THE CUBA DEBATE.

SPEECH OF MR. SEWARD

In the Senate on Monday, Jan. 24, 1859.

Mr. President, the bills which engage the attention of Congress generally originate either in the Senate or in the House of Representatives. But this measure is ushered into our presence by a Message from the Executive palace. It is, therefore, in its origin an Executive measure. Its nature corresponds to its parentage. It proposes to relax constitutional and legislative restraints upon the Executive power, and to transfer control over the Treasury, together with the power of negotiation in foreign affairs, from Congress and from the Senate to the President of the United States. It is not an isolated Executive measure of this kind, but it is one of a series of such measures which the President of the United States has introduced at the present session in the same way. One of this series proposes that Congress shall authorize the President to move the Army and the Navy of the United States into adjacent States of the Republic of Mexico and establish a Protectorate there. Another asks our consent to invest the President of the United States with the power to make war in his own discretion and at his own pleasure against all, or nearly all, the Spanish-American States on this continent.

A measure thus disparaging to the intelligence, the virtue and the independence of the National Legislature, a measure so dangerous to the civil and religious liberties of the American people, it must be expected, will receive at the hands of Congress a careful scrutiny. It is not my purpose, at this time, to bestow that scrutiny in its full extent, upon the bill which has been reported in accordance with the recommendation of the President of the United States; but I do intend to indicate some of the considerations which have brought me to the conviction that this bill, under no circumstances, ought to receive the favor of Congress.

The bill has a financial aspect. It has also a broad political character. In regard to the financial aspect, I call the attention of the Senate to the fact that the bill proposes to appropriate now, at this time, out of the Treasury of the United States, $30,000,000, to be placed under the control of the President of the United States, to be paid by him to Spain, whenever she shall have consented to accept any treaty which he may make with her for the cession of Cuba to the United States, without waiting for a ratification of that treaty by the Senate of the United States. This appropriation of $30,000,000 necessarily involves now a pledge, a guaranty, virtually a grant, or appropriation of so many more millions of dollars as the President of the United States, without any recourse to the Senate or to Congress, and consulting only his own mere ambition, caprice or pleasure, shall agree to give for that island; and this last amount is altogether unlimited.

The bill contains no limitation, and the President recommends no limitation. It is a bill then for just so many millions as the President shall choose to write in the treaty. What will be the number of these millions? The report of the majority of the committee says that it will probably be $125,000,000. This calculation is based upon the fact that Spain refused $100,000,000 ten years ago, and that Cuba has increased in value $25,000,000, according to the estimate of a majority of the committee. This estimate is inconclusive, and, therefore, unsatisfactory. The amount which Spain will ask, if we suppose her to accede to this treaty, will be all that she can get, and the amount which the President will give, if it be his purpose to acquire the Island of Cuba at all events and under all hazards, will be the least that Spain will consent to take. It may then just as well and as accurately be estimated that the sum to be written in the treaty will be $200,000,000, or $250,000,000, or $500,000,000, as that it shall be only $125,000,000.

I will assume that it authorizes the President to contract a debt to Spain, without again consulting Congress or the Senate of the United States, for the sum of $250,000,000. This proposition comes at a time when our revenues are reduced to $50,000,000, and there is a confessed deficiency for the year of $30,000,000. It is immaterial whether we borrow this $30,000,000 to pay to Spain, as the bill proposes, or whether we pay it out of the receipts of the revenues flowing into the Treasury, and borrow the money to supply the place of what we thus abstract. It proposes nothing less than to authorize the President of the United States to create at once and absolutely a debt of $30,000,000, and indirectly a further debt of $220,000,000, in addition to a deficit, which is virtually an existing debt against the Treasury, of $30,000,000; making $60,000,000 of new debt certain, and $220,000,000 contingent. This, added to an already funded debt of $60,000,000, will raise the national debt to $280,000,000. This is to be done under extraordinary circumstances. We have at this moment no financial system—no system of revenue. We have, indeed, a tariff law which brought last year into the Treasury over $40,000,000, and this year is expected to bring in $50,000,000; but a revenue law which leaves an annual deficit cannot be said to constitute a fiscal system. Congress, after being in session now near two months, has utterly failed to devise any kind of revenue system whatever. Nor has the Executive Administration submitted to Congress any system for this emergency. This statement is strictly true, if you consider that the President recommends one system in his annual Message, and that the Secretary of the Treasury, his own responsible Minister of Finance, submits to us another and widely different one.

This great increase of the public debt, we are asked to make at the very hour when, in compliance with the Executive recommendation, we are proposing to authorize him to build the Pacific Railroad, at a cost of not less than $125,000,000 more; and simultaneously with this, in the same Message, we are also asked to authorize the President to move the Army into Mexico, which can cost nothing less than $100,000,000 more, and at the same time, in pursuance of recommendations of the same weight and authority, we are asked to authorize him to employ the Army and the Navy against just so many Spanish-American States on this continent as he shall choose, which can require nothing less than $100,000,000 more; so, without any financial system at all, we are to have a great debt created by this Congress of the United States, on the recommendation and application of the President, to strengthen the arm of the Executive, while weakening the power and the constitutional force of the Senate, and the House of Representatives, a debt of $500,000,000.

The honorable Senator from Rhode Island (Mr. Simmons) the other day spoke in glowing terms, and yet most justly, of the credit of the United States, and showed that, with the small debt that we now have, a nominal debt, we can go into the market, and with a five per cent stock borrow money at a premium, or, perhaps, borrow money on a four per cent stock anywhere in the markets of the world. That is because we are novices, inexperienced, untried, and unknown in the money market, except for paying such small debts as we have made. But, Sir, when we shall have shown that we can increase our debt in forty days, for that is the period which remains of this session, from $60,000,000 to $500,000,000, I beg leave to express the opinion that the rate of interest will be found to rise in proportion to the liberality with which we propose to borrow. In that case you will find your revenue derived from all sources scarcely more than enough to pay the interest of the debt which you shall thus have created, leaving no funds whatever for carrying on the ordinary operations of the Government.

This, however, it might be said, is a fanciful picture, because the bill appropriates only $30,000,000, and not the whole $250,000,000, which I have supposed. Nevertheless, Sir, it appropriates the whole amount which the President shall write in the treaty. We give him a blank draft on the Treasury, and authorize him to fill up the amount for himself. I have supposed he will fill up with $250,000,000. But I am told that we can retreat from this contract with Spain if we find it too expensive, and abandon the measure without paying the additional sum which the President may write in the treaty. Slowly and carefully, Mr. President, let us consider. Certainly, we cannot retreat from it without forfeiting the $30,000,000 which will have been paid. That condition will operate as a constraint upon Congress to appropriate all the remaining millions which the President may stipulate, and it will equally operate as a constraint upon the Senate to ratify the treaty, whatever sum may be stipulated by its provisions.

Again, Sir, no one can suppose that the President would pay the $30,000,000 in advance to Spain, without securing possession of the Island of Cuba. When he has once obtained the Island of Cuba, and paid $30,000,000 as an advance upon the consideration money of the purchase, the treaty will be a contract executed, and Spain and the whole world would laugh with derision at the pretense that we could rescind the contract and repudiate the remaining debt on the ground that we had then looked into our Constitution and had found that we had violated it in passing the law by which we had authorized the President to make the improvident bargain.

Sir, this is a plan of financial management to which I am a stranger. It is the province of the Congress of the United States to take care of the public Treasury, and to see that every dollar that is received remains there until, by appropriation bills limited to single objects, and each bill enduring for only two years, the money is expended by agents, under their own direction and authority, for objects appointed, fixed and certain. The effect of this measure is to surrender the control over a large portion of the national treasure and resources, practically, over all that is valuable in the Treasury, to the President of the United States, without retaining any effective security for his wise and faithful administration of it.

I have said that the bill has also a political aspect. It proposes to bring into the United States a foreign country, 700 miles long, and 70 miles wide, containing 1,500,000 human beings, subjects of government, occupying practically every foot upon its sidewalks in its cities, and every acre of mountain and plain and valley in the rural districts of that island; a population different entirely from the citizens of the United States—different in language, different in race, different in habits, different in manners, different in customs, and radically different in religion; a population that will, practically, forever hold the power to exclude all American immigration, at least, to exclude it as effectually as the old States of Europe exclude our migration there, and as effectually as our old-established States practically exclude immigration from outside of their borders. This population, then, is to be the ruling population of that island. What rights will citizens of the United States enjoy there? The 1,500,000 souls are divided. One-half whites, 250,000 free blacks, and 400,000 slaves. What institutions of justice, of freedom, of religion and public worship will obtain or remain there? I need to know. If I were willing to leave these great questions to the President of the United States, I have no right to do so. I have a voice, one of 64 voices, to determine whether such a country shall be brought into the United States, and on what terms and conditions. Joined with my colleague, we have one of 32 voices on these mighty questions! The power to speak involves a constitutional responsibility to express the voice of the State of New-York upon such a measure, and on all its important details, before it shall be adopted.

I have already shown that the consent of the Senate to the passage of this bill will operate as a constraint upon the Senate to ratify whatever treaty the President shall make hereafter. If this be true (and no one, I think, can controvert it), then I am asked to resign a constitutional, Senatorial power, to the President of the United States, and to shift from my own shoulders to his a constitutional responsibility.

To do this is a derogation of the independence of the constitutional power of the Senate of the United States, and a practical subversion of the constitutional check, which requires that every treaty shall receive the votes of two-thirds of this body, or be absolutely void. It practically delegates to a bare majority of the Senate, and to a majority of the House of Representatives, the treaty-making power of this great empire.

Sir, if there ever was an occasion on which I should adhere tenaciously to this right, and insist upon retaining this power, it would be in such a case as this. I want to see the treaty which shall bring the Island of Cuba into the United States. I want to know the *status* which that country is to occupy. Is it to be a Territory of subjects, of political slaves? a province, and governed by armies and navies, as Spain now governs it? I may ask the President of the United States when he has executed the treaty. Is it to be a State? I may ask the President of the United States when he has executed the treaty. Who are to be the electors of the State? What is to be the *status* of the white population? Are they to enjoy universal suffrage? What is to be the *status* of the free negro population? What is to be the *status* of the slave population? We who have disputed so earnestly, often so vehemently, year after year, year in and year out, over the question whether the institution of Slavery shall be introduced into the Territory of Kansas, are expected by the President, in his simplicity, to allow him to determine for the North and for the South, for the Free States and for the Slave States, at his own absolute pleasure, the terms and conditions upon which Cuba shall be annexed to the United States, and incorporated into the Union. I say nothing of the present incumbent of the Executive office. I say that men never choose, nor did God ever send on earth, a magistrate to whom I would confide this great question, having a constitutional right to decide it myself.

I need not say, Sir, that all our treaties of annexation contain stipulations guarantying rights to the countries annexed, to be incorporated into the Union, and determining the future political rights, power and authority of the inhabitants of those countries. This bill, then, is in derogation of the power of the Senate to determine by treaty for itself what the safety, honor, and welfare of the country demand in regard to the political organization and government of the Island of Cuba, if it shall be acquired.

Sir, I have always received as a political maxim the declarations made by our predecessors in regard to the acquisition of Cuba. Every rock and every grain of sand in that island were drifted and washed out from American soil by the floods of the Mississippi, and the other estuaries of the Gulf of Mexico. The island has seemed to me, just as our predecessors have said, to gravitate back again to the parent continent from which it sprung. I have supposed that political necessities would determine that ultimate conclusion; and I know that to political necessities all actions of governments must bend, and all sentiments of nations must accommodate themselves. I have, nevertheless, been taught, with the same maxim, his other rule, that the acquisition of Cuba was a question of time, that the acquisition of Cuba was a question of time, of necessity, and of opportunity. It was just as clear sixty years ago, when we acquired Louisiana, as it is now, that Cuba, in the language of John Quincy Adames, gravitates to the United States, as the apple yet hanging on its native trunk gravitates to the earth which sustains it. Yet it certainly is true that Cuba was not then acquired, nor attempted by extraordinary means to be acquired; and the reason was, that the time, necessity, and opportunity, had not then presented themselves. In fact, the time is determined by the coincidence of necessity and opportunity; and that coincidence is the result of a decline of European power on this continent, and of a development of the growth of American power on the same continent. Our forefathers said, all our predecessors have said, that when the juncture shall arise that there should be just that necessary decline of the political European power on the continent, and just that development of American power here, which makes Spain unable to keep, and ourselves able freely to obtain, the island, then it would be hopeless and idle to refuse to receive Cuba, even if it were undesirable. They have said more, and I subscribe to it, that we may safely hold our souls in patience so long as Spain can keep it, and no other and stronger European Power can, or dare, take it from her. What I have to say now is, that the time and opportunity do not now serve, in my judgment, any more than they have served for the last sixty years. We may be nearer, as, indeed, I doubt not we are, to the acquisition of Cuba; but we have not arrived at that point at which the acquisition must necessarily be made, or can be made, consistently with the conditions of peace, prudence, justice, and the national honor.

Ten years ago the President of the United States declared that Cuba was to be acquired only by treaty, by purchase, and not by war. The present President of the United States reaffirms that proposition now; so that the only question to be considered is, whether it *can be purchased now*. Well, ten years ago, the President of the United States offered $100,000,000 for it, and the answer to the proposition was conceived in terms so decided, so unequivocal, so utterly forbidding all hope, that it was never afterward renewed; and silence has been observed about ever since, in order to preserve the good understanding and the good nature of the parties. The Message of the President sent here on Friday last, shows us that, down to this hour, the proposition has not been mentioned in Spain for a period of ten years. The same Message assures us even that it will not now be mentioned to Spain, unless some peculiar and extraordinary measures are adopted to require him to bring it again to her attention.

Spain holds the island now more tenaciously—with a stronger and safer grasp than that with which she has held it at any time with the last fifty years. It is now a period of repose in Europe and in the Western World. Spain having gone through the crisis of surrendering up her territorial empire in its largest proportions, has entered upon a new career of material progress and improvement. Her agriculture, her manufactures, her Army and her Navy, are in a flourishing, prosperous and improving condition. Heretofore, Spain has held the Island of Cuba in the midst of conflicts between the two great Powers of Western Europe, England and France, liable to lose it to one or the other belligerent at any moment. To-day, England and France are not only allies, but they are united in the policy of maintaining Spain in the enjoyment of the Islands of Cuba and Porto Rico, the last remnants of her once world-wide empire. Spain exhibits, more decidedly than ever within the last 20 years, the habits of acquiescence and loyalty by her people in her existing institutions. She seems to have passed the period when the country was rent, convulsed, and distracted by the contests of democratic and monarchical factions. At present she is apparently in a condition of profound repose and contentment. If there was any doubt about this subject, all doubt is now removed by the answer which we have already received from the authorities of Spain, to this very proposition of the President of the United States, in the very form in which it is proposed that we shall adopt it. Our mail of this morning brings us the answer of the Spanish Government and Legislature to our advances, even before we have taken the first step. In the Spanish Chamber of Deputies, M. Ulloa asked the Government,

"If it intends to reply to the Message of Mr. Buchanan, inasmuch as in that Message is a paragraph on the subject of annexing Cuba to the United States, which contains a new and really grave insult to the Spanish nation.

"Marshal O'Donnell declared that the Government was disposed to demand due satisfaction for such an insult.

"In its relations with the United States, as in those with all other countries, it has always endeavored to be circumspect, moderate, reserved, but always dignified and firm, as the Government of a great people ought to be.

"The present is an era of development and veritable restoration. The period of discouragement caused by war and disunion has ceased in Spain. If the power of Spain be not great enough to menace, it is strong enough to defend the integrity of the territory of the monarchy, and to preserve the dignity of the Spanish name without stain.

"In whatever circumstances the Spanish nation may find itself, it will in the future, as in the past, never be insensible to its honor; never will it abandon the smallest portion of its territory; and a proposition having that tendency will always be considered by the Government as an insult to the Spanish people. (Approbation.)

"The sentiment of nationality, which was supposed to be weakened, and which, unhappily, was slightly weakened by our intestine discords—this sentiment, the source of high deeds and of generous and heroic aspirations, displays now new vigor, and is increasing in such a way that, while we will never be aggressive and never aspire to dominate, we will never allow any encroachments to be made on the inheritance left us by our fathers." (Approbation.)

Mr. Olozaga, in his own name, and in that of several other eminent members representing the different political parties, then proposed this resolution:

"The Cortes declares that it has received with satisfaction the declaration of the Minister of Foreign Affairs; and that it is disposed to give to the Government its constant support, in order to maintain the integrity of the Spanish dominions.

"The resolution was unanimously adopted, and ordered to be inscribed in the archives."

Now, Sir, after having shown that there is not the least earthly prospect of acquiring the Island of Cuba by, or in consequence of, the passage of this bill, what follows? It follows that the question whether Cuba is desirable, and ought to be attained, is not at all in debate. It is an idle, a visionary and mischievous abstraction. There is no such question here; but the question which is presented is, whether the Congress of the United States shall authorize the President of the United States to offer an indignity to Spain. That is all.

Mr. SLIDELL.—Will the Senator from New-York permit me to interrupt him?

Mr. SEWARD.—Certainly.

Mr. SLIDELL.—The danger that he deprecates has already arrived. The cause of quarrel exists already, according to the extract he read from the speech of General O'Donnell; the insult had been given by the President, and immediate reparation is demanded. Therefore, we cannot very well aggravate that insult. It has passed from our power.

Mr. SEWARD.—I have an answer for the honorable Senator. I propose to leave the President the constitutional power which he enjoys, of instituting treaties with Spain for the purchase of the Island of Cuba in the Carribean Seas, and with all other Powers for all other islands in all the oceans throughout the globe. I propose to leave him the right and power of sending to Congress messages announcing beforehand the treaties he proposes to make, and leave him to answer, on his own responsibility to the people and to the world, for the wisdom and the temper, the moderation and the dignity, with which he executes these great trusts. I propose, on the other hand, to reserve my own authority, my own constitutional power, and to maintain the dignity of my own official functions, and not at all to become a party to an insult which the President of the United States may be supposed to have already offered to Spain. I cannot consent to go to his aid, though it may be necessary to draw him out of the dilemma in which he finds himself involved by a rashness which I did not advise.

Sir, I will not stop to inquire as an abstract question about the wisdom of a great nation offering insults and indignities to other nations. I will not stop now to inquire about the virtue, the morality, and the honor, to say nothing of the dignity of such a course. But I will say this, that it is not wise to offer an indignity to a foreign power if you are to gain nothing by it. So much may at least be conceded to me. And now, what is to be obtained by insulting Spain? Nothing; but only this: we must expect that she will be provoked to war to resent the indignity; and when the war has come to resent the indignity, then the prize of Cuba may be attained as indemnity for the expenses of the war. Sir, if we desire to acquire Cuba by negotiation, let us negotiate. The President disclaims and disdains to seek it by war directly. Are we to understand him and a majority of the Committee here, that they ask us to bring Spain indirectly into a war in order that we may conquer Cuba? That would be to impute to the President and the Committee bad faith, which I must utterly disclaim.

These considerations satisfy my mind that it is not expected, that it is not intended, that Cuba shall be acquired in consequence of this proceeding; but that it is supposed that some other advantage, some domestic and local benefit, will be secured to the President of the United States by provoking a debate on this subject in Congress. Sir, I do not so much undervalue the intelligence of the American people as to apprehend any such result. The proposition seems to be an empty one, an idle one, a ludicrous one; and if it were not for violating the respect due to the President of the United States and the majority of the Committee who sanction it, I should say a ridiculous one. There is a play which we have sometimes seen at the theater, in which the heroine is an honest housewife, who has a propensity for buying everything at auction, and she is always able to assign at least one good reason for it, namely, that, though the article bought is not wanted at the time, yet it is cheap, and it will be so handy to have it if it shall ever be wanted. So, one day she bought a huge door plate sold at an auction of a neighbor's furniture, on which was inscribed in large letters the name of "Thompson," spelled with a "p," although her own name, as well as her husband's, was Toodle. When the indignant Mr. Toodle called her to account for the expense, "why," she said, "how do you know, my dear, that we shall not one day have a child, and that child may not be a daughter, and that that daughter may not be married to somebody, and just as likely as not that somebody will be a man named 'Thompson, and his name may be spelled with a 'p' [laughter], so it will fit then just exactly. I could not help buying it because it was so cheap, and it will be so handy, you know, to have it in the house." That, Sir, is exactly the value of this great presidential demonstration, made, I think, to retrieve the sinking and wasting fortunes of an Administration that has disappointed its own immoderate desires not more than the less sanguine expectations of the American people.

ADDITIONAL FROM CALIFORNIA.

From Our Own Correspondent.

SAN FRANCISCO, Dec. 27, 1858.

Christmas came once this year, and the Californians generally got the full benefit of it. The day was delightful and was devoted to festivities, business being laid aside by nearly all the population.

Last night we had a heavy rain, and the miners must have an abundance of water just at the present time. We have had more rain this season than during the same period of any other rainy season since 1852. Yet, notwithstanding the large fall of rain, the Sacramento and San Joaquin Rivers have not risen much, because the head waters of many of their chief tributaries are tapped in the mountains, to supply miners' ditches and reservoirs. It is said that an overflow of the Sacramento is not a possibility now, any great fall of rain not going to the main river immediately, but first to the miners' claims.

The President's Message arrived here yesterday (Sunday) morning, by the Butterfield mail route, and was soon published and hawked about the street by the news boys. It was sent from Washington on the 3d inst., and thus made the distance from the National Capital to the Californian metropolis, overland, in 21 days. It is not much liked here; the portion devoted to Kansas is looked upon as mainly personal defense, out of place in a State paper, and the Pacific Railroad is supposed to deserve a better place than the tail of the message.

The Sacramento Union has published a history of the press of the State, occupying five solid pages of that paper in small type, and containing as much matter as there is in 200 pages of the American edition of Bancroft's History of the United States. This history of the California press is said to be the longest article ever published in one paper. *The Sacramento Union*, by the way, is famous in this State for its enterprise; it publishes more full reports of the proceedings of our Legislature than are published of the proceedings of any other State Legislature in the United States. It also obtains by telegraph the whole President's Message, as it did yesterday. If report be true, it has often obtained longer telegraphic dispatches than have ever been sent to any other paper in the world.

Many persons are arriving at San Bernardino from Salt Lake, and a large proportion of them are said to be teamsters and deserters from the army, with stolen horses, provisions and clothing.

A correspondent of *The Alta*, writing from San Bernardino, says that eight teamsters on the way to that place from Salt Lake, were attacked by Pah-Ute Indians in the Valley of the Vergen River, and seven of them killed.

The statistics of divorces and insolvencies in this city, for the year, have been published by *The Bulletin*. The sum of the insolvencies for the last four years has been as follows:

	Debts.	Assets.	Excess of Debts.
1855....	$8,377,827	$1,319,175	$6,358,652
1856....	3,491,042	637,808	2,853,134
1857....	2,892,865	264,797	2,628,158
1858....	1,609,504	70,873	1,538,631
Total...	$16,681,238	$2,312,363	$13,368,875

The number of applications for divorces was as follows: In 1855, 72; in 1856, 110; in 1857, 106; in 1858, 87. The number of divorces granted was as follows: In 1856, 39; in 1857, 61; in 1858, 62.

The sloop of war St. Mary's is at Guaymas, the first American man-of-war which has been in that port for ten years. An American citizen, Mr. Gunlitz (or Gcerlitz), who had been imprisoned there six weeks, was immediately released on the arrival of the St. Mary's.

A report has reached here that the Constitutional troops of Sonora, under the command of Col. Garcia, met the Conservative troops, under Generals Lañez and Gandera, then marching to invade Sonora, and defeated them with severe loss near Culiacan, in the State of Sinaloa. There were 2,000 men on each side.

We have news from Victoria to the 18th inst.

Fraser River had been frozen over. The people are trying to get away from the country, and many have suffered very severely from cold and the want of provisions. The little steamer Enterprise left Fort Yale on the 9th for Langley, with 125 passengers, but was soon frozen fast, and the passengers, having neither provisions nor accommodations on the boat, left her, intending to walk to Langley. Not one succeeded in reaching his destination; for their road lay over rough hills, covered with snow and thick brush, with intervening marshes, which had to be waded, while it rained and sleeted and froze by turns.

The travelers had neither clothing nor provisions, and most of them would have died undoubtedly had not the Enterprise succeeded in getting free from the ice, and then run up and down the river, blowing her whistle, to notify the travelers of her position. As it was two, a German and his wife, from San Francisco, names unknown, were frozen to death, and it is supposed that others suffered the same fate. Three men, names unknown, who were descending Fraser River in a canoe, had been also frozen to death.

The snow was three feet deep at Fort Yale.

Five hundred and twenty persons left Langley for Victoria by the last steamer which had arrived at the latter place.

The steamer Maria is aground in Fraser River.

Mining on Fraser River had ceased entirely on account of the cold. It is reported that the river had reached a low stage, and fine "prospects" had been obtained in the bars.

The steamer Cortes, on her last trip from Victoria to this port, brought 250 passengers and $13,000 in gold dust.

It is reported that there are 500 miners on Fraser River more than 250 miles above its mouth.

LATER FROM THE NORTH.

INTENSE COLD ON FRASER RIVER—FIVE MEN FROZEN TO DEATH.

The steamer Cortes, Capt. Huntingdon, arrived at San Francisco from Victoria with dates to the 18th of December.

FIVE PERSONS FROZEN TO DEATH.—*The Gazette* publishes reports that three white men were found frozen to death in a canoe on Fraser River, and that a German and his wife, who left the Enterprise (when frozen in, as hereafter to be related), and attempted to reach Langley in a small boat, were also frozen to death.

DROWNED.—Frank Riley, Joseph Corcoran and Peter Driscoll were drowned in Fraser River by the upsetting of a canoe.

MURDERED BY INDIANS.—James Hartwell, who had been a resident of California 25 years, was murdered by Indians on an Island in the Gulf of Georgia on the 13th inst.

DELIRIOUS FROM SUFFERING.—Wm. Longworth, formerly of Iowa Hill, California, had been found near Fort Yale, delirious from suffering. He had 100 oz. of gold dust.

INTENSE COLD ON FRASER RIVER.—The weather was intensely cold on Fraser River from the 5th to the 13th inst. The river had been frozen over, and the people had suffered severely, many of them in traveling to get to Langley, where they intended taking steamer to leave the country. The steamer Enterprise, while on her way to Langley, from Fort Hope, with 125 passengers, was frozen fast near the mouth of Harrison River, and many of the passengers who left her, intending to go by land to Langley, endured great hardship. *The Gazette* gives the following account of the affair:

"There being no provisions or accommodations on board for so large a company for any length of time, about 100 of the passengers and one or two of the officers deserted the steamer, determined to make their way to Langley on foot through the woods. Without food—in many instances poorly clad—with snow and ice on the ground, these desperate men commenced their sad journey. For three days they wandered through the woods, shivering, foot-sore, and almost starving, in the rain and through the sleet and ice. In the meantime the weather had moderated a little, and the rain had softened the ice in the river. The Enterprise has got free again, and ran up and down the river, blowing her whistle and firing her guns to attract the attention of those on shore. Here and there she picked up a straggler, who had wandered to the river banks, perhaps to die. On the third day, when about five miles from Langley, she came up with the great majority of her passengers, who, feeling it impossible to proceed further, had camped on the bank to await assistance from the town, for which they had sent by four of their hardiest men. After taking up her passengers, the Enterprise continued on to Langley, where she arrived in a couple of hours. The men speak in the highest terms of the conduct of Captain Wright, and attribute their being saved from a most horrible death to his ceaseless efforts to get his boat clear, and his running her up and down the river at the imminent danger of losing her. Many of the passengers had some of their limbs frozen, others have their feet and hands frost-bitten, and all agree in saying that they experienced the most intense and horrible suffering it is possible to conceive."

Of these passengers it was known that the German and his wife above mentioned had died of the cold, and it was rumored that more had perished, but no definite number was fixed. *The British Colonist* of the 18th, speaking of those who attempted to reach Langley by land, says:

"They then started for Langley overland, supposing it fifteen miles distant. The distance was greater. A trail had to be made over high mountains, through ten inches of snow, wade streams waist deep, the cold was intense, and the underbrush thick and passed with difficulty. They had only one day's provisions. They were three days without provisions. Many were frost bitten. A Dutchman and wife, name unknown, were frozen to death. Completely exhausted, many sat down to die. Mr. Bryant, late Superintendent of Lillouette trail, gave up four miles from Langley, and advised his son to go on. He also gave out two miles further on. Geo. French, a hardy pioneer, late Lillouette trail surveyor, formerly surveyor of Butte County, California, laid down worn out with toil. When hope was waning fast, the whistle of the steamer Enterprise, which had got out of the ice, was heard, and they were saved and carried to Langley. Rumors are conflicting as to the number of deaths."

EXODUS FROM FRASER.—Five hundred and twenty persons arrived at Victoria on the 13th inst., in the Santa Cruz, from Fort Langley.

DUST.—*The Gazette* says the Santa Cruz brought down "a very large amount of gold dust—probably exceeding $75,000 worth." The same authority states that Wells, Fargo & Co., would ship $13,000 by the Cortes. What has become of the other $62,000.

STEAMER MARIA AGROUND.—*The Gazette* says the steamer Maria is aground on Fraser River, but does not state at what place.

SNOW AT FORT YALE.—There were three feet of snow on the ground at Fort Yale on the 11th inst.

MINING AND PROVISIONS AT FORT YALE.—A correspondent of *The Gazette*, writing from Fort Yale on Dec. 11, says:

All mining operations for the present have ceased, and this is doubly annoying from the fact of the low stage of water, and the splendid prospects which can be obtained at the low water mark. You will have many miners from this section in your city, and there they prefer living until Spring, as there are not sufficient provisions here for even those remaining. The cold weather, together with the considerable quantities of floating ice, renders the conveyance of goods almost impossible, to say nothing of the heavy expenses, which will naturally deter merchants from ordering goods.

MINING ON THE UPPER FRASER.—*The Gazette* has a letter dated November 22, from Lower Fountainville, on the Upper Fraser. The writer says there were 10 or 20 men on Horse Beef Bar, making from $10 to $15 per day; 35 on Rose's Bar, making $5 per day on an average, with rockers; 50 on Foster's Bar; 15 on Fountain Bar; 20 on Big Bar; 12 on Dancing Bill's Bar; 9 on Strangler's Bar; 20 on Day's Bar; 15 on McMillan's Bar; and 200 on Bridge River. From this statement we may infer that there are 500 miners on the upper part of Fraser River.

GOLD ON THE LILLOUITE.—Mr. Bryant informs us that gold is plenty in the Lillouette country—from $5 to $50 to the hand. The trail is completed, and will be open all Winter. It has been grossly mismanaged, costing $120,000, when $40,000 would have afforded a wide margin for profit, and the trail finished in six weeks instead of nearly five months.

[British Colonist.

PETITION FOR THE REMOVAL OF DOUGLAS.—The people have lately forwarded a memorial, signed by several members of the Legislature, prominent citizens, and those holding permanent interest in the colony, to the Colonial Secretary, for the removal of Gov. Douglas. Another will shortly follow, detailing more particularly the abuses under his rule. Should the Colonial Secretary prove dumb to their demands, a delegate to the Imperial Government will be sent to lay the abuses and grievances of the colony, and the dereliction of duty on the part of her Majesty's Minister, before the British public for merited condemnation and redress. [British Colonist, Dec. 18.

MONOPOLY OF RELIGION.—The Government of British Columbia is building a church at Langley. *The British Colonist* approves the work on the condition that it be intended for the military, and is paid for by the home Government; but if the church is to be paid for by the colony, it should be open to all denominations. The writer says:

"The people do not want any church by law established, and supported from the colonial funds. There are some usages of older countries we can afford to dispense with. After all the trading monopolies are removed, we hope that a new and more odious one will not be established in the shape of a monopoly of religion."

NEW ALMADEN MINING COMPANY.

To the Editor of The N. Y. Tribune.

SIR: The proprietors of the New Almaden Mining Company have hitherto declined making any answer or offering any comments on the numerous slanderous reports circulated by interested parties with a view to affect injuriously their rights and reputation. But these reports having recently found their way, with an apparent semi-official indorsement, into *The Union* newspaper, they deem it due to themselves to publish the following extract from the opinion of their Counsel, as at least sufficient to induce a suspension of public opinion until the matter can be determined in the only legitimate tribunal, the Courts of Justice:

WASHINGTON, Jan. 11, 1859.

Messrs. Goodhue & Co., Agents of Messrs. Bolton, Barron & Co., and others, New-York:

DEAR SIRS: We have, in accordance with your request, made careful examination of the titles to the New Almaden Mines, and give the following as our opinion:

The claim as presented in the name of Andres Castillero, is twofold, first, for the mine, together with 3,000 varas of land, acquired by denouncement in December, 1845; second, for two square leagues of land around the mine, derived by a grant from the Supreme Government of Mexico in May, 1846. Your constituents hold as purchasers from Castillero, the original grantee, and their claim was presented to the United States Land Commissioners in California, who held the title good for the mine, but decided that the claim for the two leagues had not ripened into a title at the date of the conquest of California.

In the support of the first of these claims before the Commissioners, the claimants produced the appropriate document, signed by the Alcalde, Antonio Maria Pico, and two assisting witnesses, both of whom gave depositions establishing the genuineness of the documents. They also prove the genuineness of the papers signed by Castillero, and constituting his denouncement of the mine, as discovered and opened by him under the mining ordinances. These witnesses prove that all these papers were executed at the time of their date, *and no attempt has been made to impeach these witnesses.*

In the months of April and May, 1846, Castillero was in the City of Mexico, having gone there with specimens of cinnabar, taken from the mines in his possession. These specimens, together with an application for Government aid to assist him in working and developing his mine, were laid before the Junta de Mineria (Mining Commission).

That body, impressed with the national importance of the discovery, immediately transmitted the specimens to the College of Mines for Assay. The specimens were analyzed by the Professor of the College, and a report made, establishing them to be of extraordinary purity and richness; and, on the receipt of this Report, a formal petition was presented by Castillero, stating at length his claim for aid from the Government, and accompanied by nine distinct propositions—the *scresch* of which sought the approval by the Supreme Government of the mining possession given him by the local authorities of California, and the *eighth*, a grant of two square leagues of the land surrounding the mines. These papers were forwarded by the Mining Commission (*Junta de Mineria*), with a recommendation to grant the mining application in all its parts (but with an exception from this recommendation, of the grant of two leagues of land, the Commission stating that such subjects were not within their jurisdiction, and therefore declining to give an opinion on it). The report and documents thus received by the Minister of Justice from the Mining Commission were by him laid before the President of the Republic, who approved in all its parts the agreement proposed by Castillero, and accepted by the Mining Commission, and also ordered the proper documents to be issued for the grant of the two leagues.

This approval of the President was communicated by the Minister of Justice to the Mining Commission on the 20th May, 1846. On the same day the same Minister addressed to the Minister of Foreign Relations a communication, embodying a copy of the letter of the 20th May, 1846, to the *Junta de Mineria*, and stating that the President had thought proper to accede to a grant of two leagues to Castillero, upon the land of his mining possession, and directing the proper order to be issued.

On the 23d of the same month Castillo Lanzas, the Minister of Foreign Affairs, addressed a communication, embodying the foregoing letter to the Governor of California, directing him to put Castillero in possession of the two leagues of land.

This original letter was offered in evidence before the Land Commissioners in 1855, has been on file in the Office of the Surveyor General of California, and no attempt has been made to impeach the genuineness of the signature.

The foregoing paper, either as original or copies (originals in the offices *to* whom they were addressed, and copies in the offices *from* which they were sent), are all found in their appropriate offices in the City of Mexico.

Copies of them have been recently obtained from that city. The copies found in each department are separately certified by its own officers. These certificates are obtained from the *Junta de Mineria*, from the College of Mines, from the Ministry of Justice, and from the Ministry of Foreign Relations.

These copies are authenticated in the only form allowed by Mexican law, and certified to be so by Mr. Forsyth, the United States Minister, under his official seal. Mr. Forsyth also certifies (as does the British Consul in Mexico), that he was present and assisted at the comparison of the copies with the originals, and that they are correct copies. In addition to this, the correctness of the copies has been attested by one or more witnesses present and assisting at the comparison.

In the opinion recently delivered by the Judges of the U. S. Circuit Court in California, suggestions have been thrown out of a doubt whether these papers ought not to be authenticated under the great Seal of Mexico, to entitle them to full faith as copies.

In order to satisfy this doubt, your counsel in California forwarded to us an application addressed to the Secretary of State, asking the interposition of our own Government to obtain from Mexico the originals of these documents, or to allow the great seal to be affixed to the copies. We sent this communication to the Secretary of State, with a request that he would acknowledge its receipt, and that prompt action should be taken by the Government. This was done on the 17th December. No reply has yet been received, and we propose to address a letter to the President, soliciting that the Government will procure, *in its own way, through its own agents, and in any form satisfactory to itself*, either the originals of these documents, or copies which the Government will be willing to receive in evidence as true copies.

We have no shadow of doubt that these documents are genuine. They bear the strongest internal evidence of genuineness. Either as originals or copies, they are twenty-two in number, scattered through all the public offices of the City of Mexico, and are consistent and interwoven with each other. Above all, and to place the question beyond a cavil, we have in our possession a large printed volume, containing the Reports read to the Mexican Congress in December, 1846, of the different Departments of the Government for that year, a volume printed by the Government printer in 1847, containing every subject of Government administration that could interest the Congress, including statistics of the Agricultural, Commercial and Mining interests of the country. This Report, made in December, 1846, contains the statement of Castillero's mining discovery, of the assay of the mineral, of the different documents above mentioned, and the *most important of those documents are distinctly described and referred to in the Report.*

It would extend this opinion too far to refer to numerous other proofs, placing the genuineness of these papers beyond all possibility of doubt. We select only one more. In December, 1846, Castillero executed before a Notary Public in the City of Mexico, a ratification of a contract, previously made by his Agent with certain capitalists, for the supply of funds necessary for working the mine, called in mining language a contract of *Avio*. This contract not only contains references to all the other titles above-mentioned, but embodies in full the letter of Castillo Lanzas of 23d May, 1846, above referred to; yet this is one of the very papers charged to have been fabricated in 1848, and ante-dated.

In opposition to all this proof, not a solitary witness has been found to state that these papers are not genuine. Your constituents have been enjoined from working the mine by a decree of the Circuit Court, which, while prohibiting them from making use of their property, *carefully abstains from any