

It Cures Dyspepsia
agitates the diaphragm and takes away that tired feeling.
The Evening Journal's
Funny Page—laughter for a whole week—in one afternoon—
To-morrow.



NEW YORK JOURNAL

Good Sunday Weather.

GENERALLY FAIR; NOT SO COLD SUNDAY
AFTERNOON; NORTH-WESTERLY WINDS,
BECOMING VARIABLE.

NO. 5,148.

NEW YORK, SUNDAY, DECEMBER 20, 1896—60 PAGES.—COPYRIGHT, 1896, BY W. R. HEARST.

PRICE FIVE CENTS.

THE ISSUE BETWEEN PRESIDENT AND SENATE.

Olney Declares That Cleveland Will Not Obey the Senate's Wishes on Cuba.

He States That the President Is Outside Congressional Control in Matters Relating to Belligerency.

Ex-Attorney-General Garland Gives It as His Opinion That in Such Matters the Chief Executive is Paramount.

OLNEY'S DEFIANCE TO CONGRESS.

Washington, Dec. 19.—Secretary Olney, being asked his opinion as to the nature and effect of the proposed resolution recognizing the independence of the republic of Cuba, to-day said

"I have no objection to stating my own view of the resolution respecting the independence of the so-called republic of Cuba, which it is reported is to be laid before the Senate on Monday.

"Indeed, as there are likely to be serious misapprehensions regarding such resolution, both in this country and abroad, and as such apprehensions may have injurious results of a grave character, it is, perhaps, my duty to point out that the resolution, if passed by the Senate, can probably be regarded only as an expression of opinion by the eminent gentlemen who vote for it in the Senate, and if passed by the House of representatives can only be regarded as another expression of opinion by the eminent gentlemen who vote for it in the House.

"The power to recognize the so-called republic of Cuba as an independent state rests exclusively with the Executive. A resolution on the subject by the Senate or by the House, or by both bodies or by one, whether concurrent or joint, is inoperative as legislation, and is important only as advice of great weight voluntarily tendered to the Executive regarding the manner in which he shall exercise his constitutional functions.

"The operation and effect of the proposed resolution, therefore, even if passed by both houses of Congress by a two-thirds vote, are perfectly plain. It may raise expectations in some quarters which can never be realized. It may inflame popular passions, both in this country and elsewhere, may thus put in peril the lives and property of American citizens who are resident and travelling abroad, and will certainly obstruct and perhaps defeat the best efforts of this Government to afford such citizens due protection.

"But except in these ways, and unless the advice embodied in the resolution shall lead the Executive to revise conclusions already reached and officially declared, the resolutions will be without effect and will leave unaltered the attitude of this Government toward the two contending parties in Cuba.

GARLAND SUPPORTS CLEVELAND.

Washington, Dec. 19.

Editor New York Journal:

Secretary Olney has stated a fact. The power to recognize the independence of a government is the exclusive province of the Executive, and the legislative branch of this Government can only exercise advisory powers. A joint resolution is of no more avail than a concurrent one, and the ineffectiveness of the latter kind of measure was clearly demonstrated during the last session. Congress has no power in such a case beyond the expression of an opinion, and a joint resolution acknowledging the independence of Cuba can have no force except as an expression of opinion.

The President would certainly ignore such a resolution, but such action would not place the matter in any different light, as the resolution, instead of being established as an actual declaration of the independence of Cuba, would simply rest as a proffer of advice to the President. Congress might adopt a joint resolution declaring a murderer pardoned, but a President of adverse opinion could not be compelled thereby to pardon the criminal, nor, in case of a veto, could such a pardon be granted by Congress, even by adopting the resolution over the veto.

The President is the executive head of the Government and the head of the army and navy. His powers and functions are of a different kind from those of Congress, and in the exercise of his powers and privileges he cannot be controlled or dictated to by Congress.

The Supreme Court has dealt with this question but once, to my knowledge. There is a decision in the cotton cases brought to the Supreme Court after the Civil War, defining very vaguely belligerent rights and the power to recognize the independence of Governments. In that decision it is stated that the power to recognize the independence of a government rests solely with the President.

A. H. GARLAND.



THE EXECUTIVE.

Drawn from Life.

Many Senators Throw Down the Gauntlet and Will Maintain Their Rights.

Chandler Calls Olney's Statement "A Preposterous Proposition" and Call Styles It "Absolutism."

Morgan Says Cleveland Is "Not Yet a Dictator," While Mills Denounces the Executive's Position as "Absurd."

"PREPOSTEROUS," SAYS CHANDLER.

WASHINGTON, Dec. 19.—SENATOR CHANDLER, of New Hampshire:

Mr. Olney's pronouncement in behalf of himself and President Cleveland is the most extraordinary assertion ever made by an American executive. He appears before the Senate Committee on Foreign Relations and advises them not to recommend to the Senate the passage of a certain resolution. After leaving the committee room he learns, through the newspapers that they have decided to make the recommendation. Before waiting to hear the report, or the reasons for its adoption, or to learn the action of the Senate thereon, or of the House if the resolution should pass the Senate, he makes, in behalf of the President, a proclamation to the world.

This statement of Mr. Olney is the most preposterous proposition ever emitted by an enraged Executive. It has no foundation whatever, either in reason or in precedent. Congress has the power to declare war, and therefore has the power to do every act which may lead to war. The President may veto a war bill, but if it is passed by a two-thirds vote over his veto, it is the law of the land, and the President and Secretary of State are bound to obey the law, and execute its provisions at the risk of impeachment if they do not.

A Secretary and a President who announce, before a law is even reported from a committee, before the reasons of its passage are given in reports and debate, and before it has been considered in either house; that if it passes they will defy it, and that if it is again passed by a two-thirds vote they will defy it again, are guilty of uttering the grossest defiance of Congress that can be imagined, and which in this case cannot possibly have been spoken except by reason of the fact that it has already been decided by the people that the two high officials are shortly to leave office and retire to private life. No Secretary or President with any length of time to serve before him would have dared to assert to the country and the world that they are the Government of the United States, in spite of any enactments of Congress. Such an atrocious doctrine will find no permanent lodgment in the American system of government.

What effect Mr. Olney's bold assertion will have upon Congress remains to be seen. It is intended to encourage Spanish sympathizers and to discourage the friends of the Cuban republic. It is intended to induce the cowardly commercial spirit of the country to demand the prolongation of the atrocities and horrors of the Cuban war, lest stocks and bonds shall fall in market price. To intimidate Congress, the President plays the role of Andrew Johnson.

It cannot be that any effect will be produced, except that the friends of Cuba in Congress will be more earnest to secure appropriate action. What that action should be is to be the subject of full debate.

If the time has arrived for the passage of an act recognizing Cuban independence, I do not believe it will be arrested by the uncalled for and false declaration of the President that he alone is the Government of the United States, and that he intends to disobey and defy the will of Congress on this great question, no matter how emphatically or in what form it may be expressed.

CLEVELAND NOT A DICTATOR, SAYS MORGAN.

Washington, Dec. 19.—Senator Morgan, of Alabama, said to-night of Secretary Olney's statement:

"If the President of the United States has the power to disregard a law enacted by Congress by a two-thirds vote in both Houses over his veto, we have ceased to live in a land of laws, and have found in our Presidential office a power that is not pretended to by any monarch on the face of the earth, or that has existed since the days when Oliver Cromwell dissolved the English Parliament.

"Mr. Olney appears to have placed President Cleveland in that category. I trust, however, that a little quiet reflection on his part will satisfy him that the commander-in-chief of the army and navy of the United States cannot also become the sole dictator to the civil power of the Government of the United States.

"If the President of the United States has misstated the facts to the American people, and I must say that I do not believe that to be the case, the responsibility for the present situation rests exclusively with him. Upon the facts as submitted to the Congress and to the country by the President, I am quite sure Congress will claim and assert its constitutional right to a voice in the control of the destinies of the American people."

HOUSE MEMBERS ARE CAUTIOUS.

No Great Enthusiasm Is Shown for the Recognition of Cuba.

A Majority of the Foreign Affairs Committee Against Cameron's Resolution.

Washington, Dec. 19.—The members of the House Committee on Foreign Affairs are acting with great caution on the matter of the Cuban resolution. At present it appears that a majority of the committee are opposed to the Cameron resolution. Chairman Hitt is out of town, but he is known to be opposed to the Cameron resolution. Representatives Taft, of Ohio, Tucker, of Virginia, and Money, of Mississippi, have gone home, but all their recent expressions have been of such a character as to place them opposed to Congressional action at the present time. When last in the city Representative Taft declined to be interviewed. Representative Money declared against interference, and gave it as his opinion that the President had gone as far as was safe. Representative Tucker said last week that he thought it safe to leave the Cuban question to President Cleveland and his Cabinet.

Representatives Draper, Pearson, McCreary, Quigg and Newlands are also placed against the resolution. Representatives Adams, Conzins, Price and Smith are favorable, but extremely guarded in their statements. But a clear majority of

the committee are opposed to present action. Other opinions are as follows:

Opinions of House Members.
REPRESENTATIVE PRICE, OF LOUISIANA.—I am disposed to favor the Cameron resolution, but I think that as the matter will be discussed in its every aspect before the House Committee on Foreign Affairs, and as the Secretary of State and many others will be brought before the committee, I do not know for certain just what stand I will take when the matter is put to a vote. As a member of the committee, I do not feel that I should now render opinions or discuss the matter. The official adoption of the resolution would probably mean war, and I feel that we must not act too precipitately.
REPRESENTATIVE M'CREARY, OF KENTUCKY.—In a matter of such grave import as is this, we must make haste slowly. I am heartily in sympathy with the Cuban and hope they may succeed in establishing a republic of their own. We cannot, however, be guided by personal feeling, but must be governed by facts, needs and figures. We must be conservative and cannot afford to plunge the nation in a war on the impulse of feeling engendered by sympathy. You may say that I shall be controlled

Continued on Second Page.

CANOVAS PLAN DISAPPROVED.

Congressmen Say He Wants to Crush Cuba Before Granting the Island Autonomy.

Comment by Senators and Representatives on the Premier's Statement Published in the Journal.

Washington, Dec. 19.—The Journal's special and exclusive interview with Premier Canovas came at so apt a time that Congress is given a clearer light on the Spanish position than it had derived, from the President's message, and Secretary Olney's report. It is clear that Spain will admit of no compromise, accept no suggestion, make no change until she has exterminated the insurgent forces. Congress had been led to expect from the President's message that there really was a serious exchange of views in progress between Spain and the United States. Now it is made evident that Spain is as resolute of purpose as when the revolution broke out two years ago.

A Clasp on Spain's Shoulder.
REPRESENTATIVE M'CREARY, OF KENTUCKY.—Canovas's statement in the Journal is just what I have looked for and expected. Those Spanish are a hot-blooded race, and are now standing in the attitude of a boy with a chip on his shoulder. The words of Canovas are tantamount to a dec-

Continued on Second Page.