"THAT COUNTRY IS THE MOST PROSPEROUS WHERE LABOR COMMANDS THE GREATEST REWARD."-BUCHANAN.

LANCASTER CITY, PA., TUESDAY MORNING, DECEMBER 14, 1858.

PRESIDENT'S MESSAGE.

Fellow Citizens of the Senate and House of Representatives Senale 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 sec-

tional 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 one more before Congress. It was the desire of every patriot that such measures of legislation 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, to wards the accomplishment of this object, du-

ring 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 guar-lianship of the federal constitution so long as the territorial condition

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 quanimous 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 yindicated, and a fruitful source of dangerous dissension among them has been

Whitst such has been the beneficial tendency of your legislative proceedings outside of Kansas, their influence has nowhere 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 aban doned. As a natural consequence, that fine territory now appears to be tranquil and pros perous, and is attracting increasing thousands

of immigrants to make it their happy home. The past unfortunate experience of 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 peo ple 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 resistance to rightful authority and the persevering attempt to establish revolu-tionary 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 princi-ple, 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, procee to adopt a constitution unexceptionable in its general features, and providing for the sub 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 convulsed 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 organiza-

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 m of Congress, and members of the State legisla-ture. This election was warmly contested by the two political parties in Kansas, and greater vote was polled than at any previous election. A large majority of the members of the legislature elect belonged to that party which had previously refused to vote. 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 Lecomp ton constitution, the legislature might, at its to a vote of the people, whether they would or would not have a convention to amend the 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

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, a brief period, have restored peace to Kansas and harmony to the Union. event, the slavery question would ere this been finally settled, according to the legally expressed will of a majority of the and popular sovereignty would thus have been vindicated in a constitutional man-

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 an official character, neither myself nor any human authority had the power to rejudge the which left the people of the territory "perfect-ly free to form and regulate their domestic institutions, in their own way, subject only to the constitution of the United States." It uld 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 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 adat all homogeneous, and to unite them on anything like a fixed policy. Establish the territories as States into the Union, without a previous vote of the people approv

It is to be lamented that a question so indifficant when viewed in its practical effects on the people of Kansas, whether decided one way or the other, should have kindled such a ne of excitement throughout the country. This reflection may prove to be a lesson wisdom and of warning for our future guid-ance. 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 to themselves, or accomplish ry same object by remaining out of the Union, and framing another constitution in accordance with their will? In either case the

had it been admitted as a State during the last ession of Congress. My recommendations however, for the im-

mediate admission of Kansas, failed to meet the approbation of Congress. They deemed it 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 accom-plish this 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 tants to be taken, and if found sufficient, then lands for the support of common schools, which by the terms of this act, to authorize them to had ever been previously granted to any State | proceed "in their own way" to frame a State upon entering the Union; and also the alter-uate 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 fun-damental 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

of Kansas do not desire admission into the uion 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, "when-ever, 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 in 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 proposubmitted 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 the population shall have reached the designated number. Nor is it to be presumed that, after their sad experience in resisting the of 1856, much of the time of Congress was occupied on the question of admitting Kansas und dissapointed. der the Topeka Constitution. Again, near ly 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 wai before making a third attempt, until the number of their inhabitants shall amount to nine ty-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. 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 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

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 ter-ritories or upon the people of the existing States. Many of the serious dissentions 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 terri tory, 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 re claim the wilderness and to lay the foundation of a flourishing and prosperous commonwealth If, in this incipient condition, with a popula tion of a few thousand, they turely enter the Union, they are oppressed by the burden of State taxation, and the mean 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 clauses of the constitution, as well as that con-cerning slavery, to the people. But, acting in government and legislative assemblies out of human authority had the power to rejudge the proceedings of the convention, and declare the constitution which it had framed to be a nulity. To have done this, would have been a violation of the Kansas and Nebraska act, the common treasury, and thus relieved them maturely exciting angry political contest among themselves, for the benifit 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. The surely ought not to be permitted to rush in to the Union, with a population less than one confiding to delegates elected by themselves the trust of framing a constitution, without requiring them to subject their constituents to the trouble, excessed and delay of a second admitted under the Topeka co stitution. Be sides, it requires some time to render the mass of a population collected in a new territory,

themselves accordingly. But justice to the people of the several States requires that this rule should be established by Congress. Each State is entitled to two senators and at least one representative in Congress. Should the people of the States fail to elect a Vice President, the power de volves upon the Senate to select this officer from the two highest candidates on the list.-Vice President, thus elected by the Senate, becomes President of the United States. On all questions of legislation, the Senators from the smallest States of the Union have an equal vote with those from the largest. difference in point of fact is, that the object difference in point of fact is the object difference in the object diff may be said i in regard to the ratification of against the United States which existed amo

rule and all will look forward to it and govern

would have been much sooner attained, and whilst it conforms in principle with the charthe pacification of Kansas more speedily effected after of a government instituted by sovereign States. I presume no American citizen would desire the slightest change in the arrangement Still, is it not unjust and unequal to the existing States to invest some forty or fifty thonsand people, collected in a territory, with the attributes of sovereignty, and place them on an equal footing with Virginia and New York

in the Senate of the United States. For these reasons I earnestly recommend the passage of a general act, which shall provide that, upon the application of a territorial legislature, declaring their belief that the ter ritory contains a number of inhabitants which, if in a State, would entitle them to elect a member of Congress, it shall be the duty of the President to cause a census of the inhabiconstitution, preparatory to admission into the Union. I also recommend that an apropriation may be made, to enable the President to

take a census of the people of Kansas.

The present condition of the territory o Utah, when contrasted with what it was one year ago, is a subject for congratulation. It was then in a state of open rebellion, and cost what it might the character of the government required that this rebellion should be suppres sed, and, the Mormons compelled to yield obe dience to the constitution and the laws. In order to accomplish this object, as I informed you in my last message, I appointed a new governor instead of Brigham Young, and other federal officers to take the place of those who, other new States. Under this act, should a consulting their personal safety, had found it majority reject the proposition offered them, in necessary to withdraw from the territory. To it shall be deemed and held that the people protect these civil officers, and to aid them, as a posse comitatus, in the execution of the laws in case of need, I ordered a detachment of the In that | army to accompany them to Utah. The necessity of adopting these measures is now demon-

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 ter ritory 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 estab lish martial law from its date throughout the territory. These proved to be no idle threats, Forts Bridger and Supply were vacated and burnt down by the Mormons, to deprive our troops of a shelter after their long and fatigu ing march. Orders were issued by Daniel H Wells, styling himself "Lieutenant General Vauvou Legion," to stampede the animals o 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 flanks, to keep them from sleeping by night surprises, and to blockade the road by felling trees, and destroying the fords of rivers. &c.

These orders were promptly and effectually obeyed. On the 4th October, 1857, the Mor mons captured and burned, on Green river, three of our supply trains, consisting of seven ty-five wagons, loaded with provisious and tents for the army, and carried away several hundred animals. This diminished the sup ply of provisions so materially that General Johnston was obliged to reduce the ration, and even with this precaution, there was only sufficient left to subsist the troops until the

Our little army behaved admirably, in their encampment at Fort Bridger, under these try ing privations. In the midst of the moun tains—in a dreary, unsettled, and inhospita-ble region, more than a thousand miles from territorial laws, they will attempt to adopt a constitution in express violation of the provisions of an act of Congress. During the session ward with confidence for relief from their

ergies 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 ter minate the war without the effusion of blood. In his efforts he was efficiently sustained by Congress. They granted appropriations suf-ficient to coverthe deficiency thus necessarily created, and also provided for raising two regiments of volunteers, "for the purpose of quelling dirsturbances in the Territory of Utah for the protection of supply and emigrant trains, and the suppression of Indian hostili-ties on the frontiers." Happily, there was no occasion to call these regiments into ser-vice. If there had been I should have felt serious embarrassment in selecting them so great was the number of our brave and patr otic citizens auxious to serve their country in this distant and apparently dangerous exp dition. Thus it has ever been, and thus may

The wi-dom and economy of sending sufficient reinforcements to Utah are established not only by the event, but in the opinion of those who, from their position and opportu-nities, are the most capable of forming a correct judgment. General Johnston, the conmander of the forces, in addressing the Secre tary of War, from Fort Bridger, under date of October, 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 terminat the war "speldily and more economical than

if attempted by insufficient means." In the meantime, it was my anxious desire hat the Mormons should yield obedience to the constitution and the laws, without ren dering 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. The 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 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 same time, I assured those who should per sist 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 3d of July last, that they have fully confirmed the opinion expressed by General Johnston in the previous October, as to the necessity of send ing reinforcements to Utah. In this they state hat they "are firmly impressed with the be lief that the presence of the army here, and the large additional force that had been ordered to this territory, were the chief induce ments that caused the Mormons to abandon the idea of resisting the authority of the United States." A less decisive policy would probably have resulted in a long, bloody and

These gentlemen conducted themselves to y 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 conciliatory manner and with the happiest effect. I cannot, in this connexion, refrain from mentioning the valuable services of Col. Thomas L Kaue 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 per forming their appropriate functions without resistance. The authority of the constitution and the laws has been fully restored and peace revails throughout the territory.

A portion of the troops sent to Utah are now encamped in Cedar Valley, forty four miles south west 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 pow restraining the hostile feelings

the Indians in that region, and in securing emigrants to the Far West against their dep-

redations. This will also be the means of es-

land office in that territory.

I have occasion, also, to congratulate you on the result of our negotiations with China. You were informed in 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 Cauton. He was, however, at the same time, directed o co operate cordially with the British and French ministers, in all peaceful measures, to secure by treaty those just concessions to for eign commerce, which the nations of the world had a right to demand. It was impossible for me to proceed farther than this on my own 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 notbelieve th y were of such a pressing and ag-gravated character as would have justified Congress in declaring war against the Chinese em-pire, without first making another earnest attempt to adjust them by peaceful negotiation. I was the more inclined to this opinion, because our squadron, in the capture and destruction furnished no exception. These claims were of the Barrier forts, to avenge an alleged insult to our flag.

The event has proved the wisdom of our neu 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, of a highly satisfactory character. The treaty concluded by our own plenipotentiary will immediately be submitted to the Senate.

I am happy to announce that, through the energetic yet conciliatory efforts of our consulgeneral in Japan, a new treaty has been con cluded with that empire, which may be expected materially to augment our trade and inter course in that quarter, and remove from our countrymen the disabilities which have hereto fore been imposed upon the exercise of their eligion. The treaty shall be submitted to the Senate for approval without delay.

It is my earnest desire that every misunder tanding with the government of Great Britain hould 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 prevent ed the full development of those feelings of nutual friendship between the people of the two countries, so natural in themselves and so conducive to their common interest. Any se rious interru; tion in the commerce between the inited States and Great Britain would be qually injurious to both. In fact, no two na ions have ever existed on the face of the earth. which could do each other so much good or so

Entertaining these sentiments, I am grati fied to inform you that the long pending con troversy between the two governments, in relation to the question of visitation and search has been amically adjusted. The claim on the part of Great Britain, forcibly to visit Am rican 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 eminent jurists. This question was recently brought to an issue, by the repeated acts of British crui sers, in boarding and searching our merchant vessels in the Gulf of Mexico and the adjacent seas. These acts were the more injurious and aunoying, as these waters are traversed by a large portion of the commerce and navigation United States, and their free and unre stricted use is essential to the security of the inion. Such vexatious interruptions could of fail to excite the feelings of and to require the interposition of the govern ment. Remonstrances were addressed to the British government against these violations of our rights of sovereignty, and a naval force wa at the same time ordered to the Cuban waters United States on the high seas, from search or detention by the vessels-of-war of any other na-tion." These measures received the unqualiied and even enthusiastic approbation of the

American people. Most fortunately however, no collision took place, and the British govern nent 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 o tate, to the Brit'sh Minister at Washington, f April 10, 1858, which secure the vessels of he United States upon the high seas from v's tation or search in time of peace, under any ircumstances whatever. The claim has been British government, and evincing a just regard or the law of nations, and cannot fail to trengthen the amicable relation between the wo countries.

The British government, at the same time, proposed to the United States that some mode hould be adopted by mutual arrangement be ween the two countries, of a character which may be found effective, without being offensive r verifying the nationality of vessels suspect ed, on good grounds, of carrying false colors. They have also invited the United States to ake the initiative, and propose measures for this purpose. Whilst declining to assume so as informed the British government that we are ready to receive any proposals which they may feel disposed to offer, having this object n view, and to consider them in an amicable A strong opinion is, however, express d, that the occasional abuse of the flag of any nation is an evi: far less to be deprecated, than would be 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 o carry out their suggestion; and I am in-lined to believe that no plan which can be deised, will be free from grave embarrassments. subject, until I shall have carefully and in the st spirit examined any proposals which they ay think proper to make.

1 am truly sorry I cannot also inform you not the complications between Great Britain and the United States, arising out of the Clayon and Bulwer treaty of April, 1850, have At the commencement of your last session.

had reason to hope that, emancipating them elves from further unavailing discussion-, the wo governments would proceed to settle the entral American questions in a practical maner, alike honorable and satisfactory to both; and this hope I have not yet abandoned. In to the United States. Jealous, as he ever was cient portion of the remote and unsettled termy last annual message, I stated that overtures of the national honor and interests of France, ritory of Mexico, to be held in pledge until and this hope I have not yet abandoned. In to the outlest obtained obtained states, obtained, as he even was common of the remote and unsettled term in the state of the national honor and interests of France, intory of Mexico, to be held in pledge until had been made by the British government for no person throughout the world has imputed our injuries shall be redressed, and our just this purpose, in a friendly spirit, which I cor-dially reciprocated. Their proposal was to vitidraw these questions from direct negotia tion between the two governments; but to accomplish the same object by a negotiation be tween the British government and each of the Central American republics whose territorial tere is are immediately involved. The settle en ral tenor of the interpretation pla ed upon the Clayton and Bulwer treaty by the United States, with certain modifications. A nego cintions are still pending upon this basis. would not be proper for me now to communi out awaiting the ratification of it by the Senate. of these questions is greatly to be desired, as this would wipe out the last remaining subje t of dispute between the two constries

Our relations with the great empires of France and Russia, as well as with all the other gov- to Congress, and commend it to their careful eruments on the continent of Europe, except Spain, continue to be of the most friendly char-

With Spain our relations remain in an unsatisfactory condition. In my message of December last, I informed you that our envoy extrardinary and minister plenipotentiary to Mad rid had asked for his recall; and it was my purpose to send out a new minister to that court, with special instructions on all questions pen ding between the two governments, and with

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 our attempts to obtain redress ave been baffled and defeated. The frequent and oft re-curring changes in the Spanish ministry have been employed as reasons for delay We have been compelled to wait, again and again, until the new minister shall have time to investigate the justice of our demands.

for the refunding of duties unjustly exacted from American vessels at different custom houses in Cuba, so long ago as the year 1844. The principles upon which they rest are so manifestly equitable and just, that after a period of nearly ten years, in 1854, they were recognized by the Sunni-h government. Prorecognized by the Spanish government. Pro-ceedings were afterwards instituted to ascertain their amount, and this was finally fixed thirty five dollars and fifty four cents. Just at the moment after a delay of fourteen years. when we had reason to expect that this sum would be repaid with interest, we have receivthat amount, (forty-two thousand eight hun-dred and seventy-eight dollars and forty one cents,) without interest, if we would accept this in full satisfaction. The offer is also ac-companied by 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 prograstination in the

examination and adjustment of our claims, arise- from an obstacle which it is the duty of the Spanish government to remove. Whilst the Captain General of Cuba, is i-vested with general despotic authority in the government of that island, the power is withheld from him examine and redress wrongs' committed by officials under his control, on citizens of the United States. Instead of making our com-plaints directly to him at Havana, we are bliged to present them through our minister at Madrid. These are often referred back to the captain general for information: and much time is thu consumed in preliminary investi-gations and correspondence between Madrid and Cuba, and before the Sprnish government will consent to proceed to negotiation. Many of the difficulties between the two governments would be obviated, and a long train of nego tiation avoided, if the captain general were invested with authority to settle questions of easy solution on the spot, when all the facts are fresh, and could be promitly and satis-factorily 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 the 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 on 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. pecially when the very first step to be taken

there is to refer it back to Cuba The truth is that Cuba, in its existing coloial condition, is a constant source of injury and annovance to the An erican people spot in the civilized world African slave trade is tolerated; and we are bound by treaty with Great Britain, to main tain a naval force on the coast of Africa, at much expense both of life and treasure, solely for the purpose of arresting slavers bound to that island. The late serious difficulties between the United States and Great Britain, repecting the right of search, now so happily erminated, could never have arisen if had not afforded a market for slaves. As long this market shall remain open, there can be

no hope for the civilization of benighted Africa. Whilst the demand for slaves continues in Cuba, wars will be waged among the petty and barbarous chiefs in Africa, for the purpose a condition of affairs it is impossible that the light of civilization and religion can ever pene-

rate these dark abodes.

It has been made known to the world by my predecessors, that the United States have on several occasions, endeavored to acquire Cuba from Spain by honorable negotiation. If this were accomplished, the last relic of the African slave trade would instantly disappear. would not, if we could, acquire Cuba in any other manner. This is due to our national character. All the territory which we have acquired since the origin of the government, has been by fair purchase from France, Spain and Mexico, or by the free and voluntary act of the independent State of Texas, in blending shall ever pursue, unless circum-tances should occur, which we do not now anticipate, rendering a departure from it clearly justifiable, under the imperative and overruling law of self-

The Island of Cuba, from its geographical sition, commands the mouth of the Mississippi, and the immense and annually increasing ide, foreign and coastwise, from the valley of that noble river, now embracing half the sover eign States of the Union. With that Island un-der the dominion of a distant foreign power, this trade, of vital importance to these Stat is exposed to the danger of being destroyed time of war, and it has hitherto been subjected to perpetual injury and ann yance in time of peace. Our relations with Spain, which ough to be of the most friendly character, must al ways be placed in jeopardy while the existing donial government over the I-land shall re main in its present condition.

Whilst the possession of the Island would Such was the relative situation of the parties when the great Napoleon transferred Louisiana to the President to take possession of

large appropriation which may be required to effect the purpose, render it expedient, before making another attempt to renew the negotiation, that I should lay the whole subject before Congress. This is especially necessary. as it may become indispensable to success that I should be entrusted with the means of making an advance to the Spanish Government im mediately after the signing of the treaty, withthe example of Mr Jefferson, previous of Mr. Polk, in view of the acquisition of territory from Mexico. I refer the whole subject consideration.

I repeat the recommendation made in my message of December last, in favor of an appropriation "to be paid to the Spanish government for the purpose of distribution among the claimants, in the Amistead case." President Polk first made a similar recommendation in December, 1847, and it was repeated by my immediate predecessor in December, 1853. I entertain no doubt that indemnity is fairly due ding between the two governments, and with to these claimants under our treaty with a determination to have them speedly and am. Spain, of the 27th October, 1795; and whilst

the Captain General of Cuba, have insulted own southern boundary from ocean to ocean; our national flag, and, in repeated instances and we must necessarily feel a deep interest have, from time to time, inflicted injuries on the | in all that concerns the well-being and the fate persons and property of our citizens. These of so near a neighbor. We have always cher have given birth to numerous claims against ished the kindest wishes for the success of that Republic, and have indulged the hope that it might at last, after all its trials, enjoy peace and prosperity under a free and stable government. We have never hitherto interfered, directly or indirectly, with its internal affairs, and it is a duty which we owe to ourselves to protect the integrity of its territory, against the hostile interference of any other power. Our geographical position, our direct interest in all that concerns Mexico, and our well-settled policy in regard to the North American continent, render this an indispensa-

ble duty. Mexico had been in a state of constant rev Even what have been denominated "the cuban claims," in which more than a hundred sion, and the various constitutions from time quate protection, either to Mexican citizens or reign residents, against lawless violence.— Heretofore a seizure of the capital by a militaaccording to their own statement (with which republic, between the central government at we were satisfied) at the sum of one hundred the city of Mexico, which has endeavored to and twenty-eight thousand, six hundred and subvert the constitution last framed, by mili-

tary power, and those who maintain the auof the republic, and the fortunes of the war ed a proposal offering to refund one-third of that amount, (forty-two thousand eight hunboth parties, to extort money from foreigners, as well as natives, to carry on this ruinous contest. The truth is that this fine country blessed with a productive soil and a benign climate, has been reduced, by civil dissention to a condition of almost hopeless anarchy and imbecility. It would be vain for this government to attempt to enforce payment in money of the claims of American citizens, now amounting to more than ten millions of dollars against Mexico, because she is destitute of all ecuniary means to satisfy these demands.

Our late minister was furnished with ampl

powers and instructions for the adjustment of powers and instructions for the adjustment of all pending questions with the central, govern-ment of Mexico, and he performed his duty with zeal and ability. The claims of our citi-zens, some of them arising out of the violation of an express provision of the treaty of Guadalupe Hidalgo, and others from gross injuries to persons as well as property, have remained unredressed and even unnoticed. Remonstran ces against these grievances have been addressed, without effect, to that government.— Meantime, in various parts of the republic, instances have been numerous of the murder, imprisonment and plunder of our citizens, by different parties claiming and exercising a lo-cal jurisdiction; but the central government, although repeatedly urged thereto, have made no effort either to punish the authors of these outrages or to prevent their recurrence. No American citizen can now visit Mexico or lawful business, without imminent danger to his person and property. There is no adequate

protection to either; and in this respect

treaty with that republic is almost a dead

This state of affairs was brought to a crisis levving a contribution pro rutu upon all the capital in the Republic, between certain specified amounts, whether held by Mexicans or foreigners. Mr. Forsyth, regarding this de-cree in the light of a "forced loan," formally protested against its application to his country men, and advised them not to pay the contri-bution, but to suffer it to be forcibly exacted. Acting upon this advice, an American citizen refused to pay the contribution, and his prop erty was seized by armed men to satisfy th amount. Not content with this, the governdecree banishing him from the country. Our minister immediately notified them that, if this decree should be carried into execution, he would feel it to be his duty to adopt "the most decided measures that belong to the powers and obligations of the representative office. Notwithstanding this warning, the banishment was enforced, and Mr. Forsyth promptly aunounced to the government the suspension of the political relations of his legation with then until the pleasure of his own government should be ascertained.

This government did not regard the contri bution imposed by the decree of the 15th of May last, to be in strictness a "forced loan, , as such, prohibited, by the tenth article of the treaty of 1826, between Great Britain and Mexico, to the benefits of which American citizeus are entitled by treaty; yet the imposition of the contribution upon foreigners was considered an unjust and oppressive measures foreigners was Besides, internal factions in other parts of the republic, were at the same time levying similar exactions upon the property of our citizens and interrupting their commerce. There had been an entire failure, on the part of our minister, to secure redress for the wrongs which our citizens had endured, notwithstanding his persevering efforts.

And from the temper manifested by th Mexican government, he had repeatedly sured us that no favorable change could be expected, until the United States should give "striking evidence of their will and power to protect their citizens," and that "severe chas From this statement of facts it would be worse than idle to direct Mr. Forsyth to re trace his steps and resume diplomatic rela tions with that government; and it was there fore deemed proper to sanction his withdrawa of the legation from the city of Mexico.

Abundant cause now undoubtedly exists, fo a resort to hostilities against the government still holding possession of the capital. Should they succeed in subduing the constitutional forces, all reasonable hope will then have expired of a peaceful settlement of our difficulties

On the other hand should the constitutional party prevail, and their authority be estab lished over the republic, there is reason to hope that they will be animated by a less unfriendly spirit, and may grant that redress to American citizens which justice requires, so far be of vast importance to the United States, its as they may possess the means. But for this value to Spain is, comparatively, unimportant.

Such was the relative situation of the parties ded to Congress to grant the necessary power demands be satisfied. We have already exhausted every milder means of obtaining ins The publicity which has been given to our tice. In such a case, this remedy of reprisal former negotiations upon this subject, and the as just in itself, but as a means of preventin

But there is another view of our relations

with Mexico, arising from the unhappy condition of affairs along our southwestern frontier, which demands immediate action. In that remote region, where there are but few white inhabitants, large bands of hostile and predatory Indians roam promisciously over the Mexican States of Chihuahua and Sonora, and our adjoining territories. The local govern ments of these States are perfectly helples purchase of Louisana from France, and by that and are kept in a state of constant alarm by the Indians. They have not the power, if they possessed the will, even to restrain lawles Mexicans from passing the border and commit ting depredations on the remote settlers. A state of anarchy and violence prevails through-out that distant frontier. The laws are a dead letter, and life and property are wholly inse-cure. For this reason the settlement of Ari-zona is arrested, whilst it is of great importance that a chain of inhabitants should extend all along its southern border, sufficien for their own protection and that of the United States mail passing to and from California.— Well-founded apprehensions are now enter-

tained, that the Indians, and wandering Mexi

redations. This will also be the means of esablishing military posts and promoting settlements along the route.

icably adjusted, if that were possible. This demanding justice we ought to do justice. An cans, equally lawless, may break up the important appropriation, promptly made, for this purpose has been hitherto defeated by causes appropriation, promptly made, for this purpose tant stage and postal communication recently which I need not enumerate established between our Atlantic and Pacific redations. This will also be the means of esablishing 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 occasion, also, to congratulate you on the result of our negotiations with China.

The mission to Spain has been entrusted to a distinguished citizen of Kentucky, who will produce 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.

Spanish officials, under the direct control of the control of the Cantary program to open the imporpary from open to open the congration, promptly made, for this purpose that takes and postal communication recently could not fail to exert a favorable influence on our negotiations with Spain.

Our position in relation to the independent of States south of us on this continent, and establishment of a land office in that territory.

America, is of a peculiar character. The north-spain to open the control of the cantary program appropriation, promptly made, for this purpose that take and postal communication recently our negotiations with Spain.

Our position in relation to the independent of states south of us on this continent, and establishment of a proposition, promptly made, for this purpose as the imporpary to our negotiations with Spain.

Our position in relation to the independent of states south of us on this continent, and establishment of a possible rement of a proposition in relation to the independent of a state by throughout the whole length of Arizona. I can imagine our cannet establishment on appropriation, promptly made, for this appropriation, promptly made for the stablishment on appropriation, promptly made, for this appropriation, promptly made, for this approp States to assume a temporary protectorate over the northern portions of Chihuahua and Sonora, and to establish military posts within the same-and this I earnestly This protection may be withdrawn Congress. as soon as local government shall be established in these Mexican States capable of performing their duties to the United States, restraining the lawless and preserving peace along the

I do not doubt that this measure will be viewed in a friendly spirit by the governments and people of Chihuahua and Sonora, as it will prove equally effectual for the prote of their citizens on that remote and lawless frontier, as for citizens of the United States. And in this connection, permit me to recall your attention to the condition of Arizona.

The population of that territory, numbering, as it is alleged, more than ten thousand souls pendence. Gne military leader after another are pratically without a government, without has usurped the government in rapid succession, and the various constitutions from time to time adopted have been set at naught all mitted with impunity. This state of things The call loudly for sredress; and I therefore repea most as soon as they were proclaimed. The call loudly for sredress; and I therefore repeat successive governments have afforded no ademy recommendation for the establishment of territorial government over Arizona.

The political condition of the narrow isthmus of Central America, through which transit reast the nominal submission of the country to his rule for a brief period, but not so at the present crisis of Mexican affairs. A civil war has been raging for some time throughout the republic, between the central government. routes are of incalculable importance, as a means of communication between their Atlantic and Pacific possessions. The latter now exthority of that constitution. The antagonist tend throughout seventeen degrees of latitude parties each hold possession of different States on the Pacific coast, embracing the important State of California and the flourishing territories of Oregon and Washington. All nations, therefore, have a deep and direct interest, that these communications shall be ren-dered secure from interruption. If an arm of the sea, connecting the two oceans, penetrated would not through Nicaragua and Costa Rica, be pretended that these States would have the right to arrest or retard its navigation, to the injury of other nations. The transit by land over this narrow isthmus occupies nearly the same position. It is a highway in which they themselves have little interest, when compared with the vast interests of the rest of the world. Whilst their rights of sovereignty ought to be respected, it is the duty of other nations to require that this important passage shall not be interrupted by the civil wars and revolu-tionary outbreaks which have so frequently occurred in that region. The stake is too important to be left at the mercy of rival companies, claiming to hold conflicting contracts with Nicaragua. The commerce of other nations is not to stand still and await the adjustment of such petty controversies. The gov-ernment of the United States expect no more

than this, and they will not be satisfied with less. They would not, if they could, derive any advantage from the Nicaragua transit, not common to the rest of the world — Its neutrality and protection for the common use of all nations, is their only object. They have no objection that Nicaragua shall demand and receive a fair compensation from the companies and individuals who may traverse the route; but they insist that it shall never hereafter be closed by an arbitrary decree of that government. If disputes arise between it and those with whom they have entered into contracts these must be adjusted by some fair tribunal provided for the purpose, and the route must not be closed pending the controversy. is our whose policy, and it cannot fail to ceptable to other nations.

All these difficulties might be avoided, if consistently with the good faith of Nicaragua, the use of this transit could be thown open to general competition; providing at the same time for the payment of a reasonable rate to the Nicaraguan government, on passengers and

In August, 1852, the Accessory Transit Company made its first interoceanic trip over the Nicaragua route, and continued in successful operation, with great advantage to the pub lic, until the 18th February, 1856, when it was closed, and the grant to this company, as well as its charter, were summarily and arbitrarily Previous to this date, however, in 1854, serious disputes concerning the settlement of their accounts had arisen between the compony and the government, threatening the interruption of the route at any moment. These the United States in vain endeavored to compose. It would be useless to parrate the various up to the time when the transit was discontin ued. Suffice it to say that, since February, 1856, it has remained closed greatly to the prejudice of citzens of the United States. Sinc

that time, the competition has ceased between the rival routes of Panama and Nicargua, and, in consequence thereof, an unjust and unreas-onable amount has been exacted from our citizens for their passage to and from California. A treaty was signed on the 16th day of No-rember, 1857, by the Secretary of State and

Minister of Nicaragua, under the stipulations of which the use and protection of the transit would have been secured, not only to the U. States, but equally to all other nations. How and on what pretexts this treaty has failed to receive the ratification of the Nicaraguan government will appear by the papers herewith communicated from the State Department.— The principal objection seems to have been to the provision authorizing the United States to employ force to keep the route open, in case Nicaragua should fail to perform her duty in From the feebleness of that republic, its fre-

quent changes of government, and its constant internal dissensions, this had become a most important stipulation, and one essentially ne essary not only for the security of the route, out for the safety of American citizens passing and repassing to and from our Pacific Were such a stipulation embraced in a treaty between the United States and Nicaragua, the knowledge of this fact would of itself most probably prevent hostile parties from committing aggressions on the route, and render our actual interference for its protection unnecessary.

The executive government of this country, n its intercourse with foreign nations, is limited to the employment of diplomacy alone.-When this fails it can proceed no further. cannot legitimately resort to force, without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua, even to prevent the destruction of the transit, and protect the lives and property of our own citizens on their passage. It is true, that on a sudden emergency of this character, the President would direct any armed but in doing this he would act upon his own

responsibility.
Under these circumstances, I earnestly recommend to Congress, the passage of an act authorizing the President under such restrictions as they may deem proper, to employ the land and naval forces of the United States in preventing the transit from being obstructed or closed by lawless violence, and in protecting the lives and property of America traveling thereupon, requiring at the same time that these forces shall be withdrawn the moment the danger shall have passed away.— Without such a provision, our citizens will be constantly exposed to interruption in their progress, and to lawless violence.

A similar necessity exists for the passage of in act, for the protection of the Panama and Tehuantepec routes.

In reference to the Panama route, the Unifire reference to the ranama rotte, the officed States by their existing treaty with New Grenada, expressly guarantee the neutrality of the lathmus, "with the view that the free the Isthmus, "with the view that the free transit from the one to the other sea may not ne interrupted or embarrassed in any future time while this treaty exists."

In regard to the Tehnantepec route, which en recently opened under the most favorable auspices, our treaty with Mexico of

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