

# President's Message.

WASHINGTON CITY, DECEMBER 6, 1858.

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The Supreme Court of the United States had previously decided, that all American citizens have an equal right to the Territories, whatever is held as property under the laws of any of the States, and to hold such property on the same terms as the citizens of the State in which the Territory is situated.

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ton 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 north 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, 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 had been 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 authorizing 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 with said constitution, and if so, 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, and with such laws as may be provided by Congress."

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.

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As I informed you in my last annual message, I appointed a new governor instead of Brigham Young, and other federal officers to take the place of those who, consulting their personal safety, had found it necessary to withdraw from the Territory. To protect these civil officers, and to add them, as a *post facto*, in the execution of the laws in case of need, I ordered a detachment of the army to accompany them to Utah. The necessity for adopting these measures is now demonstrated.

On the 15th September, 1857, Governor Young issued his proclamation, in the style of an independent sovereign, announcing his purpose to resist by force of arms the entry of the United States troops into our own Territory of Utah. By this he required all the forces in the Territory, to "hold themselves in readiness to march at a moment's notice to repel any and all such invasion," and established martial law from his date throughout the Territory. These proved to be no idle threats.

Fort Bridger and Supply were vacated and burnt down by the Mormons, to deprive our troops of a shelter after their long and fatiguing march. Orders were issued by Daniel H. Wells, styling himself "Lieutenant General, Nauvoo Legion," to stampede the soldiers of the United States troops on their march, to set fire to their trains, to burn the grass and the whole country before them and on their banks, to keep them from sleeping by night, and to blockade the road by falling trees, and destroying the flocks of rivers, &c., &c.

These orders were promptly and effectually obeyed. On the 4th October, 1857, the Mormons captured and burnt on Green River, three of our supply trains, consisting of seventy-five wagons loaded with provisions and mules for the army, and carried away several hundred animals. This diminished the supply of provisions so materially that General Johnston was obliged to reduce the ration, and even with this precaution, there was only sufficient left to sustain the troops until the first of June.

Our little army behaved admirably in their encampment at Fort Bridger, under those trying privations. In the midst of the mountains, in a dreary, unsettled, and inhospitable region, more than a thousand miles from home, they passed the severe and inclement winter with out a murmur. They looked forward with confidence for relief from their country in due season, and in this they were not disappointed.

The Secretary of War employed all his energies to forward them the necessary supplies, and to muster and send such a military force to Utah as would render resistance on the part of the Mormons hopeless, and thus terminate the war without the effusion of blood. In his efforts he was ably sustained by Congress. They granted appropriations sufficient to cover the deficiency thus necessarily created, and also provided for raising two regiments of volunteers, "for the purpose of settling disturbances in the Territory of Utah, for the protection of our citizens, and the suppression of Indian hostilities on the frontiers."

Happily, there was no occasion to call these regiments into service. It should not be forgotten, that the number of our brave and patriotic citizens anxious to serve their country in this distant and apparently dangerous expedition, thus it has ever been, and thus may it ever be.

The wisdom and economy of sending sufficient reinforcements to Utah are self-evident. At the present time, the military force in Utah, from their position and opportunities, are the most capable of forming a correct judgment. General Johnston, the commander of the forces, in addressing the Secretary of War from Fort Bridger, under date of October 15, 1857, expresses the opinion that "unless a large force is sent here, from the nature of the country, a protracted war on their (the Mormons) part is inevitable. This he considered necessary, to maintain our rights, and to secure reasonable compensation for the services of our troops."

In the mean time, 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 Mitchell, to Utah. They were accompanied by a detachment of the military force, 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 their past and future wrongs, at the same time, I assured those who should persist in rebellion against the United States, that they should expect no further lenity, but look to their responsibility, as well as to their duty. The inhabitants of the Territory, as well as a copy of the proclamation, and their agents, are herewith submitted. It will be seen by their report of the 31 of July last, that they have fully confirmed the opinion expressed by General Johnston in 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 the Territory, would be the means of restoring the authority of the United States. A less decisive 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 an able and efficient manner, and with the highest effect. I extend, in this connection, my thanks to the honorable Mr. Cumming, for his valuable services. 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 happiness of the Territory.

I am happy to inform you, that the governor and other civil officers of Utah, receive prompt attention to their duties, and the laws have been fully respected, and peace prevails throughout the Territory.

A portion of the troops sent to Utah, are now encamped in Cedar valley, forty-four miles southwest 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, by the late emigration to the Indian Territory, and by the bearing of arms against the war against their depredations. This will also be the means of establishing military posts and promoting settlements along the route.

I commend 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 occasion, also, to congratulate you on the result of our negotiations with China.

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 both countries, almost ever since the period of the revolution, to have been annoyed by a succession of irritating and dangerous questions, threatening their friendly relations. This has partially prevented the full development of those feelings of mutual friendship between the people of the two countries, so natural in themselves and so conducive to their common interests.

As a serious interruption of the commerce between the United States and Great Britain, would be equally injurious to both. In fact, no two nations have ever existed on the face of the earth, which could do each other so much good or so much harm.

Entertaining these sentiments, I am gratified to inform you, that the long-pending controversy between the two governments, in relation to the question of visitation and search, has been amicably adjusted. The claim on the part of Great Britain, forcibly to visit American vessels on the high seas in time of peace, could not be sustained under the law of nations, and it had been overruled by her own most eminent jurists. This question was recently brought to an issue, by the repeated acts of British cruisers, in boarding and searching our merchant vessels in the Gulf of Mexico and the adjacent seas. These acts were the most injurious and annoying, as these waters are traversed by a large portion of the commerce and navigation of the United States, and our vessels are daily exposed to the peril of the seizure of the coastwise trade between different States of the Union. 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 all vessels of the United States on the high seas, from search or detention by the vessels 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 its 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 seems the vessels of the United States upon the high seas from search or detention by the vessels of any other nation, whatever. The claim has been abandoned in a manner reflecting honor on the British government, and evincing a just regard for the law of nations, and cannot fail 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 would be beneficial to both, and which would not be prejudicial to the nationality of vessels suspected on good grounds of 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 object in view, and to consider them in an amicable spirit. A strong opinion is, however, expressed, that it is far less to be deprecated, than the establishment of any regulations which might be incompatible with the freedom of the seas. This government has yet received no communication specifying the manner in which the British government would propose to carry out their suggestion, and I am inclined to believe, that no plan which can be devised, will be free from grave embarrassments, and will not have a 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 negotiations between Great Britain and the United States, arising out of the Clayton and Bulwer treaty of April, 1850, have been finally adjusted.

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