against a powerful opponent, superior in numbers, in discipline and training, and in the resources of war. The Cubans are near neighbors to the people of Florida. We have desired and hoped for their success in this unequal contest; and in advocating the fullest measure of recognition that our people and our Government could give them, according to the usage and practice of civilized nations, I have always been in entire harmony with the best sentiment of the State which I have the honor in part to represent.

The two Houses of Congress were satisfied from the information that had reached them more than two years ago that the contest had advanced beyond a condition of temporary and lawless resistance to constituted authority, beyond a mere revolt or insurrection, and they solemnly and formally declared by a concurrent resolution that there was a state of war in Cuba with all that is signified by that expressive word. It meant that the Cubans were

an organized force, that they were maintaining an army in the field, that they were capable of joining battle with Spain, and that in the opinion of the Senate and the House of Representatives of the United States the armed men sent into the field by this organized force were soldiers and not lawbreakers and criminals, and that they should be treated, whenever they fell into the hands of their enemies, according to the laws of civilized warfare. More than a year later, in May, 1897, the Senate made a like declaration in the form of a joint resolution, and it was sent to the House of Representatives, but it was never passed by that body. These findings and declarations have been fully justified by the subsequent history of the contest.

Spain, with all her vast resources, has failed to restore her civil authority over the island, force has been continually met by force, and a governmental organization with armed soldiers to sustain it has maintained itself in open defiance of the Spanish Government ever since our first declaration of the existence of actual war.

Notwithstanding this deliberate action of the Senate, twice repeated, and the terrible array of facts developed during the debates, there was no response to these resolutions by the Executive, and the conflict, whether war or not, has gone on till weeks have lengthened into months and months into years.

Meanwhile army after army has been sent by Spain to put down those who have been resisting her authority by force and arms. Sections of country have been desolated so that the inhabitants might have no opportunity to afford aid and comfort to the revolutionists. The people driven from their homes have been compelled to remain in towns and villages within the Spanish lines of defense, and the Senate and the country have recently been informed by members of this body who have gone to Cuba and witnessed the actual conditions there of the suffering and starvation and sacrifice of life that has been going on among these reconcentrados and still continues. The civilized world has been shocked by the sad and terrible revelations.

The time has at last come for some action on the part of Congress to settle our differences with Spain and to relieve her victims from the oppression and sufferings which they have long endured. Diplomacy has failed. The President has despaired of accomplishing any results by further negotiation and has turned over the issue to Congress. In doing this he says, "I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors," and he is now awaiting our action.

Those who have had some experience in war are fully aware of its horrors, and would gladly see this as well as all our international differences settled by peaceful methods; but these methods have failed, and the committee to whom the President's message and the resolutions it evoked were referred have, after careful deliberation, reported their recommendations, some of which I propose briefly to discuss before the vote is taken.

The preamble and resolutions of the committee are as follows:

Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Havana, and can no longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

A minority of the committee offer the following amendment, proposing a recognition of the Republic of Cuba as the true and lawful government of that island, and I favor its adoption:

Insert in line 4, after the word "independent," the following: "and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island."

This republic is an organization that has maintained itself for more than three years against the power of Spain. Nearly two years ago Consul-General Lee reported to President Cleveland that the Spaniards stood no chance of ever suppressing the insurrection, and during the present week he testified before the Committee on Foreign Affairs that he does not think there is the slightest possibility of their being conquered by Spain and that peace can not be restored to the island by that power.

In December, 1896, the Secretary of State in his annual report

showed the strength of the Cuban power at that time, and I make the following extract from this report:

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

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

So, too, the Spanish force, in the field, in garrison on the island, or on its way thither from the mother country, is largely beyond any military display yet called for by a Cuban rising, thus affording an independent measure of the strength of the insurrection.

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

There is a white population upon the island of 1,000,000 people, and 700,000 of these, according to the testimony before the Senate, are supporting or are in sympathy with this organized government. This government is an existing fact. It has a written constitution, adopted in October, 1895; the supreme power is vested in a President, Vice-President, and four secretaries of state; its authority is recognized over fully one-half of the territory of Cuba, which, the Committee on Foreign Affairs informs us, is held to the exclusion of Spain; its officers collect taxes and discharge other official functions, and have done so ever since the first few months of the war; it has in the field an army of more than 30,000 men, and represents a force strong and powerful enough to insure domestic tranquillity when the hand of war is withdrawn.

The President tells us in his recent message that "the long trial has proved that the object for which Spain has waged war can not be attained," and with this quotation I can leave this part of the subject.

I am not troubled by the suggestion that the proposed amendment trenches upon the prerogative of the Executive upon the theory that to him exclusively belongs the right to recognize a new member of the family of nations. Whether this is correct or not, when the recognition is a single act unaccompanied by no other proposition, is a question which Senators learned in the law have differed upon, but it is not a material question here. We are now called upon to act under a power granted exclusively to the Congress by the express terms of the Constitution, and the question of recognition is inseparably connected with it.

The President has realized that his powers are inadequate to deal with the subject. He has remitted it to the Congress. We are to reach a result that all admit requires the united action of two of the great departments of the Government, and the Executive stands back and says the legislative must take the lead. He will at the appropriate time act upon the pending resolution as a branch of the legislative department, and if passed with the proposed amendment and thus approved, I do not share in the doubt expressed by the Senator from Wisconsin [Mr. SPOONER], as to whether under such circumstances the recognition will be complete. What the legislative hand has signed the executive arm will surely execute.

The war is inevitable. I do not hesitate to say, in view of recent events, that it has begun. Spain struck the first blow when on the night of February 15 a Spanish submarine mine, without notice or warning, was sprung in Havana Harbor, and by the explosion the *Maine* was destroyed and hundreds of her officers, seamen, and marines were hurried into eternity.

This was practically recognized as an act of war on the 8th of March when, at the request of the President, the two Houses of Congress placed at his disposal \$50,000,000, to be used in his discretion for the national defense and every purpose connected therewith. Since that time the Departments and bureaus have sounded the note of preparation, our vessels have been prepared as rapidly as possible for active service, new vessels and munitions of war have been purchased at home and abroad, our fortifications have been strengthened, and patriotic citizens in all parts of the Union have offered their services in defense of their country when the two nations confront one another in the inevitable conflict which is approaching, while in the meantime Spain has employed like diligence in warlike preparation. The resolutions we are now considering will soon be followed by the raising of armies and the invasion of Cuba. When our forces land there, I agree entirely with the Senator from Kentucky [Mr. LINDSAY], in the proposition contained in his recent

resolution, that the contemplated military operations of our armies should be carried on in concert with the forces of the Cuban Republic, commanded by Gen. Maximo Gomez, under suitable and proper arrangements to be entered into between the military authorities of the two Governments and with our generals in chief command.

The resolution is as follows:

First. That the contemplated military operations against the Spanish armies on the Island of Cuba should be carried on in concert with the military forces under the command of Gen. Maximo Gomez, such concert to be secured through arrangements between this Government and the Cuban revolutionary authorities recognized by said Gomez, and that any offer looking to such arrangements that may be made by those authorities should be favorably considered, provided it shall concede to the commanding officer of the United States troops the right to control and direct all military operations.

Second. That all such military operations should be carried on to the end that the independence of the Cuban Republic may be secured.

The two nationalities have a common purpose in view in their determination to forever terminate Spanish domination upon the island. They are natural allies in this emergency. The Cuban soldiers are acclimated; they know the country well and thoroughly, and their cooperation with us must speedily result in the occupation of the cities and strongholds by the American and Cuban armies.

I do not accept the view presented by the President in his recent message of the 11th of April, when he says that our forcible intervention to stop the war involves "hostile constraint upon both the parties to the contest, as well to enforce a truce as to guide the eventual settlement." I shrink with abhorrence from any idea that the approaching conflict is likely to result, under any circumstances, in imposing hostile constraint upon the Cubans who are defending themselves against Spanish tyranny.

Many of these people who have sought our shores to avoid the hard conditions now existing in their own land have settled in Florida, and they are for the most part peaceable and well-disposed citizens. They supply the skill and labor which have made an important addition to our manufactures at Key West, at Tampa, and at other points, and they have added largely to our wealth and resources. They are a liberty-loving people, and have contributed freely of their means to aid their countrymen who have carried on this prolonged contest for freedom and independence. They are an intelligent, well-informed people, interested in the education and moral training of their children, eager for information and knowledge and self-advancement.

These people here and at home have been taught to believe that Americans are their friends and that our Government and our free institutions are worthy models for them to follow in building up a new republic in the Island of Cuba. There should be nothing in our action here to drive them from us or to give any grounds for apprehension that a time may come before the coming contest is brought to a termination when the flag of the United States will symbolize hostile constraint upon those of their countrymen who are in arms against Spain.

We can make no better beginning than by declaring at the outset that the republic is free and independent, and with this free and independent government as an ally our cause will have the good will of the lovers of human liberty the world over. Such a recognition will relieve us of any well-founded charge of aggression or self-aggrandizement if we thus make it clear that we propose to claim no power, when the victory has been won, to force upon an unwilling people unwelcome rulers or unreasonable burdens or harsh conditions.

We have hitherto labored under an embarrassment in our negotiations with Spain, because we have not recognized any right in the Cuban Government to be considered or heard with reference to subjects in which she has vital interests, and arrangements are proposed which can only be successfully carried out with her consent. An armistice was proposed, to continue until October next; but how vain an armistice must be unless the Cuban military force is a party to it. It is often said that it takes two to make a quarrel, but it is equally as true that one man can not maintain the peace when his neighbor continues his attack upon him.

The Cuban Republic, as a recognized Government, can agree with Spain, if a proposition for an armistice is offered or can authorize the United States to speak in her behalf, if we attempt to negotiate for her; but an unorganized population can agree to no armistice, and the pending resolution seems to contemplate only an unorganized population when it says "that the people of the Island of Cuba are, and of right ought to be, free and independent."

If the resolution of the committee is thus amended and our efforts are to be exerted in behalf of an independent republic and not to establish a government to be shaped under our dictation hereafter, I shall support the amended resolution. I may do so, though it will be with extreme reluctance, if the amendment should fail, in the hope and expectation that a recognition of the republic may be accomplished at a later day and that subsequent action may remove any unfavorable results that are apprehended from the passage of the resolution as it came from the committee.

Mr. President, the time at my disposal is limited, and I can not enter into the details of the subject as I should like, but we have passed the stage of prolonged debate. The time is at hand for action. I have the honor to represent in part a State that is peculiarly interested in this result; it is nearest the scene of action. During the continuance of the difficulties between Spain and the revolutionists there has been almost daily communication between the different ports of Cuba and our own harbors, and thousands of refugees have made their homes in our cities and towns. The sympathy that has been expressed and manifested for these unfortunate people has engendered the ill will of their enemies. We have a long line of coast around our State exposed at many important points to attack by an armed flotilla, and until recently there were no preparations for defensive warfare except at two points.

We may have to bear the brunt of the first shock of war, and our exposed position warns us that the danger of attack and invasion is imminent; but if war is necessary to defend the honor of our country, and to defend the young republic established almost within sight of our peninsula and the keys and islands around our coast, and to assist in making good the declaration of independence which its people have made, the people of Florida will accept the verdict which we will here render after a deliberate consideration of the situation as it has been presented, and will meet whatever results may follow calmly and courageously, and in the full confidence that the God of Battles will give to us the ultimate victory.

Mr. MALLORY. Mr. President, I have been among those who have deemed it their duty, while the matter of our controversy with Spain was pending in a diplomatic manner, to withhold any criticism of the President or any suggestion as to what course should be pursued by him. The matter was properly within his jurisdiction, and as long as it was confided to him by the Constitution and the law we deemed it but right and proper that the entire control of the subject should be left with him. But the Executive has informed us that he has ceased to undertake to carry on any further diplomatic negotiations. In his message recently sent to us he tells us:

The issue is now with the Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors. Prepared to execute every obligation imposed upon me by the Constitution and the law, I await your action.

The Executive has informed Congress that he has exhausted his resources, and he has called upon Congress to take action at the point where he has been compelled to leave off. Upon us devolves that great responsibility. I admit, with those who have expressed themselves upon the floor, that this is a most serious responsibility. We all appreciate the accuracy of the pictures which have been limned before our eyes as to the horrors of war, and I take it there is none on this floor who is willing to rush into war if that calamity can possibly be averted.

Mr. President, I regret very much that the Executive felt impelled to cease efforts at negotiation. I believe it was possible under some circumstances to have avoided the issue which is here presented to us, and I must say that it is with great regret that I appreciate that the President has reached the conclusion that it was impossible for him to do anything further in the premises. I would not be understood as criticising the Executive harshly, but as a member of this body, as one who is called upon now to act at this most solemn and momentous moment, I feel that I am justified in expressing myself plainly, notwithstanding it may possibly involve a suggestion of disagreement with the Executive.

I shall not, in the brief time at my command, undertake to go over the various points of difference wherein I find that I can not agree with the views of the Executive. I will be just to him and say that I have ascribed to him nothing but the loftiest and most patriotic motives in the action which he has taken. We know his history. We know that he is the chosen of the 70,000,000 people in this country. We know that his record up to this time has been pure and patriotic, and I would be the last man to undertake to cast a reflection upon any conduct of his that was not fully justified by the facts.

But, Mr. President, in passing, only stopping for the purpose of asserting the fact that I do not agree with all the policy which has been pursued by the Executive, I would advert for a moment to a fact that was brought out this morning by the senior Senator from Nebraska [Mr. ALLEN] in reference to the application made to the President by the representatives of six great powers with a view to mediating between this Government and Spain. The Senator from Nebraska stated that he had inquired of many older Senators if there was any precedent for it, if there had been anything of the kind in the history of this country, and that he was informed there never had been.

I beg to call that Senator's attention to the fact that on an occasion on which this country was in far greater stress than it is at this moment, in the year 1861, a similar interposition on the part of foreign nations was attempted with regard to mediation between the United States and the people of the Confederate

States. The effort was made by Great Britain and France, and a visit was paid to the then Secretary of State, Mr. Seward, for the purpose of conveying to him the sentiment of the two great powers represented by their ministers. These facts are given in a lecture delivered by Mr. Frederick W. Seward, the son of Secretary Seward, and I think they can be accepted as absolutely authentic. I will not undertake to read what was said by Mr. Seward, but I will ask unanimous consent that the extract from his lecture which I have here may be published as a part of my remarks:

Early in the war it was learned through the legation at St. Petersburg that Great Britain and France had agreed to take one and the same course on the subject of the American war, including the possible recognition of the rebels. Later this understanding was distinctly avowed by M. Thouvenel, the French minister of foreign affairs. This alliance for joint action might dictate its own terms. From a joint announcement of neutrality it would be only a step to joint mediation or intervention; and it was hardly to be anticipated that the Washington Government, struggling with an insurrection which had rent the country asunder, would be willing to face also the combined power of the two great empires of western Europe.

To the minds of French and English statesmen the project was even praiseworthy. It would "stop the effusion of blood" and increase the supply of cotton. It would leave the American Union permanently divided, but that was a consummation that European statesmen in general would not grieve over.

On the morning of the 15th of June a scene occurred at the State Department which had more influence on the fortunes of the Union than even a pitched battle. The Secretary was sitting at his table reading dispatches when the messenger announced:

"The British minister is here to see you, sir, and the French minister, also."

"Which came first?"

"Lord Lyons, sir; but they say they both want to see you together."

Seward instinctively guessed the motive for so unusual a diplomatic proceeding. He paused a moment and then said:

"Show them both into the Assistant Secretary's room, and I will come in presently."

A few minutes later, as the two ministers were seated side by side on the sofa, the door opened and the Secretary entered. Smiling and shaking his head, he said:

"No, no, no! This will never do. I can not see you in that way."

The ministers rose to greet him.

"True," said one, "it is unusual, but we are obeying our instructions."

"And at least," said the other, "you will allow us to state the object of our visit?"

"No," said Mr. Seward, "we must start right about it, whatever it is. M. Mercier, will you do me the favor to come and dine with me this evening? Then we can talk over your business at our leisure. And if Lord Lyons will step into my room with me now, we will discuss what he has to say to me."

"If you refuse to see us together," began the French envoy, with a courteous smile and shrug.

"Certainly, I do refuse to see you together, though I will see either of you separately with pleasure, here or elsewhere."

So the interviews were held severally, not jointly, and the papers which they had been instructed to jointly present and formally read to him were left for his informal inspection. A very brief examination of them only was necessary to enable him to say courteously, but with decision, that he declined to hear them read or to receive official notice of them. Writing to the United States ministers at London and Paris, he said: "We shall insist in this case, as in all others, on dealing with each of these powers alone, and their agreement to act together will not at all affect the course we shall pursue. This Government is sensible of the importance of the step it takes in declining to receive the communication in question."

The projected intervention, thus thwarted in the first year of the war, was again and again attempted in some different form during each succeeding year. At one time the plan was seriously discussed in the imperial councils at Paris of putting forward some small power, like Belgium, to pick a quarrel with the United States, and then the two great Empires, suddenly espousing that side of the controversy, would be able jointly to crush the American Government thus drawn into a trap.

The substance of it is that Mr. Seward had received information that he was to receive a visit from the two ambassadors or representatives of France and Great Britain for the purpose of expressing to him the wishes of their countries with regard to the war then existing between the United and Confederate States. The call was made. Mr. Seward was notified of their presence and went to them, and before they had an opportunity to express to him their purpose he informed them that, while he was perfectly willing and always glad to receive either of those ministers, he did not care to receive them officially together, and that he would not do so; that he would accept as unofficial the note which they wished to present; he would read it over, and he would let them know thereafter whether he would receive it officially.

The ministers departed. Mr. Seward read the note, and came to the conclusion that it involved an interposition on the part of those powers in our affairs on this side of the Atlantic, and immediately he resolved that he would then and there stop all pretensions on their part to express their wishes with regard to the conduct of affairs in the matter. Writing to the United States ministers at London and Paris, he said:

We shall insist, in this case as in all others, on dealing with each of these powers alone, and their agreement to act together will not at all affect the course we shall pursue. This Government is sensible of the importance of the step it takes in declining to receive the communication in question.

There is a precedent—a precedent which it will be well for us to adhere to in this our day of unity and strength. It was established at a time when much depended upon it and when it would have been difficult, perhaps, for the United States, had it not been for the prescience, for the foresight of Mr. Seward, to have successfully met the effort of the European powers. I refer to this now, not in a spirit of criticism, but because I am satisfied that in the emergency which is before us now, possibly, probably, a similar effort

will be made, not by two powers, but, as was done the other day, by six powers, and I think, Mr. President, in view of the precedent established by Mr. Seward, that similar conduct on the part of this Government with regard to such a proposition should be observed.

Mr. President, I have said that I regretted that the Executive had come to the conclusion that negotiation was no longer possible between this Government and Spain, and as things stand now I concur with the opinion expressed by the great majority of those who have addressed the Senate in the belief that we are now so committed to war, that hostilities are so near at hand, that it does not lie in the power of any man or any set of men to avert that terrible calamity. The question is, then, what is best for us to do?

We are presented here with the consideration of three propositions—the majority report of the Foreign Relations Committee, the minority resolution, and the joint resolution passed by the House of Representatives. So far as the last is concerned, while I shall not say that under no circumstances will I vote for it, I regard it as a measure which is, if not unconstitutional, so close to it that it would require a great strain upon my sense of duty to justify me in voting for it. Anyone who looks at it will see that it practically confides to the President the war-making power, because, while it declares—

That the President is hereby authorized and directed to intervene at once to stop the war in Cuba to the end, etc.—

when it comes to the point of providing the ways and means whereby he shall make that intervention good, it says:

And the President is hereby authorized and empowered to use the land and naval forces of the United States to execute the purpose of this resolution.

In other words, if the President choose to exercise the discretion there confided to him, of invoking the vast power of the armed forces of the United States, he is at liberty to do so, or if he prefers not to do so, there is no requirement that he shall. For that reason, in view of what has been said upon the subject of delegating our war-making power to the Executive, in view of the fact, and I do not think it will be disputed, that that is beyond our power, that we are recreant to our oaths if we undertake to commit to him so vast a power, I can not see how we can consistently support any such resolution.

The VICE-PRESIDENT. The time of the Senator from Florida has expired.

Mr. FAULKNER. Mr. President, I fully realized that after the full and elaborate discussion which has been had in the Senate on the subject now pending for our action, that little, if any, information could be added to that now in its possession. For weeks the grave responsibility which the present crisis has produced has commanded the best thought, the diligent investigation, and the most earnest patriotism of every member of this body. Each has determined for himself the course which he should pursue, inspired by the highest sense of duty to his country and with the full realization of the consequences which will follow from his action.

None who have been in touch with the intense and earnest sentiment of this body can hesitate or doubt as to the character of its utterance. If any doubt or anxiety exists, it is not as to what will be the action of the Senate, but how promptly and unitedly that action will be taken. The American people do not court the horrors of war, but they will not submit that their honor shall be imperiled, the lives of their citizens taken, and a fertile and populous island at their very doors rendered desolate and her population decimated by unrestrained and barbarous decrees issued by authority of an unfeeling and unforgiving nation.

The President has informed Congress that he has reached the end of diplomatic negotiations. Only one of two courses is left open for us to take. We must submit to the indignities, insults, and barbarous acts which have marked the course of Spain to this country and to the people of Cuba, or with clear, ringing, and distinct voice the American Congress must make such a declaration as will leave nothing for construction or inference, and declare to that Government and to the civilized world that after full and deliberate consideration, the course of honor and safety lies only for the protection of those rights and interests which have been invaded, indemnity for those lives which have been sacrificed so cruelly, and the removal of the barbarism which has existed in the Island of Cuba, by submitting its cause to the arbitrament of war.

The mailed hand of oppression must be lifted by this nation from the emaciated shoulders of the people of Cuba and the rights and lives of American citizens must be made inviolate by the lesson which will be taught, that secrecy and treachery will never be permitted to shield a national responsibility. But little difference exists in this body as to what should be the action of the Senate, but we have debated long and earnestly as to the method or form by which that result should be reached.

Though not in full accord with the views I entertain on this subject, I shall support the unanimous report of the Committee

on Foreign Relations, to whose patriotism and ability, under the rules of the Senate, this question has been submitted for their recommendation and action.

I regret that I can not give my earnest support to the amendment which will be submitted by the minority of that committee. Upon this question I have the most decided view as to the law which should govern us and as to the policy which at this time should control our action. Had it not been for this difference of opinion with so many of those in whom I have the highest confidence as to their ability, learning, and patriotism, I should have remained silent and not delayed the final action of this body one moment by taking part in this debate; nor will I at this time attempt to go over the field which has been garnered so fully by those who have preceded me, but content myself with briefly stating the conclusions which will control my action in casting my vote against the amendments which will be submitted by the minority.

First. It is not such a government as under the well-known rules of the law of nations is entitled to be acknowledged as a new state in the sisterhood of states and sovereignties.

Second. The principles which have for over a hundred years governed this country, and which have been maintained through every Administration which has been called upon to act upon similar questions, would prohibit its recognition as a free and independent sovereignty.

Third. The advice of every official of this Government charged with the duty of ascertaining the real character, power, and function claimed to be exercised by the insurgent government in the Island of Cuba is adverse to its recognition as a state by the Government of the United States.

Fourth. The consequences which might follow such action upon the part of this Government, when it claims the sympathy and challenges the respect of civilized nations for its patience under great provocation and its strict adherence to those well-recognized rules of conduct approved by all enlightened nations, are too grave to permit a mere sentimental desire on our part to control the action of this Government under the facts presented for our consideration.

Fifth. The President of the United States, representing a coordinate branch of this Government, has informed Congress in an official communication that with the information in his possession, derived from those sources upon which he has the right to rely, in his judgment, under the principles of the law of nations and the position which this country has during its entire diplomatic history assumed on this question, the facts and circumstances bearing upon the existence of such a government did not warrant the Executive in recognizing the independence of the Cuban Republic.

Sixth. This being a joint resolution, it must be submitted to the President for either his approval or disapproval. He has announced to Congress his views on this question. He has officially declared that the facts did not justify the acknowledgment or recognition of the independence of that Government. Under these circumstances, in my humble judgment, it would be unwise in the legislative department, under the grave conditions surrounding our action, to force upon the Executive the alternative of violating his conscience or repudiating his declaration as to his official duty by asking him to approve the resolution or, if he could not yield to the views of Congress upon this question, to compel him to return with his disapproval a resolution which, in fact and in law, is a conditional declaration of war by the war-making power upon the ground that Congress has included in that declaration subjects which are not within its usual and ordinary primary jurisdiction, and upon which the Executive has formally announced that he differs with Congress.

Seventh. If the resolutions reported by the Committee on Foreign Relations of this body shall finally pass the Congress, it is a conditional declaration of war with the Kingdom of Spain. In entering upon so grave and vital a controversy in the name of the people of the United States it should be our object to crystallize all elements and agencies. Difference on nonessentials to the interests of the United States at least should be harmonized, that in the face of the world we may present a united front, not only in the legislative branch of the Government, but through the hearty concurrence in our official action of all branches of the Government charged with the inauguration and conduct of that war. Party interests, sectional differences, personal views which do not involve a sacrifice of constitutional principles or national interest, should be made subordinate to unity of purpose and effort. For these reasons I shall feel constrained to cast my vote against the amendment proposed to the Senate resolutions by the minority of the committee.

Mr. WILSON. Mr. President, I had hoped that the resolutions of the Committee on Foreign Relations might be adopted by the Senate without debate. It was my earnest desire again to witness that magnificent spectacle of the representatives of the people, without regard to party, voting to maintain the national honor

with the same calm dignity with which they voted fifty millions for the national defense.

Mr. President, the results of that act were worth all the cost. It said to all the world that the American people were united. It said that all sectionalism had been abolished. It said, "No North, no South, no East, no West, but one country, one flag, one people."

I had hoped for immediate action. I had hoped to see the Senate and House hold up the hands of the President, "even until the going down of the sun and until Amalek and his people should have been discomfited with the edge of the sword."

Mr. President, I regret, as this debate has progressed, that an apparent effort should have been made to obtain some partisan advantage from such a serious issue as that of war. "Our country first and party afterwards" is the motto that should guide all true patriots. In the last one hundred years no war has been declared or refrained from without criticism, usually unjust, upon those who have had the responsibility of waging it.

In 1870 France, with the cry "On to Berlin!" and without preparation, rushed headlong into war; and Alsace and Lorraine stand as monuments to her folly. But yesterday Greece clamored for war, and her Government was forced into it without adequate preparation and with an army and navy that had nothing to fight with but the remembrance of the glories of Salamis, Marathon, and Lepanto; and it took the combined force of Europe to maintain her integrity as a nation. Mr. President, what we needed was adequate preparation; less oratory and more powder; less rhetoric and more rams.

I am not versed in—nor do I care for—academic discussions of so-called international law. Divesting it of all subtleties and applying the principles of a sound common sense to this question, it must be acknowledged that the United States has grave ground of complaint against Spain. It is not that Spain has maintained a nuisance at our doors; it is not that we have been forced at an enormous expense to maintain our neutrality; it is not the fact of her centuries of misrule in Cuba, culminating in a barbarous and cruel war. It is all of these together that make the situation intolerable.

When the *Maine* went down in the harbor of Havana, she carried with her the last hope of Spanish sovereignty on the Western Hemisphere, and the silent and sunken wreck in that harbor is the harbinger of liberty and independence to the insurgents of Cuba.

Mr. President, I have heard much in this debate of the cost of war, and that this, though a powerful, was a peace-loving nation. No one has greater admiration for the marvelous development and growth of the American people than I. No one has greater admiration for their business acumen, activity, and enterprise, and no one more highly values their importance. The point is often made here and elsewhere that we must not disturb business, must not interfere with trade. There is more to deal with in the life of a nation than business or trade. There is patriotism, love of country, honor, and virtue—things that money can not make and money can not buy. What is it, as we go forth from this Chamber and see the flag floating above us, that causes our hearts to beat stronger? Is it because we have become rich and powerful under its folds? I think not. When I see it there, I see no dollar marks on its broad stripes. I do not see the motto of the epicure—"Let us eat, drink, and be merry, for to-morrow we die." When I look I see, if anything, the picture of Washington, marching from defeat at Long Island to victory at Trenton, going from misery and starvation at Valley Forge to glorious triumph at Yorktown. I see the triumphs of John Paul Jones, of Perry, and Decatur. I see the grave and patient face of Lincoln, surrounded by all that mighty host that went forth to battle for constitutional liberty and that men might be free.

Mr. President, it is respect and honor for our flag and the principles it stands for that has made this country one of the great nations of the earth.

The Constitution of the United States imposes upon Congress the right to declare war. And while I would not shift upon any man, no matter how high his station, the responsibilities in which I should share, speaking for myself alone, if I could have my way, I would lay aside all other resolutions and cast my vote for a direct declaration of war. And I would follow that declaration with a vote to give to the President of the United States the money to make it effective, that we might wipe out the foul insult to our flag in the harbor of Havana.

Since the night of that unfortunate tragedy, if Spain had denounced the act and hunted down the assassins, meting out to them punishment for their crime, some avenue might have been left open to maintain an honorable peace. But in place of investigation we have had a shameful and self-convicting farce. In the place of honorable amend, we are now brought face to face with a foul slander upon the dead and living heroes, and the Spanish prime minister, in his official capacity, posts the officers and men of the *Maine*, both living and dead, as cowards, poltroons, and tricksters. In the name of the American Navy and in the name of her heroes of the past and of to-day, I denounce the foul slander.

Mr. President, Spain reached the height of her glory during a past age. Unwise and wasteful in her day of power and prosperity, when her splendor dazzled the world, she stands to-day, without art, without literature, without science, and without hope, a bankrupt and ruined nation. There can be no glory in war over such a carcass. But we shall have war; not a war of conquest nor aggression, not war for territorial aggrandizement, but war on behalf of liberty and humanity.

Mr. President, the issue that confronts us is momentous. But I do not doubt but that the representatives of the people will meet it with calmness and dignity, and work out its solution with a high sense of justice and honor, and when history shall speak of that nation which is greatest among the nations of the earth, she will say:

Each of the nations around you has fought for her country and line,
But thou hast fought for a stranger, in hate of a wrong not thine.
Happy are all free peoples, too strong to be dispossessed;
But blessed is she among nations who dared to be strong for the rest.

Mr. PETTUS. Mr. President, in this solemn hour I have no thought of discussing the causes of war. I shall make a few remarks on this occasion, mainly to explain some plain principles of law that I think deserve the attention of the Senate.

First I will answer some remarks that have been made about the President of the United States. I have no thought of criticizing that great citizen whom our people have put in place to rule over us according to the Constitution of the United States. In his line of duty, in his line of power, I have no word of criticism to make. He came to the position he occupies a distinguished citizen, of clean reputation, of much education and experience, and I believe myself that he is to-day as patriotic a citizen of the United States as there is in this Chamber. So I do not want to be understood as criticizing the President.

But we are told that we ought to go with the President. Ah, Mr. President, that will not do. We ought to go with the President so far as he is discharging his constitutional functions. Evidently he understands that in the same light I do, or he would never have submitted to Congress what he ought to do under the circumstances.

When the President acts in his Presidential sphere, let us support his hands. Let us hold him up. Let us not say a word to his discredit. But when he turns over a subject to Congress which by the Constitution belongs to Congress, it is for the President to obey what Congress does in reference to war. It will not do for gentlemen to say that if we do not go along with the President in this matter we are not patriotic citizens, that we want to raise difficulty.

That will not do, Mr. President. It is the function of Congress to make war or to refuse to make war; the President has no power or just authority to criticize it, and I have no idea that the President ever had thought of doing so. A Senator said that we do not comprehend the difficulties that surround him, and he said a wise thing. We do not. We do not comprehend the difficulties that surround him and have surrounded him; and so far as he has protracted the negotiations for the purpose of putting the nation in the position it ought to occupy, every true man ought to applaud him.

Mr. President, he has his constitutional advisers chosen by law, and doubtless they are patriotic citizens. No one questions that. But it is a false idea to suppose that Senators are the advisers of the President. There is no foundation for it in the Constitution or laws of this country. Senators are not the Presidential advisers at all. His Presidential advisers are his Cabinet. The Senate is the Presidential adviser, and not the Senators. I have no doubt that the patriotic citizen who now occupies that chair has had a thousand temptations and a power to resist them that is almost miraculous. I will not go into these things. He has had more advisers than the law allows, and he has been able to meet the issue as against all of them.

Mr. President, I do not intend to discuss the general resolutions before us, but I say emphatically that the resolution passed by the other House, which is also before us for consideration, is unconstitutional and can not be supported by any argument in the world to sustain it. The preamble does not mean anything. It has no vitality, no force. It is the resolution that is to make the law. What does it say?—

And with the purpose of securing permanent peace and order there and establishing by the free action of the people thereof a stable and independent government of their own in the Island of Cuba.

He is authorized and directed to do that. Well, I am not complaining of that part of the resolution at present; but the next clause is that wherein the Constitution is directly and palpably violated:

That the President is hereby authorized and directed to intervene at once to stop the war in Cuba, to the end and with the purpose of securing permanent peace and order there and establishing by the free action of the people thereof a stable and independent government of their own in the Island of Cuba; and the President is hereby authorized and empowered to use the land and naval forces of the United States to execute the purpose of this resolution.

Mr. President, Congress can not delegate to the President any power to declare war and bring it on when he sees fit. Notice the singular clearness with which the other House has drawn the distinction between an order and a mere authority:

The President is hereby authorized and directed to intervene.

He is authorized—using this same word—and empowered to make war when he sees fit. That is what is meant there.

Mr. President, the Constitution says that Congress alone can declare war. The first declaration is that all legislative power is vested in the Congress of the United States. That language has been uniformly construed to mean Congress alone, without any other authority. So, whatever may happen in reference to this resolution, if it is not amended so as to make a positive and unequivocal direction, it is bound to be unconstitutional in the eyes of that instrument as construed by our own Supreme Court.

I have another objection to this resolution. What war is this that the President is authorized to make? I know that Congress can declare a general war or a limited war; I know, also, it can declare a conditional war; but it can not vest that power in the President. If it is insisted that this is a declaration of war, whom is it against? The President is to stop the war in Cuba. That is the purpose. He is to intervene in Cuba to stop the war there. The Spanish Government is not named or even intimated in that paper. The Spanish Government and no part of the Spanish territory nor the high seas is covered by that declaration. He is to intervene and establish peace in the Island of Cuba. He is not authorized to make war on the Spanish Government anywhere else.

Even if we could give him such authority, we do not confer it by this resolution. The war is limited to the Island of Cuba; and without a declaration of war by this Congress, the President has no authority to make war on the high seas. We all know that if war comes, it is bound to be on the high seas and not in the Island of Cuba in the first instance. Before the American soldiers can get to the Island of Cuba it will be necessary for the American Navy to make a road into that island and to bridge it so that the soldiers can pass over it; and we will have to bridge it with such a force as will prevent any Spanish ships from destroying our convoys to that island. The fight will be on the high seas; and yet the President of the United States, if authorized to make war at all by this resolution, is to make it in the Island of Cuba and not against the Spanish nation.

I hope that whatever resolution the Senate passes will be in accordance with the Constitution of the United States, and not a disgrace to our people by putting them into a war without lawful authority.

Mr. MCENERY. Mr. President, in stating the reasons why I shall vote for the amendment reported by the minority of the Committee on Foreign Relations, I wish to say that I do not deny the constitutional right of the President to recognize a government; but this case is exceptional. We have determined to intervene in a contest between two contending people. We can join one or the other, or oppose both. Necessarily when that question is submitted to us, it comes within the jurisdiction of Congress to say in what manner that intervention shall be exercised and whether we shall join one party or the other, or oppose both, or whether we shall make any exception.

If the Senate resolution had to be construed by its text, I would unhesitatingly vote for it; but, unfortunately, the clear import of that resolution has been denied. An interpretation has been placed upon it so as to make it mean that now no legal government exists among the Cuban people. That resolution says that the people are free and independent, but you can not conceive of an independent nation without its having an organized government. It is an organized community, a moral organism, and its government is but the assertion of its sovereignty. To deny this, to say that this resolution means anything else, is to say that in Cuba there exist fragments of wild, reckless, mad humanity warring upon an organized government. If that be the fact, then we have no right whatever to join in an organized mass in a war upon constituted and organized society.

These resolutions admit that the Cuban people have internal sovereignty, that they have the right to determine their political end, that they have the right to establish their own forms of government, that they have the right of exclusive legislation within their own domain, that they have the right of self-preservation, and that they have the right to maintain relations with the other nations of the earth. Therefore, I believe that this resolution should be relieved from ambiguity, and expression given in it that the people of Cuba have organized themselves into a Government, and that they are in full possession of all the essentials of internal sovereignty.

Why should they not be declared a free and independent people and why should it not be declared that a republican form of government exists among them? Their battles have been in no aimless contest. They have been engaged in an effort to maintain their unity and life and their self-preservation in the fulfillment of a righteous cause, the independence of their people as a nation-

ality. They have passed through every conflict of effort and endeavor; they have passed through the gates of willing and holy sacrifice with the sacrament of the nation upon their lips; they have prayed in the litany of human hope and sorrow for the sympathy of the world. Their prayer has been responded to by the people of this country, who have been lashed into acute madness and sympathy, and the wave has come rolling on until it has gathered force and power, and it will dash against and crush and level to the sands of the sea any barrier that may be raised between Cuba and her freedom.

Mr. President, we stand upon the threshold of war. While there is gloom among the people of the United States as to the severing of the relations with a former friendly power; while there are dread and hope and fear as to our efforts on sea and land, as there are preceding every battle, as to the loss of dear ones and the wreck of homes and firesides, yet there is consolation among the people and joy, I may say, as it is remembered that all past differences have gone, that the dream of the gray and the blue has become realized, and that we stand as one people, under one flag, and knowing only one country. The rock which divided the waters has disappeared, and they are now united, rolling onward, happy in their embrace, singing the joyous song of a nation:

Liberty and Union, now and forever, one and inseparable.

Mr. GEAR. Mr. President, I shall take but a very short time to give my views on the pending resolution. I shall be glad to vote for the House resolution if I can have an opportunity to do so. I can not vote for the resolution reported by the Senator from Indiana [Mr. TURPIE], from the minority of the Committee on Foreign Relations, because I believe it to be unconstitutional. That resolution proposes to recognize the independence of Cuba. That is purely an executive act. The Constitution under which we live gives to the President of this country the exclusive right, in my judgment, to recognize any country. He could recognize Cuba to-day by accepting a minister from that country; he could have done so at any time; and I am inclined to think from my knowledge of the President of the United States that he would have done so had he been satisfied at any time in the past that the Cubans have a form of government which we could properly accept.

Who are the Cuban insurgents? The Senator from Ohio [Mr. FORAKER] tells us that they have a president in that country, a Mr. Masó, and a vice-president, both of whom are equal in point of ability to the President and Vice-President of the United States. I congratulate the distinguished Senator from Ohio that he has found that these men are so distinguished as he said they were. He is the first man to have discovered that. No man in this country ever heard or knew of the president and vice-president of the Cuban Republic in the sense in which the Senator spoke. We have in the report made by the Committee on Foreign Relations the evidence of a gentleman who lived in Cuba in 1878, a Mr. Guerra, who acts as treasurer of the Cuban Republic in this country. Who is Mr. Guerra? He keeps the treasury of the Cuban junta in a cigar store in the city of New York, where he has lived the last twenty years, and do Senators propose to recognize that kind of a government? If they do, I, for one, do not.

We are told that the insurgents have a president and a cabinet. That may be so, but it is probably a cabinet on paper; and I am satisfied that the government which has existed for the last three years in Cuba is purely a paper government.

The treasurer says he has collected \$400,000 in taxes. How are those taxes collected? The insurgents go to a sugar planter in Cuba and they say to him, "If you do not pay this tax of 25 or 40 cents a bag on your sugar, we will burn your plantation." Of course, under such circumstances, the man pays. That is the kind of tax collection they have in Cuba, and that is the kind of a government our friends on the other side want to recognize.

The committee had before them a gentleman by the name of Quesada, I think. I am told Mr. Quesada's evidence is not in the report. He is reputed to be the chargé d'affaires from the Cuban Republic to this country. When I look back over the message of General Grant on the Cuban revolution of 1868 to 1878, I find there was a gentleman named Quesada, a General Quesada, who in one morning crucified 650 prisoners. I do not know whether this man Quesada, who appears as chargé d'affaires to this country from the Cuban Republic, is the same gentleman or not.

Mr. MORGAN. He is not the Mr. Quesada, who is a young man, only about 30 years old.

Mr. GALLINGER. If the Senator from Iowa will pardon me, it is not the same person. Mr. Quesada is a young man utterly incapable of countenancing anything of the kind.

Mr. GEAR. I do not say that he is the same gentleman, but I suppose he is a descendant of the man to whom I refer.

The Senator from Ohio says that the insurgents have a capital at Cubitas. I have a letter from a gentleman as well known to me as almost any man in this Senate. He was in Cubitas fifteen months ago, and he stated to me that Cubitas was a mere deserted hamlet, a deserted sugar plantation. That is where the government which our friends on the other side propose to recognize is

located. I am inclined to think that if you would hunt the map over, you would hardly be able to locate the capital of the Republic of Cuba.

Many of our friends on the other side of the Chamber were in the civil war. Gallant men they were, too, but the government for which they fought had an army; it had a president; it had a postal department; it had a congress; it had more than a million of men in arms against our Government; and they were enforcing all the laws of their so-called Confederacy among themselves, and with all those departments of government which they had established they endeavored to get European governments to recognize their independence. The United States Government replied and said to those powers, "You must not do it," and the Confederacy was unable to secure recognition, and yet we are asked now after that long contest, which cost the country so many valuable lives and millions of treasure, to recognize this Republic of Cuba and go back on our record of thirty years ago. Yes, our record of a hundred years.

Mr. President, I am on the Committee on Post-Offices and Post-Roads of the Senate, and my colleagues of that committee who are on the other side of the Chamber will bear me witness—and I shall not violate any secrets of the committee in making the statement—that when a colored man is nominated by the President of the United States it is with great difficulty that we are able to confirm him. I do not blame my Southern brethren for that. Born and brought up and educated as they were, I can understand their feelings in regard to the race question and their objection to being brought in contact with that class of people; but the men whom they are trying to recognize as a government are largely of that race and that color which they object to being placed in charge of any of the post-offices in their section of country.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. GEAR. Certainly.

Mr. CLAY. Is it not true that less than 29 per cent of the insurgents are colored people?

Mr. GEAR. No, sir.

Mr. CLAY. That is correct, for I read it last night.

Mr. GEAR. The Senator may read almost anything in the press. I was in the presence of two gentlemen two weeks ago, one of whom has lived in Cuba for years, who has a million-dollar plantation there, whose name I will not mention. The other was Dr. Klopsch, the man who is administering the charities of the Christian people among the sufferers in Cuba. He said the Cuban army, so called, consisted of less than 10,000 men and that 70 per cent of them are colored men. I do not blame the colored men for belonging to that army, for the colored men in that country love liberty as they do in the United States; but my friends from the South, who are opposed to the confirmation of colored postmasters in the South, have turned around and are now ready to recognize a government more than half colored.

Mr. MILLS. I ask my friend if they have been appointing any negro postmasters in his section of the country?

Mr. GEAR. We have not, of course. We have no negroes there.

Mr. MILLS. Yes, you have.

Mr. GEAR. Very few. There is not 1 per cent of them composing the population of the State I live in.

Mr. KENNEY. How many negro postmasters were appointed there?

Mr. GEAR. Not any. None of the colored people in Iowa have applied.

General Lee, a Democrat of Democrats, a man whom every American citizen honors to-day as few men are honored, said in his evidence before the committee of which my friend the Senator from Minnesota [Mr. DAVIS] is chairman that the Government of Cuba is a "skeleton government," that they have no recognized government that he knows of, and yet—

Mr. LINDSAY. Mr. President, if the Senator will permit me, I ask him if General Lee did not say the insurgents had 30,000 troops?

Mr. MILLS. From 30,000 to 40,000.

Mr. LINDSAY. And that he had never seen a Cuban, white or black, who did not adhere to the revolutionary government?

Mr. GEAR. I do not doubt that that is true.

I think there is ground, Mr. President, for a declaration of war against the Spaniards, and that ground is the loss of the *Maine*. The people whom I represent in part in this Chamber feel very sore about the loss of the *Maine*. The bodies of Iowa men were buried in that iron casket in that great disaster. The State I represent here in part will do in a war with Spain as it did in the war of the rebellion thirty years ago. We had at that time 675,000 people, and we sent one man out of every eight and three-fourths of our population into that war.

Mr. CLAY. Will the Senator permit me?

Mr. GEAR. Certainly.

Mr. CLAY. I desire to call the Senator's attention to the report of the Committee on Foreign Relations, a committee in whom we

all have confidence, and they certainly would not report a state of facts here that does not exist. I find in the report of that committee the following:

The Spaniards charge, in order to belittle the insurrection, that it is a movement of negroes. It should be remembered that not more than one-third of the entire population are of the colored race. As a matter of fact, less than one-third of the army are of the colored race.

Mr. GEAR. I have no doubt about the truth as to the population of Cuba.

Mr. CLAY. Both as to population and as to the army.

Mr. GEAR. I doubt the fact as regards the report of the committee, in view of what was said to me in this city two weeks ago to-day—that of the insurgents, 70 per cent were colored men. I do not blame them for being in that army. They were glad to enlist in the Army of the United States during the late war when they had an opportunity.

But, as I said before, the State I represent in part had about 675,000 population, and one man out of every eight and three-fourths of that population enlisted to maintain the majesty of this Government when the hearts of the people beat as with one pulsation in favor of maintaining the integrity of the Union. And when it comes to war to maintain the majesty of the American flag, the people of Iowa will send as many men in proportion to her population, which is now 2,000,000, as they sent to the war of 1861-1865.

For the reasons which I have attempted to give in these few brief moments, I shall vote for the resolution reported by the majority of the committee, and I shall not vote for the resolution reported by the minority. I do not think that resolution should be adopted by this body. Its effect will be to tie the hands of the President. You know what terrible responsibilities have been placed upon his shoulders. He has exhausted, as we all know, all the arts of diplomacy, and has come to the naked fact that we can not submit to this thing any longer. He says in his message the war must stop. I believe in my heart of hearts that it must stop, and that the American people are ready to stand together as one man to stop it.

Mr. GALLINGER. Mr. President, after the utterances I made in this Chamber a few weeks ago in reference to the Cuban situation, it is perhaps unnecessary for me to add a single word. I certainly would not do so were it not for the fact that the character of the Cuban people and the Cuban Government has been called so sharply in question in this debate.

I remember, Mr. President, that the distinguished senior Senator from Massachusetts [Mr. HOAR] gave it as his opinion that the purpose of the revolutionists is to establish a black republic in Cuba. I think I do not misquote him when I say that he said that that was a proper aspiration and one that had his assent. To-day the Senator from Iowa [Mr. GEAR], for the purpose of prejudicing this case, and possibly changing some votes, has repeated the statement that the purpose of the Cuban insurgents is to establish a black republic, and that their army is largely composed of colored men.

Mr. GEAR. I beg the Senator's pardon. I said nothing of the kind. I simply said that their army was composed of 60 or 70 per cent of colored people. I did not say anything in relation to establishing a colored republic.

Mr. GALLINGER. I have no purpose of misrepresenting the Senator. The RECORD will show whether I have done so or not.

Mr. GEAR. Certainly.

Mr. GALLINGER. Mr. President, I have talked with a great many people who have knowledge on this question. I have talked with Cubans in the United States; I have talked with Cubans and with Spaniards in Havana, and I have found nothing to warrant the assertion either that the revolutionists purpose establishing a black republic or that their army is largely composed of colored men. I turn to the report which the Senator from Georgia [Mr. CLAY] read from a moment ago, and I want to read a little more from it than he read. It is a statement of General Palma, who represents the Cuban Government in this country, a gentleman of culture and of learning, a gentleman whose word every honest American will accept on matters relating to the Cuban insurrection. General Palma says:

The Spaniards charge, in order to belittle the insurrection, that it is a movement of negroes. It should be remembered that not more than one-third of the entire population are of the colored race. As a matter of fact, less than one-third of the army are of the colored race. Take, for instance, the generals of corps, divisions, and brigades. There are but three of the colored race, namely, Antonio and José Maceo and Augustin Cebreco, and these are mulattoes whose deeds and victories have placed them far above the generals of those who pretend to despise them. None of the members of the constituent assembly or of the government are of the colored race. The Cubans and the colored race are as friendly in this war as they were in times of peace, and it would indeed be strange if the colored people were not so, as the whites fought for and with them in the last revolt, the only successful purpose of which was the freedom of the slaves.

Mr. President, it seems to me that that ought to settle the question of a colored republic, when they have established a government in Cuba and not one single colored man occupies a position

in that government, and only one-third of the Cuban army are of the colored race.

The question of the recognition of the Cuban government has been contested in this debate. I hesitate not to say that I am in favor of recognizing the brave men who have for three years carried the banner of liberty across the fields and over the mountains of Cuba, fighting as bravely as men ever fought in the history of the world. Listen to the utterances of General Gomez, the grand and patriotic commander of the Cuban forces. Two years ago the 28th of March I made some observations regarding Cuba in the Senate, and I quoted these words from General Gomez, who then as now was at the head of the Cuban army:

I admire and love the American Republic, but it is impossible for me to understand why we should not be recognized as belligerents. We suffer greater wrongs than did the early American colonists who threw off the yoke of Great Britain, and we have more troops in the field than were ever gathered together by the thirteen States; yet the American Government declines to share with the patriots now fighting the honor and glory of freeing Cuba. We have taken the words of Patrick Henry as our motto, and will have liberty or death.

Thus spoke Gomez nearly three years ago. They are brave words from a brave man—words of admiration for the people and the institutions of the United States.

Mr. President, there are two things the Cuban mother teaches her child when it gets old enough to prattle. The one is to abhor and despise the flag of Spain, and the other to revere the flag of the United States. Those are the people who are fighting for liberty in Cuba, and those are the people who are traduced in the Senate of the United States.

I wish I had time to read some further utterances of General Gomez. He is a brave old man. He is a patriot. He is a republican. He is a lover of liberty. I have on my desk a proclamation dated Headquarters of the Army of Liberation, Sancti Spiritus, November 11, 1895, in which General Gomez calls attention to the war that had been organized for liberty in the Island of Cuba. The declaration is as follows:

HEADQUARTERS OF THE ARMY OF LIBERATION,
Sancti Spiritus, November 11, 1895.

To honest men, victims of the torch:

The painful measure made necessary by the revolution of redemption drenched in innocent blood from Hatuey to our own times by cruel and merciless Spain will plunge you in misery. As general in chief of the army of liberation, it is my duty to lead it to victory without permitting myself to be restrained or terrified by any means necessary to place Cuba in the shortest time in possession of her dearest ideal. I therefore place the responsibility for so great a ruin on those who look on impassively and force us to those extreme measures which they then condemn like dolts and hypocrites that they are. After so many years of supplication, humiliations, contumely, banishment, and death, when this people, of its own will, has arisen in arms, there remains no other solution but to triumph, it matters not what means are employed to accomplish it.

This people can not hesitate between the wealth of Spain and the liberty of Cuba. Its greatest crime would be to stain the land with blood without effecting its purposes because of puerile scruples and fears which do not concur with the character of the men who are in the field, challenging the fury of an army which is one of the bravest in the world, but which in this war is without enthusiasm or faith, ill fed, and unpaid. The war did not begin February 24; it is about to begin now.

The war had to be organized. It was necessary to calm and lead into the proper channels the revolutionary spirit always exaggerated in the beginning by wild enthusiasm. The struggle ought to begin in obedience to a plan and method, more or less studied, as the result of the peculiarities of this war. This has already been done. Let Spain now send her soldiers to rivet the chains of her slaves. The children of this land are in the field, armed with the weapons of liberty. The struggle will be terrible, but success will crown the revolution and efforts of the oppressed.

MAXIMO GOMEZ, General in Chief.

What a grand and patriotic utterance that is. Mr. President, I wish I had time to quote many other utterances from this brave old man. Here is an order from the Headquarters of the Army of Liberation, dated August 1, 1895, in which this man whom Senators of the United States are afraid to trust at the head of the Cuban government gives direction to the forces under his command. It is as humane an order as was ever issued by any man in command of any army in the history of the world. There is not a sentence in it that does not breathe the spirit of humanity and love. He tells his generals and his soldiers how they shall act in the event of capturing soldiers of the Spanish army. He tells them to treat them well. He tells them to allow them to go on parole. I will insert it as a part of my remarks:

CIRCULAR OF THE GENERAL IN CHIEF.
GENERAL HEADQUARTERS OF THE ARMY OF LIBERATION,
Camaguey, August 1, 1895.

In order to establish in a clear and precise manner the mode of procedure toward the chiefs, officers, and soldiers of the Monarchy captured in action or operations, and toward those who voluntarily surrender to our columns or authorities, I have deemed it convenient to order as follows:

ART. 1. All prisoners captured in action or by the troops of the republic will be immediately liberated and returned to their ranks, unless they volunteer to join the army of liberation. The abandoned wounded will be gathered and attended to with all care, and the unburied dead interred.

ART. 2. All persons who shall be arrested, charged with committing the misdemeanors in the circular of July 1, by violating or disregarding the said order, will be summarily proceeded against.

ART. 3. Those of the prisoners who are chiefs or officers of the army of the monarchy will be respected and considered according to their rank and treated according to the valor with which they may have resisted, and will all be returned to their ranks if they so desire.

ART. 4. Those who volunteer to join the ranks of the republicans, and appear before our columns and authorities, will have their option in the mode of serving the cause of the republic, either in arms or by more peaceful occupations, civil or agricultural pursuits.

I communicate this to you for your instruction and for your rigid compliance. Country and liberty.

MAXIMO GOMEZ,
The General in Chief.

Mr. President, the man who is leading the insurgent forces in the Island of Cuba to-day has never uttered one single word during the past three years which can be contorted into anything except an utterance in behalf of human liberty and independence.

I have here on my desk some testimony of other men in the shape of autographic letters. I have a letter from a gentleman well known to at least one Senator of the United States, a major in the Cuban army, an American by birth. He wrote only a few weeks ago to an American citizen as follows:

It is with no little degree of delight that I write you from the camp of Gen. Maximo Gomez. He and his men are in the best spirits and he is as confident of success as he was at the beginning of the present struggle for liberty. There is a large contingent of insurgents in this part of the island, about 40 per cent being cavalry. The infantry, which is mostly operating in small groups, is almost naked and shoeless, while the cavalrymen are much better dressed.

Mr. President, this gentleman, speaking to a United States Senator in Cuba only a few weeks ago, told him that many of the men were shoeless and entirely naked above their waists and sleeping on the ground in the winter, with no covering but grass and twigs. Yet those brave men, suffering such privations, are carrying on a warfare against the great Kingdom of Spain in behalf of the principles that we as a nation enjoy, and the armies and navies of Spain are utterly powerless to crush them.

Again, I have a letter from the chief of the fourth corps of the Cuban army, likewise addressed to a citizen of this country. Let me read it:

MY MOST ESTEEMED AND RESPECTED SIR: I am induced to address you these lines in view of the attentions you dispense to the goodness of our cause, showing you the gratefulness of this people, worthy of a better fate, and consequently the independence it desires, for which it faithfully fights, to the great American people, of whom you are the illustrious representative.

I wish to avail of the opportunity offered by the bearer, to offer you my friendship, and with it all I am able to do as chief of the fourth army corps. It is also an object of this letter, and please take it as the main one, to express through you to that great people my sorrow and that of these forces for the lamentable and painful catastrophe of the Maine.

I remain, with great respect and esteem, your friend and obedient servant,
FRANCISCO CARRILLO.

Mr. President, has anybody seen a letter from any commander of any army corps of the Spanish army expressing such profound regret over the catastrophe that befell our great battle ship in the harbor of Havana? Certainly I have not.

I have also an autographic letter from Gen. Maximo Gomez, dated March 9, 1898. I have had it translated. Here is the original in Spanish, with the signature attached to it [exhibiting]. This was not addressed to me, but to a citizen of the United States. Who can say that these are utterances less patriotic than fall from the lips of citizens of this Republic:

DEAR SIR AND FRIEND: It is very agreeable for me to answer your favor of 28th February ultimo, contents of which cause me great pleasure.

Spain's impotence to subdue this revolution either by military force or political action is well evidenced by the development of the events that have been taking place, and our determination and purpose too well proclaim and prove that I should require to demonstrate them here, much less to a person like your good self, who has formed a complete judgment by your own experience of the respective situation of both belligerent forces.

At the stage that things have reached every man understands that Spain's continuance of this war is iniquitous and inhuman, and even a menace to the peace of the world, as a just and noble end is no longer pursued, but to kill and destroy by a sense of vengeance and hate.

The great American public is destined by many causes to intervene sooner or later in some way in the termination of the Cuban war, but her mediation may only be fruitful of a final peace if through it Cuba obtains her absolute independence.

This is the opinion and unanimous feeling among the Cuban people, and particularly of its army of liberation, which I have the honor to command.

With the highest esteem, consideration, and friendship, I am, yours, the commander in chief,

M. GOMEZ.

Mr. President, on a former occasion I called the attention of the Senate to the cruel and unjust exactions that the Cuban people are compelled to submit to in the matter of taxation. Here is a statement from high Cuban authority that epitomizes their grievances and explains why they are fighting for freedom and independence:

The Cubans would have been wanting not only in self-respect but even in the instincts of self-preservation if they could have endured such a degrading and destructive régime. Their grievances are of such a nature that no people, no human community capable of valuing its honor and of aspiring to better its condition, could bear them without degrading and condemning itself to utter nullity and annihilation.

Spain denies to the Cubans all effective powers in their own country. Spain condemns the Cubans to a political inferiority in the land where they are born.

Spain confiscates the product of the Cubans' labor without giving them in return either safety, prosperity, or education.

Spain has shown itself utterly incapable of governing Cuba.

Spain exploits, impoverishes, and demoralizes Cuba.

To maintain by force of arms this monstrous régime, which brings ruin on a country rich by nature and degrades a vigorous and intelligent population, a population filled with noble aspirations, is what Spain calls to defend its

honor and preserve the prestige of its social functions as a civilizing power of America.

The Cubans, not in anger but in despair, have appealed to arms in order to defend their rights and to vindicate an eternal principle, a principle without which every community, however robust in appearance, is in danger—the principle of justice. Nobody has the right of oppression. Spain oppresses us. In rebelling against oppression we defend a right. In serving our own cause we serve the cause of mankind.

We have not counted the number of our enemies; we have not measured their strength. We have cast up the account of our grievances; we have weighed the mass of injustice that crushes us, and with uplifted hearts we have risen to seek redress and to uphold our rights. We may find ruin and death a few steps ahead. So be it. We do our duty. If the world is indifferent to our cause, so much the worse for all. A new iniquity shall have been consummated. The principle of human solidarity shall have suffered a defeat. The sum of good existing in the world, and which the world needs to purify its moral atmosphere, shall have been lessened.

The people of Cuba require only liberty and independence to become a factor of prosperity and progress in the community of civilized nations. At present Cuba is a factor of intransquillity, disturbance, and ruin. The fault lies entirely with Spain. Cuba is not the offender; it is the defender of its rights. Let America, let the world, decide where rest justice and right.

How much more time have I, Mr. President?

THE VICE-PRESIDENT. Two minutes.

Mr. GALLINGER. I will occupy those two minutes in simply making one observation. Are not the men who have fought and suffered such privations, who amid all their sufferings have not been swerved from their purpose by the promise of autonomy, made, as they believe, to be broken as in 1878; who have spurned the bribes of Spain, her favorite weapon, entitled to some recognition?

Are not the people of Cuba, who have carried on this unequal contest for three years; is not the cause for which Gomez has fought, and for which Marti and Maceo fell, and which the God of battles has recognized, fairly entitled to some mention and recognition from the Senate and the Government of the United States?

Mr. President, shall cheerfully give my vote for the resolution reported by the minority of the Committee on Foreign Relations, believing as I do that a majority of the Senate will be found in favor of a declaration of independence for these brave people who are fighting the same battle that our forefathers fought a hundred years ago.

Mr. ELKINS. Mr. President, war seems inevitable, and it is useless to discuss the question further. Closing the debate to-day indicates that the Senate wants war, and now. We are not willing to wait over Sunday to pass these resolutions. Is there fear that peace may be secured on the Island of Cuba before war can be declared? I wish more time had been given for the discussion of this serious and momentous question. I think we should have had more light on the difficult questions raised and it would have been better for all concerned. Speeches like those made yesterday on both sides would have been helpful and instructive to Senators and the country.

But I bow to the will of the majority in limiting debate and accept the time allotted to me. I desire to devote this time, as far as I can, mainly to a discussion of the question of the recognition of the independence of the Cuban insurgents. Apart from the minority report, I believe the first resolution reported by the majority of the committee, if it means anything, recognizes the independence of the insurgents. The resolution reads:

First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Leaving out the words "and of right ought to be," the resolution would read: "That the people of the Island of Cuba are free and independent." This is not a fact; it is not true. Now, the next resolution:

It is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish—

If the Cuban Government is independent on the Island of Cuba, it is the only government authorized to act in regard to the war between Cuba and Spain. We might become the ally of the Cuban people; but if Cuba is independent, she is the party authorized to act, and the United States is excluded from making any such demand.

I oppose the recognition of the independence of the insurgents in Cuba for a number of reasons. First, they have not won their independence as other nations seeking to be admitted into the family of nations have won theirs in their struggle for freedom. Second, according to their own constitution the government of the insurgents is only temporary and preparatory in its character, and on the conclusion of hostilities must be succeeded by a "democratic republic." An extract from the constitution of the government of the insurgents is as follows:

We, the representatives of the Cuban people, freely meeting in constituent assembly, convoked by virtue of the mandate contained in the constitution of the 16th of September, 1895, ratify our firm and unshakable resolve of obtaining the absolute and immediate independence of the island, in order to establish in it a democratic republic, and inspiring ourselves in the present necessities of the revolution; we decree the following:

Third. To recognize the independence of Cuba now would be contrary to international law and the American doctrine on the

subject for a hundred years, besides being a dangerous precedent.

We will defeat Spain, and, in my judgment, easily and quickly. She can not fight so far from her base, 3,000 miles away. She has no coal in the Western Hemisphere and can not bring her supply from home. Coal is more important to Spain than powder. We know the result now. We can also pay the costs of this war; but, in my opinion, there are wrapped up in this doctrine of the recognition of the independence of the insurgents, if adhered to under present conditions, many wars, that may cost this nation thousands of millions of dollars and may again threaten the disintegration and destruction of this Republic.

Mr. President, Congress should follow the recommendations of the President, but refusing to do so, it should not embarrass him by sending him a resolution for his approval declaring that Cuba is free and independent when he explicitly declares in his recent message that it is not, and makes an argument to show that it is not and should not be recognized. Mr. Quesada, the chargé d'affaires of the insurgent government, as I understand, stated before a committee of the House that unaided it would take twelve years to establish the freedom and independence of Cuba. He is the authorized representative of this insurgent government, and, speaking to a committee of Congress on the subject, his word should be taken as conclusive.

We have also the evidence of Gen. Fitzhugh Lee, who has served as our consul-general at Havana, I think, for two or three years. It is his judgment and his advice, as I understand it, to the United States at this juncture not to recognize the independence of the insurgents. To my mind his advice should have great weight. I confess it has had much to do in forming my judgment outside of the precedents and international law.

The Committee on Foreign Relations, in its report on page 7, says:

Upon due consideration of all the relevant facts of the relations of this Government with Spain, including the destruction of the *Maine*, and of the history of the rebellion, it is the opinion of your committee that the United States ought at once to recognize the independence of the people of Cuba, and also ought to intervene to the end that the war and its unexampled atrocities shall cease, and that such independence shall become a settled political fact at the earliest possible moment.

Right in the face of this finding that independence is not a settled political fact the committee call on us to declare what? That Cuba is free and independent; to declare in the face of the world a fact which is not true. How can we possibly do this? We want to follow the Committee on Foreign Relations. We want to stand by it. We want to stand by the President also, who says it is not a fact, and he is the authorized power under the Constitution to determine the question. We want to be united in this matter, but how can we be? The Congress of the United States is asked by one of its great committees to declare solemnly something to be true that we all agree is not true, and that the insurgents themselves say is not true. How will such a transaction appear to the world? What answer can we make to such inconsistency? There is no foundation for this declaration. We admit there is none. The world knows it. If Cuba is independent, why does Spain occupy one-half of the territory on the island, all the sea-coast towns and cities, and maintain this occupation by an army? Why do not other nations near by, almost as near as we are, recognize the independence of Cuba? Why are not Mexico and the South American States agitated over the subject of the independence of Cuba? If the Cuban insurgents are independent, why should not they, as the only authorized power in Cuba, have made this demand on Spain, to withdraw her land or naval forces? Now, as to the demand by the United States, besides ignoring the President, it is not proper in form, is unnecessarily harsh and abrupt, and bad in construction. Who is to execute this demand but the President? If this demand had been left to the Executive, as it should have been, I am sure he would have expressed it in better form and with better taste.

If the second resolution is to pass, it ought to be amended so as to authorize the President to speak to Spain for the Government, as he always does to foreign nations. There has never been any departure from this course. Congress has never spoken to foreign governments. It never can. It has no one to make the communication. The communication must be made by the Executive. He is the proper and only channel.

It seems to me that the joint resolution in the second paragraph studiously ignores the President. The third of course could not ignore him. It had to take him into account, because he is by the Constitution of the United States the Commander in Chief of the Army and Navy and must lead our forces in war, or execute any direction or order of Congress. In recognizing independence Congress usurps power belonging exclusively to the President. This is his function and can not be taken from him by Congress. Violating the Constitution by taking power from the Executive is worse and more dangerous than war. The report of the committee, so far as I have been able to read and understand it, seem to me to be illogical and contradictory, with some good law cited and some not so good.

Mr. President, up to this hour, although the war in Cuba has been waged three years, there has been no great battle, no conflict with the insurgents that has risen to the dignity of a battle. As I learn, not 200 men have been killed on either side in any given battle. In all movements for independence generally there have been great battles fought on the part of the insurgents before recognition was considered. This is true where there has been a struggle and where independence has not been brought about by the great powers, as in the case of Belgium and Greece.

According to the distinguished Senators who have visited the island and made reports, and especially the Senator from Vermont [Mr. PROCTOR], who has stirred this nation in a great speech as no other man rarely has, there are 60,000 Spanish soldiers and 30,000 insurgents. Now he asks us, according to his own testimony, to believe, while there are two Spanish soldiers to one insurgent soldier, and Spain is in possession of all the seacoast cities, that Cuba is free and independent; that this independence should be recognized, and we should go to war to make independence a fact.

But I will say to the Senator that I challenge his statement, if other reputable men, but not distinguished as he, can be believed. I do not think it is possible for the Senator or for other Senators to go through a foreign country, not speaking the language, when there is a state of rebellion and war and gather information sufficiently accurate to guide the Senate and to the extent of going to war.

Mr. PROCTOR. Will the Senator allow me?

Mr. ELKINS. Certainly.

Mr. PROCTOR. Will he take the evidence of our representatives there—our consuls? It agrees fully in regard to the respective numbers with my statement.

Mr. ELKINS. I would take that ordinarily. I would rather, however, take the statement of the Senator from Vermont a thousand times if I could; but, sir, there is a man from Boston, a reputable gentleman, who has lived on the island for nearly thirty years and who has a half a million dollars invested there, who tells the country the true state of affairs there. He says there are only five or six thousand insurgents in arms, and that 15,000 is the extreme number that can be assembled.

None of the Senators who went there spoke the language, as I am informed; and I submit, on so short a stay, they could have been imposed upon in many cases by insurgent sympathizers. It is impossible to learn all about an island in a state of war and about the insurgents in so short a time. I credit these Senators with sincerity, and know and feel that they are incapable of intentionally misleading anybody on any subject. They are high-minded and honorable men.

Mr. Atkins—and I state his name—says that Cubitas, where the Cuban capital and the secretaries of state, for war, navy, and the treasury are located, as stated by the Senator from Ohio [Mr. FORAKER], where they hold congress and where the government is located, is a deserted sugar mill. But this is not important if there is a government. I am not disputing these facts for the purpose of belittling the Cuban struggle for freedom, but I am stating them to see whether they and all others when assembled make a case that authorizes recognition. In response to the suggestion made to me by the Senator from Nebraska [Mr. ALLEN], I will say that I think we have \$17,000,000 of claims against the Spanish Government.

Mr. MASON. Has not Mr. Atkins some claim?

Mr. ELKINS. I do not know whether he has or not. Likely he has. No American could live there ten or fifteen years without having claims against the Spanish Government, for there is want of protection to property on the island.

Mr. MASON. Does he not pay for protection?

Mr. ELKINS. He says that he defends his property against the insurgents with his own guard, and he has paid the insurgents first and last \$90,000 for protection. That is the way to get protection there.

Mr. GALLINGER. Are not Spanish guards protecting his estate?

Mr. ELKINS. Yes, as I understand; helping. I am not defending the Spanish troops, nor am I attacking the insurgents; both are responsible for much of the disorder that goes on in the island. I am trying to get at the truth.

RECOGNITION NOT AUTHORIZED UNDER INTERNATIONAL LAW.

According to international law and precedents on the subject, from the standpoint of success on the part of the insurgents, battles fought, territory occupied, government established, courts held, jurisdiction exercised, having a capital and congress, the insurgents are not entitled to recognition. Under the American doctrine, always adhered to in our history, there is no warrant for recognizing the independence of Cuba.

In our civil war with the South the Confederates held possession of one-third of the Republic. The Confederate States exercised

authority and jurisdiction over this large extent of territory. They had a capital that was known all over the world, a congress that held regular sessions, an organized government that issued money, carried on trade and commerce, had ships, had a navy, and armies commanded by great generals, and fought battles equal to any the world has ever seen. I know something about those armies. They were too much in evidence. They were everywhere in our front; we did not have to look far to find them. There was no dispute about the existence of that government. Notwithstanding all these facts and a struggle for independence such as no people in history ever made, the United States constantly resisted for four years any intervention or recognition of the Confederacy by Europe. When a Union soldier laid down at night under the stars, worn, and fatigued, he wondered, "Will I wake up in the morning and read about the recognition of the Southern Confederacy by Europe?" He felt that would end the struggle against the Union. But it never came, and the Union was saved.

Why depart from this doctrine now? It is the American doctrine, and has been adhered to by our Government for a century. It saved the Union during the civil war. If the doctrine of recognition now demanded had obtained in our civil war we would have had two governments in the United States to-day. The struggle of the Cubans presents no such example and no such claim as the South had for recognition. Take the case of the United States when we won our independence. France was our ally. She hated England. That is one reason why she helped us. We desired recognition by the nations of the world, but did not get it until Burgoyne and Cornwallis had surrendered and every British soldier on our soil was a prisoner.

The PRESIDING OFFICER (Mr. GORMAN in the chair). The time of the Senator from West Virginia has expired.

Mr. ELKINS. I had part of the time that belonged to the four-hour class. I am with that class, I am told.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. CLAY].

Mr. CLAY. I am delighted with the argument of the Senator from West Virginia, and I yield.

Mr. ELKINS. I merely want ten minutes. I had half the time, I understood, or I would have hastened through.

Mr. GALLINGER. I wanted ten minutes very much, but I did not get it.

The PRESIDING OFFICER. The Chair will state that unless unanimous consent is given he can not extend the time of the Senator from West Virginia.

Mr. ELKINS. I have proceeded under a mistake, entirely.

Mr. GRAY. I understand the unanimous-consent agreement to be that those who represented that view of the question were entitled to four hours.

Mr. ELKINS. I proceeded on that theory, and my colleague the Senator from Maryland said I might have ten or fifteen minutes of his time.

The PRESIDING OFFICER. The Chair will submit the question to the Senate.

Mr. CHANDLER. I certainly understood when the agreement was reached that the Senator from West Virginia would have more than fifteen minutes.

Mr. GALLINGER. I was not present when the unanimous-consent agreement was made last evening, but of course I am bound by it. I made a request to-day of the Presiding Officer that I might transfer my fifteen minutes to the Senator from Texas, who desired more than fifteen minutes, and I very much desired to do so. I was informed that such transfer of time could not be made. Now, if the Senator from West Virginia is entitled under the agreement to more than fifteen minutes, I certainly shall not find any fault.

Mr. FORAKER. Whether the Senator from West Virginia is strictly entitled to it or not, I hope unanimous consent may be given that he may have ten minutes in addition.

Mr. FAULKNER. I think the Senator from West Virginia, if he attaches himself to the three Senators named, ought not to take it as a matter of unanimous consent, but that he is entitled to it—

Mr. ELKINS. I thought so.

Mr. FAULKNER. Because the four hours have not been exhausted.

Mr. BATE. I was to follow the Senator from West Virginia, and I applied to the Chair, and he told me that the Senator from West Virginia was within the four hours and could speak as long as he chose, so that he did not absorb more than four hours.

Mr. STEWART. Let the unanimous-consent agreement be reported, so that we may understand it.

Mr. BATE. He ought to be allowed to speak without any consent.

The PRESIDING OFFICER. The Chair will state that the agreement asked for by the Senator from Arkansas was that four

hours should be granted to the Senators who held views in opposition to all the resolutions. No names were given except by the Senator from California [Mr. WHITE], who said:

I presume this will except the Senator from Louisiana [Mr. CAFFERY], the Senator from Maryland [Mr. WELLINGTON], and myself, and thirty minutes given to the Senator from Connecticut.

The Chair does not feel authorized, although he would be delighted to do it, to extend that privilege beyond the Senators named in the agreement without the consent of the Senate.

Mr. FORAKER. I ask unanimous consent that the Senator from West Virginia be allowed to proceed.

The PRESIDING OFFICER. The Chair is also informed that by an agreement between the Senators themselves the Senator from West Virginia was allowed thirty minutes. There are forty minutes from the four hours' time still remaining unconsumed.

Mr. GALLINGER. I hope the Senator from West Virginia will be permitted to go on.

The PRESIDING OFFICER. Under the circumstances, how many minutes does the Senator from West Virginia desire? He is entitled to thirty minutes.

Mr. ELKINS. I shall not occupy so long a time.

Mr. GALLINGER. I hope that an arrangement will be made so that the time will be divided between the Senator from West Virginia and the Senator from Texas.

Mr. MILLS. I am not on that side. I do not come in that category.

The PRESIDING OFFICER. Is there objection to extending the time of the Senator from West Virginia for thirty minutes?

Mr. MILLS and others. No.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from West Virginia will proceed.

Mr. ELKINS. Now, Mr. President, how much time have I? I do not propose to be caught again.

The PRESIDING OFFICER. The Senator from West Virginia has thirty minutes.

Mr. ELKINS. Not thirty minutes from now?

The PRESIDING OFFICER. Yes; until a quarter past 6 o'clock.

Mr. ELKINS. Mr. President, in the case of the Republic of Texas, recognition was delayed ten years after it became an independent Republic, and when the United States recognized its independence there was not a Mexican soldier on its soil. Mexico did not get her independence until the Spanish forces were expelled from that territory. The Argentine Republic, or Buenos Ayres, fought and resisted Spanish power twenty-one years, and recognition did not come until fourteen years after the Spaniards had been expelled from that country. See how guarded in all these cases in this hemisphere or on this continent the United States and Europe have been in respect to the recognition of independence, and the admitting of a new state into the family of nations. It is an important transaction, and one in which the whole world has an interest. These are the American precedents that should guide and govern us. Other cases can be cited. Above all, we should heed the doctrine that we so zealously proclaimed and adhered to during our civil war, and have adhered to since we have been a nation.

General Grant, when President, in his message to Congress in December, 1875, stated the case clearly. I had the honor at that time of serving in the House with a number of members who are now Senators on this floor and remember what then transpired. The Cubans had struggled for seven years against Spanish authority on the Island of Cuba. Apart from the death by starvation in the present struggle, the facts are about the same as in the war that was waged in 1875. General Grant opposed both recognition of independence and belligerency, on the ground that the Cuban insurgents were not entitled to either. He said the struggle did not rise to the dignity of war. His sympathies were with the Cuban insurgents as ours are to-day, and he knew the United States had suffered loss of commerce and trade on the islands; but with all these things before him he could not reach the conclusion that the Cubans were entitled to belligerent rights or had won their independence.

I read the following extracts from President Grant's annual message dated December 7, 1875:

The past year has furnished no evidence of an approaching termination of the ruinous conflict which has been raging for seven years in the neighboring Island of Cuba. The same disregard of the laws of civilized warfare and of the just demands of humanity which has heretofore called forth expressions of condemnation from the nations of Christendom has continued to blacken the sad scene.

Desolation, ruin, and pillage are pervading the rich fields of one of the most fertile and productive regions of the earth, and the incendiaries' torch, firing plantations and valuable factories and building, is the agent marking the alternate advance or retreat of contending parties.

I have hoped that Spain would be enabled to establish peace in her colony, to afford security to the property and the interests of our citizens, and allow legitimate scope to our trade and commerce and the natural products of the island. Because of this hope, and from an extreme reluctance to interfere in the most remote manner in the affairs of another and a friendly nation, especially of one whose sympathy and friendship in the struggling infancy

of our own existence must ever be remembered with gratitude, I have patiently and anxiously waited the progress of events.

Our own civil conflict is too recent for us not to consider the difficulties which surround a government distracted by a dynastic rebellion at home at the same time that it has to cope with a separate insurrection in a distant colony. But whatever causes may have produced the situation which so grievously affects our interests, it exists with all its attendant evils operating directly upon this country and its people. Thus far all the efforts of Spain have proved abortive and time has marked no improvement in the situation. The armed bands of either side now occupy nearly the same ground as in the past, with the difference from time to time of more lives sacrificed, more property destroyed, and wider extents of fertile and productive fields and more and more of valuable property constantly, wantonly sacrificed to the incendiary's torch.

In contests of this nature, where a considerable body of people who have attempted to free themselves of the control of the superior government have reached such point in occupation of territory, in power, and in general organization as to constitute in fact a body politic, having a government in substance as well as in name, possessed of the elements of stability, and equipped with the machinery for the administration of internal policy and the execution of its laws, prepared and able to administer justice at home as well as in its dealings with other powers, it is within the province of those other powers to recognize its existence as a new and independent nation. In such cases other nations simply deal with an actually existing condition of things, and recognizes as one of the powers of the earth that body politic which, possessing the necessary elements, has in fact become a new power. In a word, the creation of a new state is a fact.

To establish the condition of things essential to the recognition of this fact there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations, and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A power should exist complete in its organization, ready to take and able to maintain its place among the nations of the earth.

While conscious that the insurrection in Cuba has shown a strength and endurance which made it at least doubtful whether it be in the power of Spain to subdue it, it seems unquestionable that no such civil organization exists which may be recognized as an independent government capable of performing its international obligations and entitled to be treated as one of the powers of the earth.

A recognition under such circumstances would be inconsistent with the facts, and would compel the power granting it soon to support by force the government to which it had really given its only claim of existence. In my judgment, the United States should adhere to the policy and the principles which have heretofore been its sure and safe guides in like contests between revolted colonies and their mother country, and, acting only upon the clearest evidence, should avoid any possibility of suspicion or of imputation.

Belligerence, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to. Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power, when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other states, with courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of territory, as to take the contest out of the category of a mere rebellious insurrection or occasional skirmishes and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it.

The contest, moreover, is solely on land. The insurrection has not possessed itself of a single seaport whence it may send forth its flag, nor has it any means of communication with foreign powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the consular officers of other powers, calls for the definition of their relations to the parties to the contest. Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature, as I regard it to be at present indefensible as a measure of right.

As I have stated, I was a member of the House when this message was sent to Congress. There was great excitement. We were not in the presence of war then, but there was intense interest and all the innuendoes, insinuations, and hints of sinister influences were afloat in the air, as now. Cuban sympathizers went so far as to declare that General Grant had lost his courage, that he was under the influence of New York, that the business men of the country had too much to do with the Administration, that he was ruled by his Secretary of State, something like the charges now made against the President and those who sustain him. But in the case of General Grant what has come to pass? The proudest monument ever raised to perpetuate the memory of any American stands over the grave of this great general, able and pure President; while all the people love and cherish his memory more and more as the years go by, his calumniators and vilifiers have passed into merited oblivion. The present case is nearly parallel, and I know that William McKinley will survive these attacks and the mad passion that pursues him as General Grant survived them. He can afford to wait. Time and posterity will vindicate his course and policy on the Cuban question.

There is no clear or certain rule laid down in international law that authorizes the recognition of Cuban independence. I know what Hall, quoted by the distinguished Senator from Ohio [Mr. FORAKER] says, but the Cuban insurgents do not even come within this rule.

Lawrence, in his *Principles of International Law*, page 87, states:

The community thus recognized must, of course, possess a fixed territory within which an organized government rules in civilized fashion, commanding the obedience of its citizens and speaking with authority on their behalf in its dealings with other states. The act of recognition is a normal act, quite

compatible with the maintenance of peaceful intercourse with the mother country, if it is not performed till the contest is either actually or virtually over in favor of the new community.

Woolsey, in his last edition on International Law, states, page 41:

It is almost needless to say that this rule can not have its application as long as there is evident doubt whether a government is a fact. If the question is still one of armed strife, as between a colony and a mother country, or between a state and a revolted portion of it, to take the part of the colony or of the revolted territory by recognition is an injury and may be a ground of war; but every nation must decide for itself whether an independent state be really established, and needs not to wait until the party opposing the revolutionary effort has accepted the new order of things. It is a safe rule in contests involving the violent separation of a state into parts that when the mother country, in the case of a colony, or the leading portion of a state, in the case of disruption, gives up active efforts to restore the old order of things by war other states may regard the revolution as perfected and a new state as having come into the world.

Hall's International Law, page 88, reads as follows:

When a sovereign State, from exhaustion or any other cause, has virtually and substantially abandoned the struggle for supremacy, it has no right to complain if a foreign State treat the independence of its former subjects as *de facto* established. When, on the other hand, the contest is not absolutely or permanently decided, a recognition of the inchoate independence of the insurgents by a foreign State is a hostile act towards the sovereign State, which the latter is entitled to resent as a breach of neutrality and friendship. It is to the facts of the case that foreign nations must look. The question with them ought to be, Is there a bona fide contest going on? If it has virtually ceased, the recognition of the insurgents is then at their discretion. It was upon this principle that England and the other powers acted in recognizing the independence of the South American Republics.

The action of some of the European powers toward Greece in 1827, and Belgium in 1830, was not a simple recognition of independence and does not come within the preceding rule. In both cases the powers intervened to settle the disputes, and without this assistance the insurgents would not have succeeded. In the case of Greece, the intervention was based on the ground of humanity and for the suppression of piracy and anarchy. In that of Belgium, the Powers, by their own act at the treaty of Vienna, had united that country to Holland; but finding the union incompatible, they intervened to dissolve it.

These citations from standard works lay down the rule on the subject of recognizing the independence of a state, and according to them the Cuban insurgents have no just and valid claims to be recognized.

I agree that the cruelties, horrors, inhumanities, and the starvation on the island, should stop, and that now is the time to settle the Cuban problem once and for all. President McKinley says they must be stopped, and now. The question arises, however, what is the best way to accomplish this. I have always said by peace, if possible but by war if necessary. Is the recognition of Cuban independence, and going to war to make this independence a fact, the best way to relieve the horrors of the war and starvation going on on the island of Cuba? Would war between Spain and the United States be the best means of relieving these starving people? War between the United States and Spain would, I fear, result in the continued starvation and death of the reconcentrados, numbering, it is said, 150,000, because in the event of war Spain could not relieve them. It has not the means at hand; and the United States, I fear, would not be able to do so. Before relief could reach these people the United States would have to take Cuba and then see that food and supplies reach them in ships guarded by our Navy. All this will take time; and according to the best estimates, these people can not live unless means are provided within ten days to relieve them of starvation.

If we have to go to war with Spain as we are, let us not put it on the ground of recognizing the independence of Cuba and fighting to make it a fact, but on the ground of our actual differences with Spain, growing out of our relations during the past thirty years with Cuba, the misgovernment of the island, or the want of government, the loss of property of American citizens, the burden of preserving neutrality between Spain and Cuba during the years that they have been at war, the starvation on the island, inability of Spain for a long number of years to insure protection to life and property, culminating in the *Maine* disaster; and after she refuses to comply with our demands, then declare war explicitly on these grounds.

It is clear that Cuba, according to the rules that govern such cases, has not won her independence, and the recognition of independence would not only be setting a bad precedent, but it would weaken our case at home and before the world. But this is not all. The recognition of the independence of Cuba would prevent at the conclusion of the war the United States taking and holding it in part payment of the expenses of the war. While I have always opposed annexation, yet in the event of the United States going to war she will not only take Cuba, Puerto Rico, and the Philippines, but all the territory and property of Spain in the Western Hemisphere, and, having taken this territory in war, we should hold it as a war indemnity and dispose of it as we please, because Spain is a bankrupt nation and this is the only way we can get indemnity.

If we recognize the independence of the insurgents and that they have established a government on the island and have one at the close of the war, what will be the situation? The United States will have driven Spain from Cuba, and then Cuba can invite the United States to leave the island in the hands and control of the government the United States has recognized. It will

claim it is an independent nation among the nations of the earth, and the United States could take no part in making a stable government, preserving peace or exercising any jurisdiction on the island. Recognizing the independence of Cuba would not help us in case of our going to war against Spain.

I am clearly of opinion that if we have to go to war with Spain we should do so on grounds other than to secure the independence of Cuba. If we recognize the independence of Cuba and go to war to make it a fact, then we will have no claim on the Cuban Government to pay part of the expenses of the war. If we give Cuba to the insurgents now, as proposed, by recognizing independence, then at the conclusion of the war we will have no claim on the island or the insurgents to pay part of our war debt; whereas if we delay recognition we can decide, with all the facts before us, what is better to do and what best suits our interests. To my mind this is the safest and wisest course to pursue. If Cuba comes to us as the result of war on grounds I have stated, then all the debts and bonds of Spain secured by the revenues of Cuba will be extinguished and no obligations will rest upon the United States in case she takes Cuba or the insurgents in case of independence, except those the Cuban Government may wish to recognize.

Mr. President, in this debate the glories and advantages of war have been commended as being in the interest and to the advantage of nations. While not opposing war with Spain, I must say this is new and strange talk in the Senate of the United States in the closing decade of the nineteenth century. We have been taught for hundreds of years that war is a calamity at best. It brings with it devastation, destruction, want, woe, and tears. It brings mourning and sorrow into once happy homes, and leaves in its wake widows and orphans. It increases the pension list, the national debt, and taxation. Go ask the South if war is a good thing; ask Greece; ask the Armenians. Ask the victors and vanquished in every war. Read of the desolation and want that followed the Thirty Years' war, the Seven Years' war, and the Napoleonic wars. Poetry and painting have been invoked in all ages to portray the horrors, desolation, and destruction of war.

I admired the speech of the Senator from Nebraska [Mr. THURSTON]. I was held spellbound at his apostrophe to force and blood; but let me say to the distinguished Senator and orator who stirred the country so deeply by his splendid effort that the "Still, small voice" has wrought more than all the force and all the wars of the world.

War strikes down dynasties, changes sovereignty and boundaries of states, but thought and high ideas move peoples and influence the world. War points toward barbarism and savagery; peace to progress and a better civilization. Emerson says:

The soul of God is poured into the world through the thoughts of men. The world stands on ideas, and the source of all elements is moral force.

The United States has for twenty-five years, from Grant to McKinley, arraigned Spain for the cruelties, misdoings, and horrors which she has permitted and committed on the Island of Cuba. But no President until the present Chief Executive has said definitely and positively that war shall cease and peace reign on the Island of Cuba. During this period our Presidents have declared that there might arise an occasion when the United States should intervene to bring war to an end; but for the first time in thirty years of the agitation of the Cuban question the present Chief Executive has declared formally in a message that this war must stop, and Congress agrees with him.

But, Mr. President, he not only declares "this war must stop," but he says, "I want Congress to authorize me to use the Army and the Navy to stop it." This is reasonable. It might bring peace with honor and avert war. Why not comply with his request? Is it unfair? Is it unjust? Is it wrong? Let him send this ultimatum to Spain coupled with an expression of the feeling of the American people about the *Maine* disaster. Then, if it is refused, let Congress declare war. That would be the orderly, dignified way to proceed.

Now, Mr. President, what is the position of the President in these times of trouble that have fallen upon him? With the fortunes, destinies, honor, and flag of the great Republic in his keeping in this trying ordeal he has borne himself with great poise. This burden has rested upon him for months, and he has spoken. After assembling all the facts, he has reached a conclusion and embodied it in his message. I sustain his position with all my heart. In his message, on page 10, he says:

Nor from the standpoint of expediency do I think it would be wise or prudent for this Government to recognize, at the present time, the independence of the so-called Cuban Republic. Such recognition is not necessary in order to enable the United States to intervene and pacify the island. To commit this country now to the recognition of any particular government in Cuba might subject us to embarrassing conditions of international obligation toward the organization so recognized.

On page 13, he further declares:

The long trial has proved that the object for which Spain has waged the war can not be attained. The fire of insurrection may flame or may smolder with varying seasons, but it has not been and it is plain that it can not be extinguished by present methods. The only hope of relief and repose from a

condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop.

In view of these facts and of these considerations, I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes.

His position, in brief, is that the war must stop in the Island of Cuba and a government set up stable in form, one that can perform its international obligations. This means an independent government. It means a free government. It means a republican government, and that means the freedom of Cuba. If we had trusted the President, in my judgment, he would have accomplished all these things through peace, with honor to the country, and have averted war. I think we should have left the case in his hands. The most ardent Cuban sympathizers would have had the independence of Cuba in due season and in a proper way.

On so momentous a question we should go to the world united, not divided in Congress and opposed to the President. We can not afford to be divided. On the House resolution, for which I will vote, we would have a united Congress, all parties and the President together. What has the President done to forfeit our confidence? Why should he be attacked in the press and on this floor? In this, however, he is only suffering what has fallen to the lot of the most illustrious names in our history. Washington was attacked, Lincoln was attacked, Grant was abused, and McKinley can not hope to escape. Lincoln's emancipation proclamation was asked and demanded for two years, but it did not come a day too early nor a day too late. If we had left this case in the hands of the President, in my opinion Cuba would have gotten her independence not one day too late, and without war.

I have not time to reply to the speech of the distinguished Senator from Ohio, but it shows what a warm heart and heated imagination will do when fired by impassioned zeal in a cause that has him for an advocate. He has given the insurgents a government as good as any in the world, and hardly surpassed by Moore's Utopia. His legal proposition that war and change of sovereignty in the island would not extinguish all Spanish bonds, whether secured by the revenues of Cuba or not, is indefensible. All bonds and obligations would be burnt out in the hot flame of war. If the United States should take Cuba by war no Spanish collector would ever supervise the collection of revenues on the island, and all claims by Spain for the payment of such bonds would be resisted.

When the Senator's speech was being delivered a friend remarked, "That speech will make him President." I said, "Not now; we need him in the Senate." But what becomes of the claims of other members of the Committee on Foreign Relations? What becomes of the claims of my conservative, thoughtful, and judicial-minded friend from Illinois [Mr. MASON]? He has led the fight for Cuba and urged war from the beginning. But let me remind Senators, as I read history, the heroes of wars are made in the field and not in the Senate and House. I have no idea that a thought of the Presidency was in the mind of the Senator from Ohio. I want to acquit him of anything of the kind.

Now, Mr. President, one word about the freedom of Cuba. I have always desired the independence of the Cuban people. I so stated in the Senate a year ago, and I have believed that in the end they would obtain it, but I have opposed the United States going to war to establish this independence. Better a bold declaration of war on account of the *Maine* disaster and other differences with Spain than the entangling resolutions before the Senate. The *Maine* and thirty years of misrule on the Island of Cuba furnish a clean-cut case. It is the *Maine* that stirs the American people.

Under the resolutions difficult questions are raised as to what debts will be assumed in case of war, what are the actual conditions on the Island of Cuba, and many others. But above and beyond all this these resolutions commit us to recognizing the independence of Cuba at this time. Contrary to all precedent and the American doctrine, they make Congress declare that Cuba is free and independent when it is not true and all admit it is not. They go further and make Congress usurp the legislative functions and prerogatives of the Chief Executive in the matter of recognition of independence—a violation of the Constitution which we are sworn to obey. Better war, yes, many wars, than this, because when the violation of the Constitution begins the end of the Republic is near at hand.

Now, that we are about to have war, I am willing that the Senators from Ohio, Illinois, and Minnesota and other States may have the credit and responsibility of the agitation of the Cuban question against the President's plan, but from the moment war is declared it becomes the war of the American people, under the American flag, and I favor making it swift, decisive, and destructive, taking Cuba, Puerto Rico, and the Philippines, then on

to Cadiz and Barcelona with our squadrons and on our banners inscribed the legend, "Remember the *Maine*." I desire the war to be a memorable and lasting example to the world of the power of the Great Republic on sea and land.

Mr. President, the message of the President may be disregarded and ignored by Congress. He may be abused and misrepresented in the press and on the floor of the Senate. But this can not take from him the affection, loyalty, and confidence of his countrymen. The message will go down the centuries as a living force and power. It will stand as the flower and fruit of the highest and broadest statesmanship, and be a mighty influence to direct future peoples and governments toward the haven of peace with honor, and, failing that, the making of war in the interest of humanity and liberty. President McKinley's place in history is made; it is secure beyond the reach of abuse and calumny. He will be remembered as a great American soldier, statesman, and President. He is enrolled among the list of those the country can not forget.

Mr. President, this is a time of serious concern—a supreme moment in the life and affairs of this nation. We are making history rapidly, but are we making it wisely? We are in danger not from foreign foes. These we can conquer. We are in danger from ourselves, from passion, from teaching a lesson, establishing a precedent, that may be used some day against us, and doing an act that will not have the approval of the national conscience nor the sanction of the civilized world. A great Republic can not afford to make such a record. Conscious of our great strength, we should be patient, temperate, just, and fair in all our dealings with the peoples and nations of the world. Varying the words of the rising poet, we should say, in the trials through which we are passing:

God of our fathers, guide us yet,
Lest we forget—lest we forget.

Mr. CLAY. Mr. President, it is not my purpose to attempt to make a speech, because I have occupied nearly an hour heretofore in giving the views that I entertain upon this subject. I simply ask a few minutes of the time of the Senate in order that I may explain the vote that I shall soon be called upon to cast.

I am one of those Senators, I believe I can truthfully say, who have been conservative and exceedingly anxious to see this trouble settled without a war. I have waited patiently and I have been anxious to see it adjusted without our going to war, for the people of the South know what war means. I believe to-day that a majority of the people of my State are opposed to war if it could honorably be avoided. But standing here, in part representing the State of Georgia, I have a duty to perform. I realize now that the adoption of either of these resolutions necessarily means war. There are three resolutions pending here, and I believe it to be my duty to vote for the one that in my judgment is direct and positive and that will meet the issue and use the most effective means to accomplish the desired result.

For one, Mr. President, I say that the President himself deserves credit for endeavoring to adjust this matter without war, if possible. I was anxious to give him my support, to see him adjust it without war. I do not agree with him, however, in the message that he has sent to us. It is not essential that I should say why I do not. I simply desire to read the three pending resolutions and give briefly the reasons that induce me to vote in favor of the minority report.

I want to say, Mr. President, that the President of the United States in his message has said that the war existing between Spain and Cuba must stop. The House of Representatives has said that the war must stop. Every Senator upon the floor of the Senate says the war must stop. The great heart of the American people says that the war must stop. Then, if the war must stop, it has been my observation that when a crisis comes, and you can not meet the crisis any other way than by a positive and effective remedy, it is our duty to use the one that will be the most effective and end the war between Spain and the Cuban people, and give to the people of Cuba a free government, one that will enable them to govern themselves.

Now, Mr. President, I want to read the first resolution which came from the House:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and directed to intervene at once to stop the war in Cuba, to the end and with the purpose of securing permanent peace and order there and establishing by the free action of the people thereof a stable and independent government of their own in the Island of Cuba—

Now, mark you, the President is directed to intervene and stop the war—

and the President is hereby authorized and empowered to use the land and naval forces of the United States to execute the purpose of this resolution.

Now, my objection to the House resolution is simply this: It authorizes and empowers the President, in his discretion, to use the Army and Navy of the United States for the purpose of ending the war. In other words, it says that the President can act

as he sees fit and proper; that he can have war or he can stop it if he wants to, by using the Navy and Army, or he can let it alone. In my judgment that power ought not to be delegated to the President, and I shall vote against that resolution and could not give it my support.

There is another resolution pending before us—the majority resolution from the Committee on Foreign Affairs. I have before me the resolution from the Committee on Foreign Relations—that is, a majority of that committee. That resolution, or the part of it which I wish to read, is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

That is the resolution of the majority of the committee. When the resolution of the minority is adopted, that sentence will be completed as follows:

That the people of the Island of Cuba are, and of right ought to be, free and independent, and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

In my judgment that is the most effective remedy that has been presented to the Senate. We are going to war with Spain. The circumstances and facts are such that the President of the nation has said we must have war; that the war there must stop. Now, what did he say? In his message he says:

The long trial has proved that the object for which Spain has waged the war can not be attained. The fire of insurrection may flame or may smolder with varying seasons, but it has not been and it is plain that it can not be extinguished by present methods. The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop.

The President has said that the war must stop. Then how ought we to stop it? In my judgment, the way to stop it is to resort to the means that will be most effective in driving the Spanish soldiers from Cuban soil. I say to-day that we need the assistance of the Cubans in this contest. They have fought for three years, and if we are determined to have war and to meet the crisis, in my judgment the only way to do it is to use every resource that we possibly can to meet the emergency.

I have been troubled in regard to the condition of affairs in Cuba on one point, and that was the government existing in Cuba. If an intelligent man will sit down and read the constitution framed by the Cuban insurgents and now in operation in Cuba, he will necessarily come to the conclusion that the hand of a statesman drafted that instrument. Mr. President, it shows that it represents an intelligent and thoughtful constituency. I have been fully satisfied from reading the document that they are capable of forming a government and that it is our duty to recognize them, and if we are going to have war, to cooperate with them in this struggle.

I ask permission to have inserted as a part of my remarks the constitution of the provisional government of Cuba. It commences on page 31 of the report of the Committee on Foreign Relations and embraces pages 31, 32, 33, 34, and part of page 35.

Mr. FAULKNER. The Senator from Georgia does not ask to have it read?

Mr. CLAY. I do not ask to have it read; I simply ask that it be inserted as a part of my remarks. [See Appendix.]

One word more and I am done. I simply say that in casting my vote in favor of the minority report I believe that an emergency has arisen that no longer can be met by vacillation or equivocation. I believe that a crisis is on us, and it will require brave as well as zealous, courageous action to meet it, and we ought to do it, and do it at once, and not delay any longer. If we are determined to have war, let us use the most effective means to accomplish our purposes.

APPENDIX.

CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF CUBA.

The revolution for the independence and creation in Cuba of a democratic republic in its new period of war, initiated on February 24 last, solemnly declares the separation of Cuba from the Spanish monarchy, and its constitution as a free and independent state, with its own Government and supreme authority, under the name of the Republic of Cuba, and confirms its existence among the political divisions of the world.

The elected representatives of the revolution, in convention assembled, acting in its name and by the delegation which for that purpose has been conferred upon them by the Cubans in arms, and previously declaring before the country the purity of their thoughts, their freedom from violence, anger, or prejudice, and inspired only by the desire of interpreting the popular voice in favor of Cuba, have now formed a compact between Cuba and the world, pledging their honor for the fulfillment of said compact in the following articles of the constitution:

ARTICLE I. The supreme powers of the republic shall be vested in a government council composed of a president, vice-president, and four secretaries of state, for the dispatch of the business of war, of the interior, of foreign affairs, and of the treasury.

ART. II. Every secretary shall have a subsecretary of state, in order to supply any vacancies.

ART. III. The government council shall have the following powers:

1. To dictate all measures relative to the civil and political life of the revolution.

2. To impose and collect taxes, to contract public loans, to issue paper money, to invest the funds collected in the island, from whatever source, and also those which may be raised abroad by loan.

3. To arm vessels, to raise and maintain troops, to declare reprisals with respect to the enemy, and to ratify treaties.

4. To grant authority, when it is deemed convenient, to order the trial by the judicial power of the president or other members of the council, if he be accused.

5. To decide all matters, of whatsoever description, which may be brought before them by any citizen, except those judicial in character.

6. To approve the law of military organization and the ordinances of the army, which may be proposed by the general in chief.

7. To grant military commissions from that of colonel upward, previously hearing and considering the reports of the immediate superior officer and of the general in chief, and to designate the appointment of the latter and of the lieutenant-general in case of the vacancy of either.

8. To order the election of four representatives for each army corps whenever in conformity with this constitution it may be necessary to convene an assembly.

ART. IV. The Government council shall intervene in the direction of military operations only when in their judgment it shall be absolutely necessary to do so to realize high political ends.

ART. V. As a requisite for the validity of the decrees of the council, at least two-thirds of the members of the same must have taken part in the deliberations of the council, and the decrees must have been voted by the majority of those present.

ART. VI. The office of councillor is incompatible with any other of the republic, and requires the age of 25 years.

ART. VII. The executive power is vested in the president, and, in case of disability, in the vice-president.

ART. VIII. The resolutions of the government council shall be sanctioned and promulgated by the president, who shall take all necessary steps for their execution within ten days.

ART. IX. The president may enter into treaties with the ratification of the government council.

ART. X. The president shall receive all diplomatic representatives and issue the respective commissions to the public functionaries.

ART. XI. The treaty of peace with Spain, which must necessarily have for its basis the absolute independence of the Island of Cuba, must be ratified by the government council and by an assembly of representatives convened expressly for this purpose.

ART. XII. The vice-president shall substitute the president in the case of a vacancy.

ART. XIII. In case of the vacancy in the offices of both president and vice-president on account of resignation, deposition, or death of both, or from any other cause, an assembly of representatives for the election to the vacant offices shall be convened, the senior secretaries in the meanwhile occupying the positions.

ART. XIV. The secretaries shall have voice and vote in the deliberations of resolutions of whatever nature.

ART. XV. The secretaries shall have the right to appoint all the employees of their respective offices.

ART. XVI. The subsecretaries in cases of vacancy shall substitute the secretaries of state and shall then have voice and vote in the deliberations.

ART. XVII. All the armed forces of the republic and the direction of the military operations shall be under the control of the general in chief, who shall have under his orders as second in command a lieutenant-general, who will substitute him in case of vacancy.

ART. XVIII. All public functionaries of whatever class shall aid one another in the execution of the resolutions of the government council.

ART. XIX. All Cubans are bound to serve the revolution with their persons and interests, each one according to his ability.

ART. XX. The plantations and property of whatever description belonging to foreigners are subject to the payment of taxes for the revolution while their respective governments do not recognize the rights of belligerency of Cuba.

ART. XXI. All debts and obligations contracted since the beginning of the present period of war until the promulgation of this constitution by the chiefs of the army corps, for the benefit of the revolution, shall be valid as well as those which henceforth the government council may contract.

ART. XXII. A government council may depose any of its members for cause justifiable in the judgment of two-thirds of the councillors, and shall report to the first assembly convening.

ART. XXIII. The judicial power shall act with entire independence of all the others. Its organization and regulation will be provided for by the government council.

ART. XXIV. The present constitution shall be in force in Cuba for two years from the date of its promulgation, unless the war for independence shall terminate before. After the expiration of the two years an assembly of representatives shall be convened which may modify it, and will proceed to the election of a new government council, and which will pass upon the last council. So it has been agreed upon and resolved in the name of the Republic by the constituent assembly in Jimaguayu on the 18th day of September, 1895, and in witness thereof we, the representatives delegated by the Cuban people in arms, signed the present instrument. Salvador Cisneros, president; Rafael Manduley, vice-president; Pedro Pinan de Villegas, Lope Recio, Fermin Valdes Dominguez, Francisco Diaz Silveira, Dr. Santiago Garcia, Rafael Perez, F. Lopez Leyva, Enrique Cespedes, Marcos Padilla, Raimundo Sanchez, J. D. Castillo, Mariano Sanchez, Pedro Aguilera, Rafael M. Pontuondo, Orenicio Nodarse, José Clemente Vivanco, Enrique Loynaz Del Castillo, Severo Pina.

ELECTION OF GOVERNMENT.

The constituent assembly met again on the 18th of the said month and year, all the said representatives being present. They proceeded to the election of members who are to occupy the offices of the Government council, the general in chief of the army of liberation, the lieutenant-general, and the diplomatic agent abroad. The secret voting commenced, each representative depositing his ballot in the urn placed on the chairman's table, after which the count was proceeded with, the following being the result:

President: Salvador Cisneros, 12; Bartolome Maso, 8.
Vice-president: Bartolome Maso, 12; Salvador Cisneros, 8.
Secretary of war: Carlos Roloff, 18; Lope Recio Loizaz, 1; Rafael Manduley, 1.

Secretary of the treasury: Severo Pina, 19; Rafael Manduley, 1.
Secretary of the interior: Dr. Santiago Garcia Canizares, 19; Carlos Dubois, 1.

Secretary of the foreign relations: Rafael Portuondo, 18; Armando Menocal, 1; blank, 1.

Subsecretary of war: Mario Menocal, 18; Francisco Diaz Silveira, 1; blank, 1.

Subsecretary of the treasury: Dr. Joaquin Castillo, 7; Francisco Diaz Silveira, 5; José C. Vivanco, 3; Armando Menocal, 3; Carlos Dubois, 1; blank, 1.

Subsecretary of the interior: Carlos Dubois, 13; Orenicio Nodarse, 5; Armando Menocal, 1; blank, 1.

Subsecretary of foreign relations; Fermin Valdes Dominguez, 18; Rafael Manduley, 1; blank, 1.

Therefore, the following were elected by a majority of votes:

President, Salvador Cisneros; vice-president, Bartolome Maso; secretary of war, Carlos Roloff; secretary of the treasury, Severo Pina; secretary of the interior, Dr. Santiago Garcia Canizares; secretary of foreign relations, Rafael M. Portuondo; subsecretary of war, Mario Menocal; subsecretary of the treasury, Dr. Joaquin Castillo; subsecretary of the interior, Carlos Dubois; subsecretary of foreign relations, Dr. Fermin Valdes Dominguez.

The vice-president of the assembly immediately installed the president in the office of the government council that had been conferred upon him; the latter in turn installed those of the other members elected who were present, all entering on the full exercise of their functions after previously taking the oath.

On proceeding to the election of those who were to occupy the positions of general in chief of the army, lieutenant-general, and diplomatic agent abroad, the following citizens were unanimously elected by the assembly for the respective places: Major-General Maximo Gomez, Major-General Antonio Maceo, and Citizen Tomas Estrada Palma—all these appointments being recognized from that moment.

LAWS FOR THE CIVIL GOVERNMENT AND ADMINISTRATION OF THE REPUBLIC.

CHAPTER I.—TERRITORIAL DIVISION.

ARTICLE I. The Republic of Cuba comprises the territory occupied by the Island of Cuba from Cape San Antonio to Point Maisi and the adjacent islands and keys.

ART. II. This territory shall be divided into four portions, or states, which will be called Oriente, Camaguey, Las Villas or Cabanacan, and Occidente.

ART. III. The State of Oriente includes the territory from the Point Maisi to Port Manati and the river Jobabo in all its course.

ART. IV. The State of Camaguey includes all the territory from the boundary of Oriente to the line which starts in the north from Laguna Blanca through the Esteros to Moron, passing by Ciego de Avila, follows the military trocha to El Jucaro in the southern coast, it being understood that the towns of Moron and Ciego de Avila belong to this State.

ART. V. The State of Las Villas has for boundary on the east Camaguey, on the west the river Palmas, Palmillas, Santa Rosa, Rodas, the Hannabana River, and the bay of Cochinos.

ART. VI. The State of Occidente is bordered on the Las Villas, extending to the west to Cape San Antonio.

ART. VII. The islands and adjacent keys will form part of the states to which they geographically belong.

ART. VIII. The State of Oriente will be divided into ten districts, which shall be as follows: Baracoa, Guantnamo, Sagua de Tanamo, Mayari, Santiago, Jiguani, Manzanillo, Bayamo, and Tunas.

Camaguey comprises two—the eastern district and the western district. Las Villas comprises seven—Sancti-Espiritus, Trinidad, Remedios, Santa Clara, Sagua, Cienfuegos, and Colon.

That of Occidente comprises sixteen—Cardenas, Matanzas, Union, Jaruco, Guines, Santa Maria del Rosario, Guanabacoa, Havana, Santiago de las Vegas, Bejucal, San Antonio, Bahia Honda, Pina del Rio, and Mantua.

ART. IX. Each of these districts will be divided into prefectures, and these in their turn into as many subprefectures as may be considered necessary.

ART. X. For the vigilance of the coasts there will be inspectors and watchmen appointed in each State according to the extent of the coasts and the number of ports, bays, gulfs, and salt works that there may be.

ART. XI. On establishing the limits of the districts and prefectures, the direction of the coast, rivers, and other natural boundaries shall be kept in mind.

CHAPTER II.—OF THE GOVERNMENT AND ITS ADMINISTRATION.

ART. XII. The civil government, the administration, and the service of communications devolve upon the department of the interior.

ART. XIII. The secretary of the interior is the head of the department; he will appoint the employees and will remove them whenever there will be justifiable cause, and will have a department chief to aid him in the work of the department.

ART. XIV. The department chief will keep the books of the department, take care of the archives, will be the manager of the office, and will furnish certifications when requested to do so.

ART. XV. The department of the interior will compile from the data collected by the civil governors the general statistics of the republic.

ART. XVI. The civil governor will inform the department of the interior as to the necessities of his state, will order the measures and instructions necessary for compliance with the general laws of the republic and the orders given by that department, will distribute to the lieutenant-governors the articles of prime necessity which will be delivered to them for that purpose, will communicate to his subordinates the necessary instructions for the compilation of statistics, and will have a subsecretary who will help him in the discharge of his functions.

ART. XVII. The lieutenant-governor will see that the orders of the governors are obeyed in the district, and will have the powers incident to his position as intermediary between the civil governors and the prefects. In case of absolute breach of communication with the civil governors, they will have the same powers as the latter.

ART. XVIII. The prefect shall see that the laws and regulations communicated to him by his superior authorities are complied with. All residents and travelers are under his authority, and, being the highest official in his territory, he in his turn is bound to prevent all abuses and crimes which may be committed.

He will inform the lieutenant-governor as to the necessities of the prefecture; will divide these into as many subprefectures as he may consider necessary for the good conduct of his administration; he will watch the conduct of the subprefects; he will distribute among them with equity the articles delivered to him, and he will have all the other powers incident to him in his character of intermediary between the lieutenant-governor and the subprefects.

ART. XIX. The prefect will also have the following duties: He will harass the enemy whenever possible for him to do so; will hear the preliminary information as to crimes and misdemeanors which may be committed in his territory, passing the said information to the nearest military chief, together with the accused and all that is necessary for the better understanding of the hearing. He will not proceed thus with spies, guides, couriers, and others who are declared by our laws as traitors and considered as such, for these, on account of the difficulty of confining them or conducting them with security, shall be tried as soon as captured by a court consisting of three persons, the most capable in his judgment in the prefecture, one acting as president and the others as members of the court. He will also appoint a prosecuting officer, and the accused may appoint some one to defend him at his pleasure.

After the court is assembled in this form, and after all the formalities are complied with, it will in private judge and give its sentence, which will be final and without appeal; but those who form the said court and who do not proceed according to our laws and to natural reason will be held responsible

by the superior government. Nevertheless, if in the immediate territory there be no armed force, the accused shall be sent to it with the facts, in order that they shall be properly tried.

The prefects will take the statistics of his prefecture, setting down every person who is found therein, noting if he is the head of a family, the number of the same, his age, his nationality and occupation, if he is a farmer the nature of his farm, and if he has no occupation the prefect will indicate in what he should be employed. He will also keep a book of civil register in which he will set down the births, deaths, and marriages which may occur.

He will establish in the prefecture all the factories that he can or may consider necessary in order to well provide the army, as it is the primary obligation of all employees of the Republic to do all possible so that the hides shall not be lost, and organizing in the best manner, and as quickly as may be, tanneries, factories of shoes, rope, blankets, and carpenter and blacksmith shops.

He will not permit any individual of his district to be without occupation. He will see that everyone works, having the instruments of labor at hand in proportion to the inhabitants of his territory. He will protect and raise bees, he will take care of abandoned farms, and will extend as far as possible the zones of agriculture.

As soon as the prefect learns that the secretary of the interior or any delegate of this authority is in his district he will place himself under the latter's orders. This he will also do on the arrival of armed forces, presenting himself to their chief in order to facilitate the needed supplies and to serve him in every possible manner. He will have a bugle to warn the inhabitants of the enemy's approach; he will inform the nearest armed force when his territory is invaded. He will collect all horses and other animals suitable for the war and lead them to a secure place, so that when the army may need them or they may be required by the civil authorities to whom they may appertain.

He will provide the forces that may be in or pass through his territory with whatever they may need, which may be within his power, and especially shall he provide guides and beehives and vegetables which the chief may require to maintain the said forces. He will also deliver the articles manufactured in the shops under his immediate inspection, demanding always the proper receipts therefor.

He will also provide the necessary means for the maintenance of all the families of the territory, especially those of the soldiers of the army of liberation.

Until otherwise decreed he will celebrate civil marriages and other contracts entered into by the residents of his prefecture; he will act in cases of ordinary complaints and in the execution of powers and wills, registering the same in a clear and definite manner, and issuing to the interested parties the certificates which they may require.

ART. XX. The subprefects will see that the laws and orders communicated to him by his superior authorities are obeyed in territory under his command; he will inform the prefect as to the necessities of the subprefecture and will see to the security and order of the public, arresting and sending to the prefects those who may travel without safe-conduct, seeing that no violation of law whatsoever is perpetrated, and will demand the signed authority of the civil or military chief who has ordered a commission to be executed.

ART. XXI. The subprefects will compile a census in which the number of inhabitants of a subprefecture will be stated and their personal description; he will keep a book of the births and deaths which will occur in his territory, and of all this he will give account at the end of the year. He will invest the means provided by the prefect to pay the public charges, and if the said resources are insufficient he will collect the deficit from the inhabitants; he will not authorize the destruction of abandoned farms, whether they belong to friends or enemies of the republic, and he will inform the prefect of the farms which are thus abandoned.

ART. XXII. For the organization and better operation of the states' manufactories a chief of factories shall be appointed in each district, who will be authorized to establish such factories which he may deem convenient, employing all citizens who, on account of their abilities, can serve, and collecting in the prefectures of his district all the instruments he can utilize in his work. These chiefs will be careful to frequently inspect the factories, to report any defects which they may notice, and to provide the superintendents with whatever they may need, that the work may not be interrupted.

Together with the prefect he will send to the department of the interior the names of the individuals he considers most adapted to open new shops, and on the 1st day of each month he will send to that department a statement of the objects manufactured in each shop of his district, indicating the place of manufacture, what remains on deposit, what has been delivered, with the names of commanders of forces, civil authorities, or individuals to whom they were delivered.

ART. XXIII. The coast inspectors will have under their immediate orders an inspector, who will be his secretary, who will occupy his place in his absence or sickness, and as many auxiliaries as he may deem convenient. He may demand the aid of the prefects and armed forces whenever he may consider it necessary for the better exercise of his functions. The duties of the inspectors will be to watch the coasts and prevent the landing of the enemy, to be always ready to receive disembarkments and place in safety the expeditions which may come from abroad, to establish all the salt works possible, to capture the Spanish vessels which frequent the coasts on his guard, and to attend with special care to the punctual service of communications between his coast and foreign countries.

ART. XXIV. The coast guards will acknowledge the inspector as their superior, will watch the places designated to them, and will execute the orders given.

ART. XXV. The lieutenant-governors, as well as the inspectors of whatever class, will have their residence, wherever the necessity of their office does not prohibit it, in the general headquarters, so that they can move easily, furnish the necessary aid to the army, and carry out the orders of the military chief.

Country and liberty.

OCTOBER 17, 1895.

The secretary of the interior, Dr. Santiago Garcia Canizares, being satisfied with the preceding law, I sanction it in all respects.

Let it be promulgated in the legal form.

SALVADOR CISNEROS BETANCOURT,

The President.

OCTOBER 18, 1895.

Mr. PROCTOR. Mr. President, I should not have said a word on this matter except for the fact that the Senator from West Virginia [Mr. ELKINS] challenged my statement in regard to the strength of the insurgent army, and, unkindest cut of all, he challenged it on the strength of what Mr. Atkins, of Boston, said. In regard to Mr. Atkins, I will refer any Senators who wish to inquire as to him to the junior Senator from Massachusetts [Mr. LODGE], who knows him well.

My statement in regard to the strength of that army was derived from the reports of our consuls and from a great many other sources, and from the statement of certainly the first and I think two of the largest bankers in Havana, who have their correspondents in every town and city of the island, and who told me as near as they could judge of the strength of the two armies.

I went to Cienfuegos, near which Mr. Atkins's plantation is situated. I saw before I got there, and I learned from various sources after I reached that city, that Mr. Atkins had had special favors from the Spanish Government. It was evident, even in going along in the cars, that there was much larger force guarding his mills than those in other sections. His sugar mills, and others in his vicinity, were running, although all the way from there to Havana there was hardly one. He had had the opportunity to run his mills while others were destroyed. I learned also, to speak plainly, that Mr. Atkins had our consul, Mr. McGarr, at Cienfuegos, in his pocket.

Mr. McGarr was appointed from Tennessee, and I am confident that the senior Senator from Tennessee [Mr. BATE] will not object to anything I say in reference to him. I was told that Mr. Atkins was very generous with certain stimulating beverages which had a lubricating effect upon the consul's mind and tongue.

I wish now to state, Mr. President, precisely what conversation took place. I will state it in three minutes, though the conversation with our consul, Mr. McGarr, occupied an hour. The first inquiry I made was about Mr. Atkins. I told him that Mr. Atkins was from my own vicinity in New England.

Mr. McGarr told me that Mr. Atkins was the finest man in the world; he could not say too much for him. I then asked him about the condition of the reconcentrados and the deaths. He told me that the statements were greatly exaggerated, and he also said "this trouble would have been ended long ago if it had not been for the United States." Those were his exact words. I should say that Miss Clara Barton and Colonel Parker, of this city; Dr. Eagan, of Boston; and Mr. Elwell, of Kansas, were present.

We were sitting about a table in a restaurant. I asked him how many of the reconcentrados in the whole island he thought had died in consequence of the reconcentration order of Weyler's. I thought that his views would be very low, and I suggested a very low number, and asked if it was from five to ten thousand. "Oh, no," he said, "not near as many as that; from one to two thousand." Said I, "In the whole island?" "Yes; in the whole island."

He went on to say that they were in very bad condition when they were driven in. They had been out in the swamps and were half starved. I said to him, "I suppose they were fed by the municipalities and by citizens." "Oh, yes," said he; "they were well supplied when they came in." Said I, "I suppose that this munificent bounty was mainly from Spanish citizens." He said it was, certainly. Said I, "Is it not probable"—I admit I asked leading questions [laughter]—"is it not probable that, coming in in such a half-starved condition, this munificent bounty was the cause of killing a great many of them?" He said, "There is not a doubt of that." [Laughter.] I am willing to leave Mr. McGarr with that statement.

I trust, Mr. President, that the report of the majority of the committee will be adopted striking out the words "are and," in the first resolution; so that it will read:

That the people of the Island of Cuba of right ought to be free and independent.

I could personally vote for the resolution as it stands, because there is a very strange and peculiar condition there. Every house and every family in Cuba, so far as I could see—and I believe it is strictly true—is just as free and independent as we are here, except those who are within the range of a Spanish rifle and inside of a Spanish fortification, and are virtually prisoners of war.

But, Mr. President, it is important that our action be harmonious and prompt. It is not the time to divide, but to concentrate forces when preparing for battle. The effect of united action here will be good in every way; upon our own people, upon the Cubans, upon Spain, and upon European nations. The resolutions differ in policy more than in principle. I should be willing to vote for either the minority resolutions or those of the House, if it seemed the wisest and best policy, but believe the same end will be accomplished by the resolutions of the majority in a manner better for all parties.

And it is from that standpoint of agreement with the purpose of the minority report that I trust for the public good it will not be pressed. Cuba may well rest her case on the highest plane of patriotism—that the present government has no personal aim. It is the freedom of the people they ask. I believe they prefer, for the good of their cause, united agreement upon the majority report rather than divided action.

General Lee and Captain Barker, our consuls, also advise earnestly against formal recognition of the present government. Many prominent Cubans, unfitted for field service, have left the island. Some have been obliged to leave to gain a subsistence. Some have been sent away by the Spanish authorities. When peace is established these men will return, and should be allowed

to take part in the formation of the government which the Cuban people will accept. There can be little doubt that it will be practically the government which they have acknowledged and sustained for three years.

And the other wing of this body, who have labored so assiduously for peace, must recognize that further effort in that direction or further delay is harmful to the cause they have at heart. The time for action has come. It is too late to talk or think of peace unless Spain yields. She will be more likely to do so if she sees a united front here. Other nations will be less ready to encourage her. Union of sentiment and celerity of action are of the utmost importance in war. A unanimous vote here to-day would probably be accepted by the other House, and may save thousands of lives and millions of money. The majority resolutions recognize no government, but leave us free to exercise our influence; and our aid in giving Cuba freedom will make this controlling.

If we aid the Cuban people to achieve their independence, we shall, of course, hold the fortifications of Havana, and any others, if it is for their good and ours that we should do so. Our vessels of war and commerce will be at home in their ports with no danger of being blown up. Americans will furnish them lines of transportation by land and water, will sell them their food and wares and merchandise, will rebuild their mills, restore and people the solitude Spain has made and called peace.

In short, full commercial annexation will come quickly. If political annexation ever comes, it should not be until the island is sufficiently Americanized to fully warrant it.

And in my opinion there will be such a development of American ideas and American interests as no part of our country has seen for many years, and in this I know I agree with our consuls and others who are best acquainted with the conditions and capabilities of that wonderful land.

Is it good policy, Mr. President, at the very first step to fail to offer some friendly expression to the men who will be our allies and fight shoulder to shoulder with us?

We know but little of their sacrifices and hardships, but we do know that they are without a parallel in any struggle for liberty in modern times.

I may say that the letter part of which was read by the Senator from New Hampshire [Mr. GALLINGER], was one written to me by a major in Gomez's army whom I met there. I rode over 200 miles with him and stayed over night one night at a hotel where he was. He was an American, a Southern man, and had lived some eight years there. He was engaged in most perilous service. He belonged to a Havana brigade in that province and was engaged in carrying reports from the western province to Gomez and transmitting orders.

All the time I was in the seat with him in the railroad car I thought at any place he might be taken out and shot. Of course it would have been according to the laws of war if he had been tried by a drumhead court-martial; but in Cuba they would have dispensed with that little formality. Of course he was liable to be shot as a spy because he was within the Spanish lines. General Lee and all our consuls knew him. He had been in this confidential service for a long time.

I have just about one minute more, Mr. President, I believe?

The PRESIDING OFFICER (Mr. GORMAN in the chair). The Senator has just a minute and a half more.

Mr. PROCTOR. The statement of this man in regard to the hardships suffered I have no doubt is absolutely accurate. He told me that many of the infantry were entirely naked above the waist, except for a straw hat, and had been sleeping on the ground all winter without blankets and only a covering of grass and twigs.

Either resolution, Mr. President, must accomplish the great result, but that of the majority is but simple justice to these people who have fought and suffered and seen their families starved and subjected to darker wrongs without weakening in their purpose to achieve their freedom. And, Mr. President, what better memorial can we give the sailors of the *Maine* than to see to it promptly that the flag of their murderers no longer floats over the water where they went down or over the soil in which they are buried? [Applause in the galleries.]

The PRESIDING OFFICER. Applause in the galleries is forbidden by the rules of the Senate, and can not be permitted.

Mr. PRITCHARD. Mr. President, it is impossible for me within the time allotted to speakers to intelligently discuss either one of the issues raised by the resolution and the various amendments which are intended to be proposed. While I have sympathized all the time with the Cubans in their struggle for liberty and home rule, I have remained quiet and listened to what others have had to say with respect to this great question, which, in my judgment, is the most important question that has confronted this country since 1860.

Inasmuch as I will not be able to submit an argument in support of the position I occupy, I shall content myself with the statement that I heartily concur in the views expressed by the Senators from Delaware and Wisconsin. They have presented in a

masterful manner what I conceive to be the policy which should be pursued by this body. We can not afford to establish a precedent on this occasion which is in flagrant violation of the principles enunciated by this Government during the late war, and which will in all probability return to plague us in the near future. I am greatly surprised to hear Senators on this floor criticize the conduct of the President, in view of the fact that he has acted in a fair, impartial, and patriotic manner in his treatment of this subject.

The American people are well acquainted with the life and character of William McKinley, and I feel sure that unfounded assertions and insinuations, prompted by a desire to make political capital, will not find successful lodgment in the minds of our people. The time for argument has passed and the hour for action is at hand. The people of this country are anxiously awaiting a final vote on the resolution under consideration.

The President stands ready and willing to obey the mandate of Congress. Let our action be such as to convince the world that we are the descendants of the men who led the American forces at Bunker Hill and Kings Mountain. While the people of the South realize the fact that a war will be detrimental to their interests, at the same time the State of North Carolina is ready and willing to contribute her full quota of brave men in the defense of humanity, and to maintain the dignity and honor of this nation.

Mr. NELSON. Mr. President, I had not intended to take any part in the debate on this question. The spirit to speak did not come upon me until last evening, when listening to the very able and interesting discussion of the question by the Senator from Wisconsin [Mr. SPOONER] and after listening to other Senators who followed in his wake.

Somehow it has been in the air on this side of the Chamber that we who intended to vote for the recognition of the independence of the Cuban Republic were not loyal to the President and were not the friends of the President. Mr. President, I repel any such idea or insinuation. I think that the best friends of the President of the United States at this juncture are the men who aim to keep him in harmony and in touch with the spirit and sympathy and affections of the American people. No one who is at all conversant with the sentiment of the American people, as it appears in the newspapers and as it appears in public meetings and elsewhere, will doubt for a moment that the heart of the American people is with the Cuban Republic. So, Mr. President, with all due respect to my colleagues on this side of the Chamber with whom I differ, I think we who aim to keep the President in touch with that sentiment are as good friends as those who seek to put him in an ice box and keep him away from the hearts of our people.

Mr. President, I listened with great interest to the able argument of the Senator from Wisconsin yesterday, and after listening to it I could not help but come to the conclusion that he did not discuss the real question at issue in this controversy. In order that I may not do any injustice to the position of the honorable Senator, I will briefly state the grounds of his contention.

The two propositions chiefly discussed by the Senator were, first, as to whether the recognition of Cuba was purely an Executive function, beyond the pale of the legislative department; and, second, as to whether, under the principles of international law, it was proper to recognize the Republic.

These propositions, though highly interesting, are not strictly relevant to the issue before us and the issue presented to us by the President—the question of intervention. The President has the right, independent of our authority, to intervene through diplomacy—to peaceably intervene. What he has asked of us, and the issue before us, is the right and power to intervene by force of arms. If the only question presented to us for consideration and determination were the recognition of the independence of the Republic of Cuba, the nunder those conditions, the question would be one of international law; then it might be pertinent to discuss the question whether the President had the exclusive power of recognition, or whether the power was vested in the legislative department of the Government. And it would then also be pertinent to discuss the question as to whether the recognition of Cuba was justified by the principles of international law. But that is not the question of international law involved. The question of international law presented here to-day is the right and duty of forcible intervention.

Have we the right to intervene by force of arms and expel the Spaniards from Cuba, and to set up an independent government in place of the existing Spanish government? That is the true question of international law involved; that is the political question. If such a right of intervention exists under the principles of international law, if we are justified to intervene by force of arms, then it is not a question of international law whether we accept the republican government now existing in Cuba, or set up another in its place. In either event it will be an anti-Spanish government, a government of our own recognition. The right of forcible intervention being conceded, as it seems to be on all hands, the right to accept the existing republic, or to establish an-

other, can in no wise be a matter of international law, for it is all merged in the greater question—the right and duty of forcible intervention.

Mr. President, if we have the right to forcibly intervene in Cuba, to drive the Spaniards out and set up another government, the question whether we take the republican government that is now existing and ready-made, so to speak, or set up a new one, is not in any sense a question of international law. The question of annexation might be, for that might be construed as bearing on the question of the balance of power; but we all disavow annexation, so that point is not material. If we have the right of forcible intervention, and the right to establish an independent government in Cuba, manifestly the right of the legislative department to take a ready-made republican government is as broad and well-grounded as the right to create such a government. If we have the right to create a republican form of government, we have a right to say that the government that is now existing is such a government. That is not a question of international law.

Forcible intervention and the expulsion of the Spaniards is war, inaugurated under the war-making power of Congress, and Congress, in resorting to war, in declaring war, has full jurisdiction of the entire subject until peace is restored; and in declaring and making such war Congress has the right to say that it will recognize and avail itself as an ally of the Republic of Cuba. And whether war shall come with the recognition of the existing government or the creation of another government is clearly within the war-making power, the power of peace and war, vested in Congress.

The Senator from Wisconsin will not contend that if we intervene by force of arms in Cuba and take possession of the country without a preliminary recognition of independence that the executive department has the exclusive right to set up a new government in Cuba and to determine the manner in which it shall be done, and the character of the same. That is manifestly a matter for the legislative department of the Government. The legislative department can say if it goes to war that it will do so with the Cuban Republic as an existing fact, as a friend and ally. To deny that is to curtail and abridge the war-making power of the legislative department of the Government. The executive department has no right to prescribe the conditions under which Congress shall make war. That is utterly foreign to our system of government.

In any aspect, then, waiving the mere technical, theoretical questions discussed by the Senator from Wisconsin, upon the facts of this case, Congress, under the war-making power, has full and ample jurisdiction of the whole subject-matter of intervention and of all subsidiary questions connected with it, including the recognition or establishment of a government in Cuba. The President has asked us to give him the right to make war to expel the Spaniards from Cuba. He has asked us to put that power in his hands; and when we are asked to grant that power—the highest power given under the Constitution—we have the right, the intrinsic right, vested in us by the Constitution, to say how and under what conditions and with what allies that war-making power shall be exercised.

Mr. President, Spanish rule in Cuba from its inception has been a rule of cruelty, tyranny, and oppression. Within fifty years after the island was first colonized the three or four hundred thousand natives were entirely exterminated. The people of that island, except those who are Spanish Government officials, have been treated as serfs and vassals, have been taxed with the most burdensome taxes, and have been held in a quasi military vassalage. There have been frequent rebellions. I can not enumerate them all; I will simply refer to the great rebellion from 1868 to 1878—the ten years' war. That ten years' war was terminated by a compromise, by which the Spanish Government agreed to give the people of Cuba the same liberty as the people had in Puerto Rico and in Spain; to treat them as Spanish citizens, to give to the slaves who had gone into the insurrection their freedom, and to protect them in all their rights and privileges as Spanish citizens. But what has been the result? That compromise was never carried out in good faith by Spain. Many of the men who surrendered were made captives and transported to distant prisons in distant islands; many of the men who surrendered were slaughtered and assassinated, and the poor people of Cuba, instead of being relieved of the burdens of taxation, instead of being accorded the rights of Spanish citizens, were oppressed worse than ever.

The result of this treachery and oppression was that in 1895 another uprising took place, another rebellion broke out, and this rebellion has been carried on by the insurgents for the last three years in a brave, patriotic, and heroic manner, such as to meet with the approval of all patriotic and good citizens.

No fair and unbiased minds can question the integrity of the Cuban Republic. The Cuban Republic has maintained its ground and has occupied, to the exclusion of the Spaniards, during all this period, the two eastern provinces, which constitute half of the

island. They have had exclusive control of that. There has been a good and orderly government. In the western part of the island—the four western provinces—the only government most of the time has been a military government, and the Spaniards have only occupied and held the seaports and larger towns, and have laid the balance of the country waste, and driven the people—chiefly women, children, and the old and feeble—into camps near the posts and towns held by the Spaniards, and there kept them in a state of cruel want and starvation.

Let me read the testimony of one who has visited Cuba, and speaks from knowledge and observation. I read from Flint, "Marching with Gomez," page 239:

Take it all in all, these two provinces of Camaguey and Oriente are peaceful.

These are the provinces generally called "Santiago de Cuba" and "Puerto Principe."

The small farms are fruitful and undisturbed. Smoke does not tinge the brilliant blueness of the tropical sky. The peasants live in their clearings on the mountain trails as if there were no such thing as war, making their cheese and honey—a contrast to the starving, homeless refugees of the western provinces.

As for traveling, the country is safe as it never was under the old rule; for the insurgents, as I wrote in another chapter, have systematically suppressed outlaws of every description. The prefects are in full sway, each in his district, under surveillance of the civil governors and lieutenant-governors, and in Oriente there are actually schools for the children. To these public schools each citizen is required by law to send his children, despite any notion he may have of his own for their private instruction.

I have before me a little blue-covered pamphlet, the very first primer of free Cuba. It was written by order of the government.

Mr. President, the insurgents have a more stable government, a bigger army, and a better organized administration than the government of the colonies had during the Revolutionary war. This is a matter of history. The only government the colonies had during the Revolutionary war was the Continental Congress, and this was helpless, unpopular, and well-nigh without any power. It was little more than a mere advisory body. In fact, the only substantial head of the government was George Washington and his personality. Gomez has had a bigger army and more of a government at his back than Washington had. There are better and stronger grounds for our recognizing the Cuban Republic than there was for recognizing the United States by France in 1778. To ignore Gomez and the Cuban Republic seems to me to be cold, icy heartlessness, unworthy a great nation and a great people.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator's time has expired.

Mr. PERKINS. Mr. President, I am deeply impressed with the responsibility which rests upon me in casting my vote in what appears to be a crisis in the history of our country. I believe it to be a religious duty for every Senator to carefully consider and duly weigh the various issues which have been here presented, so that when he shall have cast his vote he will have the conscientious satisfaction of knowing that he has done so with a motive as pure as snow; that he has been influenced by no desires but those which will promote and advance the welfare and prosperity of our common country.

It is an individual responsibility which each Senator must take upon himself. He can not delegate it to another, and as he votes so his record must stand. There is not a Senator upon this floor that will probably live long enough to ever again be called upon to vote upon a question fraught with so much importance to the people of our common country!

The very able report which has been presented to us by the Committee on Foreign Relations, a report which for all time will be preserved in the archives of the nation as a memorial of the research of the statesmanship of that committee and reflects the highest credit upon its author, says, among other things, in the resolution, that the people of the Island of Cuba are and of right ought to be free and independent.

They make this declaration, and if they, the people of Cuba, are free and independent, ought we not to acknowledge it by our vote for the resolution which shall become a law upon our statute books? The three great political parties of this country, in its last Presidential campaign, in their respective conventions embodied in platforms the declaration that by right the people of the Island of Cuba should be free and independent and their independence acknowledged. This is not a party question. It is a great American, a great national question. But I only refer to it at this time to justify my course, for in voting as I do I not only carry out the wishes of the people as expressed by them in conventions, but I also certainly act in accordance with my own convictions of duty.

The people of Cuba ought to be free. For three years they have fought, they have sacrificed home and family, they have suffered privations and cruelties the like of which have never been known in the present generation in any country of the world. We ought

to acknowledge their independence because Spain has done so by indirection in issuing the edict that hostilities shall be suspended and an armistice granted. If the Cubans are not in revolution, if they have not been making a fight for liberty, why should they grant them an armistice? We should acknowledge the independence of Cuba, because then we are divorced from the charge by any European power that we are influenced by motives of acquisition, of conquest, or other ulterior purposes. Our motive is a pure one. It is a true one. We do not want the island; but we want this savage war to cease. We want peace to reign there, and we want those people who have been fighting for all that is dear to them finally to reap the reward to which they are justly entitled.

I have received many telegrams and letters asking me well to consider before I vote for a measure that brings war upon the country. They ask me if I wish to give my boy, my friend, a sacrifice to the demon war. I might have answered them, Mr. President, if that spirit had prevailed with our Revolutionary fathers, we would have had no country; we would not have had the religious and civil liberties enjoyed by 70,000,000 people in a country where every man is equal before the law, where every man has open to him every avenue to fame, every avenue to honor, every avenue to the highest position in the land.

But I will answer them from my seat here in this august body, I am ready and willing to fight as I vote; that when I vote for this resolution I enroll my name among those who believe that our country is greater than any man or any combination of men; that our country is next to our Creator, and that my life is at the service of my country when she calls either in the field or upon the waters.

But I do not intend to boast, for I remember the Good Book says, "Let not him that girdeth on his harness boast himself as he that putteth it off."

I remember the story of a friend of mine who went to battle when it raged thick and fast. He was a nervous man. His companion was physically brave, physically strong; he knew no fear; and as the engagement was about to commence he looked at him and said: "You are afraid; you are frightened." He looked at him a moment and said: "Yes; I am afraid; I am frightened; and if you were half so frightened as I am you would run away." This was high moral courage. It is that spirit which should inspire us as we approach this great crisis.

I can not forget the *Maine*. I can not blot out from my memory the recollection of those 266 gallant American sailors, blown into eternity without warning, who were assassinated in their sleep, who went down on that night of terror without being awakened to say a prayer, to lip a word asking their Maker's blessing. I can not forget that tragic event here at the close of the nineteenth century, which has so deeply impressed everyone with its awful solemnity. Who were those 266 men? Had they brothers? Had they fathers or mothers or children? If they had not, there are millions of American citizens who cry out that that murder shall be avenged.

Mr. President, that of itself, I believe, is sufficient warrant for us to go to war, sufficient warrant for us to say that the Spaniards are not capable of governing Cuba, and therefore they should leave the island. There was not a cartridge, not one pound of high explosive that Spain imported into that island for three years that was not under the surveillance, the espionage of the authorities of the island. The people knew that to possess such material meant death. One of those liberal laws made by that Spanish patriot, Weyler, was that if there was found in the possession of anyone without a government permit a pound of any high explosive the penalty was death.

Mr. President, Spain is responsible for that great catastrophe.

I do not wish to be placed in a position in voting for the independence of Cuba where it can be said that I am not voting to support the Administration. All honor to President McKinley. All honor to his name. When the history of this country shall be written not only will its pages be illuminated by his heroic acts, for he won his spurs and his epaulets upon the battlefield, but one of the brightest pages will recite that in this great pressure which has been brought to bear upon him, in this great hour of his trial, when a God-fearing and a God-loving people have been beseeching him to avert war, he has used every honorable means to do so. He has resisted the importunities of those who urged him to haste, he has waited prayerfully, patiently, hoping against hope. He has spared no effort. He has neglected nothing that he could do to give peace to this country. But in his message he says, "I have exhausted every effort, and I refer it now to Congress, the representatives of the people." So, acting upon those instructions, I shall vote in accordance with what I believe to be my duty, and what I believe he would do if he stood in my place.

On April 18, 1775, two lights hung out on the old church at South Boston, and when those lights were seen sparkling across

the water Paul Revere came to the front and rode from Lexington, through Concord, saying, "To arms! To arms! Liberty is assailed, and the foe is upon us!" He was carrying the signal for independence. I believe that on Monday next, the 18th of April, 1898, when the House of Representatives shall have concurred in the joint resolution which we shall pass to-night, some Paul Revere will leave Key West, or some other port on the Atlantic, in an American-built vessel, manned by an American crew, with the Stars and Stripes flying at its peak, while at its fore truck there will be two lights, one red and the other white—the red signifying we press forward with zeal and fortitude against oppression and cruelty, your cause is just; the white light signifying we are a messenger of peace, and the great heart, the great sympathies of the American people that have been with you all these years of struggle, all these dark hours of suffering, these long nights of pain and agony are now ended in fruition, and we have come as a messenger of peace to give you our right hand of fellowship and to declare that Cuba shall be a free and independent people.

Mr. THURSTON. Mr. President, I shall vote to recognize the independence of the Cuban Republic, and quietly and dispassionately, in the briefest possible time, I feel it my duty to present the principal reasons that guide my action.

I am a Republican and I have been urged by every consideration of the welfare of my party to vote against this resolution because it is alleged to be of Democratic origin. No man has ever questioned my Republicanism, and no man can, but in a case of this kind I am something better than a Republican, I am an American; and my duty as an American citizen places me above the clouds and the fogs of party discipline or party decision. I aim to stand in the clear sunlight of the duties and responsibilities of American citizenship.

No man upon this floor or elsewhere shall outdo me in eulogium of the President of the United States. I helped to raise the standard of William McKinley and I helped to carry it to success in convention and at the polls. I am ready to stand by him for the honor of my country, and I repudiate here the suggestions made to the public ear that the President of the United States and the Congress of the United States can be divided by any mere difference in the terms of resolutions that are to be adopted by the Senate and the House.

There is, there can be, there will be no division between the Congress and the President. He has advised us that he has exhausted his powers and responsibilities of diplomacy, and he has asked us to exercise our judgment, not his. For our judgment we answer to our own consciences, to our own high ideals of public duty.

Mr. President, in the message from the President of the United State he states clearly and specifically and rightfully the three alternative forms of intervention possible in the Island of Cuba. He says:

There remain the alternative forms of intervention to end the war, either as an impartial neutral by imposing a rational compromise between the contestants or as the active ally of the one party or the other.

He is right. There are but three methods of intervention possible. As to the first he further properly and rightfully says:

It involves, however, hostile constraint upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement.

Mr. President, I am opposed "to intervention as an impartial neutral by imposing a rational compromise between the contestants." We have declared that there is no compromise possible between Spain and the people of Cuba. We will declare in our resolutions that the people of that island have a right to be free, and the only action which we can sanction as a nation is the removal of the Spanish sovereignty from Cuba.

Mr. President, I am opposed to intervention which imposes "hostile constraint upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement." The dispatches from foreign countries every morning bring to our ears the deliberate opinions of the people of those governments that through the intervention of the United States an end is to be put to the war and Cuba made free upon the condition of the guaranteeing or assumption in some form or another of the obligation of the Spanish debt. Mr. President, God forbid. When the deed of Cuban freedom is signed by the powers of the world, let there be no stain of blood money upon it, and let it not be sealed by a dollar mark.

Mr. President, when we intervene in Cuba we know it means war—war on the sea, war on the land. When we enter a Cuban port, when we raise our flag, when we establish a base of military movement and supply, I do not want the American youth to go down there by the hundreds and the thousands, to take the chances of fever and of disease and of bullets and of battle, unless it is absolutely necessary. If we recognize the Cuban Republic, if we intervene as the friend of that government, which already has an army, not one American youth will ever have to march by

land upon Havana. The Cuban Republic has an army. Give it recognition, give it arms, give it munitions, give it a base of supply at a port held under the guns of American battle ships, and it will do the fighting. It will drive Spain into the sea.

Mr. President, I am done. When the Stars and Stripes go up on Cuban soil, I want our flag to share equally the free air of Cuba with another flag that bears a single star. Under the flags of two Republics, acknowledged before all the world, humanity and liberty will be safe and secure.

Mr. MORGAN. Mr. President, I suppose from the fact that the list of speakers is about exhausted, we are approaching the time when a vote is to be taken. The question before the Senate, as I understand, according to parliamentary law, is the motion of the Senator from Indiana [Mr. TURPIE] to amend the resolution brought in by the committee. The same language which the Senator proposes in his amendment was in the resolution when it was first offered in the Senate by the Senator from Ohio [Mr. FORAKER]. It was in the resolution as it was adopted by the committee on two or three distinct votes, and I voted for it, there being no question made about its propriety.

When, however, we came to the final vote to report the resolution to the Senate, a motion was made by some Senator—I forget who it was, and if I knew, I would not name him—to strike out that part of the resolution. I voted against striking out that part of the resolution. After it was stricken out, a roll call was had, and the resolution was adopted by the unanimous vote of the committee, each member in his place and voting on the roll call, some of them, however, saying that they would reserve the right to offer in the Senate that branch of the resolution which had just been stricken out. The resolution is therefore properly before the Senate with the understanding of the committee, and would be properly before the Senate without any such understanding, on the right of any Senator to propose it.

The views of the minority, as it is called, were drawn up by the honorable Senator from Indiana [Mr. TURPIE] in the following words:

The undersigned members of the said committee cordially concur in the report made upon the Cuban resolutions—

That was after we had adopted them—

The undersigned members of the said committee cordially concur in the report made upon the Cuban resolutions, but we favor the immediate recognition of the Republic of Cuba, as organized in that island, as a free, independent, and sovereign power among the nations of the world.

I declined to sign that report. That declaration, in my judgment, does not comport with the meaning of the part of the resolution stricken out, which is as follows:

That the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

That part of the resolution which was stricken out, and which I have just read, did not say that we recognize "the Republic of Cuba as organized in that island as a free, independent, sovereign power among the nations of the world."

When I came to think over this subject I became alarmed at the idea that we were about to leave that part of the resolution in the body of it, and I will state my reasons for being alarmed at it. Before doing so, I will say, however, that I think I can appeal to the Senate of the United States, to the people of the United States, and more especially to the people of Cuba, that they have never had a firmer friend on this floor or anywhere else than I have been for quite three years, and they do not misunderstand me now, and they will never misunderstand a word I say. On the contrary, my views have been submitted to Mr. Estrada Palma, fully discussed, and he concurs in my views as being absolutely correct on this subject. So, sir, I am not taking any ground different from what I have always occupied upon this subject.

Why do I object to that? First of all, if my brother were the president of the Cuban Republic or the leader of the Cuban army, I would not trust him with the power that is conferred upon him by the amendment, especially by the declaration, which departs from the amendment really contained there, that he is the leader of the armies of a free, sovereign, and independent republic. Why would I not do that? Because I would not trust the welfare of my own people in the hands of any man who lives, the power to be exercised at his arbitrary discretion.

I have great admiration for General Gomez. I am not a man worshiper or a hero worshiper, but if there were a man whom I would pick, from my understanding and knowledge of men in the world, as a conspicuous example of high virtues, civic and military, as a man entitled to stand as the most majestic person in the eyes of the world, with the sword of liberty drawn in his hand, it is General Gomez. So in regard to President Masó, so in regard to his cabinet, and so in regard to the brave and splendid people they represent. I have an intense admiration and a warm, genuine, honest affection for every one of them, and I expect, old as I am, to live to see the day when the single star of the flag of Cuba

will float in triumph on the Castle Morro. I have not any doubt of it.

But, sir, from the beginning, in all my advocacy of belligerency, I have always said I was acting for the American people, for their interests, their honor, and their welfare, praying God that that action might redound to the advantage of the Cuban Republic. But, sir, on the floor of the Senate we act for nobody but the people of the United States. I have no commission to do anything myself.

We have but one example in history on this subject. It has been loosely referred to here on the floor of the Senate in such a manner as to inspire the belief that Senators have not read the history of their country. It has been said often here that France recognized the independence of the United States. Oh, what a blunder there is upon the facts!

Our independence was declared on the 4th day of July, 1776. We went on in that war unassisted by any foreign power, and almost without the recognition of our existence as a nation except by little Holland, until 1778. Then Franklin went to Paris for the purpose of negotiating for money to conduct the war, and he got it. In conducting that negotiation he made first a preliminary and secret agreement with the French Crown. Then he made the treaty, offensive and defensive, which we had so much trouble in getting rid of twenty years later, and had to resort to an act of Congress to repeal it. That treaty was signed by Gerard, Ben Franklin, Silas Deane, and Arthur Lee. Did that recognize our independence? Let me read the eighth article and see whether it did.

Neither of the two parties—

That is, the United States and France—

shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained, and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war.

That is the only precedent we have. That is what you call a declaration of independence. That bound us to fight the battles of France and it bound France to fight our battles. We were not independent enough to make a treaty of peace or a truce without the consent of France. That is what you call the independence recognized by France.

Mr. DANIEL. The treaty itself was a recognition of independence.

Mr. MORGAN. It might be so inferred.

Mr. GRAY. They did not dare do it without a stipulation.

Mr. MORGAN. They did not dare do it, as the Senator from Delaware suggests, without that stipulation. That is the only precedent we have. Why did our fathers require that of France? Because she might make a treaty with Great Britain and leave us in the lurch. Why did France, who had not then declared war against Great Britain, but was providing for it in that very treaty, require it of us? Because we might make a treaty with Great Britain, our mother, and leave her in the lurch.

If the people of the United States in the Revolutionary war were not willing to trust the French people, who had been lending them money to conduct their war, without a stipulation of this sort, I, sir, can not be willing to trust General Gomez or President Masó or any other of those noble and splendid men in Cuba without some arrangement at some time that they shall not go and make a treaty with Spain and leave us with the bag to hold.

Mr. DANIEL. Will my honorable friend let me ask him a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. MORGAN. Yes.

Mr. DANIEL. I ask the Senator if he does not recognize that there is now a civil, established, republican government in Cuba?

Mr. MORGAN. Yes; in a part of it. Do you recognize that there is a civil government of a republic in Havana?

Mr. DANIEL. No, sir; I do not.

Mr. MORGAN. Very good. Sir, it is the treaty-making power that has got that to handle, not the Congress of the United States. We can not by a statute here make a treaty with them. It is not a power of Congress. When we make this declaration, it is a legislative declaration.

Mr. DANIEL. I will ask my honorable friend—

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. DANIEL. Will my honorable friend yield to another question?

Mr. MORGAN. I had better yield the floor, I find.

Mr. DANIEL. It is only by his permission, and it is for him to say whether he yields to a question or not.

Mr. MORGAN. I can not yield out of my time. I have a few words more to say.

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. MORGAN. Mr. President, if my remarks raise suggestions in the mind of the Senator from Virginia it is because they are potent and need the attention of the Senate.

Mr. DANIEL. It is very nice for the Senator to answer me without permitting me to ask a question.

Mr. MORGAN. The Senator spoke here for three hours, or very nearly so, the other day, on this question, and I have abstained from saying one word in this great debate.

Mr. DANIEL. If the Senator will permit me, I will say that I spoke in advocacy in the main of the views for which he had spoken for three months.

Mr. MORGAN. I never in the Senate announced my purpose or wish to declare the independence of the Republic of Cuba.

Mr. DANIEL. But for the recognition of the republic.

Mr. MORGAN. No, sir.

The PRESIDING OFFICER. Senators are requested to address the Chair.

Mr. MORGAN. No, sir. The recognition of belligerent rights of the republic; that is all.

Mr. DANIEL. Yes; but we can not recognize belligerent rights without recognizing the republic.

The PRESIDING OFFICER. The Senator from Alabama is entitled to the floor.

Mr. MORGAN. When I have no liberty to ask the courtesy of the Senator from Virginia, I will insist upon my rights.

Now, I presented that. Let some of the gentlemen answer it who have more time than I have to do it. That is what alarmed me. Another thing alarmed me. We are laying down here a precedent of international law. We are recognizing a republic as a free, sovereign, and independent power amongst the nations of the earth. It is subject to the difficulty that it does not possess the control of the entire island, and yet we recognize it for the entire island and not for a part of it. They do not possess it. That is not true. No mere academic declaration can make it true. No declaration of ours can make it true in point of fact.

When we lay down in this very important, grave, and momentous case the doctrine that we will feel authorized as a great Republic to recognize a nation as being sovereign, free, and independent, and one of the powers of the earth, when there is no higher qualification for that honor and that power than the Republic of Cuba at this moment possesses, we will find that the powers of Europe necessarily will question our right to put such a feature in the international law, and they will make an application of it to us that will be extremely embarrassing, to say the least of it.

That will be this—that whenever an insurrection of any kind shall spring up in one of their colonies in or about the Western Hemisphere, all that we expect to do is that an insurrection shall be organized and have an army in the field, and although they have not accomplished the reduction of the country to the sway of their military or their civil power, and although they have never before had any such power to which they could recur as being restored by the revolution, we declare that they are entitled to our support with the Army and Navy of the United States, if they are fighting in what we esteem to be the cause of liberty. Mr. President, I do not wish to inscribe that upon the laws of nations as a precedent. It goes too far. It is extremely dangerous. That is all I will say about it.

The PRESIDING OFFICER rapped with his gavel.

Mr. MORGAN. Has my time expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEY. Mr. President, it is not my purpose to delay the Senate in further debate upon this question. I desire only to refer to the vote which I shall cast upon the resolutions that are now before us.

I base my action wholly upon the remarks that I have made heretofore. I shall vote for the resolution that has been offered from the minority of the Committee on Foreign Relations by the Senator from Indiana [Mr. TURPIE] for the reason that it is my duty, as far as I am able, to prevent bloodshed of American citizens, and I believe if that resolution is adopted and the President acts in accordance therewith there will be in the Island of Cuba an army of insurgents able to make the fight for the complete liberty of the Cuban Government without the aid or the sacrifice of a soldier of this country. I shall therefore most heartily and earnestly support the amendment offered by the Senator from Indiana.

The VICE-PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to amendment.

Mr. DAVIS. I offer an amendment to come in as an additional section to the joint resolution.

The VICE-PRESIDENT. The Senator from Alabama has offered an amendment that has been pending in the afternoon.

Mr. MORGAN. My amendment is, I understand, in order now, unless the Senator from Indiana [Mr. TURPIE] chooses to press his amendment, he having a right, as I concede, to perfect the resolution of the committee before any substitute is offered.

The VICE-PRESIDENT. As the Chair understands the order of the amendments, the amendment proposed by the Senator from Indiana [Mr. TURPIE] should be first submitted, because it proposes to amend the text of the joint resolution that is before the Senate.

Mr. MORGAN. That is what I think is right.

Mr. TURPIE. I appeal to the Senator from Minnesota—

Mr. DAVIS. I withdraw the amendment I offered.

Mr. CHANDLER. I ask for the yeas and nays upon the amendment of the Senator from Indiana.

Mr. TURPIE. I appeal to the Senator from Minnesota to allow me to offer this amendment and have a vote upon it.

Mr. DAVIS. Certainly.

Mr. MORGAN. I thought it had been offered.

Mr. TURPIE. It has been offered.

The VICE-PRESIDENT. The Senator from Indiana offers an amendment, which the Secretary will read.

The SECRETARY. In line 4, after the word "independent," insert:

And that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

Mr. DAVIS. I ask that a direct vote may be taken upon that amendment.

Mr. CHANDLER and Mr. MILLS called for the yeas and nays; and they were ordered.

Mr. HOAR. I desire that the resolution be read and the amendment pending to it, so that we may know exactly what we are to vote upon.

The VICE-PRESIDENT. The Secretary will read the original joint resolution reported from the Committee on Foreign Relations and then the amendment of the Senator from Indiana.

The joint resolution reported by the Committee on Foreign Relations is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

At the end of the first paragraph, after the word "independent," Mr. TURPIE moves to insert the words:

And that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

So that if amended the first paragraph would read:

First. That the people of the Island of Cuba are, and of right ought to be, free and independent, and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Indiana [Mr. TURPIE].

The Secretary proceeded to call the roll.

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. He is absent from the Senate, seriously ill, and has been for some days. He sent to me a message by the Senator from Arkansas [Mr. BERRY] informing me that the matters pending upon this subject are of such consequence that under the circumstances he did not feel it to be fair that I should be precluded from voting because of the pair, and therefore releasing me from the pair. I ask unanimous consent to say what every Senator here knows, that this consideration upon his part is altogether characteristic of him as we have all known him. I ask the Senator from Arkansas if I do not state correctly his message?

Mr. BERRY. The Senator from Wisconsin has stated the exact words of the Senator from Mississippi. He said that he did not think it was fair to the Senator from Wisconsin that that Senator should be deprived of his vote on these important questions and, therefore, as he was not able to be here, the Senator from Wisconsin was at entire liberty to vote as he saw proper. He so stated to me and requested me to communicate the message to the Senator from Wisconsin.

Mr. SPOONER. I vote "nay."

The roll call having been concluded, the result was announced—yeas 51, nays 37; as follows:

YEAS—51.

Allen,	Gallinger,	Mason,	Roach,
Bacon,	Harris,	Mills,	Smith,
Baker,	Heitfeld,	Mitchell,	Stewart,
Bate,	Jones, Ark.	Money,	Teller,
Berry,	Jones, Nev.	Murphy,	Thurston,
Butler,	Kenney,	Nelson,	Tillman,
Cannon,	Kyle,	Pasco,	Turley,
Chandler,	Lindsay,	Penrose,	Turner,
Chilton,	McEnery,	Perkins,	Turpie,
Clay,	McLaurin,	Pettigrew,	Vest,
Cockrell,	Mallory,	Pettus,	White,
Daniel,	Mantle,	Quay,	Wilson,
Foraker,	Martin,	Rawlins,	

NAYS—37.

Aldrich,	Fairbanks,	Hoar,	Sewell,
Allison,	Faulkner,	Lodge,	Shoup,
Burrows,	Frye,	McBride,	Spooner,
Caffery,	Gear,	McMillan,	Warren,
Carter,	Gorman,	Morgan,	Wellington,
Clark,	Gray,	Morrill,	Wetmore,
Cullom,	Hale,	Platt, Conn.	Wolcott,
Davis,	Hanna,	Platt, N. Y.	
Deboe,	Hansbrough,	Pritchard,	
Elkins,	Hawley,	Proctor,	

ABSENT—1.
Walthall.

So Mr. TURPIE's amendment was agreed to.

Mr. DAVIS. I offer an amendment to the pending joint resolution.

The VICE-PRESIDENT. The amendment submitted by the Senator from Minnesota [Mr. DAVIS] will be stated.

The SECRETARY. At the end of the joint resolution add the following paragraph:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. DAVIS].

The amendment was agreed to.

Mr. FRYE. I move to strike out in line 1 of the joint resolution the words "are, and," so that, if amended, the paragraph would read:

First. That the people of the Island of Cuba of right ought to be free and independent, etc.

Mr. DAVIS. I move to lay the amendment of the Senator from Maine [Mr. FRYE] upon the table.

Mr. ALDRICH. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 55, nays 33; as follows:

YEAS—55.

Allen,	Faulkner,	Mallory,	Quay,
Bacon,	Foraker,	Mantle,	Rawlins,
Baker,	Gallinger,	Martin,	Roach,
Bate,	Hansbrough,	Mason,	Smith,
Berry,	Harris,	Mills,	Stewart,
Butler,	Heitfeld,	Mitchell,	Teller,
Cannon,	Jones, Ark.	Money,	Thurston,
Chandler,	Jones, Nev.	Murphy,	Tillman,
Chilton,	Kenney,	Nelson,	Turley,
Clark,	Kyle,	Pasco,	Turner,
Clay,	Lindsay,	Penrose,	Turpie,
Cockrell,	Lodge,	Perkins,	Vest,
Daniel,	McEnery,	Pettigrew,	Wolcott,
Davis,	McLaurin,	Pettus,	

NAYS—33.

Aldrich,	Frye,	McMillan,	Spooner,
Allison,	Gear,	Morgan,	Warren,
Burrows,	Gorman,	Morrill,	Wellington,
Caffery,	Gray,	Platt, Conn.	Wetmore,
Carter,	Hale,	Platt, N. Y.	White,
Cullom,	Hanna,	Pritchard,	Wilson,
Deboe,	Hawley,	Proctor,	
Elkins,	Hoar,	Sewell,	
Fairbanks,	McBride,	Shoup,	

ABSENT—1.
Walthall.

So Mr. FRYE's amendment was laid on the table.

Mr. MORGAN. Mr. President, I call up the substitute offered by me, and I ask that it may be reported.

The VICE-PRESIDENT. The Secretary will report the substitute amendment offered by the Senator from Alabama.

The SECRETARY. It is proposed to strike out the preamble and all after the resolving clause of the joint resolution, and insert the following:

That the United States of America, without fault on their part, being involved in hostilities with Spain, on account of the war that is being waged by that power against the people of Cuba; the conduct of which is inhuman in its character; has long disturbed the peace of the United States; has greatly injured our commerce; has violated the rights of our people, guaranteed by treaties; has destroyed their lives by assassination and their property with the torch, and has culminated in the loss of the lives of our officers and sailors through the criminal destruction of the battle ship *Maine* while it was at anchor in the bay of Havana, on a visit of courtesy; and also for other well-known causes.

First. The Congress of the United States declares that a state of war exists between the Government of Spain and the Government and people of the United States.

Second. The foregoing declaration does not apply to the government of the Republic of Cuba or to the people who are included in its citizenship.

Third. The President of the United States is empowered and required to use the land and naval forces of the United States in executing and maintaining this declaration of war until an honorable peace is concluded and the future safety and welfare of the people of the United States and the independence of Cuba are secured by the expulsion of the armed forces and the dominion of the Spanish Government from the Island of Cuba.

The VICE-PRESIDENT. The amendment is before the Senate.

Mr. DAVIS. I move that the amendment lie upon the table.

Mr. MORGAN. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 83, nays 5; as follows:

YEAS—83.			
Aldrich,	Elkins,	Lodge,	Proctor,
Allen,	Fairbanks,	McBride,	Quay,
Allison,	Faulkner,	McEnery,	Rawlins,
Bacon,	Foraker,	McLaurin,	Roach,
Baker,	Frye,	McMillan,	Sewell,
Bate,	Gallinger,	Mallory,	Shoup,
Berry,	Gear,	Mantle,	Smith,
Burrows,	Gorman,	Martin,	Spooner,
Butler,	Gray,	Mills,	Stewart,
Caffory,	Hale,	Mitchell,	Teller,
Cannon,	Hanna,	Money,	Thurston,
Carter,	Hansbrough,	Morrill,	Tillman,
Chandler,	Harris,	Murphy,	Turley,
Chilton,	Hawley,	Nelson,	Turpie,
Clark,	Heitfeld,	Pasco,	Vest,
Clay,	Hoar,	Penrose,	Warren,
Cockrell,	Jones, Ark.	Perkins,	Wellington,
Cullom,	Jones, Nev.	Pettus,	Wetmore,
Daniel,	Kenney,	Platt, Conn.	White,
Davis,	Kyle,	Platt, N. Y.	Wolcott.
Deboe,	Lindsay,	Pritchard,	
NAYS—5.			
Mason,	Pettigrew,	Turner,	Wilson.
ABSENT—1.			
Walthall.			

So Mr. MORGAN's amendment was laid on the table.

Mr. DAVIS. If there are no other amendments to the Senate joint resolution, I now move to take from the table House joint resolution 233 and lay the Senate resolution aside informally. I will state that I make this motion for the purpose of substituting the Senate resolution as now formulated for the House resolution.

The VICE-PRESIDENT. The Senate has heard the motion made by the Senator from Minnesota.

Mr. WHITE. Will the Chair kindly state the motion made by the Senator from Minnesota?

The VICE-PRESIDENT. The Chair understood the motion to be to take from the table House joint resolution No. 233, in order that a motion for the substitution of the Senate resolution may be made. Is there any objection? The Chair hears none, and the joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein, is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. DAVIS and Mr. PLATT of Connecticut. Let the joint resolution be reported.

The VICE-PRESIDENT. The Secretary will report the joint resolution.

The Secretary read the joint resolution (H. Res. 233), as follows:

Whereas the Government of Spain for three years past has been waging war on the Island of Cuba against a revolution by the inhabitants thereof without making any substantial progress toward the suppression of said revolution, and has conducted the warfare in a manner contrary to the laws of nations by methods inhuman and uncivilized, causing the death by starvation of more than 200,000 innocent noncombatants, the victims being for the most part helpless women and children, inflicting intolerable injury to the commercial interests of the United States, involving the destruction of the lives and property of many of our citizens, entailing the expenditure of millions of money in patrolling our coast and policing the high seas in order to maintain our neutrality; and

Whereas this long series of losses, injuries, and burdens for which Spain is responsible has culminated in the destruction of the United States battle ship *Maine* in the harbor of Havana and in the death of 260 of our seamen:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and directed to intervene at once to stop the war in Cuba to the end and with the purpose of securing permanent peace and order there and establishing by the free action of the people thereof a stable and independent government of their own in the Island of Cuba; and the President is hereby authorized and empowered to use the land and naval forces of the United States to execute the purpose of this resolution.

Mr. DAVIS. I move to strike out all after the resolving clause and to insert in lieu of what is stricken out the Senate joint resolution as it has been amended.

Mr. ALDRICH. Let the substitute be reported.

Mr. HALE and Mr. PETTUS addressed the Chair.

The VICE-PRESIDENT. The Chair will first recognize the Senator from Maine and afterwards recognize the Senator from Alabama.

Mr. HALE. Mr. President, the motion of the Senator from Minnesota, if carried, brings the Senate into deadlock with the

House of Representatives and with the President of the United States.

We present to-day a remarkable spectacle—

Mr. WOLCOTT. Mr. President, if I may interrupt the Senator from Maine, as that is a most serious statement to Republicans, some of whom expect to vote for the resolution, I should like to ask the Senator from Maine if he is authorized by the President of the United States to say that those who vote for this resolution vote to establish a deadlock between Congress and the President of the United States?

Mr. HALE. I must select, Mr. President—

Mr. TELLER. I rise to a question of order.

Mr. TURPIE. Mr. President—

The VICE-PRESIDENT. The Senator from Colorado rose to a question of order, which he will state.

Mr. TELLER. I desire to submit to the Chair a question of order. It is out of order for the Senator from Maine or for any other Senator to refer to what may happen in the other House; it is also out of order to refer to what the Executive may do. It is a great breach of privilege to do that, as has been held many times.

Mr. TURPIE. Mr. President—

Mr. HALE. I hope this will not be taken out of my time.

Mr. PETTUS. I want to make another point of order.

The VICE-PRESIDENT. The Senator from Alabama will state his point of order.

Mr. PETTUS. We have unanimously agreed that there shall be no further discussion.

Several SENATORS. No, no!

The VICE-PRESIDENT. The Senator from Indiana [Mr. TURPIE] is recognized.

Mr. TURPIE. The Senator from Alabama has made the point I wished to make.

The VICE-PRESIDENT. The Chair does not understand that there has been any such agreement as that stated by the Senator from Alabama. He understands, after consulting the RECORD and the Senator who proposed the unanimous-consent agreement yesterday, that there were but two branches of the agreement; one was, that with the exception of the reservation of four hours to certain Senators, other speeches should be limited to fifteen minutes, and the other, that the final vote should be taken to-day. The Senator from Maine will proceed in order.

Mr. HALE. Mr. President—

Mr. TELLER. I should like to have the Chair decide my point of order.

The VICE-PRESIDENT. The Chair has asked the Senator from Maine to proceed in order.

Mr. HALE. And I hope, Mr. President, that my service in the Senate has not been such that I shall proceed to violate any rule of the body. I shall endeavor to show briefly, as I must, the ground for the statement with which I opened my remarks, and in doing so I do not pretend to speak as the organ of the President of the United States or to know in any contingency in the future what will be his action; but I repeat, if the motion of the Senator from Minnesota prevails, it brings the Senate into deadlock with the President of the United States, as shown by communications from him that are now before the Senate.

Mr. TELLER. Mr. President, I again raise the question of order, that the Senator is not proceeding in order; and I ask a decision of the Chair.

The VICE-PRESIDENT. The point made by the Senator from Colorado is quite new to the occupant of the chair; but by reference to page 94 of Jefferson's Manual, he finds it is stated that—

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independence, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

The Chair simply quotes that rule of procedure to the Senator from Maine, and asks him, if he will, to proceed in order.

Mr. HALE. I do not propose—

Mr. BURROWS. Will the Senator yield to me for a moment?

Mr. HALE. Certainly.

Mr. BURROWS. I think there is some misunderstanding as to what the pending motion is. My understanding is that the motion of the Senator from Minnesota is to strike out all after the resolving clause in the House joint resolution and substitute the resolution agreed to by the Senate.

The VICE-PRESIDENT. That is the understanding of the Chair.

Mr. BURROWS. There seems to be some misunderstanding about it.

Mr. HALE. I so understood, or I should not have stated that if the motion carries, and thereby substitutes an entirely different resolution from that which the other House has passed, it brings us into deadlock with them. I certainly should not have

made that statement if the motion of the Senator from Minnesota did not carry with it that inevitable conclusion.

Now, I hope, Mr. President, I may be permitted, in the fifteen minutes I have, to go on, and I promise to keep within the rules of the Senate, which I certainly have not thus far violated.

We present, Mr. President, a very remarkable spectacle. We are not asked to legislate upon ordinary matters, but upon the gravest of grave subjects—that which involves war between the United States and a hitherto friendly power. That war must be conducted by the President of the United States as the head of all the military forces of the Republic.

The policy under which that war shall be carried on must be controlled by him, and he has not left us in doubt as to what he believes should be the lines of policy upon which we should enter upon, if needs must be, war with Spain. He has told us in his message that he does not believe the conditions are such that the United States should recognize the Republic of Cuba as a government established and worthy of recognition.

In this message he has also marked out clearly and as plainly as man can do that the time has come—and I quote his words—"that the war in Cuba must stop." Nothing can be plainer than that he is convinced that intervention must be resorted to, and he asks that he be instructed to use the armies and navies of the United States to that end. It is in the line of what he said to the deputations representing the foreign governments the day before he sent in his message that the conditions upon the Island of Cuba had become intolerable.

And now here to-day, with this policy marked out by him, carrying with it every essential thing that all of us desire, the freedom of Cuba; carrying with it intervention, if need be, by force of arms; carrying with it, as it must, if it shall come, war, we are then confronted with the purpose apparently of the majority in this Chamber to define another policy, after he has told us what is his policy and what he desires, which covers every essential point of freedom to Cuba, and we are called upon to thrust in his face a resolution which he has declared that he does not believe in and that he does not need.

Mr. President, such a thing has never occurred here or elsewhere, that the President of the Republic, the nearest approach in this country to a ruler, representing all executive functions, shall be opposed, and another policy put in the place of that which he has enunciated, which carries with it, as I have said, everything essential.

Now, Mr. President, why is this? Some of us have seen remarkable things happen within the last ten days. We have seen melting away gradually here what I may call the conservative sentiment upon this subject. Senators who have been counted upon and reckoned as opposed to the immediate recognition of the insurgents in Cuba and in favor of armed intervention—instead of that, as a safer measure, as a more politic measure, as a wiser measure, we have seen those Senators day by day falling off and joining the ranks of those who propose to thrust in the President's face another policy in the place of his.

I have wondered why it is that this is so. I have found when I read the morning papers that the initiation of this matter took place at a banquet that was given the Hon. William J. Bryan Wednesday, April 13, and at that banquet Mr. Bryan, in the eloquent and impressive fashion of which he is master, said this:

The Cubans have earned their right to be free. Our right to recognize the independence of the Cuban government can be defended upon the ground that our interests are involved, as well as upon the ground of humanity.

After his speech, the account of the banquet proceeds:

Amid the din of applause that followed Mr. Bryan's closing remarks, Mr. DINSMORE, of Arkansas, secured the floor, and stated that while the banquet assemblage was not a deliberative body, it was a body representing 6,000,000 voters, who cast their ballots for William Jennings Bryan. Mr. DINSMORE therefore asked that the people present vote upon the resolutions he was about to offer, which were to the effect that the United States Government recognizes the independence of Cuba, and stands ready to enforce it with arms if necessary. Toastmaster JONES called for the ayes, and there was a mighty response. When the noes were called for there was not a sound. The Senator from Arkansas then declared the resolutions passed unanimously.

And we are told to-day that the animus not only of this intrusion upon the President of another policy—not better, but worse—but the epithets and the abuse which have been visited upon the President have their basis in a higher spirit of patriotism and love of liberty than have Senators upon this side of the Chamber or upon the other side who opposed the resolutions which have just been adopted.

Mr. President, the union which has come about, the almost solidification of the Democratic party on this question, had its origin, not in a Democratic caucus, but in a Democratic symposium given to the last candidate of the Democratic party for the Presidency, and presumably its next candidate.

Mr. LINDSAY. Will the Senator yield to me to ask a question?

Mr. HALE. I can not. I have only fifteen minutes, and I hope the Senator will not interrupt me.

Mr. LINDSAY. All right.

Mr. HALE. Mr. President, the whole country is going to know this. Republicans see it; Democrats see it; everybody sees it. It has been declared and repeated that there is no politics in this, but nothing can be plainer than that the present attitude in the Senate is a political movement. It will not succeed, Mr. President. If war must needs come, its conduct will not be in the hands of the Democratic party; if war must needs come, the country will not turn to the Democratic party for the conduct of that war; if war must needs come, it will not be by the Democratic party that the flag of the United States will be borne.

The war will be conducted—and, I hope and pray, to a speedy termination—by that great soldier and statesman, the President of the United States, and the people will rally to him. He will conduct the war and bring it to a successful end, and Senators, many of whom to-day have been free with their comments and criticisms of the President, when we are found in the situation that war is upon us, will be found opposing and impeding and obstructing the march of the President and the Republican party and of all good, conservative citizens in carrying on that war.

The VICE-PRESIDENT. The time of the Senator has expired.

Mr. GORMAN. Mr. President, I did not intend to enter into the discussion of this question or to consume a single moment of the time of the Senate, although I have very decided views upon this question. I have believed all along, as I believe now and as I have voted, that we ought to pursue a temperate but firm policy which would insure the freedom of the people of Cuba. I have believed, as the President states, that the time has arrived when this inhuman warfare should cease on that island, and I have been prepared to give the President of the United States all the power necessary to enforce that decree when made by the American Congress.

I have noted with regret that not only here, but elsewhere in this great crisis, in this hour when we ought to have calm deliberation, our Commander in Chief has been taunted and criticised. I regard denunciation of him at this time, when I believe we are on the verge of war, as injudicious and unwise. I say to the Senator from Maine that politics can not and ought not to enter into the determination of this question. I am confident that no such party advantage has been sought, and I do not believe that either of the great parties of the nation would tolerate a leader or leaders who on such an occasion as this would combine for purely partisan purposes, unmindful of the interests of our common country.

It is true, sir, that in every war we have had there has grown up a division of opinion, partly upon political lines, as to the mode and method of conducting war; but now we have reached a final stage. Personally I believe we have gone too far, but that is my personal opinion, and I bow to the will of the great majority of this body, who are as patriotic and as earnest and as honest as I am.

When the President's message was read at the desk, to me it had but one import. That was that the President, who had been anxious and careful—overcareful, if you please—had terminated his negotiations, and he sought aid and authorization of Congress to strike the blow in which every American will sustain him; and when it does come, every loyal Democrat will stand behind the President and support him, not as Democrats, but as Americans.

Mr. ALLEN. Populists, too.

Mr. GORMAN. I regret exceedingly, and I think the time will soon come when we all will regret, that in this crisis, in this hour of the nation's trouble, and for the first time in the history of the country, this great body should incorporate in a declaration of war, which I consider it, a power which has been disputed by every Executive from Washington down—the right of Congress by law to provide for the recognition of a state. By my vote and by my voice I protest against it. But the majority of this body think otherwise, and their wisdom is greater than mine.

From now on until the end of the controversy with Spain parties will be forgotten, and Populists, Silver Republicans, Republicans, and Democrats will be the loyal supporters of an American President, and all alike will share in the honor and triumph of their country.

Mr. President, I think it is a great misfortune that on an occasion so solemn as this we do not follow the precedents, and that both Houses of Congress on this, as they did upon the only other occasion when such a question was before them, resolve themselves into secret session and there discuss matters which affect our relations with a foreign nation. This exhibition of division as to method and the criticism of the man who commands our Army and Navy and presides over our destinies ought never to have been made in open session. It would be well if the record could be blotted out. It can only now be atoned for by the firm resolve of the people, as I pledge myself here, to forget that William McKinley was elected by the Republican party, to forget that he had a fault in conducting the negotiations, whatever they were, because I believe and know that he is the President of a united people and will bear his country's flag aloft, and no nation will receive

from him aught else but the manly, firm, and brave treatment of an American President.

Mr. STEWART. The Senator from Maine—

Mr. CULLOM. The Senator from Nevada has spoken, under the agreement.

Mr. STEWART. I have not spoken to-day. I desire to call attention to a mistake of the Senator from Maine [Mr. HALE] which does great injustice to everybody concerned, and which I think he will be very glad to—

Mr. JONES of Arkansas. I think the unanimous-consent agreement ought to be strictly observed. Each Senator was by the understanding to speak once, and the Senate remained in session to give the Senator from Nevada opportunity to speak last evening, without the limitation of the fifteen-minute rule.

Mr. TELLER. I do not think myself that it can be contended for a moment that the Senators who spoke last night are precluded from speaking to-night. There was no such understanding on the part of the Senate, certainly not on my part. I have refrained from speaking to-day simply because I did not choose to take up the time of the Senate, believing, however, that I had the right to speak, although I spoke last night. I am willing, and always have been, to live up to the rules. I insist that the rule does not include the Senator from Nevada.

Mr. STEWART. I will not occupy more than five minutes. I ask five minutes now—

The VICE-PRESIDENT. Unless the Senate shall direct otherwise, the Senator from Nevada will proceed.

Mr. HOAR. I rise to a question of order. I do not undertake to construe the agreement; I suppose it is as the Senator from Colorado has stated, but I wish to have it understood whether the Senator from Nevada is speaking in his right or is speaking by the indulgence of the Senate. Does the Chair rule that the Senator has a right to speak? I make no point on it. ["Vote!" "Vote!"]

The VICE-PRESIDENT. The question before the Senate is the motion to strike out all after the resolving clause of House resolution 233 and insert Senate joint resolution 149 as amended. Is the Senate ready for the question?

Mr. ALLISON. Mr. President, before the vote is taken, I desire to say a few words, and I shall not occupy the fifteen minutes assigned to me. I have not spoken to-day nor last night nor during the debate, although I have been interested deeply in the topics discussed.

I do not agree with the Senator from Maine [Mr. HALE] in all that he has said. I think the proposition now made by the Senator from Minnesota, the chairman of the Committee on Foreign Relations, is a proper one, although the statement made by the Senator from Maine can not be gainsaid, that the amendment as proposed by the Senator from Indiana, from the minority of the Committee on Foreign Relations, is in contravention of the well-settled principles and rules of international law, proposing and injecting the recognition of a state into a declaration here that the people of the United States will enter upon the grave question by force of arms if need be, using the Army and the Navy for the purpose of establishing an independent and a free government in Cuba by the people thereof.

I have heard but one argument in defense of the proposition that we should inaugurate proceedings by the immediate and present recognition of the Republic of Cuba by the Congress of the United States, which the Senator from Alabama [Mr. MORGAN] has shown so well is without precedent in our history. He has shown that the precedent so often cited here in debate is a precedent that does not apply at all, because in this way the recognition of the independence of the United Colonies was not made by France. There is no pretense or pretext here that there is a government in Cuba which is within the pale of international law, as exploited in all the books and as exploited by our own history from the beginning of our Government down to the present time.

Now, this amendment is forced into the joint resolution and made a part of it in face of the fact that the President of the United States has over and over again, especially when he was discharging his public duty as the President of the United States, in his last message, warned us against it; and there is no man on this floor who has had the opportunity to know the facts as the President has and has had.

I have information which I regard as without doubt correct that there is not a statement by an American consul, or a statement in any of our consular reports or by General Lee, who has been there all through, or nearly all, the Cuban revolution, in any paper, at any time or under any circumstances, that there is anything more than a skeleton government there. Yet, in the face of all that and in the face of the acknowledged facts and the opinions over and over again expressed by Senators on this floor, we find that within a few days it has come to be a reason and a primary reason, as stated by the Senator from Indiana, that there should be placed in the forefront of this resolution a recognition of the present government of Cuba.

I am glad to say, from the reading I have just heard of that resolution quoted by the Senator from Maine, that this great convocation passed a unanimous resolution for no such thing. They passed simply a resolution that the people of Cuba should be free; that there should be an independent government there. Every resolution lying upon our table, every amendment which has been offered here, fails to come up to the standard of the Senator from Indiana, declaring that this skeleton government shall have the control of the millions and hundreds of millions of dollars, and the Navy and Army of the United States, with our sons and our brothers, and that those who may take charge there shall do so under the Cuban government, which, as the Senator from Alabama has so pertinently said, may, by treaty at any time, make a new convention with the parent Government of Spain, or make a convention with any of the other European governments, against the policy and interests of the people of the United States. France took good care to make no such recognition. They bound by treaty the colonies of the United States to unite with them in an offensive and defensive war against a country with which they were at war at that time.

So, Mr. President, if we are to recognize this government, let us do it in an undisputed way, by the treaty-making power, that come who may or come what will hereafter, this government which we place in the constellation of national states shall have a treaty with us whereby we shall know our relations with it. But that has passed, a majority of the Senate having voted this amendment into the joint resolution.

The object of the Senator from Minnesota, as I understand it, is to bring these great powers of this Government into accord, if possible, not upon the extreme and radical policy or principle as laid down by the Senator from Indiana, but that we shall meet the House of Representatives, take up the joint resolution which they have sent to us, and amend it as in our judgment seems wise, and see whether or not the House of Representatives will agree to the declaration of extreme policy which was placed upon this resolution by the vote of the Senate a few moments ago. There is scarcely a Senator on this floor and there are few people in the United States who are not in favor of seeing Cuba free and independent, and of using the Army and Navy, if need be, to make it a free and independent state, establishing upon our borders a government that shall not only be republican in form and essence, but which shall be a stable and a permanent one, by the people thereof.

I yield to none in my sympathy for that soldier whose letter was read here to-day, but it is one thing to have sympathy with him and his followers, and it is another to violate international law, which we are bound to support, which the President of the United States is bound to execute under his oath of office, because international law has become a part of the great body of our laws which govern this civilized State as it governs other civilized states.

Therefore, Mr. President, I do not despair. I believe and hope, indeed I have no doubt but that elsewhere there will be better deliberation, if not more, and that in the end, when the joint resolution passes the two Houses, it will pass in accordance with the principles of international law as laid down and established for centuries, and that we are not now to engage in a new policy as applied to the little Republic of Cuba with a million and a half of people as against all the civilized nations of the world.

I have not heretofore spoken upon this subject. I did not believe, until the votes were counted at the desk, that it was possible for us to make this departure at the present time when we know that as soon as the government of Cuba is worthy of recognition, it will be recognized by that authority which can recognize it, and that our laws and resolutions here will be ineffectual until they are followed by that recognition which the Constitution prescribes—the Executive power—which alone can deal with this question in its final aspects.

The VICE-PRESIDENT. The time of the Senator from Iowa has expired.

Mr. ALDRICH. Mr. President, I regret extremely, and I am sure the regret is shared by a vast majority of the Senate, that we approach the final vote upon this momentous question with divided councils. With war inevitable, with our ships on the sea and our forces on the land simply waiting for the final word of command, it is more important that the American Senate and the American Congress should be unanimous in their action than that any particular form of resolution should be adopted.

Every member of the Senate, I am sure, approaches the solution of the question with devotion to the country paramount in his heart and with a patriotic spirit, and it is unfortunate that the vote soon to be taken will disclose such radical differences.

It is, however, fortunate that the vote soon to be recorded is not to be the final action of the Senate, although the Senate has incorporated in these resolutions a recognition of the so-called Republic of Cuba against the recommendation of the President of the United

States and against the judgment of the House of Representatives and of a large minority of the Senate.

I can not help believing, with the natural desire that all must feel, that Congress and the President should certainly act together in a declaration to the people of the world of our motives and purposes, that we shall within the next forty-eight hours be able to secure an agreement upon a resolution. I have too much confidence in the judgment of those who are associated with us in the great responsibilities of this hour to believe that any other result is possible. I feel very certain that in some manner and at some time we shall secure practical unanimity for the resolution which shall be finally adopted.

Speaking for myself, I can not vote for a resolution at this stage which contains a recognition of the Cuban Republic, as I believe such action would be very unwise, for reasons so forcibly stated by the Senator from Wisconsin [Mr. SPOONER] on yesterday. When I say this I do not mean to suggest that Senators who have arrived at a different conclusion are not controlled by patriotic motives.

I was very glad to hear the allusion of the Senator from Maryland [Mr. GORMAN] to the duty of Senators on both sides of this Chamber to support the President of the United States in this emergency. This does not mean, I assume, that any member of this body is bound to vote on matters clearly within the control of Congress according to the opinions or suggestions of the President. It is the will of the majority of Congress, properly expressed, upon such matters, including the concurrence of the President of the United States, that will fix the policy of this great nation in the present emergency.

Each man is entitled to his own opinion. But we have no right at such a time to exercise functions that belong to the Executive, or which are doubtful, and to force our views on the President. I believe that it is unwise to put into the pending joint resolutions a proposition upon a matter which the President of the United States, acting in accordance with his view of the Constitution, believes to be rightfully under his control and upon which he has reached a different conclusion. I hope that when the joint resolution comes back to us, as it will within a very short time, from the committee of conference, this objectionable feature will be eliminated, and that, Democrats and Republicans alike, we shall be able to vote unanimously for the resolution which will then be adopted.

Mr. JONES of Arkansas. Mr. President, the wish expressed by the Senator from Rhode Island [Mr. ALDRICH] a moment ago induces me to ask the Senate to listen for a moment to what occurs to me as being the facts in this case, which have been overlooked by some of the gentlemen on the other side.

For weeks the country and Congress have been expecting a declaration from the President, a declaration of policy as to what should be done in Cuba. One of three things was necessary to be done. Either the island was to be held by Spain on some sort of conditions, or it was to be attached to the United States, or it was to be recognized as an independent power.

On last Monday, after this matter had been discussed among Senators here and everywhere, and after a number of us had expressed the opinion that there should be a clear and distinct declaration on the part of Congress that we intended to establish an independent government in Cuba, that there was no intention either to restore the domination of Spain or to attach that island to this country, the President's message came in, and there was a sense of disappointment that the word "independent" was not mentioned in the recommendation made by the President, and that the only recommendation made by him about the establishment of a government in the island was that there should be a stable government. Stable seemed to imply that the Government of the United States should exercise the power of supervision there to prevent an overthrow, to maintain, to uphold, or sustain whatever government might be established in the island. That was precisely what many of us did not believe ought to be said.

I for one up to that time was willing to avoid any direct and positive expression as to absolute independence, but when the President of the United States recommended a policy which failed to say that we intended to maintain the independence there, it seemed to me then to become the duty of all of us who had no disposition to be induced to engage in a war of conquest, all of us who did not intend to have the Government of the United States used as an instrument by the Government of Spain to restore the domination of that country in the Island of Cuba, to express ourselves positively on this question and to insist on independence.

Hence I was ready to vote for it. Hence the vote cast in the House of Representatives on that question by a political party. Simply because a man happened to be a Democrat certainly was no reason why he should not be allowed to say by his vote that he wanted an independent government in Cuba and did not want to acquire the island by conquest. This vote was cast in the House before the meeting to which the Senator from Maine and the Senator from Iowa have seen fit to refer.

There had been an expression by Democrats in the House as a reply to the President's message that they were not willing to accept a proposition for a stable government without understanding what sort of a government it was to be that was to be made stable. They expressed themselves for an independent government, and that I believe is the wish of a large majority of both branches of Congress. We have a right to know what we are entering into this intervention for. We have a right to understand whether we are going to accomplish something which we approve or whether we are to intervene for the purpose of accomplishing something which we do not approve.

I beg the pardon of the Senate for interposing thus far, but I was not willing to allow the facts to go unstated, especially as the Senator from Maine, as it seems to me, was undertaking to make a little political capital out of a situation that could not be criticised at all.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. DAVIS] to strike out all after the enacting clause of House joint resolution 233 and insert Senate joint resolution 149 as amended.

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted in—yeas 60, nays 28; as follows:

YEAS—60.

Allen,	Faulkner,	Mantle,	Quay,
Bacon,	Foraker,	Martin,	Rawlins,
Baker,	Gallinger,	Mason,	Roach,
Bate,	Hansbrough,	Mills,	Shoup,
Berry,	Harris,	Mitchell,	Smith,
Butler,	Heitfeld,	Money,	Stewart,
Cannon,	Jones, Ark.	Morgan,	Teller,
Chandler,	Jones, Nev.	Murphy,	Thurston,
Chilton,	Kennedy,	Nelson,	Tillman,
Clark,	Kyle,	Pasco,	Turley,
Clay,	Lindsay,	Penrose,	Turner,
Cockrell,	Lodge,	Perkins,	Turpie,
Cullom,	McKerny,	Pettigrew,	Vest,
Daniel,	McLaurin,	Pettus,	White,
Davis,	Mallory,	Proctor,	Wolcott.

NAYS—28.

Aldrich,	Fairbanks,	Hawley,	Pritchard,
Allison,	Frye,	Hoar,	Sewell,
Burrows,	Gear,	McBride,	Spooner,
Caffery,	Gorman,	McMillan,	Warren,
Carter,	Gray,	Morrill,	Wellington,
Deboe,	Hale,	Platt, Conn.	Wetmore,
Elkins,	Hanna,	Platt, N. Y.	Wilson.

ABSENT—1.

Walthall.

So Mr. DAVIS's amendment was agreed to.

Mr. DAVIS. I now move to strike out the preamble of House joint resolution 233 and insert the preamble of Senate joint resolution 149 in lieu thereof.

Mr. HOAR. Is that in order until the joint resolution itself has passed? I understand that an amendment has been adopted as a substitute.

The VICE-PRESIDENT. The Chair thinks the point is well taken.

Mr. HOAR. The vote has not yet been taken on the joint resolution as amended.

Mr. BERRY. That is right.

Mr. HOAR. I desire to know whether it is the custom to amend the preamble before the vote is taken on the passage of a bill or resolution as amended or afterwards. I wish to address the Senate before the final passage of the joint resolution.

Mr. DAVIS. I withdraw for the present the motion to amend the preamble.

Mr. HOAR. Mr. President, I can not give my vote for this resolution upon its final passage for several reasons, which I desire to state.

First. It contains an affirmation contrary to the fact when it affirms that the Republic of Cuba is now free and independent in the face of what I conceive to be the fact, in the face of the declaration, as I understand it, of the person high in command in the troops of the insurgents, who has declared he could prolong the struggle to obtain that independence for twelve years.

Second. It undertakes to take from the Executive his constitutional power, a power affirmed by every Executive from the beginning, a power affirmed by our great authorities on constitutional law from Alexander Hamilton down to the senior Senator from Alabama [Mr. MORGAN], who within three years, and I think also within three hours, has strongly reaffirmed that that power belongs to the Executive and can not be constitutionally exercised by Congress.

Mr. MORGAN. The Senator from Massachusetts is mistaken in quoting me. I do not care about correcting it now, but at a later day in the session I will try to point out to the Senator, as I have done heretofore, that he mistakes my statement on the subject.

Mr. HOAR. Very well. I have read in the RECORD within a

short time a declaration of the Senator from Alabama which I so understand.

Mr. MORGAN. The Senator is still mistaken, no matter what he read.

Mr. HOAR. Well, whether I am mistaken in imputing this particular opinion to my honorable friend or not, I am not mistaken in saying that he is a high authority on constitutional law, and in coupling his name with that of Alexander Hamilton as entitled to the respect of his countrymen. I hope he will not rise to correct me again.

Mr. President, I can not vote for the joint resolution because it introduces, and I believe was meant to introduce, discord and divided counsels in what ought to be the act of a united country.

I can not vote for it because it undertakes to direct, contrary to all our legislative precedents, a coordinate branch of the Government, the Executive, ordering him to proceed at once when his constitutional and legal duties are defined by the Constitution, and not by the law-making power.

I can not vote for it because it is contrary to the courtesies which prevail between the legislative and Executive and undertakes to take from the discretion of the Executive what ought to belong to him under the Constitution itself.

I will not vote for it because if it pass and the government of Cuba be now free and independent, the forces of the Army of the United States on Cuban land and the Navy of the United States in Cuban waters must be under the command of the insurgent leader or their presence there is a war against him.

Gentlemen have tried by refined and deluding arguments to torture a sentence of the President of the United States, separated from its context, into a suggestion that possibly he might be expecting to make war upon these insurgents. And yet, and you can not escape from it, you are undertaking, in your eager passion, to do something which will be unpleasant to those of your associates who support the President. You are making an affirmation, I repeat, which will put the Army and the Navy of the United States under the command of Maximo Gomez the moment they get into Cuban waters or onto Cuban soil, or their presence there is war upon the recognized and established government of the country which you say is his.

Sixth. I will not vote for it because it violates international law, and thereby in this great transaction sets the sympathy of the nations of the world against us.

Mr. President, I am not alarmed or disturbed because in the vote I am about to give I am to encounter the dissent of an excited, inflated, and angered majority.

I am old enough to remember another transaction to which this is a parallel. In the beginning of the Mexican war—a war in regard to which the feeling of the people of the United States was deeply stirred—it was attempted to coerce the minority in the two Houses of Congress by putting into the law which provided for raising troops, and supplying them, a preamble, "Whereas war exists by the act of Mexico;" and some weak Whigs of that day, fearing that their action would be unpopular, bowed the knee and affirmed by their votes what they knew and believed to be an untruth. Fourteen members of the House of Representatives, with the approval of Henry Clay, voted against that lying preamble, and to his immortal honor be it said the great commoner, though he was ready and eager for the war, declared that he would rather have his tongue cleave to the roof of his mouth than to utter, by an affirmative vote, what he knew to be an untruth.

The men who yielded in that hour of weakness and of temptation returned to their constituents. One of the most eminent and brilliant citizens of my own State, who was afterwards Speaker of the House, went home to a doom of defeat and popular disapprobation. The men who recorded their votes on the side of truth in the face of that excited majority are known to-day in our political history as the immortal fourteen.

I am willing to trust myself, my reputation, my political character, with the people of Massachusetts when I stand up here and vote against what I know, or think I know, to be untrue.

The VICE-PRESIDENT. If there be no further amendment to be proposed to the joint resolution as in Committee of the Whole, it will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

Mr. DAVIS. Let the joint resolution be read at length as amended.

The joint resolution was read the third time as amended, as follows:

A joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent, and that the Govern-

ment of the United States hereby recognizes the Republic of Cuba as the true and lawful Government of that island.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

The VICE-PRESIDENT. The question is, Shall the joint resolution pass?

Mr. HOAR. I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 67, nays 21; as follows:

YEAS—67.

Allen,	Faulkner,	McLaurin,	Quay,
Bacon,	Foraker,	Mallory,	Rawlins,
Baker,	Frye,	Mantle,	Roach,
Bate,	Gallinger,	Martin,	Shoup,
Berry,	Gear,	Mason,	Smith,
Butler,	Gorman,	Mills,	Stewart,
Cannon,	Gray,	Mitchell,	Teller,
Carter,	Hansbrough,	Money,	Thurston,
Chandler,	Harris,	Morgan,	Tillman,
Chilton,	Heitfield,	Murphy,	Turley,
Clark,	Jones, Ark.	Nelson,	Turner,
Clay,	Jones, Nev.	Pasco,	Turpie,
Cockrell,	Kenney,	Penrose,	Vest,
Cullom,	Kyle,	Perkins,	Warren,
Daniel,	Lindsay,	Pettigrew,	Wilson,
Davis,	Lodge,	Pettus,	Wolcott,
Deboe,	McEnery,	Proctor,	

NAYS—21.

Aldrich,	Hale,	Morrill,	Wellington,
Allison,	Hanna,	Platt, Conn.	Wetmore,
Burrows,	Hawley,	Platt, N. Y.	White,
Caffery,	Hoar,	Pritchard,	
Elkins,	McBride,	Sewell,	
Fairbanks,	McMillan,	Spooner,	

ABSENT—1.

Walthall.

So the joint resolution was passed.

Mr. DAVIS. I move to strike out from House joint resolution 233 its preamble and insert therein the preamble of Senate joint resolution 149.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota to strike out the preamble of House joint resolution 233 and insert the preamble of Senate joint resolution 149.

The motion was agreed to.

Mr. DAVIS. I move to amend the title by substituting for the title of House joint resolution 233 the title of the Senate joint resolution 149, with this amendment: Insert, after the word "people," in the first line of the title of the Senate joint resolution, the words "and Republic;" so as to read, "for the recognition of the independence of the people and Republic of Cuba."

The VICE-PRESIDENT. Is there objection?

There being no objection, the title was amended so as to read:

A joint resolution for the recognition of the independence of the people and Republic of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Mr. DAVIS. I move that the Senate insist upon its amendments and ask for a conference. ["No!" "No!"]

Mr. STEWART. I object.

Mr. JONES of Arkansas (to Mr. DAVIS). Do not do that.

Mr. DAVIS. I insist on the motion.

The VICE-PRESIDENT. The Senator from Minnesota moves that the Senate insist on its amendments made to the joint resolution.

Mr. FAULKNER. I do not think it is according to parliamentary usage for the Senate at this time to do that. The House has a right to concur in the amendments if it chooses to do so.

Mr. DAVIS. That is true; but nothing is more usual than for a motion of this kind to be made.

Mr. ALLEN. I shall insist upon following the rule of the Senate, and that is that the joint resolution as amended shall go to the House.

Mr. DAVIS. I withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. DAVIS. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, April 18, 1898, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 16, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

EXPLANATION.

Mr. WHEELER of Alabama. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WHEELER of Alabama. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. WHEELER of Alabama. The patriotic expressions which have come to me in numerous letters from the people of Alabama and other Southern States impelled me—

The SPEAKER. Will the gentleman state his question of personal privilege?

Mr. WHEELER of Alabama. I will state it. I felt it my duty to write a letter, which I hold in my hand—

The SPEAKER. The Chair has no doubt the House would indulge the gentleman in a personal explanation or statement, but we ought not to allow questions of personal privilege to be brought up when there are none.

Mr. WHEELER of Alabama. I ask ten minutes.

The SPEAKER. The Chair thinks the House will be quite willing to grant the gentleman permission to make a statement, but it ought not to be called a question of personal privilege.

Mr. WHEELER of Alabama. I ask unanimous consent that I may address the House for ten minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent for ten minutes to present a statement. Is there objection? [After a pause.] The Chair hears none.

Mr. WHEELER of Alabama. Mr. Speaker, on the 8th of this month, impelled by a sense of duty and admiration for the noble and chivalrous spirit which had been expressed to me by many citizens of Alabama, I addressed a letter to the governor of that State, which is in these words:

MY DEAR SIR: It looks very much as though we would now become involved in war with Spain, and it would not surprise me for the President to call for volunteers in a very short time.

I am convinced that the men who could most safely go to Cuba at this time would be those from the Gulf coast, and I have so stated to the Secretary of War.

I feel it the duty of every man who has had experience in military affairs to tender his services, and I want to say that I am at your service to perform any duty you may direct.

With very high regard, your obedient servant,

JOS. WHEELER.

His Excellency Hon. JOSEPH F. JOHNSTON,
Montgomery, Ala.

Two papers of that State, without my agency or knowledge, obtained and published the letter, and the articles they have published regarding it, unless refuted, will tend to place the people of Alabama and myself in a very wrong attitude.

It will be observed that my letter simply expresses an opinion that—

The men who could most safely go to Cuba at this time would be those from the Gulf coast.

This innocent paragraph is sought to be construed by the articles in these journals as a contention that Southern people would be expected to bear the brunt of the pending war.

One of the papers, the Birmingham Age-Herald, of April 14, published an article signed by a man named Ball, which contains expressions some of which I will read. It says:

But has General WHEELER a right to suggest to Governor Johnston or the Secretary of War that the fighting should be done by men from the Gulf States? Why should Southern men be expected to bear the brunt of the trouble?

The article also, in referring to Southern men, says:

Why should they be chosen as the only suitable men to furnish targets for the Spanish bullets and Spanish torpedoes? If there is one section of the country in which the masses of the people have taken little part in forcing this issue it is the South, and it appears the height of absurdity and injustice to have General Wheeler at Washington instructing the War Secretary as to the propriety of fighting the war.

The article then states:

Southern men stand ready to do their duty at all times and in all emergencies, but that should not furnish a reason to General Wheeler or any other Congressman to insist that they and they only should do all the fighting in a war they are entirely innocent of bringing about.

These and other expressions, none of which have any warrant whatever from my letter or anything else which I have said or done, are being construed by papers throughout the country as an indication that there exists a sentiment in Alabama which, to say the least, lacks an enthusiastic desire to engage in military service. Even with such a construction it does the brave and patriotic men of Alabama great injustice.

Letters which I received from Alabama this morning insist that the expressions contained in the Birmingham Age-Herald, and the other paper, the Montgomery Advertiser, only voiced the sentiments of the writers of these articles, and they utterly repudiate the effort on the part of the writers of the articles, who seem to desire to create an impression that such feelings are general in that State.

I know the editors of the Birmingham Age-Herald and the Montgomery Advertiser. They are chivalrous men, sons of chivalrous sires, and I am confident that these communications do not express their sentiments; not only that, but I feel certain that they will meet their hearty disapproval.

They feel as I do, that we must show to the world that American blood and American wealth will be poured forth freely in the defense of American honor.

I desire, in one word, to say that that noble State, with its healthy, salubrious, and delightful climate, its fertile soil, and its rich minerals, limitless in quantity, and the industry and enterprise of its people, have placed it in the front rank of progression; but these material blessings have not lessened the undaunted chivalry and noble patriotism and devotion to country of these people—a people who regard the maintenance of our honor and prestige of our country as far above material progress as the heavens are above the earth; and I am unwilling that they should rest for a single moment under the reflection which can be drawn and which has been drawn from the articles to which I refer.

I know the people of Alabama. I have seen their dauntless courage exhibited on hundreds of fields of battle. I am one of those who still hope and pray that we may have an honorable peace, but if war comes upon us, and I fear that it will, the question will not be, Who shall go? but it will be, Who shall be given this highest honor and greatest privilege to fight for our country, its safety and its honor? and I know that when the call to arms is sounded the brave men of Alabama will be in the front rank of the foremost volunteers to fight the battles of our great Republic.

During the last month my mail has been filled with evidences of their devotion to our country and our country's cause, and in speaking for the people of Alabama I will say that the chivalrous men who fought in that terrible conflict from 1861 to 1865, and their equally noble sons, inspired as they are by the fame earned by their sires, all stand ready to place their lives and treasure on the altar of duty. They are ready to meet any foe; they are ready to encounter the diseases of any clime, and in the defense of the honor, prestige, and safety of their country, they stand eager to lead where any dare to follow. [Applause.]

MRS. CHRISTINE C. BARNARD.

Mr. LOUDENSLAGER. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 504, "An act granting an increase of pension to Mrs. Christine C. Barnard, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agrees to the same.

H. C. LOUDENSLAGER,
J. F. STALLINGS,

J. R. HOWE,

Managers on the part of the House.

J. H. GALLINGER,

GEO. L. SHOUP,

JNO. L. MITCHELL,

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Senate bill 504 granted a pension to Christine C. Barnard at the rate of \$40 a month, which was amended by the House to \$30. The adoption of the conference report herewith presented allows the bill to become a law as amended by the House.

Mr. LOUDENSLAGER. I move the adoption of the conference report.

The motion was agreed to.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

WASHINGTON AND GLEN ECHO RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I desire to call up the bill (S. 924) on the Speaker's table.

The SPEAKER. The Clerk will report the title of the bill.

Mr. BABCOCK. This comes up as unfinished business. This bill has been read three or four times, and I ask that the further reading be dispensed with.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill and that it be taken up in the House.

Mr. DOCKERY. What is it?

Mr. BABCOCK. It is a bill relating to a railroad company.

The Clerk read as follows:

A bill (S. 924) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet.

Mr. DOCKERY. What is the present parliamentary situation of the bill?

Mr. BABCOCK. It is unfinished business.

The SPEAKER. It is in Committee of the Whole House on the state of the Union.

Mr. DOCKERY. I do not know anything about the bill.

Mr. LOUD. We discussed it very thoroughly one whole day and did not touch it.

Mr. BARTLETT. Mr. Speaker, what is the bill?

The SPEAKER. It is a bill in which the Senate disagrees to the House amendments.

Mr. BARTLETT. I understood the gentleman from Wisconsin to make some request about it.

The SPEAKER. The gentleman requested that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of the bill, and that the matter be now considered in the House. Is there objection? [After a pause.] The Chair hears none.

Mr. BABCOCK. Mr. Speaker, I move that the House insist on its amendments to the bill and agree to the conference requested.

The SPEAKER. The gentleman from Wisconsin moves that the House insist upon its amendments and agree to the conference asked.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON.

MARY J. DAY.

Mr. HICKS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6512) granting an extension of letters patent No. 20694 to Mary J. Day, inventor.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to grant an extension for seven years on letters patent No. 20694 to Mary J. Day, inventor, Orange County, N. Y.

Mr. HICKS. Mr. Speaker, the report accompanying the bill states the matter quite fully.

Mr. McMILLIN. Let the report be read, reserving the right to object after we see what the nature of it is.

The SPEAKER. All rights are reserved. The Chair desires to say that all these proceedings are by unanimous consent.

The report (by Mr. HICKS) was read, as follows:

The Committee on Patents, to whom was referred the bill (H. R. 6512) granting an extension of letters patent to Mrs. Mary J. Day, submit the following report:

Mrs. Mary J. Day, the beneficiary under this bill, obtained April 28, 1891, letters patent No. 20694, for a period of seven years, for a new and useful invention and design for a pressing board. She was led to believe at the time she filed her application that she could not obtain a patent for a longer term than the period designated. She now seeks by this bill to have her patent extended for the term to which she was entitled, under the statute, and which, except for mistake of the law and her adviser, she would have originally obtained. The patent is for an ironing or pressing board, and the petitioner for relief is a poor woman, who is just now beginning to reap the benefits of her skill and genius in her useful invention.

Your committee are satisfied of the merits of the claim, as well as its justice, and unanimously recommend that the bill do pass.

Mr. McMILLIN. Mr. Speaker, I would like to ask one or two questions of the gentleman in charge of the bill. If I understand the report correctly, it does not seek to extend this patent beyond the life of an ordinary patent?

Mr. HICKS. That is right.

Mr. McMILLIN. It seems there was an application for only seven years, which was granted, at that time under a misapprehension of her right to petition for a longer term?

Mr. HICKS. That is right.

Mr. McMILLIN. And this does not extend beyond the life of an ordinary patent?

Mr. HICKS. That is so.

Mr. McMILLIN. While I am opposed to an extension of a patent beyond seventeen years, I do not know that I have any objection to this bill.

A MEMBER. Does the Secretary of the Interior recommend this bill?

Mr. HICKS. Mr. ODELL, who introduced the bill, informed me that he had investigated the facts and that they were entirely satisfactory.

Mr. DOCKERY. Has the Commissioner of Patents or the Secretary of the Interior recommended the bill?

Mr. HICKS. I can not say about that. The device is a simple device, an ironing board, patented by a washerwoman. She was deceived at the time she made her application, and it was only made for seven years instead of the ordinary time for which it should have been made. Within the last few years she has just begun to realize on the patent.

Mr. DOCKERY. I did not know there was any law under which a patent could be secured for less than the ordinary term of years.

Mr. HICKS. I did not know it until this case disclosed it.

Mr. DOCKERY. Do I understand that the committee reported the bill without any opinion from the Secretary of the Interior or the Commissioner of Patents?

Mr. HICKS. The committee investigated the facts thoroughly and decided that it was a case of extraordinary merit, and unanimously voted to vote for an increase or extension of the length of time to which she would have been entitled under the law.

Mr. DOCKERY. My sympathies are very strongly with the washerwoman, the beneficiary of the patent, but they are equally strong in behalf of the people who are compelled to use the device patented. Of course the effect of the continuance of this patent is to increase the price of the article patented.

Mr. HICKS. I regret that I have not here a copy of the device in my possession, so that I might show it to my friend from Missouri.

Mr. DOCKERY. I do not believe the bill ought to pass, although I shall make no objection to it. I think the committee is subject to some censure and criticism for not taking the opinion of the proper officers.

Mr. HICKS. The committee is willing to submit to the censure if my friend from Missouri will not oppose the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HICKS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. DOCKERY. Mr. Speaker, the gentleman from Tennessee [Mr. RICHARDSON] has a report of the Committee on Printing which I would like to have him make.

BRIDGE ACROSS PORTAGE LAKE, MICHIGAN.

Mr. SHELDEN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 3154, to amend an act entitled "An act giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Mich., between the villages of Houghton and Hancock," approved March 3, 1891.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Mich., between the villages of Houghton and Hancock," approved March 3, 1891, be, and the same is hereby, amended by adding a new section, to stand as section 7, as follows:

"Sec. 7. That all railroad companies desiring to use that portion of said bridge constructed for railroad purposes shall have and be entitled to equal rights and privileges in the passing over the same, and in the use of the machinery and fixtures thereof and of the approaches thereto, for a reasonable compensation, to be paid to the owner or owners thereof; and if the owner or owners of said bridge and the several railroad companies, or either or any of them desiring such use, shall fail to agree upon the sum or sums to be paid under the rules and conditions to which each shall conform in using the same, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties, of which hearing each party shall have due notice, and the determination of the Secretary of War thereof shall be binding upon the parties to such controversy."

Mr. SIMPSON. Mr. Speaker, reserving the right to object, I hope the report will be read. This is a very important measure.

The SPEAKER. Without objection, the Clerk will read the report.

The Clerk read the report (by Mr. CORLISS), as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3154) amending an act entitled "An act giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Mich., between the cities of Houghton and Hancock," approved March 3, 1891, report the same back, and recommend its passage.

This measure amends the original act by granting authority to permit the use of the bridge by such other railway companies as may desire the same, upon a just and fair compensation.

This measure is heartily indorsed by the Chief of Engineers, whose report thereon is herewith submitted and made a part hereof.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, January 19, 1898.

SIR: I have the honor to return herewith a letter, dated the 14th instant, from the Committee on Commerce of the United States Senate, inclosing for the views of the War Department thereon S. 3154, Fifty-fifth Congress, second session. "A bill to amend an act entitled 'An act giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Mich., between the villages of Houghton and Hancock,' approved March 3, 1891."

The act of March 3, 1891, authorized the construction by the county of Houghton, Mich., of a free bridge, with roadways and footways, and it appears from a reading of the whole act that what is known as a wagon and foot bridge, and not a railroad bridge, was contemplated by Congress. The plans for this bridge were not submitted to the Secretary of War for his approval as required by the act, and it appears that the bridge was built as a wagon-road bridge overhead, with a railroad through bridge underneath. It is understood that the lower story of the bridge has been leased by the county of Houghton to a corporation known as the Mineral Range Railroad Company. The object of the bill under consideration is to make it possible for any railroad company desiring to use the bridge for the passage of trains to do so upon payment of a reasonable compensation for such use. The effect of this would be to lessen the demand for other bridges across this important waterway, and in this way the navigation interests would be benefited.

I know of no objection, therefore, to the passage of the bill by Congress, so far as those interests are concerned.

Very respectfully, your obedient servant,

JOHN M. WILSON,

Brig. Gen., Chief of Engineers, United States Army.

Hon. R. A. ALGER,
Secretary of War.

Mr. SIMPSON. Mr. Speaker, I hope the gentleman in charge of the bill will inform the House whether the bridge is located on Portage Lake, where it will obstruct navigation. It is an important waterway and many vessels go up to the copper mines there, and I think it ought to be understood.

Mr. CORLISS. Mr. Speaker, in answer to the gentleman's inquiry, as I reported the bill to the House, I will state that this bridge was built twenty years ago by the county of Houghton and has been used a number of years both as a highway and a railroad bridge. The object of this bill is to prevent the construction of another railroad bridge across this lake and important navigable water. The object of the bill is to give the use of this bridge already built, at the option of the county, to other railroads as well as the one now using it. It is in the interest of navigation, and there can be no objection to it.

Mr. LOUD. Was the other bridge built under a statute?

Mr. SHELDEN. It was.

Mr. LOUD. Why, if it was built as the result of a statute, did it not conform to the usual requirements?

Mr. SHELDEN. It did.

Mr. LOUD. The report emphatically states that the plans of this bridge were never submitted to the Chief of Engineers. Now, may it not be possible that the bridge obstructs navigation and the effect of this subsequent legislation may be to validate it?

Mr. SHELDEN. No, sir.

Mr. CORLISS. Let me answer the gentleman from California [Mr. LOUD] by informing him that this bridge, though not originally constructed under an act of Congress, is now in operation in accordance with the requirements of the War Department and the needs of navigation.

Mr. LOUD. Does not the report of the committee state to the contrary?

Mr. CORLISS. It does not. It states that the bridge was originally constructed without the authority of Congress twenty-odd years ago, but that it complies with all the requirements of navigation and is maintained in accordance with the legal regulations with reference to navigable streams. The object of this bill is that people who might otherwise desire to build bridges may be induced to use this one instead of obstructing navigation further. The bill is heartily indorsed by the Department and the engineers.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. CORLISS, a motion to reconsider the last vote was laid on the table.

COMPILATION OF PARLIAMENTARY PRECEDENTS.

Mr. RICHARDSON. I ask for the consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 227) providing for the compilation and printing of parliamentary precedents of the House of Representatives.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed the usual number of copies of a compilation of parliamentary precedents of the United States House of Representatives, and that in addition to the said usual number there be printed and bound 500 copies, 1 copy for each member and each committee of the House, the residue to be deposited in the library of the House, said compilation to be made by Asher C. Hinds, clerk at the Speaker's table, under the supervision of the Committee on Rules, the said clerk to be paid on the completion of the work, out of any moneys in the Treasury not otherwise appropriated, \$3,000, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

Mr. RICHARDSON. I ask that the report of the Committee on Printing, which very fully explains the purpose of this resolution, may be read.

The Clerk read as follows:

The Committee on Printing have considered House resolution 227, providing for the compilation and printing of parliamentary precedents of the House of Representatives, and direct me to report the same to the House of Representatives with the recommendation that it do pass, with an amendment as follows: After the word "work," in line 11, add the following words: "with a proper index."

This compilation has been made by Asher C. Hinds, the present clerk at the Speaker's table.

The estimated cost of printing and binding this document is \$3,001.

The compilation was begun prior to the Fifty-fourth Congress for the purpose of facilitating the parliamentary work of the clerk at the Speaker's table by having in a classified and convenient form the rulings of the Speakers and the Chairmen of the Committees of the Whole. Scattered as they are through scores of volumes of RECORDS, GLOBES, and JOURNALS, it is a matter of considerable trouble to get together the precedents bearing upon any particular point, especially if they are required during the transaction of the business of the House. It is the aim of the work to present each precedent in the light of the rules which governed the House at the time it was made, and for the statements of all the earlier precedents the JOURNALS and the RECORDS of the debates have been compared. As much of the compilation as is com-

pleted has been in daily use in the House, and has been enlarged, corrected, and verified by the investigations that have gone on from time to time in regard to points of order arising in the House and in the Committee of the Whole.

It will be the aim of the work when completed to include all the precedents in use under the practice of the House. The collection at present amounts to 1,200 or 1,300. Before it is completed for publication it will probably amount to more than 1,600. It is impossible to give the number exactly, as about fifty years of the earlier history of the House have not been fully examined. The work will include precedents from the First Congress to and including the present session (second) of the Fifty-fifth. It is not expected that the work will contain all the precedents of the House, many of which are obsolete, but such as are in use and such as have been collected in the investigation of questions before the House. The rulings of the Speakers for the last eight years have been collected and classified with particular care. The rulings of Chairmen of Committees of the Whole, not heretofore collected and classified in large numbers, quite fully cover the principles involved in the proceedings of those committees.

The index of the work will aim to meet the wants of members examining particular as well as general features of the parliamentary practice of the House.

Mr. RICHARDSON. This joint resolution, as gentlemen have observed from the reading, provides for printing a compilation which has been prepared of parliamentary precedents of this House. Quite a number of gentlemen on both sides of the House have examined this compilation so far as it has proceeded, and they all think the work possesses great merit and should be printed for the use of the House.

This resolution was introduced by the gentleman from Missouri [Mr. DOCKERY], a very old and experienced member, as we all know; and it meets not only his approval, but that of every other gentleman on this as well as the other side of the House who has examined it. I trust there will be no objection to the passage of the joint resolution.

Mr. LOUD. Mr. Speaker, there is one portion of this resolution in which I heartily concur, and that is in the omission it makes. I approve of it because it does not include all of the decisions heretofore rendered. I suppose that omission refers to decisions in Committee of the Whole; for if some of these decisions were photographed, they would present most shining examples. [Laughter.] I heartily concur in that part of the resolution, therefore, that leaves out some of the decisions.

The SPEAKER. Without objection, the resolution will be considered, and the question is on agreeing to the amendment.

The amendment was read, as follows:

In line 11, after the word "work," insert the words "with a proper index."

Mr. McCULLOCH. Is it proposed to embody this whole publication in one volume?

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

HARBOR OF SHEBOYGAN, WIS.

Mr. BARNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution I send to the desk.

The SPEAKER. The joint resolution will be read, subject to the right of objection.

The joint resolution was read, as follows:

Joint resolution (H. Res. 175) for the survey of the harbor of Sheboygan, Wis.

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he hereby is, requested and directed to cause a survey to be made of the harbor at Sheboygan, Wis., to ascertain the best method and expense of preventing the injurious effects of the northeast seas.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BAILEY. Reserving the right to object, Mr. Speaker, I desire some explanation of this matter.

The SPEAKER. There is an amendment proposed to the joint resolution which the Clerk will report.

The Clerk read as follows:

Add at the end of the resolution:

"And that the Secretary of War be, and is hereby, directed to report as to the advisability of the project."

Mr. BARNEY. -I will explain to the gentleman from Texas the reason for making this request at this time.

This has been, I will state, unanimously reported from the Committee on Rivers and Harbors, and the circumstances which make necessary the application at this time are these: This is, in the first place, one of the most important harbors on Lake Michigan. Last fall an immense amount of damage was done to the shipping in that harbor, and to the docks, by a heavy northeast storm, and, in order to prevent the recurrence of such a disaster, it is desirable that we shall have an estimate for erecting this protecting work in the harbor. In fact, it should have been done very long ago; and this is only a request for a survey to determine as to the best plan in the future.

Of course, this work is preliminary, and it is anticipated that an appropriation will be asked for hereafter. But all we desire now

is information as to the best plan to protect the harbor, and for that reason we ask to have this survey made, if possible, this summer, by the engineers who are now employed by the Government there, so that the plans can be prepared and the matter brought to the attention of the Committee on Rivers and Harbors at the next session of Congress, or when a river and harbor appropriation bill shall be presented.

Mr. TALBERT. Let me ask the gentleman if this does not necessarily involve an appropriation?

Mr. BARNEY. No, sir.

Mr. TALBERT. But how can the work be done without money?

Mr. BARNEY. Well, there is a board of engineers there, employed by the Government.

Mr. TALBERT. And already paid?

Mr. BARNEY. Yes.

Mr. MINOR. Already employed by the Government.

Mr. SIMPSON. What is the purpose hereafter? To build a breakwater?

Mr. BARNEY. Yes.

Mr. SIMPSON. And that, of course, will involve an appropriation.

Mr. BARNEY. Of course it will involve an appropriation, but that will be a matter to be considered hereafter, when this survey is made. This harbor is, of course, entitled to its proper share in any river and harbor bill that may be passed.

Mr. SIMPSON. What makes the harbor of Sheboygan so important?

Mr. MINOR. It is one of the largest coal-distributing harbors on the lakes.

Mr. BARNEY. I will state to the gentleman from Kansas that this is a city of somewhere about 30,000 inhabitants, one of the largest and most important manufacturing towns in Wisconsin, and I believe is the largest coal-distributing point on the lakes, except, perhaps, Milwaukee. It has not only an immense trade in coal, but in other commodities as well.

Mr. SIMPSON. That is, coal shipped in there and distributed from that point?

Mr. BARNEY. Yes; shipped there by water and sent by rail from there to all portions of the Northwest.

Mr. SIMPSON. Have you any knowledge as to the number of tons shipped per annum?

Mr. BARNEY. I have not personally, but my friend who sits on my left [Mr. STEVENS] assures me that it amounts to about 2,000,000 tons; and I can state to the gentleman that the States of Minnesota and Dakota and other parts of the Northwest are supplied almost entirely with coal from Sheboygan.

Mr. LOUD. About how long has this been a considerable shipping point?

Mr. MINOR. For twenty years.

Mr. SIMPSON. Oh, yes; for thirty-five years.

Mr. BARNEY. As the gentleman says, for a great many years; but it has grown to very great importance within the last ten or twelve years.

Mr. LOUD. I would like to ask the gentleman for information if there is anybody on the River and Harbor Committee who is familiar with this matter and can tell about how many of these bills have been thus far passed? I would like to ask also about how much money is involved in the various bills that have been passed? It seems to me that we have new surveys enough now to make a river and harbor bill aggregating sixty, seventy, or even a hundred millions of dollars, without including the old works.

Mr. BARNEY. The question here is whether we have or have not, under the circumstances, a right to ask this. This harbor is one of the most important ones, as I have said, and we are certainly entitled to some consideration. This is a reasonable request; it asks for no appropriation until the matter has been determined by the engineers of the Government, when an effort will be made to secure a proper appropriation in the next river and harbor bill, if the work is reported upon favorably; and it is particularly desirable, in view of the disaster that recently happened there, that some steps should be taken to secure this particular improvement.

Mr. LOUD. You have waited twenty or thirty years. Can you not wait the same as all the rest of us have to wait now?

Mr. BARNEY. We have had from year to year some appropriations for this harbor, and this is a particular kind of improvement which I should like to have investigated, so that the River and Harbor Committee at its next session can act advisedly and with proper information before it.

Mr. SIMPSON. Is it not a fact that this is desirable now on account of the very large increase in the larger vessels over what we have had heretofore—vessels having a much greater draft of water?

Mr. BARNEY. I am not an expert in such matters, but I am told that the fact that it is a deep-water harbor has perhaps made a difference in the damage which these northeast storms have done. It is on account of its being a deep-water harbor that it is such a large coal-shipping port.

Mr. SIMPSON. Owing to the fact that in the last twenty-five years the size of vessels has increased. Of course, before that time a vessel drawing 12 feet was the average, and now they draw 20 feet. Therefore is it not desirable that this harbor should be deepened?

Mr. BARNEY. That is not the purpose of this resolution. I think it now has a depth of 18 feet, and a survey has been already made to secure a depth of 21 feet.

Mr. MINOR. About that depth, but really that is involved.

Mr. BARNEY. That may be involved hereafter, but it is desired to have this breakwater to prevent the great damage to the vessels in the harbor and at the dock and to the works already constructed by the city and the Government.

Mr. MINOR. Is it not a fact that it did become necessary to widen the entrance to the Sheboygan River, and that the city purchased a strip of land in order to give it more width, and straightened that channel, and that it ceded that land to the Government, and the Government has built a new pier and dredged out the channel so that it makes a straight course for the sea to roll in, and that is what causes the destruction of the shipping in the river?

Mr. BARNEY. That is the fact, that the Government, by widening the channel and building the pier in the way it has, has made a straight course for the northeast seas to sweep in and do this damage. And it is also a fact that the city of Sheboygan has heretofore ceded to the Government a large amount of very valuable property, as stated.

Mr. LOUD. Now, I should like to suggest the position that I myself occupy in this matter. My associate counsel [Mr. CANNON] gave notice here the other day that he should object to the next one of these cases that came up. That was his statement, made after consultation with me, with the understanding that I was to bear one-half of the odium. Now, I made my statement public the other day. I wish the gentleman would allow this to go over until Monday or Tuesday. Then I can have an opportunity to consult with my associate [laughter] until we can determine whoshall take the responsibility of objecting to the first case.

Mr. PERKINS. One-half of the odium will not count.

Mr. BARNEY. I have already consulted with the gentleman's associate and laid this matter before him, and he thought that it was peculiar in its circumstances, and he also took into consideration the fact that it did not involve any appropriation at the present time. The Government employees are there, and the information is necessary to lay before the River and Harbor Committee at the next session of this body, when it is expected that that committee will act. They ought to have this information before them, and the gentleman from Illinois [Mr. CANNON] I feel sure thought there was no reason why they should not have it.

Mr. LOUD. I am very sorry my associate is not here. I wish somebody would look him up. [Laughter.]

Mr. DOCKERY. Let me suggest to the gentleman from California—

Mr. BARNEY. I would not be at all afraid to have him here, for the reasons already given.

Mr. LOUD. I think he is around the House somewhere. Perhaps he has been induced to quit.

Mr. SIMPSON. Perhaps it would be as well for the gentleman from California to go out and hunt him up. [Laughter.]

Mr. LOUD. I think that would be the best thing I could do.

Mr. DOCKERY. I desire to suggest to the gentleman from California that I am sure he could not rely with safety upon his associate in this case in the event the gentleman from California desires to object to the bill, because the gentleman who now offers the bill [Mr. BARNEY] is an exceedingly efficient member of the Committee on Appropriations, over which his associate [Mr. CANNON] presides as chairman.

Mr. LOUD. I understand that, but the next case that is coming up, I understand, is in charge of an associate of mine on my committee. [Laughter.]

Mr. STEELE. Leave that to me. I will attend to that.

Mr. LOUD. Perhaps I had better determine this.

Mr. SIMPSON. You had better pair them. [Laughter.]

Mr. LOUD. I hope the House can see the condition to which we have arrived. You have opened the doors to unanimous consent to the passage of bills of this kind, and there can be no possible end to that until somebody shall make himself obnoxious enough to stop further inroads upon the public Treasury. It is true you do not propose to put your arms into the Treasury to-day, but by this act you propose to get four years nearer to it than you would by pursuing the proper, legitimate, and lawful course. That is all.

Mr. SIMPSON. What has that course to be?

Mr. LOUD. Why, first, to apply for a preliminary examination is required of all men, I suppose, who have a sense of modesty, which takes two years; then a survey, which takes two more years.

Mr. DALZELL. Who told you that?

Mr. LOUD. Why, I have had that experience, permit me to say.
Mr. RICHARDSON. In other men's cases?

Mr. LOUD. As I said the other day, with that experience going over six years, until I had succeeded in getting some work probably as necessary as that at Sheboygan, or wherever it is, Wisconsin or Michigan—

Mr. BARNEY. Wisconsin.

Mr. LOUD. Ready for an appropriation; when lo and behold, the House determined that they will pass no river and harbor bill; and my successor will probably derive great credit for having secured a very large appropriation for the improvement of the harbor of San Francisco, which harbor, by the way, has never had any money out of the Government, and we are particularly modest over there. Perhaps you might not think so by the action of some members from that State on this floor; but we proceed in a regular, orderly manner, a manner which was broken into at the last session of Congress the first time, I believe, it had ever been broken into since we had river and harbor bills. Well, one session more, perhaps, and you will have reports singly upon cases of this kind for the improvement of harbors—

Mr. SIMPSON. And in the meantime all these improvements will be destroyed, because all the work that has been done there had to wait these six years before further improvement could be made.

Mr. LOUD. What work has gone on there?

Mr. SIMPSON. What advantage will it be to the Government?

Mr. LOUD. What work has been done there?

Mr. BARNEY. They have had a full survey for general improvements, and this asks for a survey where a further improvement is needed.

Mr. LOUD. Something more than you have already obtained. You have not got enough.

Mr. BARNEY. Because the improvement already made has not turned out as expected, and this asks for it in only one particular place, which will be the breakwater of the mouth of the river and prevent inroads from the northeast sea.

Mr. LOUD. I can not object to this, because I see a colleague of the gentleman from Wisconsin looking anxiously if not angrily at me.

Mr. MINOR. You do not refer to me?

Mr. LOUD. No; it is a colleague of yours who brought up a bill here four or five years ago, to which I objected, and I do not think he has forgotten it; and when I consider both gentlemen I shall not object.

Mr. SIMPSON. The gentleman asks what work the Government has done at Sheboygan Harbor. They have built a pier, and the waves are now destroying it for want of new work.

Mr. LOUD. That is simply the understanding of the gentleman.

Mr. SIMPSON. No; the gentleman so stated.

Mr. HILL. I should like to ask the gentleman from California a single question.

Mr. LOUD. It is not my bill.

Mr. HILL. The gentleman has spoken about his partner or associate. I would like to understand if any Democratic member has entered into this partnership by which unanimous consents are to be objected to.

Mr. LOUD. My associate is the gentleman from Illinois [Mr. CANNON].

Mr. HILL. I have noticed that three or four bills have been brought up by the Democratic side to which no objection has been made, and I would like to have an understanding so as to know on what line to proceed.

Mr. LOUD. If the gentleman had been here he would not have put himself in the ridiculous position that he has before this House. I am a Republican member—as good a Republican as he is.

Mr. HILL. I do not raise any question about the gentleman's Republicanism. I simply ask if there is any Democratic partner in this partnership of which he has spoken. I make no criticism of the gentleman's Republicanism and do not accept any criticism upon mine either. [Laughter.]

The SPEAKER. Is there objection?

Mr. SIMS. Now, I have a river already surveyed and I want to get the good results that are to accrue from its improvement.

Mr. RICHARDSON. Why should this river require another survey?

Mr. SIMS. And we can not get any river and harbor bill, but we may get all the benefits of a river and harbor bill in particular localities by following up these cases, and if that is done I do not suppose we will ever have another bill.

Mr. BARNEY. This is preliminary to the river and harbor bill.

Mr. SIMS. My preliminaries are all gone through and we are ready for the bill.

Mr. BARNEY. If we get enough preliminaries we may have a bill this session; but we will certainly get it at the next session of this House.

The SPEAKER. Is there objection?

Mr. GRIGGS. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. PERKINS. Mr. Speaker, I present a privileged report.

Mr. LOUD. Now the pressure begins. I object to the pressure.

Mr. GRIGGS. I withdraw my objection.

The SPEAKER. Is there further objection? Does the gentleman from Iowa withdraw his proposition?

Mr. PERKINS. I withhold my proposition.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the consideration of a joint resolution, the title of which the Clerk will report.

A joint resolution (H. Res. 175) for the survey of the harbor of Sheboygan, Wis.

Mr. SIMS. Now, I object unless we can get a new partnership by which we can get through several of these bills.

The SPEAKER. Is there objection?

Mr. SIMS. I do object positively for the present.

PRINTING OF PRESIDENT'S MESSAGE OF APRIL 11, 1898.

Mr. PERKINS. Mr. Speaker, I ask consideration for a privileged report from the Committee on Printing.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Senate concurrent resolution No. 33.

Resolved by the Senate (the House of Representatives concurring). That there be printed 20,000 copies of the message of the President of April 11, 1898, together with Senate Report 885, being the report of the Committee on Foreign Relations relative to affairs in Cuba, 6,500 for the use of the Senate and 13,500 for the use of the House of Representatives.

The report (by Mr. PERKINS) was read, as follows:

Your Committee on Printing, having had under consideration Senate concurrent resolution No. 33, to print 20,000 copies of the message of the President of April 11, 1898, together with Senate Report 885, being the report of the Committee on Foreign Relations relative to affairs in Cuba, recommend that the same be agreed to.

The Public Printer estimates the cost of printing under this resolution at \$8,165.

The resolution was agreed to.

HARBOR OF SHEBOYGAN, WIS.

Mr. BARNEY. Mr. Speaker, the gentleman from Tennessee [Mr. SIMS] will withdraw the objection that he just made.

Mr. SIMS. Mr. Speaker, I have been assured that I will meet with the same kind of treatment in support of a similar measure, and I now withdraw my objection.

The SPEAKER. The House will be in order. Where two objections are made, the Chair desires to have the House take the responsibility of this matter. The Clerk will report the title again of the act for which unanimous request for consideration is made.

The Clerk again read the title.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. DOCKERY. Now, Mr. Speaker—

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. BARNEY. I yield, Mr. Speaker.

Mr. DOCKERY. I do not object to this bill, but I avail myself of the present occasion to say that under the present method of disposing of these matters coming from the River and Harbor Committee it seems to me that the next river and harbor bill will reach tremendous proportions. If these measures continue to be approved by the House, it does seem to me that there should be some sort of classification made by the Committee on Rivers and Harbors. We have such a classification in relation to light-houses. They are classed in the estimates under three heads—"indispensable," "necessary," and "desirable."

Now, I beg to suggest to the Committee on Rivers and Harbors, or the members of that committee who may be present, that some classification similar to the one that has heretofore obtained in respect to light-houses should be applied to these works reported from the committee day by day.

Mr. LOUD. They are all indispensable.

Mr. DOCKERY. They may be from certain standpoints, but I am speaking, if the gentleman from California will understand me, from the standpoint only of the public interest and the public service.

Mr. LOUD. I think I have got some indispensable to my representation in Congress.

Mr. DOCKERY. That may be; it may involve your right to a seat on the floor; but, in all seriousness, it does seem to me that if we are to continue daily to repeal the existing statutes by special provisions for surveys, so as to secure recognition in the next river and harbor bill, that bill, instead of carrying liabilities of about seventy-eight millions, as the last one did in direct appropriations and contract liabilities, will considerably surpass the stupendous total of one hundred millions.

I again suggest to the committee the propriety of classifying

the works, so that when the Secretary of War submits estimates to the next Congress it shall be not only on the question of the desirability of certain works, but he shall also submit reports grouping the works, so that Congress may provide, first, for those classed as "indispensable;" second, those classed as "necessary," and last, those classed as "desirable."

Mr. GROSVENOR. Before the gentleman takes his seat, I want to say that I agree with him in the importance of his suggestion; but I want to suggest to him that there is an inherent difficulty in this whole business—one that makes it impossible to carry it out.

Mr. DOCKERY. I think I catch the gentleman's idea from the language of the withdrawal of a certain objection made a moment since. I do not wish to be understood as objecting to this particular measure.

The SPEAKER. There is an amendment, which the Clerk will report.

The Clerk read as follows:

And that the Secretary of War be, and he is hereby, directed to report as to the advisability of the project.

The amendment was agreed to.

Mr. LOUD. Now, Mr. Speaker, I would like to ask, if any member of the River and Harbor Committee is present to answer, why they have reported every bill for a survey, so far as my memory serves me, without this provision?

Mr. BARNEY. The gentleman from Ohio is here, and can answer that question.

Mr. BURTON. I will say that the law provides that the report of the Secretary of War or the Chief of Engineers shall state the facts with reference to the project and report as to the desirability.

Mr. LOUD. Does the law require him to report to Congress regarding the desirability after you have directed him to make a survey and estimate the cost?

Mr. BURTON. What is the amendment you propose to make? I did not hear it.

Mr. LOUD. The usual amendment, whether in the opinion of the Secretary of War the improvement is desirable or necessary. Here you go on and direct the Secretary of War to make a survey, to estimate the cost; and do you say, representing the committee, that the engineer making the survey must report to Congress as to the desirability of the project that you have directed him to submit an estimate of cost upon?

Mr. BURTON. An estimate is made of the cost and a report is made as to whether the work is a desirable improvement or not. I concede, most decidedly, that it is best such a provision should be inserted.

Mr. LOUD. If there is a general provision of law on the subject, that would, of course, apply in the first instance to the preliminary examination, and there would necessarily be a report upon the desirability of the work. But when we direct the Secretary of War to make a survey and submit to Congress an estimate of the cost of the proposed improvement, does the gentleman undertake to say that the Secretary of War must report upon the desirability of the work?

Mr. BURTON. The gentleman from California will discover on examination of these resolutions that in general—there may possibly be exceptions—they pertain to improvements already reported upon and reported to be desirable. In this case, for instance, the harbor has been improved already; the lines of improvement suggested here have been completed in part; so that we may regard the desirability of the improvement as a matter already settled. I believe that in practically all these instances (though, as I have stated, there may be exceptions) that state of affairs will be found to appear.

Mr. LOUD. I do not think the assumption of the gentleman is correct, because I believe some of the reports here have referred to absolutely new work. But, as an illustration, suppose that a portion of a harbor had been surveyed, does the gentleman assume that that survey, that preliminary examination, could be accepted as applying to another portion of the harbor, an entirely different character of work?

Mr. BURTON. No; not an entirely different project.

Mr. LOUD. I can not understand, then, why a committee that has not had any great amount of work to do during this Congress should flood this House with resolutions ordering surveys, but not including this precautionary provision which appears to be very necessary.

Mr. DOCKERY. The gentleman from California will allow me to suggest that the amendment usually adopted in these cases was born of a certain fact or condition, and that was that the last river and harbor appropriation bill carried appropriations or liabilities amounting in round numbers to \$10,696,000, upon which neither the Chief of Engineers nor the Secretary of War had expressed an opinion.

Mr. BURTON. I think the gentleman is mistaken in that statement.

Mr. DOCKERY. Oh, no; I have made that statement over and over again, and it is as true as Holy Writ.

Mr. LOUD. The gentleman does not assume that the statement is true because he has made it "over and over again?"

Mr. DOCKERY. That statement, which I have repeated here frequently, can not be successfully challenged. It was made upon official information. That is the reason this amendment has been added to all the other bills; and I am glad the gentleman from California has now invited the attention of my friend from Ohio to the necessity of the amendment, so that in reporting bills of this character hereafter, if such bills are to be reported, the amendment may come from the committee.

I repeat the statement that the necessity for such an amendment arose from a condition of affairs which upon information from official reports was found to exist—that the last river and harbor appropriation bill recognized projects amounting to more than \$10,000,000 where neither the Chief of Engineers (I am not speaking of the local engineer) nor the Secretary of War had passed upon the propriety of the works. I do not say that they were improper projects; I want gentlemen to understand me in that respect. They may have been worthy objects for all that I know. But I simply say they did not have the sanction of either the Chief of Engineers or the Secretary of War.

Mr. LOUD. And under those circumstances you will not give them your indorsement?

Mr. DOCKERY. I do not want to give an impromptu indorsement.

Mr. BURTON. I am satisfied the gentleman from Missouri is mistaken in the statement he has just made, just as President Cleveland was mistaken in many statements contained in his veto message. At any rate, this House should not abdicate to the War Department its right to determine what harbors should or should not be improved. If we are going to do that, we might just as well appropriate a lump sum and leave its disposition entirely in the hands of that Department.

Mr. LOUD. When we are passing these propositions by unanimous consent, would it not be best to have an opinion from the War Department as to whether the proposed improvement is advisable or not?

Mr. BURTON. Precisely; and we have had such an opinion in each case where the committee has acted favorably.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BARNEY, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF ARANSAS PASS HARBOR, TEXAS.

Mr. KLEBERG. I ask unanimous consent for the consideration of House concurrent resolution No. 27, which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and he is hereby, authorized and directed to prepare and submit plans, specifications, and estimates, and to direct and make a survey, if deemed necessary, for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar to a depth of at least 20 feet and a width of at least 150 feet at the bottom, so as to furnish an inlet for the passage of vessels from the Gulf of Mexico into Aransas Harbor; and in preparing said plans, specifications, and estimates the Secretary of War, or such Government engineers as he may designate to do the work, may consider the feasibility of utilizing such breakwaters now at said pass, constructed by the Aransas Pass Harbor Company, or the utilizing of any part of the same, and the value such use of such breakwater or material may be to the United States in deepening said channel; and in the estimate of such valuation any permanent damage which, in the opinion of the Government engineers, may have occurred by reason of the construction of said breakwater to said harbor or pass, or additional expense to the United States made necessary by reason of said attempted improvements in future improvements of said harbor or pass, shall also be considered by said engineers and reported by them.

That the Secretary of War is further directed to report to Congress at its next session; and the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of such plans, specifications, estimates, or survey.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker—

Mr. HENDERSON. I hope the gentleman from California will not object until he hears an explanation from the gentleman from Texas.

Mr. LOUD. I would like to enter into a little controversy with my friend here from Texas. After that the gentleman from Iowa can object if he desires to do so.

I would like to hear, before consent is given, a most thorough and comprehensive explanation of this bill. I have a grave suspicion that there is something about this Aransas Pass matter that has been here before, and therefore I would like to have an accurate explanation, which of course the gentleman from Texas can and will give. There is more in this proposition, it seems, or something that goes at least beyond what has been done heretofore with reference to this improvement, and I should be very glad

to know from him the exact facts to determine whether I am justified in making the objection that I have heretofore thought proper to make on nearly all of these matters.

Mr. KLEBERG. I will be very glad to respond fully to the request of the gentleman from California.

In 1890 the Congress of the United States authorized the Aransas Pass Harbor Company to improve the harbor of Aransas Pass at its own private expense, under certain conditions specified in the granting act. That company has proceeded and attempted to construct certain breakwaters at the pass. It has been at work for some length of time, and then for a considerable period of time the work lapsed, the company doing no work whatever upon the breakwater. The act has been extended from time to time, and under the law will terminate in January next. At that time the right of the company expires.

There is nothing in the act itself which compels, either morally or legally, the Government to assume these breakwaters and pay the expense of their construction—nothing whatever. And there is nothing in it that will authorize the company to have a monopoly there, either, in case it shall complete the work.

Now, Mr. Chairman, I wish to proceed with an explanation of this matter. This company has been at work for a considerable period, I say, whether in good faith or not I do not know, to construct the breakwater. It has failed and virtually given up the work at the pass.

In the Fifty-fourth Congress a board of engineers was authorized, by an act then passed, to ascertain the amount of the work done by the company and the cost of the same to them, as well as the value of the work for the improvement of the harbor to the Government. That board consisted of three army engineers—an entirely impartial board. They were sent down by the Secretary of War, and they made a thorough examination of the breakwater, and also a thorough examination of the harbor and its requirements.

They have been there, I believe, two or three times in connection with that work, and made a report to this Congress, in which they stated that the breakwater is absolutely worthless to the Government and that it is of no value. They say at the same time that this harbor—the importance of which the Government can not ignore—should be improved, and that the Government should improve it, and speak of the necessity for the work being done promptly.

Mr. LOUD. Not to interrupt the gentleman, I would like to ask how far Aransas Pass is from Sabine Pass or Galveston?

Mr. KLEBERG. About 150 or 200 miles from Galveston, and I suppose 300 or 350 miles from Sabine Pass.

The importance of this harbor is conceded, Mr. Speaker, and the necessity for its improvement will not be questioned. This is especially emphasized by the report of the engineers, who say that the Government should not ignore this harbor, that the work is indispensable, while that done by the private company is worthless and worse than worthless, because of the fact that it will possibly involve an expenditure on the part of the Government to remove what they have done.

Mr. LOUD. Then why ask the Government to acquire the right to this work if it is worthless?

Mr. KLEBERG. Let me continue, and I think I will fully answer the gentleman's question. The gentleman asked a full explanation, and I wish to make it.

Now, upon that report I introduced the bill for the improvement of the harbor by the Government, and in that bill I provided that this company should not receive one single cent pay for the work they have done, and that the Government should not proceed until they have filed a perfect and complete release or until some court of justice has recognized their claim and which shall determine how much they are entitled to. Or, in other words, if they do not release their claim, that they must go to court on condemnation proceedings.

Now, when the bill came before the Committee on Rivers and Harbors, the question necessarily arose as to the value of the work done by this company, and whether they are not entitled to some compensation, and if entitled to pay, how much? I say, frankly, I do not think they are entitled to anything. The issue between myself and the company is made up. I will say that the Government ought not to have to pay a single solitary cent. They claim something, and are insisting upon it before the committee. When we were before the committee it was suggested that nothing could be done until plans and estimates were made of the cost required for the improvement of the harbor, and also the extent of the breakwater placed there by this company and the cost of it, and all of the facts whatever, with reference to which appropriations should be made.

It was then ascertained that the Secretary of War could make this estimate. In fact, the same engineers who have made this other report can make it without any survey and can make it without any expense, so that an intelligent basis can be arrived at if there should be any disposition on the part of this Congress

or of the Committee on Rivers and Harbors to report a river and harbor bill, so that this harbor will stand on an equal footing with other harbors and can receive an appropriation.

Now, all that is required here is simply an estimate of what the harbor will cost and an estimate of the cost of these breakwaters. Now, the gentleman will perceive that in that estimate I want this same board of engineers, or the Secretary of War, to see what damage, if any, has been inflicted upon the Government in the construction of these breakwaters by this private company, or what additional expense may be required, so that if they should report that this company's breakwater is entitled to some consideration and should place any estimate upon it, that then we can have an estimate of the damage, if any, that has been done to that harbor. That would give us a correct estimate of the cost of the improvement of that harbor.

Mr. LOUD. But the gentleman says that this bill will permit us to be put in possession of information as to how much this company have damaged the harbor.

Mr. KLEBERG. If they have damaged it at all.

Mr. LOUD. What good will that information be to us?

Mr. KLEBERG. It would simply form an intelligent basis of the cost of the opening and improvement of that harbor.

Mr. LOUD. I can not see the connection between the two.

Mr. KLEBERG. I think I can state it.

Mr. HENDERSON. Let me ask the gentleman if this is also in the mind of the framer of the resolution: That if it is found that the breakwater built by this company is of any value, and that they have damaged the harbor, there may be a set-off between the two?

Mr. KLEBERG. Exactly; that is the position I take, and I say we can not arrive at any intelligent estimate until we find the damage, if any, that has been done.

Mr. TALBERT. Does this bill carry any appropriation?

Mr. KLEBERG. None at all.

Mr. HENDERSON. That is stricken out, is it?

Mr. KLEBERG. Yes.

Mr. NORTHWAY. Now, let me ask the gentleman a question. If the engineers should report no damage to the Government, but should report in favor of paying the company for their breakwater, then the Government would be liable, would it not?

Mr. KLEBERG. No; they do not sit as a jury at all. They will report the facts. They have already reported that the work is worse than worthless and is of no value to the Government.

Mr. NORTHWAY. It is really expected that the company will be paid for their property, is it not?

Mr. KLEBERG. It is not my expectation, and I shall stand here and oppose it.

Mr. HENDERSON. This resolution does not settle anything, except to get the information?

Mr. KLEBERG. That is all. It simply gets the facts.

Mr. HENDERSON. It does not bind the Government in any way?

Mr. KLEBERG. Not at all.

Mr. TALBERT. Is not this one of those bills that are coming in from the fact that we are to have no river and harbor appropriation bill?

Mr. KLEBERG. I am not here to criticize the River and Harbor Committee at all.

Mr. TALBERT. But I ask if this and other similar bills are not brought in here because we are to have no river and harbor bill?

Mr. KLEBERG. I think not. This is one of those measures that can be passed without expense to the Government.

Mr. LOUD. It is going to cost money to make the survey. It will either come out of an independent appropriation or out of the \$250,000. What is the use of trying to fool ourselves? The making of a survey costs money.

Mr. BALL. The survey has already been made, but these are facts that the report of the engineers fails to give, and the Secretary of War says that without any additional survey or any additional expense this information can be furnished.

Mr. NORTHWAY. Will the gentleman permit me? This proceeding is one that could be attached to a regular river and harbor bill, is it not?

Mr. BALL. It could be.

Mr. NORTHWAY. Then why make haste in this case and leave everybody else out in the cold?

Mr. KLEBERG. This is just like the bill that was passed here a little while ago.

Mr. BALL. Gentlemen will understand that there is a difference between new projects and projects that have already been surveyed. This survey has been made. The board of engineers have reported it.

Mr. NORTHWAY. Then why not leave it for the regular river and harbor bill, and not hasten it?

Mr. BALL. Because they did not give us possession of certain information that we should have in order to obtain a settlement

with this company. Now, I am satisfied that the specific information called for by this bill will show that there will not be one dollar coming to the company, and I will further state to the gentleman from Ohio [Mr. NORTHWAY] that the parties in interest have expressed themselves as being willing, in case the report of the engineers or of the Secretary of War shows that they are not entitled to receive anything—that they will quitclaim it to the Government and not ask any compensation. So that, to say the least, we do not commit Congress to the payment of one dollar, but we possibly avoid the expense of condemnation proceedings.

Mr. RIDGELY. Can you give us the name of this private company?

Mr. KLEBERG. Certainly. The Aransas Pass Harbor Company.

Mr. RIDGELY. Is this legislation being pressed for them?

Mr. KLEBERG. No. If it is passed, of course they are anxious to have their claims settled also, and in that light it is pressed by them; but it is pressed by the people from my whole district. I represent that entire country, and it rests upon me. I am not representing that company. I am opposing it.

Mr. RIDGELY. Our whole State of Kansas is interested in promoting facilities for shipment.

Mr. SLAYDEN. I want to say in that connection that this harbor is of vast importance to the whole of the district I represent.

Mr. LOUD. How much of a city have you there?

Mr. SLAYDEN. There is no town at the pass; it is about 15 miles out from the shore line, being a narrow strait between two islands, and there is no town there of any kind.

Mr. LOUD. And you want to make it a town?

Mr. SLAYDEN. There is no expectation of that kind.

Mr. LOUD. How much commerce is there?

Mr. SLAYDEN. I was about to explain to you. The city of Corpus Christi, which is about 15 miles away, has a population of about 6,000 people, if I recollect aright. Rockport, another town, has a population of 1,500 to 2,000; but both are some distance away, and neither one figures in this matter with me as to any improvement or as to being specially interested in the matter. But it is an outlet. It makes an outlet for the great grazing districts of west and northwestern Texas. No part of my district runs within 150 miles of this place. It is recognized as a port of importance to all the commerce of that section. There are two railroad lines. One is the line to the City of Mexico, via Laredo, and another, known as the San Antonio and Aransas Pass Railroad, runs to—

Mr. LOUD. Is there a center of business there?

Mr. SLAYDEN. Both of them terminate near the pass.

Mr. LOUD. What do they terminate there for, when there is no town?

Mr. SLAYDEN. There is one. Both terminate at Corpus Christi, 15 miles away from the pass which we hope to have improved.

Mr. LOUD. Do you expect that you are going to improve up to Corpus Christi?

Mr. SLAYDEN. This is not in the interest of Corpus Christi, or Rockport, or of any town-lot scheme, or anything of that sort. This is a measure in which the people of that section have shown their interest by donating property estimated, I believe, at \$600,000.

Mr. KLEBERG. Between \$200,000 and \$300,000.

Mr. SLAYDEN. They have absolutely given \$200,000 toward the benefit of that port. The engineers say it is easily feasible to make an important port there.

Mr. LOUD. How much would the improvement cost?

Mr. SLAYDEN. Ultimately to make a port? Well, it has been estimated all the way by optimists from \$150,000 to \$200,000 and up to a million and a half by practical men.

Mr. LOUD. I understand the gentleman to say that a survey has been made?

Mr. SLAYDEN. One has recently been made of Aransas Pass. The company which undertook the work and abandoned it for lack of funds—and I have never had any communication with any person connected with that particular company—only expects in the event that the stone in the breakwater is used that the Government will pay them the value of it.

Mr. LOUD. I want to say, Mr. Speaker, that if this were a plain survey, the same as the rest of them, I do not know that I would have any objection to it. Neither will I object to a plain survey; but I shall object to any reference in the bill to the work done by this company. The bill is really suspicious—

Mr. SLAYDEN. I will explain to the gentleman from California that neither my colleague [Mr. KLEBERG] nor myself will object to your objection in that respect.

Mr. KLEBERG. You can not object too much for me in that regard.

Mr. SLAYDEN. We have both been recognized as rather in antagonism to that company, although both are merely inspired by a desire to see a port created at Aransas Pass.

Mr. KLEBERG. What does the gentleman wish expunged?

Mr. LOUD. I shall not object to an ordinary survey, although you have no harbor, no city, nor anything else; but I shall object to all this reference to this work which has been done by this private company.

Mr. KLEBERG. I can explain that. A survey has been made of that harbor. The harbor has been surveyed several times, and Major Ernst has placed an estimate of one million and six hundred and some odd thousand dollars upon it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I shall have to object to the present bill.

Mr. KLEBERG. What is the gentleman's objection?

The SPEAKER. Objection is made.

LIFE-SAVING STATION AT GLOUCESTER, MASS.

Mr. MOODY. I ask for the present consideration of the bill H. R. 8881.

The bill was read, as follows:

A bill (H. R. 8881) to establish a life-saving station on the westerly side of the harbor of Gloucester, Mass.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a life-saving station on the westerly side of the harbor of Gloucester, Mass., at such a point as the General Superintendent of the Life-Saving Service may recommend.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. I demand the regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees.

Mr. MOODY. I trust the gentleman will permit me to explain that bill. Will the gentleman from Texas permit me to explain that bill?

The SPEAKER. The gentleman from Texas demands the regular order.

Mr. MOODY. Will the gentleman permit me to explain this bill? It is a very simple and an easy one and will take no time.

The SPEAKER. The gentleman from Texas has demanded the regular order.

Mr. MOODY. The gentleman from Texas might at least have given me his attention when I addressed to him a courteous question.

Mr. DINGLEY. I move that the House do now adjourn.

Mr. BAILEY. A parliamentary inquiry. Pending that motion to adjourn, is it in order to move that the House take a recess until 8 o'clock to-night?

The SPEAKER. The Chair thinks a recess is not privileged; but if the House declines to adjourn, then that may be done.

Mr. DINGLEY. I make the suggestion to the gentleman from Texas with reference to taking a recess to 8 o'clock that I understand by inquiry at the Senate that it would be no object for the House to take a recess until 8 o'clock this evening, or even 10 o'clock, so far as that goes.

Mr. BAILEY. They have, I understand, arrived at no agreement as to the time at which a vote will be taken, but they have arrived at an agreement for closing what we would call general debate, and it is perhaps closed at this time, or, if not at this time, will be within the next hour, and then such debate as occurs upon the resolution after that will be under the fifteen-minute rule.

Mr. DINGLEY. My information is that there is no prospect of anything reaching the House at 8 o'clock or 10 o'clock to-night. If there was, I should have no objection to taking a recess until some time this evening. It hardly seems worth while to detain the House with that information, unless the gentleman has some other information.

Mr. DOCKERY. I thought there was an understanding that we should take a recess until Monday morning at 10 o'clock.

Mr. HENDERSON. I suggest that we take a recess until 10 o'clock Monday morning.

Mr. DINGLEY. I am perfectly willing to accede to that. That will meet with my wishes.

Mr. BAILEY. Mr. Speaker, I myself have little idea that the Senate would be ready to send us any matter earlier than 8 or 10 o'clock this evening, and, upon the statement that it will not probably be ready at that time, I am perfectly willing to take a recess until 10 o'clock Monday.

Mr. DINGLEY. I am told that we are not likely to get anything this evening, and not even up to midnight. I will withdraw my motion to adjourn, and ask unanimous consent that the House take a recess until 10 o'clock on Monday morning.

Mr. WHEELER of Alabama. Will not the gentleman modify his request and take a recess until some time this evening?

The Senate will vote to-day, and it would certainly be a good plan to take a recess until, say, 10 o'clock to-night, when we could receive the message from the Senate and appoint conferees.

The SPEAKER. The gentleman from Maine asks unanimous

consent that the House take a recess until Monday morning at 10 o'clock. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Pending the announcement, the Committee on Enrolled bills made the following report:

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 3132. An act granting a pension to Plum P. Miner;
H. R. 639. An act increasing the pension of Charles B. Eades;
H. R. 7539. An act granting an increase of pension to Martha M. McCall;

H. R. 5994. An act to grant a pension to M. Louise Anderson; and
H. R. 2629. An act to grant a pension to John Thurston.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3517. An act granting a pension to Rhoda A. Van Niman;
S. 1450. An act granting a pension to Catharine Leary;
S. 668. An act granting a pension to Frances E. Pease;
S. 499. An act granting a pension to Sarah R. Frary;
S. 487. An act granting a pension to Delia Gilman; and
S. 157. An act to increase the pension of Gen. James W. McMillan.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. POWERS, for ten days, on account of important business.

The SPEAKER. The Chair desires to announce to the members of the House that, in accordance with the permission given by the House, the Chair will reinstate the rule of the House, temporarily adopted, for tickets for Monday morning.

The House is now in recess until 10 o'clock on Monday morning.

The recess having expired, the House, at 10 a. m., Monday, April 18, resumed its session.

Mr. DINGLEY. Mr. Speaker, in view of the fact that no message can be received from the Senate until both Houses are in session, I move that the House do now adjourn.

Mr. BAILEY. Mr. Speaker, a parliamentary inquiry. I desire to inquire if it be true that no message can be received from the Senate unless both Houses are in session?

The SPEAKER. That is the rule.

Mr. BAILEY. I know that is the general legislative practice; and believing it to be a good one, I shall interpose no objection.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask the gentleman from Maine to withhold his motion until I can present a request to the House.

The SPEAKER. The gentleman from Maine moves that the House do now adjourn.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BROMWELL. Division, Mr. Speaker.

Mr. PAYNE. Oh, do not do that—

Mr. DALZELL. Nothing can be done until 12 o'clock.

Mr. BROMWELL. I withdraw the demand for a division, Mr. Speaker.

The motion of Mr. DINGLEY was agreed to.

Accordingly (at 10 o'clock and 5 minutes a. m.) the House adjourned until 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, transmitting a copy of a report made by Examiner W. B. De Pue as to the advisability of a change in the law governing the holding of terms of court at Bay City, Mich.—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of deficiency in the appropriation "Contingent, Bureau of Equipment"—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MAHANY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6149) to authorize the Secretary of War to exercise a discretion in certain cases, reported the same with amendment, accompanied by a report (No. 1106); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 486) granting a pension to Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers, reported the same with amendment, accompanied by a report (No. 1101); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion, reported the same with amendment, accompanied by a report (No. 1102); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4283) for the relief of William B. Murray, of South Pittsburg, Marion County, Tenn., reported the same with amendment, accompanied by a report (No. 1103); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5385) granting a pension to A. C. Litchfield, reported the same with amendment, accompanied by a report (No. 1104); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4607) granting an honorable discharge to Charles Miller, reported the same with amendment, accompanied by a report (No. 1105); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6453) granting a pension to Eliza Clark—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9899) for the relief of Ronald P. McDaniel—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULLIVAN: A bill (H. R. 9913) to increase the pensions of widows of the Mexican war soldiers and sailors to \$16 per month—to the Committee on Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 9914) to provide for the organization of volunteer reserves to the land and naval forces of the United States of America—to the Committee on the Militia.

By Mr. MAHANY: A resolution (House Res. No. 291) requesting certain information from the Secretary of State—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 9915) for the relief of John W. Watterson—to the Committee on Claims.

By Mr. KELLEY: A bill (H. R. 9916) for the relief of David Misener, of Goodwin, S. Dak.—to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 9917) for the relief of Volney H. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9918) for the relief of Elizabeth Craine—to the Committee on Invalid Pensions.

By Mr. MAHANY: A bill (H. R. 9919) to correct the naval record of Thomas Walpole—to the Committee on Naval Affairs.

Also, a bill (H. R. 9920) to pension Martha E. Moeller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9921) to correct the military record of John W. T. Briggs—to the Committee on Military Affairs.

Also, a bill (H. R. 9922) to grant an honorable discharge to William H. Bapst—to the Committee on Naval Affairs.

Also, a bill (H. R. 9923) to correct the military record of D. C. Van Brocklin—to the Committee on Military Affairs.

By Mr. MOODY: A bill (H. R. 9924) granting a pension to Lydia Woodman—to the Committee on Invalid Pensions.

By Mr. STRODE of Nebraska: A bill (H. R. 9925) granting a pension to William H. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9926) for the relief of Mrs. Ruth Hall—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 9927) for the relief of the owner or owners of the barge *Charlie*—to the Committee on War Claims.

Also, a joint resolution (H. Res. 235) for the relief of ex-Naval Cadet S. A. W. Patterson—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWN: Petitions of the Woman's Christian Temperance unions of Clarksville, Greenfield, and Yellow Springs, Presbyterian and Methodist Episcopal churches of Yellow Springs, Friends' Church of Clarksville, and citizens of Coshocton, in the State of Ohio, urging the passage of a bill to prohibit the sale of liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance unions of Greenfield, Clarksville, and Yellow Springs, Presbyterian and Methodist Episcopal churches of Yellow Springs, and Friends' Church of Clarksville, Ohio, favoring bills to raise the age of protection for girls, to forbid the interstate transmission of lottery messages by telegraph, and to protect State anticigarette laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Athens, Ohio, asking for the passage of the bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

By Mr. BULL: Resolution of the Board of Trade of Baltimore, Md., indorsing the Bull bill to provide for the enrollment and organization of Naval Reserve forces—to the Committee on Naval Affairs.

By Mr. CAMPBELL: Papers to accompany House bill No. 2490, for the relief of A. U. Whiffen—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5612, to increase the pension of Leroy S. Gordon—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6110, granting a pension to John D. Craig—to the Committee on Invalid Pensions.

Also, papers in support of House bill No. 7775, granting a pension to Albert R. Kiser—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6109, granting an increase of pension to Christian J. Lidaker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 7774, granting an increase of pension to Frank Podon—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5599, granting a pension to Thomas J. Windsor—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5598, granting a pension to Michael Doyle—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 2536, granting a pension to Florence Tate—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5604, granting an increase of pension to Elkana M. Hill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5603, relating to the claim of Albert Griffith—to the Committee on War Claims.

Also, papers to accompany House bill No. 5605, to remove the charge of desertion against Thomas D. Wagon—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 2488, bearing upon the claim of William H. Blades—to the Committee on Military Affairs.

By Mr. GRIFFITH: Petition of Bachman Post, No. 26, Grand Army of the Republic, of Indiana, and Green Clay Smith Camp, No. 3, Department of Indiana, Union Veterans' Union, in support of House bill No. 6593, to remove the charge of desertion against John Dickson—to the Committee on Military Affairs.

By Mr. HENDERSON: Petition of James Lunbuck and other citizens of Dyersville, Iowa, favoring the passage of the anti-

scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWE: Resolution of the National Association of Knit Goods Manufacturers of the United States, in support of House bill No. 8066, relating to appropriations to aid in the holding of a national exposition of American products and manufactures in Philadelphia—to the Committee on Interstate and Foreign Commerce.

By Mr. KLEBERG: Petition of E. D. Linn and 28 other citizens of Victoria, Tex., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KULP: Resolutions passed by the Chamber of Commerce of the State of New York, in favor of a treaty of reciprocity with Canada and Newfoundland—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the General Society of Colonial Wars, in favor of Government ownership of Fort Ticonderoga—to the Committee on Military Affairs.

Also, resolutions passed by the Massachusetts Forestry Association, against House bill No. 8438, in reference to Executive order of February 22, 1897—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of the State of New York, in reference to Senate bill No. 3354, to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

Also, letters of protest by Col. T. F. Hoffman, of Shamokin, Pa., against the passage of House bill No. 9253, relating to the organization of the line of the Army of the United States, known as the Hull bill—to the Committee on Military Affairs.

By Mr. LENTZ: Resolutions of John A. Spellmar Post, No. 321, Department of Ohio, Grand Army of the Republic, in favor of the establishment of a national park at Vicksburg, Miss.—to the Committee on Military Affairs.

Also, petition of the Olivet Presbyterian Church, of Columbus, Ohio, to prohibit the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Olivet Presbyterian Church, of Columbus, Ohio, for the passage of a bill to forbid the interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

By Mr. McCLEARY: Resolutions of the St. Paul (Minn.) Chamber of Commerce, favoring the passage of House bill No. 8066, relating to appropriations for a national exposition at the city of Philadelphia—to the Committee on Interstate and Foreign Commerce.

Also, protests of the St. Paul (Minn.) Fire Department Relief Association; New Ulm (Minn.) Associated Fire Companies, W. E. Koch, president, William Brust, secretary, and Messrs. Asa P. Pixley, A. G. Schendel, and G. A. Cory, in behalf of the Fairmont (Minn.) Fire Department, against the passage of Senate bill No. 2736, in relation to the regulation of insurance among the several States, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of hotel proprietors in the city of Chicago, Ill., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union of Evanston, Ill., and the Marie Chapel Woman's Christian Temperance Union, of Chicago, Ill., for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Evanston, Ill., asking for the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. OVERSTREET: Resolutions of the Board of Trade of Indianapolis, Ind., relating to Cuba—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Petitions of William S. Eden, proprietor of Great Northern Hotel, and proprietors of 25 other hotels in Chicago, Ill.; Chattanooga (Tenn.) Chamber of Commerce; George H. Tardy and 39 others, Ocean Springs, Miss.; Jacob Romer and 89 others, New Orleans, La.; Richard L. Hand and 17 others, Elizabethtown, N. Y.; Eugene Leavitt and 4 others, Pottersville, N. Y., and Harry Upton and 6 others, Scotia, N. Y., favoring the passage of House bill No. 7130, and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Petition of C. S. Murphy and 23 other citizens of Marfa, Tex., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of T. R. Jones and 13 other citizens of North Grove, Ind., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.