

## By Telegraph.

Mr. Fish's Letter on Cuban Affairs.

Washington, 21.—The following is a portion of the Spanish correspondence:

Department of State,  
Washington, Nov. 5, 1875.

Caleb Cushing, Sir:—Pursuant to the intimation conveyed in my dispatch 252, I deem it necessary to recur to the general question of our relations with Spain, and to consider the progress which has been made in disposing of the outstanding questions which for some time past have seriously threatened the relations of the two countries. At the time of your departure for Madrid, apart from the general question of the unsatisfactory condition of affairs in Cuba, and the failure to suppress the revolution, several prominent questions remained unadjusted, the settlement of which were deemed necessary before any satisfactory relations with Spain could be established or maintained. Upon all of these you were instructed. Most prominent among them were questions arising from the embargo and confiscation of the estates of American citizens in Cuba, those relating to the trial of American citizens in that island in violation of treaty obligations, and claims arising out of the capture of the *Virginis*, including the trial and punishment of Gen. Burriell. After the expiration of more than eighteen months it seems advisable to examine what progress has been made and to consider our present relations with Spain.

In reference to the arbitrary seizure and withholding of the estates and property of citizens of the United States in Cuba under proceedings of confiscation or embargo, so called, a separate instruction was addressed to you under date of February 6th, prior to your departure for your post. I referred therein to the general facts surrounding these cases; to the arbitrary action of the authorities by which the property of American citizens had been seized in violation of treaty provisions, in the absence of judicial proceedings, without a hearing and under such circumstances as to call for a vigorous protest and demand on behalf of the government. The general facts surrounding these cases are well known. It is not pretended, so far as I am aware, that any legal justification for these wrongs has been attempted on the part of the authorities of Spain, or that these proceedings in Cuba are defended or upheld. On the contrary, pursuant to a decree issued by the government on the 12th of July, 1873, the illegality and indefensible character of these acts were admitted and the embargoes were ordered to be removed and the property restored. This decree was at first received in Cuba with calm indifference and not even published or adverted to, and the proceedings of the authorities were in no notable respect changed thereby. At the time of the visit of Señor Solor Y. Pla, minister of Ultramar, the decree was in some instances recognized and some significant steps were taken in individual cases to comply therewith. In general, however, it was claimed either that incumbrances existed, making a compliance therewith impossible, or delivery was offered, burdened by leases or incumbrances and coupled with unfair conditions or demands, or the delivery was avoided on the ground that particular property was confiscated, not embargoed. In fact, the decree was treated in general with supreme indifference. You were informed that the president, while not disposed to question the willingness of the authorities in Spain to do justice to this government and its citizens, expected that the means would be found to compel its agents in Cuba to obey the orders of the supreme government.

Such was the condition of the question at the date of your departure. Numbers of American citizens had at this time been deprived of their property and were anxiously awaiting the performance of the promises and assurances which had been given by the Spanish government. In spite of all efforts which you have made, intelligent and energetic as they have been, no effectual result has been accomplished.

The kindred treaty question in reference to the trial of citizens of the United States in Cuba by court martial and the arrest and punishment of

our citizens without trial in that island in violation of the provisions of the treaty of 1795, is substantially in the same position. This government, prior to your appointment, had unfortunately been compelled to interfere in behalf of its citizens on several occasions where the authorities in Cuba had entirely disregarded, not only the provisions of neutrality but the rules of civilized warfare in cases of embargo and confiscation; not only have wrongs long since done been continued and repeated, but wrongs are daily inflicted. The authorities of Spain in Cuba during all this time have been using the revenues of the confiscated or embargoed estates, appropriating much of the property itself and in some cases executing long leases or actually making sales, either on the allegation that taxes were due, or without any excuse whatever in cases of arrest and punishment. The citizens of the United States in like manner have undergone punishment because the authorities of Spain do not meet the issue and decide the question.

Turning to the questions which arose from the capture of the *Virginis* and the executions which followed no extended reference is required. The particulars of the delivery of the vessel to this government, and the payment to both Great Britain and the United States of considerable sums as compensation for the acts of authority in ordering the execution of fifty-three passengers and crew under circumstances of peculiar brutality, have passed into history. So far as the payment of money can atone for the execution of these unprotected prisoners that has been accomplished. The higher and more imperative duty which the government of Spain assumed by the protocol of November, 1873, namely, to bring to justice General Burriell and other principal offenders in this tragedy, has been evaded and entirely neglected. Having made this neglect the subject of a separate instruction under this date I abstain from further reference.

In February, 1874, the first instruction was addressed to you on general matters pertaining to your mission. I referred at length to the views entertained by the president, and to the position of this government. It was then more than five years since an organized insurrection had broken out which the government of Spain had been entirely unable to suppress. At that time the firm conviction of the president was announced, that whatever might be the vicissitudes of the struggle, whatever efforts might be put forth by the Spanish power in Cuba, no doubt could be entertained that the final issue of the conflict would be to break the bonds which attached Cuba as a colony to Spain.

While remembering and observing the duties which this government, as one of the family of nations, owes to another member by public law, treaties, or particular statutes of the United States, it would be idle to attempt to conceal the interest and sympathy with which Americans in the United States regard any attempt of the numerous people on this continent to be relieved of ties which hold them in a position of colonial subjection to a distant power, and to assume independence and the right of self-control, which natural rights and the spirit of the age accord to them. When, moreover, this struggle in progress on our very borders, from its commencement, has involved the property and interests of citizens of the United States, has disturbed our tranquility and commerce, has called upon us not unfrequently to witness barbarous violations of the rules of civilized warfare and compelled us for the sake of humanity to raise our voice by way of protest, and when more than all we see in the contest the final struggle in this hemisphere between slavery and freedom, it would be strange, indeed, if the government and people of this country fail at any time to take a peculiar interest in the determination of such contest. In this early instruction was expressed the sincere and unselfish hope of the president that the government of Spain would seek some honorable and satisfactory adjustment, based upon emancipation and self-government which would restore peace and afford the prospect of a return of prosperity to Cuba. Almost two years have passed since these instructions were issued and those strong hopes expressed, and it would appear that the situation has in no respect improved the horrors of war, have in no perceptible manner abated the incon-

veniences and injuries which we then suffered. They have remained and others have been added, the ravages of war have touched new parts of the island and well nigh ruined its financial and agricultural systems, and its relations to the commerce of the world. No effective steps have been taken to establish reforms or remedy abuses, and every effort to suppress the insurrection, by force alone, has been a complete failure. The material interests of trade and commerce are impaired to a degree which calls for remonstrance, if not for another line of conduct on the part of all commercial nations. Whether it be from the severity and inhumanity with which the effort has been made to suppress the insurrection, and from a supposed justification of retaliation for violation of the rules of civilized warfare, and by acts of barbarism, incendiarism and outrage, the world is witnessing, on the part of the insurgents, (whom Spain still claims as subjects, and for whose acts, if subjects, Spain must be held accountable in the eyes of the world,) a warfare, not of legitimate strife, of relative force and strength, but of pillage and incendiarism, the burning of estates and sugar mills, and the destruction of the means of production and the wealth of the island. The United States purchases more largely than any other people of the productions of the island of Cuba, and therefore more than any other for this reason, and still more by reason of its immediate neighborhood, is interested in the arrest of the system of wanton destruction which disgraces the age and affects every commercial people on the globe. Under these circumstances, and in view of the fact that Spain has rejected all suggestions, all offers of reform, or offices of mediation made by this government, and has refused all measures looking to reconciliation as an impossibility, the difficulty of the situation becomes increased. When, however, in addition to these general causes of difficulty we find the Spanish government neglectful also of the obligations of treaties and solemn compacts, and unwilling to afford any redress for long-continued and well-founded wrongs suffered by our citizens, it becomes a serious question of how long this condition of things can or should be allowed to exist, and compels us to inquire whether the point has not been reached where longer endurance ceases to be possible. During all this time and under these aggravated circumstances this government has not failed to perform her obligations to Spain as scrupulously as towards other nations. In fact, it might be said we have not only been long-suffering because of the embarrassments surrounding the Spanish government, but particularly careful to give no occasion for complaint. For the same reason, I regret to say that the authorities of Spain have not at all times appreciated our intentions or our purposes in these respects, and while insisting that the present state of war shall not exist in Cuba, and that no rights as belligerents should be accorded to the insurrectionists, they have, at the same time, demanded for themselves all the rights and privileges which flow from actual and acknowledged war. It will be apparent that such a state of things cannot continue. It is absolutely necessary to the maintenance of our relations with Spain, even on their present footing, that our just demands for the return to the citizens of the United States of their estates in Cuba, unencumbered, and for securing to them trial for offenses according to the treaty provisions, and all other rights guaranteed by the treaty and by public law, should be complied with. Whether the Spanish government, appreciating the forbearance of this country, will speedily and satisfactorily adjust the pending questions, not by the issue of implied orders or decrees without force or effect in Cuba, but by comprehensive and firm measures, which shall everywhere be respected, I shall anxiously await further intelligence, apart from these particular questions.

In the opinion of the president the time has arrived when the interests of this country, the preservation of its commerce and the instincts of humanity alike demand that some speedy and satisfactory ending be made of the strife that is devastating Cuba. This disastrous conflict, of more than seven years duration, has demonstrated the inability of Spain to maintain peace in an island

lying at our door. Desolation and the destruction of life and property have been the only results of this conflict. The United States sympathizes and feels that this inability results in a large degree from the unhappy condition of Spain at home, and to some extent from the distractions which are dividing her people; but the facts which remain to be added to this are the large expanse of ocean separating the peninsula from the island, and a want of harmony and personal sympathy between the inhabitants of the home government and those of the colony. In addition to all this, it cannot be that the question of the continued maintenance, in the face of the decrees and enactments to the contrary, of a compulsory system of slave labor is the cause of the disquiet, and of the excitement, to a large class in the island, as also in the United States, which the government of Spain has led us, by very distinct assurances to expect should be removed, and which the enlightened christianity of the age condemns, the contest and disorder in Cuba affect the United States direct and injuriously by the presence in this country of partisans of the revolt, who have fled higher in consequence of the proximity of the territory, as to a political asylum, and who, by their plottings, are disturbers of the peace. The United States has exerted itself to the utmost for seven years to repress unlawful acts on the part of these self-exiled subjects of Spain, relying on the promise of Spain to pacify the island. Seven years of strain on the powers of the government to fulfil that most exacting demand one government can make, under any doctrine or claim of international obligation upon another, have not witnessed the much-hoped-for pacification. The United States feels itself entitled to be released from this strain. The severe measures, injurious to the United States and often in conflict with public law, which the colonial officers have taken to subdue the insurrection and the indifference and oftentimes offensive assaults upon the just susceptibilities of the people of the United States and their government, which have characterized that portion of the peninsular population of Havana which has sustained and upheld, if it has not controlled, the successive governor-generals, and which have led to a disregard of the orders and decrees which the more enlarged wisdom and more friendly councils of the home government had enacted; the cruelty and inhumanity which have characterized the contest, both on the part of the colonial government and of the revolt for seven years, and the destruction of valuable properties and industries by arson and pillage which Spain appears unable, however desirous, to prevent and stop in an island 3,000 miles distant from her shores, but lying within sight of our coast, with which trade and constant intercourse are unavoidable, are causes of annoyance and injury to the United States, which the people cannot be expected to tolerate without the assured prospect of their termination. The United States has more than once been solicited by the insurgents to extend to them its aid, but has for years hitherto resisted such solicitations and has endeavored by the tender of its good offices in the way of mediation, advice and remonstrance, to bring to an end the great evil which pressed upon the interests of the government and the people of the United States, also upon the commercial interests of other nations. A sincere friendship for Spain and for her people, whether peninsular or insular, and an equally sincere reluctance to adopt any measures which might injure or humble the ancient ally of the United States, has characterized the conduct of this government in every step during these sad and distressing years, and the president is still animated by the same feeling and desires above all things to aid her and her people to enter and move upon the path of safety and repose. The president, in 1869, tendered the good offices of the United States for the purpose of bringing to a close the war in Cuba. The offer was made delicately, in good faith, and in friendship to both parties to the contest. General Prim, as representative of the Spanish government, while recognizing the good faith and friendship with which the offer was made, replied: "We can better proceed in the present situation of things without even this friendly intervention. The time

will come when the good offices of the United States will be not only useful, but indispensable to the final arrangements between Spain and Cuba. We will ascertain the form in which they can be employed and confidently count upon your assistance." The United States replied that its good offices for that object would be at any time at the service of the parties to the conflict. This government has ever since been ready thus to aid in restoring peace and quiet. The government of the United States has heretofore given expression to no policy in reference to the insurgents in Cuba, because it has honestly and sincerely hoped that no declaration of policy on its part would be required. The president feels that longer reticence would be inconsistent with the interests of both governments. Our relations with Spain are in that critical position that another seizure similar to that of the *Virginis*, other executions of citizens of the United States, other wrongs of a less objectionable character than many which have already been suffered by our citizens, with a simple remonstrance, or possible even some new act of exceptional severity in Cuba, may suddenly produce a feeling and excitement which might force even that which this government anxiously desires to avoid. The president hopes Spain may adopt measures looking to a reconciliation and speedy restoration of peace and the organization of a stable and satisfactory system of government in the island of Cuba. In the absence of any prospect of any termination of the war, or of any change in the manner in which it has been conducted on either side, he feels that the time is at hand when it may be the duty of other governments to interfere, solely with the view of bringing to an end the disastrous and destructive conflict, and of restoring peace in the island Cuba. No government is more deeply interested in the word or action of the administration of this island than is that of the United States, and none has suffered as has the United States from the condition which has obtained there during the past six or seven years. He will, therefore, feel it his duty at an early day to admit the subject in this light, and accompanied by an expression of the views above presented for the consideration of congress. This conclusion is reached with reluctance and regret; it is reached after every other expedient has been attempted and proved a failure, and in the firm conviction that a period when no other course remains for this government. It appears to be a just and friendly act to frankly communicate this conclusion to the Spanish government.

You will, therefore, take an early occasion thus to inform that government. In making the communication it is the earnest desire of the president to impress upon the authorities of Spain the continued friendly disposition of this government, that it has no ulterior, selfish objects in view, and no desire to become a party in the conflict, but is moved solely by the imperative necessities of proper regard to its own protection, and its only instructor, the interests of humanity; and as we firmly believe in the ultimate interest of Spain itself. In informing the Spanish government of these conclusions pursuant hereto, you are authorized to read this instruction to the minister of state, or to state the substance and purport thereof as you may deem most advisable. You will, of course, keep me advised by telegraph and by post of your proceedings pursuant to this instruction.

I am, sir, your obedient servant,  
(Signed) HAMILTON FISH.

SENATE.

WASHINGTON, 24.

Thurman called up the Senate bill to provide for a commission on the subject of the alcoholic liquor traffic. He said this bill was the same as that passed by the Senate at the last session. The bill had been reported by the finance committee in accordance with the request of a large number of petitioners.

Bogy said he was opposed to such bills being brought before Congress; a matter of this nature should be legislated upon by the states. Congress was gradually drawing from the states all matters of legislation, and assuming to pass upon them, and thus doing great injustice to the states.

Pending the discussion the morn-