

that resistance to lawful authority, under our form of government, cannot fail in the end - Jame - shu people of the Territory yielded obedience to.

the laws enacted by their Legislature, i

schools, which had ever been previously

piring leaders. It is surely no hard-hip for Under the ordinance which accompanied embryo governors, senators and members of the Lecompton constitution, the people of Congress, to wait until the number of in-public lands for the support of common gressional district. They surely ought not

to be permitted to rush into the Union with a the nature of the country, a protracted

mander of the forces, in addressing the Secre- Entertaining these sentiments, I and gratitare of War from Fort Bridger, under date fied to inform you that the long pending claim on the part of Great Britian, forcibly the refunding of duties unjustly exarted of arge counties in the interior of some of the This he considered necessary, to terminate to visit American vessels on the high seas in American vessels at different Custom Houses distinguished citizens of the United States, as these waters are traversed by a large por Measure. Powell and McCalloch, to Utah. ton of the commerce of the United States, on the sixth day of that month, warning them States of the Ution. Such vexatious inter of their true condition, and how hopeless it ruptions could no. fail to excite the feelings was on their part to persist in rebellion against of the country and to require the interposi the United States, and offering all those who iton of the government. Remonstrances should submit to the laws, a fall pardon for | were addressed to the British government their past seditions and treasons. At the against these violations of our rights of sovsame time I assured those who should persist ereignty, and a naval force was at the same in rebellion against the United States, that time ordered to the Cuban waters, with di, they must expect no further lenity, but look rections " to protect all ve-sels of the United as well as a copy of the proclamations, and These measures received the unqualified and their reports are herewith submitted. It will even enthusiastic approbation of the Ameribe seen by their report of the 3d of July last, can people. Most fortunately, however, no arises from an obstacle which it is the duty that they have fully confirmed the opinion collision took place, and the British govern-October, as to the becessity of sending min principles of inte national law upon this subforcements to Utah. In this they state that jeet, as laid down by the United States, in they are "fimily impressed with the belief the note of the Secretary of State to the Britthat the presence of the army here and the ish Minister at Washington, of April 10th, large additional force that had been ordered 1858, which secure the vestels of the United to this Territory, were the chief inducements States poon the high seas from visitation or

time to investigate the justice of our demand . Jefferson, previous to the purchase of Louis. Byen what have been denominated "the ians from France, and by that of Mr. Polk. in O noter 18 3637 expresses the opinion contiovery between the two cover ments in which more than a hundred in view of the acquisition of territory from that "unless a large break is sent there, into a territory from the two in territory from the territory from ter war search, has been annicably adjusted. The furnished no exception. The channel have Mexico. I refer the whole subj gress, and commend it ip their careful con I repeat the recommendation made in my States. This was the condition of Kansas the war "speedily and more economically time of peace, could not be sustained under in Cuba, so long ago as the year 1844. The message of December last, in favor of an ap the laws of nations, and it has been over principles upon which they rest are so mani- propriation "to be paid to the Spanish gov under the Topeka constitution. Besides, it requires some time to render the mass of a that the Mormons should vield obedience to question was recently brought to an issue by of nearly ten years, in 1854, they were re mong the claimants in the Amistad case." population collected in a new Territory at all the constitution and the laws, without render the repeated acts of British crusiers in board- cognized by the Spanish government. Pro- President Port first made a similar recoming and searching our merchant, vessels in ceedings were afterwards instituted to ascer- mendation in December, 1847, and it was To aid in accomplishing this of ject, I deem the Gulf of Mexico and adjacent seas. These tain their amount, and this finally fixed ac- repeated by my immediate predecessor in and all will look forward to it and "govern ed it advisable in April fast to dispatch two acts were the more injurious and annoving cording to their own statement (with which December, 1853. I entertain no doubt that we are satisfied) at the sum of one hundred indemnity is fairly due to these claimants and twenty eight thousand six hundred and under our treaty with Spain on the 27th of They bore with them a proclamation address- and their free and uprestricted is inessential thirty five dollars and fifty-four cents. Just October, 1795; and whilst demanding justice ablished by Congress. Each State is entitled ed by myself to the inhabitants of Utah, dated w the coastwise trade between different at this moment, after a delay of fourteen we ought to do justice. An appropriation years, when we had reason to expect this som promptly made for this purpose, could not would be repaid with interest, we have re- fail to exert a favorable influence on our neceived a proposal offering to refund one third gotation with Spain. that amount, (forty-iwo thousand eight hun-dred and seventy-eight dollars and forty ent States south of us on this continent, and cents,) but without interest, if we would ac- especially those within the limits of North cept this in full satisfaction. The offer is, America, is of a peculiar character. The so, accompanied by a declaration that this northern boundary of Mexico is coincident indemnification is not founded on any reason with cur own southern boundary from ocean to be rigorou-ly déalt with according to their States on the high seas from search or de. of strict justice; but is made as a special to ocean; and we must necessarily fee a deserts. The instructions to these agents, rention by vessels of war of aby nation." favor. One alleged cause for procrastination in the being and the fate of so near a neighbor. We examination and adjustment of our claims have always cherished the kindest wishes for the success of that Republic and have indalged of the Spanish government to remove. Whilst the hope that it might at last, after all lits expressed by General Johnson in the previous ment prompily arowed its recognition of the the Captain General of Cuba is invested trials, onjoy peace and prosperity under a with general despotic authority in the gov free and stable government. We have never ernment of that island, the power is withheld hiberto interfered, directly or indirectly. hiberta interfered, directly or indirectly. from him to examine and redress wrongs with its interval affairs, and it is a duty committed by officials under his control on which we owe to ourselves, to protect the incitizens of the United States. Instead of tegrity of its territory against the hostile interference of any other power. Our geomaking our complaints directly to him at Havana we are obliged 'to present them graphical position-our direct interest in all that concerns Mexico, and our well-settled through our Minister at Madrid. These are doned in a manner reflecting honor upon the then referred back to the Captain General for policy in regard to the North American continent, renders it an indispensable duty. Mexico bas been in a state of constant rerolution, almost ever since it achieved its in-Spanish government will consent to proceed lependence. One military leader after an-The British government, at the same time to negotiation. Many of the difficulties beother has usurped the government in rapid succession, and the various constitutions from time to time adopted have been set at naught almost as soon as they were proclaimed. The ter which may be found effective without be; to settle questions of easy solution on the successive governments have afforded un adeing offen-ive, for verifying the nationality of spot, when all the facts are fresh and could quate protection, either to Mexican citizens or foreign residents against lawless violence. Heretofore, a seizure of the capital by a milited States to take the initiative, and propose Spanish government to confer this power tary chieftain has been generally followed measures for this purpose. Whilst declining upon the Captain-General and our Minister to by at least the nominal submission of the Spain will again be instructed to urge this 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 sals which they may feel disposed to offer, rope. Cuba is almost within sight of our thronghout the Republic, between the control having this object in view, and to consider shores; our commerce with it is far greater government at the city of Mexico, which has ip an amicable spirit. A strong opinion is, than that of any other nation, including endesvored to subvert the constitution last however, expressed, that the occasional abuse Spain itself, and our citizens are in habits of framed by military power, and these who of the flag of any nation is an oveil far less to daily and extended personal intercourse with maintain the authority of that constitution. be deprecated than would be the establish- every part of the island. It is, therefore, a The antagonistic parties each fold possession ment of any regulations which might be in-compatible with the freedom of the seas. curs, no matter how unimportant, which fortunes of war are constantly changing. might be readily settled at the moment, we Meanwhile, the most repruheasible muans have been employed by both parties to extort should be obliged to resort to Madrid, especarry on this minous contest. The truth is, The truth is, that Cuba, in its existing that this fine country, blessed with a produccolonial condition, is a constant source of in- live soil, and a benign climate, bas been re-Still I shall form no decided opinion on the jury and annoyance to the American people. duced by civil dissension to a condition of subject until I shall have carefully and in the It is the only spot in the civilized world almost hopeless anarchy and imbecility. It best spirit examined any proposals which where the African slave trade is tolerated; would be rain for the government to attempt and we are bound by treaty, with Great to enforce payment in money of the claims Ball amitinity sorry that I cannot also inform Britain to maintain a naval force on the coast of American citizens, now amounting to you that the complications between Great of Africa, at much expense both of life and more than ten million dollars, spainat Minico. Brituin and the United States, arising out of treasure, solely for the purpose of arresting because she is destitute of all pouniary means I recommend that the benefits of our land the Clayton and Bulwer treaty of April, 1850, slaves bound to that island: The late serious to satisfy these demands. difficulties between the United States and Our late minister was furnished with ample Great Britain respecting the right of search, powers and instructions for the adjustment of land office in that Ferritory. I had reason to hope that, emancipating theme now so happily terminated, could never have all pending questions with the central govern-I have occasion, also, to congratulate you selves from further unavailing discussions, the arisen if Cuba had n t afforded a market for ment of Mexico., and he performed his daty on the result of our negotiations with Ghina. two governments would proceed to settle the slaves. As long as this market shall remain with zeal and ability. The claims of our You were informed by my last annual Central American question in a practical open, there can be no hope for the ovilization citizens, some of them arising out of the vio. message that our Minister had been instucted manner, alike honorable and satisfactory to of benighted Africase Whilst the demand for lation of an express provision of the treaty to occupy a neutral position in the bostilities both; and this hope I have not yet aban- slaves shall continue in Cuba, wars will be of Guadalupe Hidalgo, and others, from gross.

would at the present monent have contained a large additional, population of industrious and enterprising chizens, who have been de for twelve miles on each side of two railroads, terred from entering its borders by the existence of civil strife and organized rebellion. It was the resistance to rightful authority

and the persevering attempt to establish a revolutionary government under the Topeka rons itution which caused the people of Kansan 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 rote has been the prolific source of all the evil- which wave followed. In their hostilityto the Termonial government they disregarded the mineride, absolutely es-ential to the working of our form of government, that a majority of these who vote-not the majori-17 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 finme a consuluion,

The convention, notwithstanding, proceed ed to adopt a constitution unexceptionable in its general features, and providing for the submission of the slavery question to a voteof the people, which, in my opinion, they were bound to do under the Kammond No brasks 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, ro frained from exercising their right to vote, and preferred that slavery should continue rather for the establishment of a State government than surrender their revolutionary Topeka vorganization.

Kanvan, and a greater vote was polled than as said constitution may prescribe." at any previous election. A large majority of the members of the Legislature elect be thus placed in the ascendant, and the political power of the State was in their own hands. Had Congress admitted Kansas into the Untion under the Lecompton constitution, the

there submitted the question to a rule of the people whether they would or would not uake a convention to amend their constitution: either on the slavery or any other question, and have adopted all nevessary means for giving speeds effect to the will of the majority: Thus the Kansas question would thave been immediately and finally settled. statUnder these aircumstances: I submitted to Cononas the constitution thus framed, with the State government into operation, accompanied by a strong recommendation in favor performed any official act which, in the retrospect, has afforded me more heartfelt satisfaction. Is admission could have inflicted nd possible injury on any human being whilst

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ion ; and also the alternate scorions of land proposed to be constructed from the northern to the southern boundary of the State. Congress, deening these claims unreasonable. provided, by act of May 4, 1858, to which I have ju t referred, for the admission of the State on an equal footing with the original States, but, "upon the fundamental condition precedent 'that a majority of the people thereof, at an election to be held for that purpose, hould, in place of the vev large grants of public lands which they had demanded under He ordinance, accept such grants as had been made to Minne-ota and other new States. Under this act, should a maj rity reject the proposition offered them, "it shall be deemed and held that the people of Kansas do not

in conformity with the federal constitution." After this constitution shall have been form-

A wiser and better spirit seemed to prevail ed. Congress, carrying out the principles of before the first Monday of January last when popular sovereigning and non intervention, an election was held under the constitution. have left the mode and manner of its approv-A majority of the people then voted for a al or ratification by the people of the proposed Governor and other State officers, for a State" to be "prescribed by law," and they member of Congress, and members of the "shall then be admitted into the Union, as a State Legislature. This election was warmly State, under such constitution thus fairly contested by the two political parties in and legally made, with or without clavery,

An election was held throughout Kansas, in pursuance of the provisions of this act, on longed to a party which had previously re- the second day of August last, and it resultfused to vote. The anti-slavery party were ed 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 Legislature might, at its very first session, not votil 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 things that a third constitution can be lawfolly framed and presented to Congress by Kausaa, before its population shall have and the laws. In order to accomplish this reached the designated number. Nor is it object, as I informed you in my last annual to be pre-umed list, after their sad experiance in resisting the territorial laws, they will all the officers already elected necessary to put attempt to adupt a constitution in express violation of the provisions of an act of Con- their personal safety, had found it necessary gress. During the session of 1856, much of Deka constitution Again, nearly the whole of the last session was devoted to the question of its admission under the Lecompton constitution. Sarely, it is not untersonable it mould, mittin a brief period, have restored to require the people of Kausas to wait before peace to Kansas and harmony to the Union. making a third attempt, until the number of Jushat erent the slavery question would ere their inhabitants shall smoot to nine three this have been finally settled, according to thousand four hundred and twenty. During the legality expressed will of a majority of the this brief period the harmony of the States, votors, and popular sovereignty would thus as well as the great business interests of the -have been vindicated in a constitutional man- country, demand that the people of the Union shall not for a third time be convulsed, by

population less than one half of several of the on their (the Mormons) part is inevitable." granted to any State upon entering the Unwhen it made application to be admitted than if attempted by insufficient means." um geneous, and to unite them an any- ing it necessary to resort to military force. thing like a fixed policy. Establish the rule, themselves accordingly.

But justice to the people of the several States requires that this rule should be est to two senators and at least one representaire in Congress. Should the people of the States full to elect a Vice President the power devolves upon the Senate to select this officer from the two highest candidates on desire admission into the Union with said the list. In case of the death of the President, constitution under the conditions set forth in the Vice President thus elected by the Senat-, said proposition." In that event the act becomes President of the United States. On authorizes the people of the Territory to elect all questions of legislation, the Senaters from delegates to form a constitution and State the malle't States of the Union have an government for themselves, "whenever, and equal vote with those from the largest. The not before, it is ascertained by a census, duly same may be said to regard to the ratification and legally taken, that the population of of treaties, and of Executive appointmentsaid Terinory equals of exceeds the ratio of All this has worked admirably in practice, representation required for s member of the Hunde of Representation required for s member of the Hunde of Representation instituted by sover-the United States." The delegates thus as-eign States. I presume no American entitien a sembled "shall fo st determine by a vote | would desire the elightest change in the ar whether it is the wish of the people of the rangement. Sull, is it not unjust and unproposed State to be admitted into the Union equial to the existing States to invest some at that time, and, if so, shall proceed to form farty or fifty thousand people collected in a a constitution, and take all necessary steps Territory with the attributes of sovereignty, that caused the Mormons to abandon the idea search in time of peace, under any circumand place them on a equal footing with Vir ginia and New York in the Senate of the

States. A less decisive policy would prob-United States 1 For these reasons I earnestly recommend Den-ive war." the passage of a general act which shall pro-These geptlemen conducted themselves to vide that, upon the application of a Territo-

my entire ratisfaction, and rendered useful rial Legislature declaring their belief that the Territory contains a number of inhabitants | service in executing the humane intentions of which, if in a State would entitle them to the government. It also affords me great satisfaction to elect a member of Congress, it shall be the

state that Governor Cumming has performed duty of the Piesident to cause the consus of the inhabitants to be taken, and if found suf. his duty in an able and sociliatory manner. Ecient, then by the terms of this act to and with the happiest effect. I cannot, infthis connection, refrain from mentioung the valauthorize them to proceed 'in their own way' to frame a State constitution preparatory to uable services of Col. Thomas L. Kane, who, from motives of pure benevolence, and withadmission into the Union. I also recommend that an appropriation may be made to out any official character or pecuniary comenable the President to take the census of the pensation, visited Utah during the last inpeople of Kansas. element winter, for the purpose of contribut-

The pre-est condition of the Territory of ing to the pacification of the Territory. Utah, when contrasted with what is was one I am happy to inform you that the Gov year ago, is the subject for congratulation. ernor and other civil officers of Utah. It was then in a state of open rebellion. and, are now performing their appropriate func-

co-t what it might, the character of the tions without resistance. The authority government required that this, rebellion of the constitution and the laws has been -hould be suppressed and the Mormons com- | fully restored, and peace prevails throughout pelled to vield obedience to the constitution the Territory. A portion of the troops sent to Utah are

now encamped in Cedar valley, forty four me-sage, I appointed a new Governor instead miles southwest of Salt Lake City; and the of Brigham Young, and other federal officers remainder have been ordered to Oregon to the British government would propose to cially when the very first step to be taken money from foreigners, as well as maives, to to take the place of those who, consulting suppress Indian hostilities. The march of the army to Salt Lake City to withdraw from the Territory. To protect through the Indian Territory, has had a powpr the source of my long public life I have never question of admitting Kantas under the To posee comitatus, in the execution of the laws against the United States, which certified among the Indians in that region; and in'so curing emigrants to the Far West against in case of need, 1 ordered a detachinent of the army to accompany them to Utah. ' The necessity for adopting these measures is now their depredations. This will also be the means of establishing military posts and proemonstrated.

On the 15th of September, 1857, Governo moting settlements along the route. Young issued his proclamation, in the style laws and pre-emption system be extended to have been finally adjusted: of an independent sovereign, announcing his the people of Utah, by the establishment of a purpose to remain by force of arms the entry of the United States troops into our own

Territory of Utab. By this he required all the forces of the Territory to "hold themselves With my deep convictions of duty, I could another agitation of the Kansas question. to repelany and all such invasions," and esin readiness to march at 'a moment's police have pursued no other course. It is true that, By waiting for a short time, and act is both; and this hope I have not yet aban- slaves aball continue in cause, will be for a short time, and act is both; and this hope I have not yet aban- slaves aball continue in cause, will be concupy a neutral position in the hostilities both; and this hope I have not yet aban- slaves aball continue in cause, will be concupy a neutral position in the hostilities both; and this hope I have not yet aban- slaves aball continue in cause, will be concupy a neutral position in the hostilities both; and this hope I have not yet aban- slaves aball continue in cause, will be concupy a neutral position in the hostilities both; and this hope I have not yet aban- slaves aball continue in cause, will be concupy a neutral position in the hostilities both; and this hope I have not yet aban- slaves aball continue in cause, will be concupy a neutral position in the hostilities both; and this hope I have not yet aban- slaves aball continue in cause, will be concupy a neutral position in the hostilities both; and this hope I have not yet aban- slaves aball continue in cause, will be concupy a neutral position in the hostilities both; and this hope I have not yet aban- slaves aball continue in cause, will be represented an opinion, is give aban- slaves aball conducted by freest Bit in aball as property, have doned. In my last annual message, I stated waged among the petty and barbarous chiefs of the law, Kause will as property, have

of resisting the authority of the United stances whatever. The claim has been aban ably have resulted in a long, bloody and ex- British government, and evincing a just re- information, and much time is thus consumed gard for the law of nations, and cannot fail in preliminary investigations and corresponto strengthen the amicable relations between | dence between Madrid and Cuba, before the the two countries.

> proposed to the United States that some tween the two governments would be obviated. mode should be adopted, by mutual arrange- and a long train of negotiation avoided, if the ment between the two countries, of a charact Captain General were invested with authority vessels suspected on good grounds of carrying be promptly and satisfactorily ascertained. false colors. They have also invited the Uni- We have bitherto in vain urged upon the to assume so grave a responsibility, the Sec retary of State has informed the British gov- | subject upon their notice. In this we occupy ernment that we are ready to receive any piopo- a different position from the powers of Eu

This government has yet received no communication specifying the manuer in which carry out their suggestion; and I am inclin- there is to refer it back to Cuba.

ed to believe that no plau which can be devised, will be free from grave embarrassments. they may think proper to make.

At the commencement of your last session,