

DAILY NATIONAL 12/29/1858

THE DAILY NATIONAL

SAN FRANCISCO, MONDAY, DECEMBER 27, 1858.

PRESIDENT'S MESSAGE.

Follow Citizens of the Senate and House of Representatives:

When we compare the condition of the country at the present day with what it was one year ago, at the meeting of Congress, we have much reason for gratitude to that Almighty Providence, which has never failed to interpose for our relief, at the most critical periods of our history. One year ago, the sectional strife between the North and the South on a 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 feeling, and was the only subject on which more before Congress. It was the object of every patriot that such measures as might be adopted as would remove the excitement from the States, and confine it to the Territory where it legitimately belonged. Much has been done, I am happy to say, towards this accomplishment at this object, during the last session of Congress.

The Supreme Court of the United States has previously decided, that all American citizens have an equal right to take land in the Territories, whether they be held as property under the laws of the States, and to hold such property there under the guardianship of the federal constitution, so long as the territorial conditions shall remain.

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

Whilst such has been the beneficial tendency of your legislative proceeds outside of Kansas, their influence has nowhere been so happy as within that Territory itself. Left to its own power and control, it has advanced in its own way, without the pressure of external influence, the revolutionary Tappan organization and all resistance to the territorial government established by Congress have been finally abandoned. As a natural consequence, that fine Territory now appears to be tranquil and prosperous, and is attracting increasing thousands of immigrants to make it their happy home.

The just unfortunate experience of Kansas has enforced the lesson so often already taught, that resistance to lawful authority, under our form of government, cannot fail in the end to prove disastrous to its authors. Had the people of the Territory yielded obedience to the laws enacted by the Legislature, it would at the present moment have contained a large and thriving 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 the resistance to rightful authority, and the persevering attempts to establish a revolutionary government under the Tappan 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 this inability to

act so that the object would have been much sooner attained, and the participation of Kansas more speedily effected, had it been admitted as a State during the last session of Congress.

My recommendation, however, for the immediate admission of Kansas, failed to meet the approbation of Congress. They deemed it wiser to adopt a different measure for the settlement of the question. For my own part, I should have been willing to yield my assent to almost any constitutional measure to accomplish this 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 Le-compton constitution, the people of Kansas had claimed double the quantity of public lands for the support of common schools, which had been previously granted to any State upon entering the Union; and also the alienable sections of land for twelve miles on each side of the 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, 1855, to which I have just referred, for the admission of the State on an equal footing with the original States, but "upon the fundamental condition precedent" that a majority of the people thereof, at an election to be held for that purpose, should, in place of the very large grants of public lands which they had demanded under the ordinance, accept such grants as had been made to Minnesota and other new States. Under this act, should a majority reject the proposition offered them, "it shall be deemed and held that the people of Kansas do not desire admission into the Union with said constitution under the conditions set forth in said proposition."

In that event, the act authorizes the people of the Territory to elect delegates to form a constitution and State government for themselves, "whenever, and not before, it is ascertained by a census, duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States." The delegates thus assembled "shall first determine by a vote whether it is the wish of the people of the proposed State to be admitted into the Union at that time, and, if so, shall proceed to form a constitution, and take all necessary steps for the establishment of a State Government, in conformity with the federal constitution." After this constitution shall have been formed, Congress, carrying out the principles of popular sovereignty and non-interference, "have left the mode and manner of its approval or ratification by the people of the proposed State to be prescribed by law," and they shall then be admitted into the Union as a State under such constitution thus fairly and legally made, with or without slavery, as said constitution may prescribe.

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

It is not probable, in the present state of the Territory, and of Executive appointments. All this has worked admirably in practice, whilst it conforms in principle with the character of a government instituted by sovereign States. It presumes no American citizen would desire the slightest change in the arrangement. Still, it is not just and unequal to the existing States to invest some fifty or fifty thousand 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 Territory contains a number of inhabitants, which, 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 Territory to be taken, and, if found sufficient, to authorize them to proceed "in such way" to frame a State constitution, preparatory to admission into the Union. I also recommended that an appropriation may be made, to enable the President to take a census of the people of Kansas.

The provisions of the Territory of 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, what it might, the character of the government required that this rebellion should be suppressed and the Mormons compelled to yield obedience to the constitution and the laws. In order to accomplish this object, 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, considering their personal safety, had found it necessary to withdraw from the Territory. To protect these civil officers, and to all them, as a peace-keeping force, 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 establish martial law from that date throughout the Territory. Those proved to be no idle threats. Forts Bridger and Supply were vacated and burnt down by the Mormons, to give room for a shelter after their long and daring march. Orders were issued by Daniel H. Wells, styling himself "Lieut. General Nauvoo Legion," to stampede the animals of the United States troops on their march, to set fire to their trains, to burn the grass and the wheat and barley before them and to their flocks, to keep them from sleeping by night surprise, and to blockade the road by falling trees and destroying the fords of rivers, etc., etc.

These orders were promptly and effectually obeyed. On the 10th October, 1857, the Mormons captured and burned on Green River, a company of thirty men, consisting of seventy-five wagons loaded with provisions and tools for the army, and carried away several hundred animals. This diminished the supply of provisions as materially that General Johnston was obliged to reduce the ration, and even with this reduction, there was only sufficient left to support the troops until the first of June.

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means of establishing military posts and promoting settlements along the route. I recommended 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. You were informed by my last annual message, that our minister had been instructed to occupy a neutral position in the hostilities conducted by Great Britain and France against Canton. He was, however, at the same time, directed to co-operate cordially with the British and French ministers, in all peaceful measures to secure by treaty those just concessions to foreign commerce, which the nations of the world had a right to demand. It was impossible for me to proceed further than this, on my present mission, without accepting the war-making power, which under the constitution, belongs exclusively to Congress.

Believe, after a careful examination of the nature and extent of our grievances, I did not believe they were of such a pressing and aggravated character, as would have justified Congress in declaring war against the Chinese empire, without first making another earnest attempt to adjust them by peaceful negotiation. I was the more inclined to this opinion because of the severe chastisement which had been recently inflicted upon the Chinese by our troops in the capture and destruction of the Barrier Fort, in revenge an alleged insult to our flag. The stroke has proved the wisdom of our neutrality. Our minister has executed his instructions with eminent skill and ability. In conjunction with the Russian plenipotentiary, he has peacefully but effectively 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 consular general in Japan, a new treaty has been concluded with that empire which may be expected materially to augment our trade and intercourse in that quarter, and to promote the full development of those facilities which have heretofore been imposed upon the exercise of their religion. The treaty shall be submitted to the Senate for approval without delay.

It is my earnest desire that every misunderstanding which has existed between Great Britain and our Government be 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 particularly prevented the full development of those facilities of mutual friendship between the people of the two countries, so natural in themselves and so conducive to the common interest. Any serious injury to the commerce between the United States and Great Britain, would be equally injurious to both nations, which could do each other no such harm.

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causes which I need not enumerate. The mission to Spain has been entrusted to a distinguished citizen of Kentucky, who will proceed to Madrid without delay, and make another and final attempt to obtain justice from that government.

Spanish officials, under the direct control of the captain-general of Cuba, have invaded our national flag, and in repeated instances, have from time to time inflicted injuries on the persons and property of our citizens. These have given birth to numerous claims against the Spanish government, the merits of which have been ably discussed for a series of years, by our successive ministers in Madrid. Notwithstanding this, we have not arrived at a practical result in any single instance, we may say except the case of the Black Warrior under the late administration; and that presented an outrage of such a character as would have justified Spain in resorting to war. All our attempts to obtain redress have been unavailing. The frequent and recurring changes in the Spanish ministry have been employed as a reason for delay, until the new minister shall have had time to investigate the justice of our demands.

Even what have been denominated "the Cuban claims," in which more than a hundred of our citizens are directly interested, have furnished no satisfactory result. These claims were for the refunding of duties unjustly exacted from American vessels at different custom-houses in Cuba, so long ago as the year 1844. The principles upon which they rest are so manifestly equitable and just, that after a period of nearly twenty years, in 1844, they were recognized by the Spanish government. Proceedings were afterwards instituted to ascertain their amount, and this was finally fixed according to their own statement (with which we were satisfied, at the sum of one hundred and twenty-eight thousand six hundred and thirty-five dollars and fifty-four cents). 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 received a proposal offering to refund one-third of that amount, (forty-two thousand eight hundred and seventy-eight dollars and thirty-five cents), but without interest. If we could accept this in full satisfaction, the offer is accompanied by a declaration that this indemnification is not founded on any reason of strict justice; but is made as a special favor.

Our alleged cause for protestation in the examination and adjustment of our claims, arises from an obstacle which it is the duty of the Spanish Government to remove. Whilst the Captain-General of Cuba is invested with general despotic authority in the government of that island, and redress wrongs committed by officials under his control, our citizens of the United States. Instead of making our complaints directly to him at Havana, we are obliged to present them through the hands of the Captain-General for information; and much time is thus consumed in preliminary investigations and correspondence between Madrid and Cuba, before the Spanish government will consent to proceed to negotiation. Many of the difficulties between the two governments would be obviated, and a long train of questions would be settled upon the spot, where all the facts are fresh, and could be promptly and satisfactorily ascertained. We have heretofore urged upon the Spanish government to confer with Spain upon the claims of our citizens, and our minister in Spain will again be instructed to urge this subject on their people. In this

action promptly made for this purpose, could not fail to exert a favorable influence on our negotiations with Spain. Our position in relation to the independent States of this continent, and especially those within the limits of North America, is of peculiar importance. The northern boundary of Mexico is co-extensive with our own southern boundary from coast to coast; and we must necessarily feel a deep interest in all that concerns the well-being and stability of the kindred nation for the success of that nation, 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 heretofore interfered, directly or indirectly, with its internal affairs, not in a duty which we owe ourselves, to protect the integrity of its territory against the hostile interference of any other power, but in order to secure a peaceful disposition in all that concerns Mexico, and our well-settled policy in regard to the North American continent, render this an independent duty.

Mexico has been in a state of constant revolution, almost ever since it achieved its independence. Our military leader after another has usurped the government, and rapid succession and the various contributions from time to time adopted, have been set at naught almost as soon as they were proclaimed. The successive governments have afforded no adequate protection, either to Mexican citizens or foreign residents, against lawless violence. Heretofore, the city of Mexico, which has endeavored to subvert the constitution, has been maintained by military power, and these who maintain the authority of that constitution. The antagonistic parties each hold possession of different States of the republic, and the features of the war are constantly changing. Meanwhile, the most reprehensible means have been employed by both parties to extort money from foreigners, as well as natives, to carry on this ruinous contest. The truth is, that this country, blessed with a productive soil and a benign climate, has been reduced by civil dissension to a condition almost favorable to anarchy and instability. It would be vain for this government to attempt to enforce payment in money of the claims of American citizens, thus amounting to more than half a million dollars, against Mexico, because she is destitute of all pecuniary means to satisfy these demands.

Our late minister was furnished with ample powers and instructions for the adjustment of all pending questions with the central government of Mexico, and he performed his duty with skill and ability. The claims of our citizens, 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. Heretofore, against the government. Meanwhile, 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 local jurisdiction; but the central government has made no effort either to punish the authors of these outrages or prevent their recurrence. No American citizen can now visit Mexico on lawful business, without imminent danger to his person and property.
