New Orleans Daily Crescent.

MONDAY MORNING, DECEMBER 13, 1858.

MESSAGE

—OF THE—

PRESIDENT OF THE UNITED STATES.

Fellow-Citizens of the Senate and House of Representatives:

When we compare the condition of the country at the present day with what it was one year ago, at the meeting of Congress, we have much reason for gratitude to that Almighty Providence, which has never failed to interpose for our relief, at the most critical periods of our history. One year ago, the sectional strife between the North and the South on the dangerous subject of slavery, had again become so intense as to threaten the peace and perpetuity of the Confederacy. The application for the admission of Kansas as a State into the Union, fostered this unhappy agitation, and brought the whole subject once more before Congress. It was the desire of every patriot that such measures of legislation might be adopted, as would remove the excitement from the States, and confine it to the Territory where it legitimately belonged. Much has been done, I am happy to say, towards the accomplishment of this object, during the last session of Congress.

The Supreme Court of the United States had previously decided, that all American citizens have an equal right to take into the Territories, whatever is held as property under the laws of any of the States, and to hold such property there under the guardianship of the Federal Constitution, so long as the Territorial condition shall remain.

This is now a well established position, and the proceedings of the last session were alone wanting to give it practical effect. The principle has been recognized, in some form or other, by an almost unanimous vote of both Houses of Congress, that a Territory has a right to come into the Union either as a free or a slave State, according to the will of a majority of its people. The just equality of all the States has thus been vindicated, and a fruitful source of dangerous dissension among them has been removed.

Whilst such has been the beneficial tendency of your legislative proceedings outside of Kansas, their influence has no where been so happy as within that Territory itself. Left to manage and control its own affairs in its own way, without the pressure of external influence, the revolutionary Topeka organization and all resistance to the territorial government established by Congress, have been finally abandoned. As a natural consequence, that fine Territory now appears to be tranquil and prosperous, and is attracting increasing thousands of immigrants to make it their happy home.

The past unfortunate experience of Kansas has enforced the lesson so often already taught, that resistance to lawful authority, under our form of government, cannot fail in the end to prove disastrous to its authors. Had the people of the Territory yielded obedience to the laws enacted by their Legislature, it would at the present moment have contained a large additional population of industrious and enterprising citizens, who have been deterred from entering its borders by the existence of civil strife and organized rebellion.

It was this resistance to rightful authority and the persevering attempts to establish a revolutionary government under the Topeka constitution, which caused the people of Kansas to commit the grave error of refusing to vote for delegates to the Convention to frame a Constitution, under a law not denied to be fair and just in its provisions. This refusal to vote has been the prolific source of all the evils which have followed. In their hostility to the territorial government they disregarded the principle, absolutely essential to the working of our form of government, that a majority of those who vote—not the majority who may remain at home, from whatever cause—must decide the result of an election. For this reason, seeking to take advantage of their own error, they denied the authority of the Convention thus elected to frame a Constitution.

The Convention, notwithstanding, proceeded to adopt a Constitution unexceptionable in its general features, and providing for the submission of the slavery question to a vote of the people, which, in my opinion, they were bound to do, under the Kansas and Nebraska act. This was the all-important question which had alone troubled the Territory, and yet the opponents of the lawful Government, persisting in their first error, refrained from exercising their right to vote, and preferred that slavery should continue, rather than surrender their revolutionary Topeka organization.

A wiser and better spirit seemed to prevail before the first Monday of January last, when an election was held under the Constitution. A majority of the people then voted for a Governor and other State officers, for a member of Congress, and members of the State Legislature. This election was warmly contested by the two political parties in Kansas, and a greater vote was polled than at any previous election. A large majority of the Legislature thus chosen were elect belonged to that party which had previously refused to vote. The anti-slavery party were thus placed in the ascendant, and the political power of the State was in their own hands. Had Congress admitted Kansas into the Union under the Lecompton Constitution, the Legislature might, at its very first session, have submitted the question, a vote of the people, whether they would or would not have a Convention to amend their Constitution either on the slavery or any other question, and have adopted all necessary means for giving speedy effect to the will of the majority. Thus the Kansas question would have been immediately and finally settled.

Under these circumstances, I submitted to Congress the constitution thus framed, with all the officers already elected necessary to put the State Government into operation, accompanied by a strong recommendation in favor of the admission of Kansas as a State. In the course of my long public life I have never performed any official act which, in the retrospect, has afforded me more heartfelt satisfaction. Its admission could have inflicted no possible injury on any human being, whilst it would, within a brief period, have restored peace to Kansas and harmony to the Union. In that event, the slavery question would are this have been finally settled, according to the legally expressed will of a majority of the voters, and popular sovereignty would thus have been vindicated in a constitutional manner.

With my deep convictions of duty, I could have pursued no other course. It is true that, as an individual, I had expressed an opinion, both before and during the session of the Convention, in favor of submitting the remaining clauses of the Constitution, as well as that concerning slavery, to the people. But, acting in an official character, neither myself nor any human authority had the power to prejudge the proceedings of the Convention, and declared the Constitution which it had framed to be a nullity. To have done this would have been a violation of the Kansas and Nebraska act, which left the people of the Territory "perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." It would equally have violated the great principle of popular sovereignty, at the foundation of our institutions, to deprive the people of the power, if they thought proper to exercise it, of confiding to delegates elected by themselves the trust of framing a constitution, without requiring them to subject their constituents to the trouble, expense and delay of a second election. It would have been in opposition to many precedents in our history, commencing in the very best age of the Republic, of the admission of Territories as States into the Union, without a previous vote of the people approving their constitution.

It is to be lamented that a question so insignificant when viewed in its practical effects on the people of Kansas, whether decided one way or the other, should have kindled such a flame of excitement throughout the country. This reflection may prove to be a lesson of wisdom and of warning for our future guidance. Practically considered, the question is simply whether the people of that Territory should first come into the Union and then change any provision in their Constitution not agreeable to themselves, or accomplish the very same object by remaining out of the Union and framing another Constitution in accordance with their will? In either case, the result would be precisely the same. The only difference in point of fact is, that the object would have been much sooner attained, and the pacification of Kansas more speedily effected, had it been admitted as a State during the last session of Congress.

My recommendation, however, for the immediate admission of Kansas, failed to meet the approbation of Congress. They deemed it wiser to adopt a different measure for the settlement of the question. For my own part, I should have been willing to yield my assent to almost any constitutional measure to accomplish this important object. I therefore, cordially acquiesced in what has been called the English Compromise, and approved the "Act for the admission of the State of Kansas into the Union" upon the terms therein prescribed.

Under the ordinance which accompanied the Lecompton Constitution, the people of Kansas had claimed double the quantity of public lands for the support of common schools, which had ever been previously granted to any State upon entering the Union; and also the alternate sections of land for twelve miles on each side of two railroads, proposed to be constructed from the northern to the southern boundary, and from the eastern to the western boundary of the State. Congress, deeming these claims unreasonable, provided, by the act of May 4, 1858, to which I have just referred, for the admission of the State on an equal footing with the original States, but "upon the fundamental condition precedent" that a majority of the people thereof, at an election to be held for that purpose, should, in place of the very large grants of public lands which they had demanded under the ordinance, accept such grants as had been made to Minnesota and other new States. Under this act, should a majority reject the proposition offered them, "it shall be deemed and held that the people of Kansas do not desire admission into the Union with said Constitution under the conditions set forth in said proposition," in that event, the act authorizes the people of the Territory to elect delegates to form a Constitution and State Government for themselves," whenever, and not before, it is ascertained by a census, duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives" of the Congress of the United States." The delegates thus assembled "shall first determine by a vote whether it is the wish of the people of the proposed State to be admitted into the Union at that time, and, if so, shall proceed to form a Constitution, and take all necessary steps for the establishment of a State Government in conformity with the Federal Constitution." After this Constitution shall have been formed, Congress, carrying out the principles of popular sovereignty and non-intervention, have left "the mode and manner of its approval or ratification by the people of the proposed State" to be "prescribed by law," and "they shall then be admitted into the Union as a State under such Constitution thus fairly and legally made, with or without slavery, as said Constitution may prescribe."

An election was held throughout Kansas, in pursuance of the provisions of this act, on the second day of August last, and it resulted in the rejection, by a large majority, of the proposition submitted to the people by Congress. This being the case, they are now authorized to form another constitution, preparatory to admission into the Union, but not until their number, as ascertained by a census, shall equal or exceed the ratio required to elect a member to the House of Representatives.

It is not probable, in the present state of the case, that a third constitution can be lawfully framed and presented to Congress by Kansas, before its population shall have reached the designated number. Nor is it to be presumed that, after their sad experience in resisting the territorial laws, they will attempt to adopt a constitution in express violation of the provisions of an act of Congress. During the session of 1856, much of the time of Congress was occupied on the question of admitting Kansas under the Topeka constitution. Again, nearly the whole of the last session was devoted to the question of its admission under the Lecompton constitution. Surely it is not unreasonable to require the people of Kansas to wait, before making a third attempt, until the number of their inhabitants shall amount to ninety-three thousand four hundred and twenty. During this brief period the harmony of the States, as well as the great business interests of the country, demand that the people of the Union shall not for a third time be convulsed by another agitation on the Kansas question. By waiting for a short time, and acting in obedience to law, Kansas will glide into the Union without the slightest impediment.

This excellent provision, which Congress have applied to Kansas, ought to be extended and rendered applicable to all Territories which may hereafter seek admission into the Union.

Whilst Congress possesses the undoubted power of admitting a new State into the Union, however small may be the number of its inhabitants, yet this power ought not, in my opinion, to be exercised before the population shall amount to the ratio required by the act for the admission of Kansas. Had this been previously the rule, the country would have escaped all the evils and misfortunes to which it has been exposed by the Kansas question.

Of course, it would be unjust to give this rule a retrospective application, and exclude a State which, acting upon the past practice of the Government, has already formed its Constitution, elected its Legislature and other officers, and is now prepared to enter the Union.

The rule ought to be adopted, whether we consider its bearing on the people of the Territories or upon the people of the existing States. Many of the serious discussions which have prevailed in Congress and throughout the country would have been avoided, had this rule been established at an earlier period of the Government.

Immediately upon the formation of a new Territory, people from different States and from foreign countries, rush into it for the laudable purpose of improving their condition. Their first duty to themselves is to open and cultivate farms, to construct roads, to establish schools, to erect places of religious worship, and to devote their energies generally to reclaim the wilderness and to lay the foundation of a flourishing and prosperous commonwealth. If, in this incipient condition, with a population of a few thousands, they should prematurely enter the Union, they are oppressed by the burden of State taxation, and the means necessary for the improvement of the Territory and the advancement of their own interests are thus diverted to very different purposes.

The Federal Government has ever been a liberal parent to the Territories, and a generous contributor to the material improvement of their interests. It has paid the expenses of their governments and legislative assemblies out of the common treasury, and thus relieved them from a heavy charge. Under these circumstances, nothing can be better calculated to retard their material progress, than to divert them from their useful employments, by prematurely exciting their political ambition, and inducing them, to the benefit of aspiring leaders. It is surely no hardship for embryo Governors, Senators and members of Congress, to wait until the number of inhabitants shall equal those of a single Congressional District. They surely ought not to be permitted to rush into the Union, with a population less than one-half of several of the Congressional Districts, to claim two Senators, and to demand for them seats in this House of Representatives. Such has been done, I am happy to say, towards the accomplishment of this object, during the last session of Congress.

The Supreme Court of the United States had previously decided, that all American citizens have an equal right to take into the Territories, whatever is held as property under the laws of any of the States, and to hold such property there under the guardianship of the Federal Constitution, so long as the Territorial condition shall remain.

This is now a well established position, and the proceedings of the last session were alone wanting to give it practical effect. The principle has been recognized, in some form or other, by an almost unanimous vote of both Houses of Congress, that a Territory has a right to come into the Union either as a free or a slave State, according to the will of a majority of its people. The just equality of all the States has thus been vindicated, and a fruitful source of dangerous dissension among them has been removed.

Whilst such has been the beneficial tendency of your legislative proceedings outside of Kansas, their influence has no where been so happy as within that Territory itself. Left to manage and control its own affairs in its own way, without the pressure of external influence, the revolutionary Topeka organization and all resistance to the territorial government established by Congress, have been finally abandoned. As a natural consequence, that fine Territory now appears to be tranquil and prosperous, and is attracting increasing thousands of immigrants to make it their happy home.

The past unfortunate experience of Kansas has enforced the lesson so often already taught, that resistance to lawful authority, under our form of government, cannot fail in the end to prove disastrous to its authors. Had the people of the Territory yielded obedience to the laws enacted by their Legislature, it would at the present moment have contained a large additional population of industrious and enterprising citizens, who have been deterred from entering its borders by the existence of civil strife and organized rebellion.

It was this resistance to rightful authority and the persevering attempts to establish a revolutionary government under the Topeka constitution, which caused the people of Kansas to commit the grave error of refusing to vote for delegates to the Convention to frame a Constitution, under a law not denied to be fair and just in its provisions. This refusal to vote has been the prolific source of all the evils which have followed. In their hostility to the territorial government they disregarded the principle, absolutely essential to the working of our form of government, that a majority of those who vote—not the majority who may remain at home, from whatever cause—must decide the result of an election. For this reason, seeking to take advantage of their own error, they denied the authority of the Convention thus elected to frame a Constitution.

The Convention, notwithstanding, proceeded to adopt a Constitution unexceptionable in its general features, and providing for the submission of the slavery question to a vote of the people, which, in my opinion, they were bound to do, under the Kansas and Nebraska act. This was the all-important question which had alone troubled the Territory, and yet the opponents of the lawful Government, persisting in their first error, refrained from exercising their right to vote, and preferred that slavery should continue, rather than surrender their revolutionary Topeka organization.

A wiser and better spirit seemed to prevail before the first Monday of January last, when an election was held under the Constitution. A majority of the people then voted for a Governor and other State officers, for a member of Congress, and members of the State Legislature. This election was warmly contested by the two political parties in Kansas, and a greater vote was polled than at any previous election. A large majority of the Legislature thus chosen were elect belonged to that party which had previously refused to vote. The anti-slavery party were thus placed in the ascendant, and the political power of the State was in their own hands. Had Congress admitted Kansas into the Union under the Lecompton Constitution, the Legislature might, at its very first session, have submitted the question, a vote of the people, whether they would or would not have a Convention to amend their Constitution either on the slavery or any other question, and have adopted all necessary means for giving speedy effect to the will of the majority. Thus the Kansas question would have been immediately and finally settled.

Under these circumstances, I submitted to Congress the constitution thus framed, with all the officers already elected necessary to put the State Government into operation, accompanied by a strong recommendation in favor of the admission of Kansas as a State. In the course of my long public life I have never performed any official act which, in the retrospect, has afforded me more heartfelt satisfaction. Its admission could have inflicted no possible injury on any human being, whilst it would, within a brief period, have restored peace to Kansas and harmony to the Union. In that event, the slavery question would are this have been finally settled, according to the legally expressed will of a majority of the voters, and popular sovereignty would thus have been vindicated in a constitutional manner.

With my deep convictions of duty, I could have pursued no other course. It is true that, as an individual, I had expressed an opinion, both before and during the session of the Convention, in favor of submitting the remaining clauses of the Constitution, as well as that concerning slavery, to the people. But, acting in an official character, neither myself nor any human authority had the power to prejudge the proceedings of the Convention, and declared the Constitution which it had framed to be a nullity. To have done this would have been a violation of the Kansas and Nebraska act, which left the people of the Territory "perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." It would equally have violated the great principle of popular sovereignty, at the foundation of our institutions, to deprive the people of the power, if they thought proper to exercise it, of confiding to delegates elected by themselves the trust of framing a constitution, without requiring them to subject their constituents to the trouble, expense and delay of a second election. It would have been in opposition to many precedents in our history, commencing in the very best age of the Republic, of the admission of Territories as States into the Union, without a previous vote of the people approving their constitution.

It is to be lamented that a question so insignificant when viewed in its practical effects on the people of Kansas, whether decided one way or the other, should have kindled such a flame of excitement throughout the country. This reflection may prove to be a lesson of wisdom and of warning for our future guidance. Practically considered, the question is simply whether the people of that Territory should first come into the Union and then change any provision in their Constitution not agreeable to themselves, or accomplish the very same object by remaining out of the Union and framing another Constitution in accordance with their will? In either case, the result would be precisely the same. The only difference in point of fact is, that the object would have been much sooner attained, and the pacification of Kansas more speedily effected, had it been admitted as a State during the last session of Congress.

My recommendation, however, for the immediate admission of Kansas, failed to meet the approbation of Congress. They deemed it wiser to adopt a different measure for the settlement of the question. For my own part, I should have been willing to yield my assent to almost any constitutional measure to accomplish this important object. I therefore, cordially acquiesced in what has been called the English Compromise, and approved the "Act for the admission of the State of Kansas into the Union" upon the terms therein prescribed.

Under the ordinance which accompanied the Lecompton Constitution, the people of Kansas had claimed double the quantity of public lands for the support of common schools, which had ever been previously granted to any State upon entering the Union; and also the alternate sections of land for twelve miles on each side of two railroads, proposed to be constructed from the northern to the southern boundary, and from the eastern to the western boundary of the State. Congress, deeming these claims unreasonable, provided, by the act of May 4, 1858, to which I have just referred, for the admission of the State on an equal footing with the original States, but "upon the fundamental condition precedent" that a majority of the people thereof, at an election to be held for that purpose, should, in place of the very large grants of public lands which they had demanded under the ordinance, accept such grants as had been made to Minnesota and other new States. Under this act, should a majority reject the proposition offered them, "it shall be deemed and held that the people of Kansas do not desire admission into the Union with said Constitution under the conditions set forth in said proposition," in that event, the act authorizes the people of the Territory to elect delegates to form a Constitution and State Government for themselves," whenever, and not before, it is ascertained by a census, duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives" of the Congress of the United States." The delegates thus assembled "shall first determine by a vote whether it is the wish of the people of the proposed State to be admitted into the Union at that time, and, if so, shall proceed to form

1857, expresses the opinion that "unless a large force is sent here, from the nature of the country, a protracted war on their part [the Mormons] part is inevitable." This he considered necessary, to terminate the war "speedily and more economically than if attempted by insufficient means."

In the meantime, it was my anxious desire that the Mormons should yield obedience to the Constitution and the laws, without rendering it necessary to resort to military force. To aid in accomplishing this object, I deemed it advisable, in April last, to dispatch two distinguished citizens of the United States, Messrs. Powell and McCulloch, to Utah. They bore with them a proclamation addressed by myself to the inhabitants of Utah, dated on the sixth day of that month, warning them of their true condition, and how hopeless it was on their part to persist in rebellion against the United States, and offering all those who should submit to the laws a full pardon for their past seditions and treasons. At the same time, I assured those who should persist in rebellion against the United States that they must expect no further lenity, but look to be rigorously dealt with according to their deserts. The instructions to these agents, as well as a copy of the proclamation, and their reports, are herewith submitted. It will be seen by their report of the 31 of July last, that they have fully accomplished the objects expressed by me in my letter of the previous October, as to the necessity of sending reinforcements to Utah. In this they state that they "are firmly impressed with the belief that the presence of the army here and the large additional force that had been ordered to this Territory, were the chief inducements that caused the Mormons to abandon the idea of opposing the entrance of the United States. A less decided policy would probably have resulted in a long, bloody and expensive war."

These gentlemen conducted themselves to my entire satisfaction, and rendered useful services in executing the humane intentions of the Government.

It also affords me great satisfaction to state, that Governor Cumming has performed his duty in a able and conciliatory manner, and with the happiest effect. I cannot, in this connection, refrain from mentioning the valuable services of Col. Thomas L. Kane, who, from motives of pure benevolence, and without any official character or pecuniary compensation, visited Utah during the last inclement winter, for the purpose of contributing to the pacification of the Territory.

I am happy to inform you that the Governor and other civil officers of Utah are now performing their appropriate functions without resistance. The authority of the Constitution and the laws has been fully restored, and peace prevails throughout the Territory.

A portion of the troops sent to Utah are now encamped in Cedar Valley, forty miles from the seat of Salt Lake City; and the remainder have been ordered to Oregon to suppress Indian hostilities.

The march of the army to Salt Lake City, through the Indian Territory, has had a powerful effect in restraining the hostile feelings against the United States, which existed among the Indians in that region, and in securing emigrants to the far West against their depredations. This will also be the means of establishing military posts, and promoting settlements along the route.

I recommend that the benefits of our land laws and pre-emption system be extended to the people of Utah by the establishment of a land office in that Territory.

I have to inform you, also, that I have given on the result of our negotiations with China.

You were informed by my last annual message, that our minister had been instructed to occupy a neutral position in the hostilities conducted by Great Britain and France against Canton. He was, however, at the same time, directed to co-operate cordially with the British and French ministers, in all peaceable measures, to secure by treaty those just concessions to foreign commerce, which the nations of the world had a right to demand. It was impossible for me to proceed further than this, on my own authority, without usurping the war making power, which, under the Constitution, belongs exclusively to Congress.

Besides, after a careful examination of the nature and extent of our grievances, I did not believe they were of such a pressing and [illegible]ated character, as would justify a justified Congress in declaring war against the Chinese Empire, or in making another earnest attempt to adjust them by peaceful negotiation. I was the more inclined to this opinion, because of the severe chastisement which had then but recently been inflicted upon the Chinese by our squadron, in the capture and destruction of the Barrier forts, to avenge an alleged insult to our flag.

The event has proved the wisdom of this policy. Our minister has executed his instructions with eminent skill and ability. In conjunction with the Russian plenipotentiary, he has peacefully, but effectually co-operated with the English and French plenipotentiaries; and each of the four Powers has concluded a separate treaty with China for a highly satisfactory system of intercourse. The treaties have been ratified, and the ratifications will be exchanged at Shanghai, when the ratifications will immediately be submitted to the Senate.

I am happy to announce that, through the energetic yet conciliatory efforts of our consul-general in Japan, a new treaty has been concluded with that empire, which may be expected materially to augment our trade and intercourse in that quarter, and will tend to ameliorate the condition of Christians, which have heretofore been imposed upon the exercise of their religion. The treaty shall be submitted to the Senate for approval without delay.

It is my earnest desire that every misunderstanding with the Government of Great Britain should be amicably and speedily adjusted. It has been the misfortune of the United States have, on several occasions, been led to complain of the conduct of British officers, in relation to our rights and the dignity of our flag. Most of these difficulties have arisen from the exercise of the right of search, now so happily terminated, could never have arisen if Cuba had not afforded a market for slaves. As long as this market shall remain open, there can be no hope for the civilization of benighted Africa. Whilst the traffic in slaves continues in Cuba, wars will be waged among the petty tribes of interior Africa, for the purpose of seizing subjects to supply this trade. In such a condition of affairs, it is impossible that the light of civilization and religion can ever penetrate these dark abodes.

It has been made known to the world by my predecessors, that the United States have, on several occasions, sidewaysled to quarrels with Spain, which might have been avoided or settled by amicable negotiation. If this were accomplished, the last relic of the African slave-trade would instantly disappear. We would not, if we could, acquire Cuba in any other manner. This is due to our national character. At the territory which we have acquired since the origin of the Government, has been by purchase from France, Spain and Mexico, and by the free and voluntary act of the independent State of Texas, in blending her destinies with our own. This course we shall ever pursue, unless circumstances should occur, which we do not now anticipate, rendering a departure from it clearly justifiable, either on the ground of overruling law of self-preservation. The Island of Cuba from its geographical position, commands the mouth of the Mississippi, and its immense and annually increasing trade, foreign and coastwise, from the valley of that noble river, now embracing half the sovereign States of the Union. With that Island under the dominion of a distant Foreign power, this trade, of vital importance to these States, is at the mercy of a power holding Cuba in fee, and searching our merchant vessels in the Gulfs of Mexico and the adjacent seas. These seas were the more injurious and annoying, as these waters are traversed by a large portion of the commerce and navigation of the United States, and their free and innocent navigation is essential to the security of the coastwise trade between different States. Such vexatious interruptions could not fail to excite the feelings of the country, and to require the interposition of the Government. Remonstrances were addressed to the British Government against these violations of our rights of sovereignty, and a naval force was at the same time ordered to the Cuban waters, with directions "to protect the rights of the United States on the high seas, from search or detention by the vessels-of-war of any other nation." These measures received the unqualified and even enthusiastic approbation of the American people. Most fortunately, however, no collision took place, and the British Government promptly avowed the recognition of the principles of international law upon this subject, as laid down by the Government of the United States, in the note of the Secretary of State to the British Minister at Washington, of April 10, 1858, which secures the vessels of the United States upon the high seas from visitation or search in time of peace, under any circumstances whatever. The claim has been abandoned in a manner reflecting honor on the British Government, and conducing to just regard for the law of nations, and to strengthen the amicable relations between the two countries.

The British Government, at the same time, proposed to the United States that some mode should be adopted, by mutual arrangement between the two countries, of a character which may be found effective yet most indulgent towards the commercial marine, of vessels suspected of improperly carrying false colors. They have also invited the United States to take the initiative, and propose measures for this purpose. Whilst declining to assume so grave a responsibility, the Secretary of State has informed the British Government that we are ready to receive any proposals which they may feel disposed to offer, having this subject in view, and to consider them in an amicable spirit. A strong opinion has been expressed, that the occasional abuse of the flag of any nation, is an evil for less to be deprecated, than would be the establishment of any regulations which might be incompatible with the freedom of the seas. The Government has yet received no communication of the precise nature which the British Government would propose to carry out the principle, and I am inclined to believe, that no plan which can be devised, will be free from grave embarrassments. Still, I shall form no decided opinion on the subject, until I shall have carefully and in the best spirit examined any proposals which they may think proper to make.

I am truly sorry I cannot also inform you that the conciliation between Great Britain and the United States, arising out of the Clayton and Bulwer treaty of April, 1850, have been finally adjusted.

At the commencement of your last session, I had reason to hope that, emancipating themselves from further unavailing discussions, the two governments would proceed to settle Central American questions in a practical manner, alike honorable and satisfactory to both; and this hope I have not yet abandoned. In my last annual message I stated that overtures had been made by the British Government for this purpose, in a friendly spirit, which I cordially reciprocated. Their proposal was to withdraw these questions from the negotiation between the two governments; but to accomplish the same object by a negotiation between the British Government and each of the Central American Republics whose territorial interests are immediately involved. The settlement was to be made in accordance with the general tenor of the interpretation placed upon the Clayton and Bulwer treaty by the United States, with certain modifications. As negotiations are still pending upon this basis, it would not be proper for me now to communicate their present condition. A final settlement of these questions is greatly to be desired, as this would wipe out the last remaining subject of dispute between the two countries.

Our relations with the great empires of France and Russia, as well as with all our other governments on the continent of Europe, except that of Spain, continue to be of the most friendly character.

With Spain our relations remain in an unsatisfactory condition. In my message of December last, I informed you that our Envoy Extraordinary and Minister Plenipotentiary to Madrid had asked for his recall; and it was my purpose to send out a new Minister to that Country, with special instructions on all questions pending between the two Governments, and with a determination to have them speedily and amicably adjusted, if that were possible. This purpose has been hitherto defeated by causes which I need not enumerate.

The mission to Spain has been entrusted to a distinguished citizen of Kentucky, who will proceed to Madrid without delay, and make another and a final attempt to obtain justice from that Government.

Spanish officials, under the direct control of the Captain-General of Cuba, have insulted our national flag, and, in repeated instances, have from time to time inflicted injuries on the persons and property of our citizens. These have given birth to numerous claims against the Spanish Government, the merits of which have been ably discussed for a series of years, by our successive diplomatic representatives. Notwithstanding this, we have not arrived at a practical result in any single instance, unless we may except the case of the Black Warrior, under the late Administration; and that presented an outrage of such a character as would not long, in any instance, attempt to bear. All our attempts to obtain redress have been baffled and defeated. The frequent and oft-recurring changes in the Spanish Ministry have been employed as reasons for delay. We have been counselled to wait again and again, until the new Minister shall have had time to investigate the justice of our demands.

Even what have been denominated "the Cuban claims," in which more than a hundred of our citizens are directly interested, have furnished no exception. These claims were for the refunding of duties unjustly exacted from American vessels at different custom-houses in Cuba, so long ago as the year 1845, on principles now universally recognized as inequitable and unjust, that after a lapse of fourteen years, in 1854, they were recognized by the Spanish Government. Proceedings were afterwards instituted to ascertain their amount, and this was finally fixed, according to their own statement (with which we were satisfied) at the sum of one hundred and twenty-eight thousand six hundred and thirty-five dollars and fifty-four cents. Just at the conclusion of a period of fourteen years, when we had reason to expect that this sum would be repaid with interest, we have received a proposal offering to refund one-third of that amount, (forty-two thousand eight hundred and seventy-eight dollars and forty-one cents) but without interest, if we would accept this in full satisfaction. The offer is also accompanied with a declaration that this indemnification is not founded on any reason of strict justice; but is made as a special favor.

One alleged cause for procrastination in the examination and adjustment of our claims, arises from an obstacle which it is the duty of the Spanish Government to remove. Whilst the Captain-General of Cuba is invested with political and military power, in the government of that Island, the power is withheld from him to examine and redress wrongs committed by officials under his control, on citizens of the United States. Instead of making our complaints directly to him at Havana, we are obliged to present them through our Minister at Madrid. These are the reports I have to make to you, for information; and much time is thus consumed in preliminary investigations and correspondence between Madrid and Cuba, before the Spanish Government will proceed to negotiation. Many of the difficulties between the two governments would be obviated, and a long train of negotiation avoided, if the Captain-General were invested with authority to settle questions of easy solution on the spot, where all the facts are fresh, and could be promptly and satisfactorily ascertained. We have hitherto in vain urged upon the Spanish Government to confer this power upon the Captain-General, and our Minister to Spain will again be instructed to urge this subject on their notice. In this respect we occupy a different position from powers of Europe. Cuba is almost within sight of our shores, our commerce with it is far greater than that of any other nation, including Spain itself, and our citizens are in habits of daily and hourly intercourse. It is of course with every part of the island. It is, therefore, a great grievance that, when any difficulty occurs, no matter how unimportant, which might be readily settled at the moment, we should be obliged to resort to Madrid, especially when the very first step to be taken is to refer it back to Cuba.

The result is that, under this system of colonial condition, is a constant source of injury and annoyance to the American people. It is the only spot in the civilized world where the African slave-trade is tolerated; and we are bound by treaty with Great Britain, to maintain a naval force on the coast of Africa, at much expense both of life and treasure, solely for the purpose of suppressing this traffic in human flesh. The late serious difficulties between the United States and Great Britain respecting the right of search, now so happily terminated, could never have arisen if Cuba had not afforded a market for slaves. As long as this market shall remain open, there can be no hope for the civilization of benighted Africa. Whilst the traffic in slaves continues in Cuba, wars will be waged among the petty tribes of interior Africa, for the purpose of seizing subjects to supply this trade. In such a condition of affairs, it is impossible that the light of civilization and religion can ever penetrate these dark abodes.

It has been made known to the world by my predecessors, that the United States have, on several occasions, sidewaysled to quarrels with Spain, which might have been avoided or settled by amicable negotiation. If this were accomplished, the last relic of the African slave-trade would instantly disappear. We would not, if we could, acquire Cuba in any other manner. This is due to our national character. At the territory which we have acquired since the origin of the Government, has been by purchase from France, Spain and Mexico, and by the free and voluntary act of the independent State of Texas, in blending her destinies with our own. This course we shall ever pursue, unless circumstances should occur, which we do not now anticipate, rendering a departure from it clearly justifiable, either on the ground of overruling law of self-preservation. The Island of Cuba from its geographical position, commands the mouth of the Mississippi, and its immense and annually increasing trade, foreign and coastwise, from the valley of that noble river, now embracing half the sovereign States of the Union. With that Island under the dominion of a distant Foreign power, this trade, of vital importance to these States, is at the mercy of a power holding Cuba in fee, and searching our merchant vessels in the Gulfs of Mexico and the adjacent seas. These seas were the more injurious and annoying, as these waters are traversed by a large portion of the commerce and navigation of the United States, and their free and innocent navigation is essential to the security of the coastwise trade between different States. Such vexatious interruptions could not fail to excite the feelings of the country, and to require the interposition of the Government. Remonstrances were addressed to the British Government against these violations of our rights of sovereignty, and a naval force was at the same time ordered to the Cuban waters, with directions "to protect the rights of the United States on the high seas, from search or detention by the vessels-of-war of any other nation." These measures received the unqualified and even enthusiastic approbation of the American people. Most fortunately, however, no collision took place, and the British Government promptly avowed the recognition of the principles of international law upon this subject, as laid down by the Government of the United States, in the note of the Secretary of State to the British Minister at Washington, of April 10, 1858, which secures the vessels of the United States upon the high seas from visitation or search in time of peace, under any circumstances whatever. The claim has been abandoned in a manner reflecting honor on the British Government, and conducing to just regard for the law of nations, and to strengthen the amicable relations between the two countries.

The British Government, at the same time, proposed to the United States that some mode should be adopted, by mutual arrangement between the two countries, of a character which may be found effective yet most indulgent towards the commercial marine, of vessels suspected of improperly carrying false colors. They have also invited the United States to take the initiative, and propose measures for this purpose. Whilst declining to assume so grave a responsibility, the Secretary of State has informed the British Government that we are ready to receive any proposals which they may feel disposed to offer, having this subject in view, and to consider them in an amicable spirit. A strong opinion has been expressed, that the occasional abuse of the flag of any nation, is an evil far less to be deprecated, than would be the establishment of any regulations which might be incompatible with the freedom of the seas. The Government has yet received no communication of the precise nature which the British Government would propose to carry out the principle, and I am inclined to believe, that no plan which can be devised, will be free from grave embarrassments. Still, I shall form no decided opinion on the subject, until I shall have carefully and in the best spirit examined any proposals which they may think proper to make.

I am truly sorry I cannot also inform you that the conciliation between Great Britain and the United States, arising out of the Clayton and Bulwer treaty of April, 1850, have been finally adjusted.

At the commencement of your last session, I had reason to hope that, emancipating themselves from further unavailing discussions, the two governments would proceed to settle Central American questions in a practical manner, alike honorable and satisfactory to both; and this hope I have not yet abandoned. In my last annual message I stated that overtures had been made by the British Government for this purpose, in a friendly spirit, which I cordially reciprocated. Their proposal was to withdraw these questions from the negotiation between the two governments; but to accomplish the same object by a negotiation between the British Government and each of the Central American Republics whose territorial interests are immediately involved. The settlement was to be made in accordance with the general tenor of the interpretation placed upon the Clayton and Bulwer treaty by the United States, with certain modifications. As negotiations are still pending upon this basis, it would not be proper for me now to communicate their present condition. A final settlement of these questions is greatly to be desired, as this would wipe out the last remaining subject of dispute between the two countries.

Our relations with the great empires of France and Russia, as well as with all our other governments on the continent of Europe, except that of Spain, continue to be of the most friendly character.

With Spain our relations remain in an unsatisfactory condition. In my message of December last, I informed you that our Envoy Extraordinary and Minister Plenipotentiary to Madrid had asked for his recall; and it was my purpose to send out a new Minister to that Country, with special instructions on all questions pending between the two Governments, and with a determination to have them speedily and amicably adjusted, if that were possible. This purpose has been hitherto defeated by causes which I need not enumerate.

The mission to Spain has been entrusted to a distinguished citizen of Kentucky, who will proceed to Madrid without delay, and make another and a final attempt to obtain justice from that Government.

Spanish officials, under the direct control of the Captain-General of Cuba, have insulted our national flag, and, in repeated instances, have from time to time inflicted injuries on the persons and property of our citizens. These have given birth to numerous claims against the Spanish Government, the merits of which have been ably discussed for a series of years, by our successive diplomatic representatives. Notwithstanding this, we have not arrived at a practical result in any single instance, unless we may except the case of the Black Warrior, under the late Administration; and that presented an outrage of such a character as would not long, in any instance, attempt to bear. All our attempts to obtain redress have been baffled and defeated. The frequent and oft-recurring changes in the Spanish Ministry have been employed as reasons for delay. We have been counselled to wait again and again, until the new Minister shall have had time to investigate the justice of our demands.

Even what have been denominated "the Cuban claims," in which more than a hundred of our citizens are directly interested, have furnished no exception. These claims were for the refunding of duties unjustly exacted from American vessels at different custom-houses in Cuba, so long ago as the year 1845, on principles now universally recognized as inequitable and unjust, that after a lapse of fourteen years, in 1854, they were recognized by the Spanish Government. Proceedings were afterwards instituted to ascertain their amount, and this was finally fixed, according to their own statement (with which we were satisfied) at the sum of one hundred and twenty-eight thousand six hundred and thirty-five dollars and fifty-four cents. Just at the conclusion of a period of fourteen years, when we had reason to expect that this sum would be repaid with interest, we have received a proposal offering to refund one-third of that amount, (forty-two thousand eight hundred and seventy-eight dollars and forty-one cents) but without interest, if we would accept this in full satisfaction. The offer is also accompanied with a declaration that this indemnification is not founded on any reason of strict justice; but is made as a special favor.

One alleged cause for procrastination in the examination and adjustment of our claims, arises from an obstacle which it is the duty of the Spanish Government to remove. Whilst the Captain-General of Cuba is invested with political and military power, in the government of that Island, the power is withheld from him to examine and redress wrongs committed by officials under his control, on citizens of the United States. Instead of making our complaints directly to him at Havana, we are obliged to present them through our Minister at Madrid. These are the reports I have to make to you, for information; and much time is thus consumed in preliminary investigations and correspondence between Madrid and Cuba, before the Spanish Government will proceed to negotiation. Many of the difficulties between the two governments would be obviated, and a long train of negotiation avoided, if the Captain-General were invested with authority to settle questions of easy solution on the spot, where all the facts are fresh, and could be promptly and satisfactorily ascertained. We have hitherto in vain urged upon the Spanish Government to confer this power upon the Captain-General, and our Minister to Spain will again be instructed to urge this subject on their notice. In this respect we occupy a different position from powers of Europe. Cuba is almost within sight of our shores, our commerce with it is far greater than that of any other nation, including Spain itself, and our citizens