

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TO

THE TWO HOUSES OF CONGRESS,

AT THE

COMMENCEMENT OF THE FIRST SESSION

OF

THE THIRTY-SECOND CONGRESS.

DECEMBER 2, 1851.

Read, and ordered that the President's Message and accompanying documents be printed, and that ten thousand copies thereof in addition to the usual number, be furnished for the use of the Senate.

WASHINGTON:
PRINTED BY A. BOYD HAMILTON.

1851.

MESSAGE.

*Fellow-citizens of the Senate
and of the House of Representatives :*

I congratulate you and our common constituency upon the favorable auspices under which you meet for your first session. Our country is at peace with all the world. The agitation which, for a time, threatened to disturb the fraternal relations which make us one people, is fast subsiding, and a year of general prosperity and health has crowned the nation with unusual blessings. None can look back to the dangers which are passed, or forward to the bright prospect before us, without feeling a thrill of gratification, at the same time that he must be impressed with a grateful sense of our profound obligations to a beneficent Providence, whose paternal care is so manifest in the happiness of this highly-favored land.

Since the close of the last Congress, certain Cubans, and other foreigners resident in the United States, who were more or less concerned in the previous invasion of Cuba, instead of being discouraged by its failure, have again abused the hospitality of this country, by making it the scene of the equipment of another military expedition against that possession of her Catholic majesty, in which they were countenanced, aided, and joined by citizens of the United States. On receiving intelligence that such designs were entertained, I lost no time in issuing such instructions to the proper officers of the United States, as seemed to be called for by the occasion. By the proclamation, a copy of which is herewith submitted, I also warned those who might be in danger of being inveigled into this scheme, of its unlawful character, and of the penalties which they would incur. For some time there was reason to hope that these measures had sufficed to prevent any such attempt. This hope, however, proved to be delusive. Very early in the morning of the third of August, a steamer called the Pampero departed from New Orleans for Cuba, having on board upwards of four hundred armed men, with evident intentions to make war upon the authorities of the island. This expedition was set on foot, in palpable violation of the laws of the United States. Its leader was a Spaniard, and several of the chief officers, and some others engaged in it, were foreigners. The persons composing it, however, were mostly citizens of the United States.

Before the expedition set out, and probably before it was organized, a slight insurrectionary movement, which appears to have been soon suppressed, had taken place in the eastern quarter of Cuba. The importance of this movement was unfortunately so much exaggerated in the accounts of it published in this country, that these adventurers seem to have been led to believe that the Creole population of the island not only desired to throw off the authority of the mother country, but had resolved upon that step, and had begun a well-concerted enterprise for effecting it. The persons engaged in the expedition were generally young and ill-informed. The steamer in which they embarked left New Orleans stealthily and without a clearance. After touching at Key West, she proceeded to the coast of

Cuba, and, on the night between the 11th and 12th of August, landed the persons on board at Playtas, within about twenty leagues of Havana.

The main body of them proceeded to, and took possession of, an inland village, six leagues distant, leaving others to follow in charge of the baggage, as soon as the means of transportation could be obtained. The latter, having taken up their line of march to connect themselves with the main body, and having proceeded about four leagues into the country, were attacked on the morning of the 13th by a body of Spanish troops, and a bloody conflict ensued; after which they retreated to the place of disembarkation, where about fifty of them obtained boats and re-embarked therein. They were, however, intercepted among the keys near the shore by a Spanish steamer cruising on the coast, captured and carried to Havana, and, after being examined before a military court, were sentenced to be publicly executed, and the sentence was carried into effect on the 16th of August.

On receiving information of what had occurred, Commodore Foxhall A. Parker was instructed to proceed in the steam-frigate Saranac to Havana, and inquire into the charges against the persons executed, the circumstances under which they were taken, and whatsoever referred to their trial and sentence. Copies of the instructions from the Department of State to him, and of his letters to that Department, are herewith submitted.

According to the record of the examination, the prisoners all admitted the offences charged against them, of being hostile invaders of the island. At the time of their trial and execution, the main body of the invaders was still in the field, making war upon the Spanish authorities and Spanish subjects. After the lapse of some days, being overcome by the Spanish troops, they dispersed on the 24th of August; Lopez, their leader, was captured some days after, and executed on the 1st of September. Many of his remaining followers were killed, or died of hunger and fatigue, and the rest were made prisoners. Of these, none appear to have been tried or executed. Several of them were pardoned upon application of their friends and others, and the rest, about one hundred and sixty in number, were sent to Spain. Of the final disposition made of these, we have no official information.

Such is the melancholy result of this illegal and ill-fated expedition. Thus, thoughtless young men have been induced, by false and fraudulent representations, to violate the law of their country, through rash and unfounded expectations of assisting to accomplish political revolutions in other States, and have lost their lives in the undertaking. Too severe a judgment can hardly be passed by the indignant sense of the community, upon those who, being better informed themselves, have yet led away the ardor of youth and an ill-directed love of political liberty. The correspondence between this Government and that of Spain relating to this transaction is herewith communicated.

Although these offenders against the laws have forfeited the protection of their country, yet the Government may, so far as is consistent with its obligations to other countries, and its fixed purpose to maintain and enforce the laws, entertain sympathy for their unoffending families and friends, as well as a feeling of compassion for themselves. Accordingly, no proper effort has been spared, and none will be spared, to procure the release of such citizens of the United States; engaged in this unlawful enterprise, as are now in confinement in Spain; but it is to be hoped that such interpo-

sition with the government of that country may not be considered as affording any ground of expectation that the Government of the United States will, hereafter, feel itself under any obligation of duty to intercede for the liberation or pardon of such persons as are flagrant offenders against the law of nations and the laws of the United States. These laws must be executed. If we desire to maintain our respectability among the nations of the earth, it behoves us to enforce steadily and sternly the neutrality acts passed by Congress, and to follow, as far as may be, the violation of those acts with condign punishment.

But what gives a peculiar criminality to this invasion of Cuba, is, that under the lead of Spanish subjects and with the aid of citizens of the United States, it had its origin, with many, in motives of cupidity. Money was advanced by individuals, probably in considerable amounts, to purchase Cuban bonds, as they have been called, issued by Lopez, sold, doubtless, at a very large discount, and for the payment of which the public lands and public property of Cuba, of whatever kind, and the fiscal resources of the people and government of that island, from whatever source to be derived, were pledged, as well as the good faith of the government expected to be established. All these means of payment, it is evident, were only to be obtained by a process of bloodshed, war, and revolution. None will deny that those who set on foot military expeditions against foreign States by means like these, are far more culpable than the ignorant and the necessitous whom they induce to go forth as the ostensible parties in the proceeding. These originators of the invasion of Cuba seem to have determined, with coolness and system, upon an undertaking which should disgrace their country, violate its laws, and put to hazard the lives of ill-informed and deluded men. You will consider whether further legislation be necessary to prevent the perpetration of such offences in future.

No individuals have a right to hazard the peace of the country, or to violate its laws, upon vague notions of altering or reforming governments in other States. This principle is not only reasonable in itself, and in accordance with public law, but is engrafted into the codes of other nations as well as our own. But while such are the sentiments of this Government, it may be added that every independent nation must be presumed to be able to defend its possessions against unauthorized individuals banded together to attack them. The Government of the United States, at all times since its establishment, has abstained, and has sought to restrain the citizens of the country from entering into controversies between other powers, and to observe all the duties of neutrality. At an early period of the Government, in the administration of Washington, several laws were passed for this purpose. The main provisions of these laws were re-enacted by the act of April, 1818, by which, among other things, it was declared that if any person shall, within the territory or jurisdiction of the United States, begin, or set on foot, or provide, or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or State, or of any colony, district, or people with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years; and this law has been executed and enforced, to the full extent of the power of the Government, from that day to this.

In proclaiming and adhering to the doctrine of neutrality and non-inter-

vention, the United States have not followed the lead of other civilized nations; they have taken the lead themselves, and have been followed by others. This was admitted by one of the most eminent of modern British statesmen, who said in Parliament, while a member of the crown, "that, if he wished for a guide in a system of neutrality, he should take that laid down by America in the days of Washington and the Secretaryship of Jefferson;" and we see, in fact, that the act of Congress of 1815 was followed, the succeeding year, by an act of the Parliament of England, substantially the same in its general provisions. Up to that time there had been no similar law in England, except certain highly penal statutes passed in the reign of George II., prohibiting English subjects from enlisting in foreign service, the avowed object of which statutes was, that foreign armies, raised for the purpose of restoring the house of Stuart to the throne, should not be strengthened by recruits from England herself.

All must see that difficulties may arise in carrying the laws referred to into execution in a country now having three or four thousand miles of sea-coast, with an infinite number of ports and harbors and small inlets, from some of which unlawful expeditions may suddenly set forth, without the knowledge of Government, against the possessions of foreign States.

Friendly relations with all, but entangling alliances with none, has long been a maxim with us. Our true mission is not to propagate our opinions, or impose upon other countries our form of government, by artifice or force; but to teach by example, and show by our success, moderation and justice, the blessings of self-government, and the advantages of free institutions. Let every people choose for itself, and make and alter its political institutions to suit its own condition and convenience. But, while we avow and maintain this neutral policy ourselves, we are anxious to see the same forbearance on the part of other nations, whose forms of government are different from our own. The deep interest which we feel in the spread of liberal principles and the establishment of free governments, and the sympathy with which we witness every struggle against oppression, forbid that we should be indifferent to a case in which the strong arm of a foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country.

The governments of Great Britain and France have issued orders to their naval commanders on the West India station to prevent by force, if necessary, the landing of adventurers from any nation on the Island of Cuba with hostile intent. The copy of a memorandum of a conversation on this subject between the Chargé d'Affaires of her Britannic Majesty, and the Acting Secretary of State, and of a subsequent note of the former to the Department of State, are herewith submitted, together with a copy of a note of the Acting Secretary of State to the Minister of the French republic, and of the reply of the latter, on the same subject. These papers will acquaint you with the grounds of this interposition of the two leading commercial powers of Europe, and with the apprehensions, which this Government could not fail to entertain, that such interposition, if carried into effect, might lead to abuses in derogation of the maritime rights of the United States. The maritime rights of the United States are founded on a firm, secure, and well-defined basis; they stand upon the ground of National Independence and public law, and will be maintained in all their full and just extent.

The principle which this Government has heretofore solemnly announced

it still adheres to, and will maintain under all circumstances and at all hazards. That principle is, that in every regularly documented merchant vessel, the crew who navigate it, and those on board of it, will find their protection in the flag which is over them. No American ship can be allowed to be visited or searched for the purpose of ascertaining the character of individuals on board, nor can there be allowed any watch by the vessels of any foreign nation over American vessels on the coast of the United States or the seas adjacent thereto. It will be seen by the last communication from the British Chargé d'Affaires to the Department of State, that he is authorized to assure the Secretary of State that every care will be taken that, in executing the preventive measures against the expeditions which the United States Government itself has denounced as not being entitled to the protection of any government, no interference shall take place with the lawful commerce of any nation.

In addition to the correspondence on this subject, herewith submitted, official information has been received at the Department of State of assurances by the French government that, in the orders given to the French naval forces, they were expressly instructed, in any operations they might engage in, to respect the flag of the United States wherever it might appear, and to commit no act of hostility upon any vessel or armament under its protection.

Ministers and consuls of foreign nations are the means and agents of communication between us and those nations, and it is of the utmost importance that, while residing in the country, they should feel a perfect security so long as they faithfully discharge their respective duties and are guilty of no violation of our laws. This is the admitted law of nations, and no country has a deeper interest in maintaining it than the United States. Our commerce spreads over every sea and visits every clime, and our ministers and consuls are appointed to protect the interests of that commerce, as well as to guard the peace of the country and maintain the honor of its flag. But how can they discharge these duties unless they be themselves protected; and, if protected, it must be by the laws of the country in which they reside. And what is due to our own public functionaries residing in foreign nations, is exactly the measure of what is due to the functionaries of other governments residing here. As in war, the bearers of flags of truce are sacred, or else wars would be interminable; so in peace, ambassadors, public ministers, and consuls, charged with friendly national intercourse, are objects of especial respect and protection, each according to the rights belonging to his rank and station. In view of these important principles, it is with deep mortification and regret I announce to you that, during the excitement growing out of the executions at Havana, the office of her Catholic majesty's consul at New Orleans was assailed by a mob, his property destroyed, the Spanish flag found in the office carried off and torn in pieces, and he himself induced to flee for his personal safety, which he supposed to be in danger. On receiving intelligence of these events, I forthwith directed the attorney of the United States residing at New Orleans to inquire into the facts and the extent of the pecuniary loss sustained by the consul, with the intention of laying them before you, that you might make provision for such indemnity to him as a just regard for the honor of the nation and the respect which is due to a friendly power might, in your judgment, seem to require. The correspondence upon this subject between the Secretary of State and her Catholic majesty's minister plenipotentiary is herewith transmitted.

The occurrence at New Orleans has led me to give my attention to the state of our laws in regard to foreign ambassadors, ministers, and consuls. I think the legislation of the country is deficient in not providing sufficiently either for the protection or the punishment of consuls. I therefore recommend the subject to the consideration of Congress.

Your attention is again invited to the question of reciprocal trade between the United States and Canada and other British possessions near our frontier. Overtures for a convention upon this subject have been received from her Britannic Majesty's Minister Plenipotentiary, but it seems to be in many respects preferable that the matter should be regulated by reciprocal legislation. Documents are laid before you showing the terms which the British government is willing to offer, and the measures which it may adopt, if some arrangement upon this subject shall not be made.

From the accompanying copy of a note from the British Legation at Washington, and the reply of the Department of State thereto, it will appear that her Britannic Majesty's government is desirous that a part of the boundary line between Oregon and the British possessions should be authoritatively marked out, and that an intention was expressed to apply to Congress for an appropriation to defray the expense thereof on the part of the United States. Your attention to this subject is accordingly invited, and a proper appropriation recommended.

A convention for the adjustment of claims of citizens of the United States against Portugal, has been concluded, and the ratifications have been exchanged. The first instalment of the amount to be paid by Portugal fell due on the 30th of September last, and has been paid.

The President of the French republic, according to the provisions of the convention, has been selected as arbiter in the case of the General Armstrong, and has signified that he accepts the trust, and the high satisfaction he feels in acting as the common friend of two nations with which France is united by sentiments of sincere and lasting amity.

The Turkish government has expressed its thanks for the kind reception given to the Sultan's agent, Amin Bey, on the occasion of his recent visit to the United States. On the 25th of February last, a despatch was addressed by the Secretary of State to Mr. Marsh, the American minister at Constantinople, instructing him to ask of the Turkish government permission for the Hungarians, then imprisoned within the dominions of the Sublime Porte, to remove to this country. On the 3d of March last, both houses of Congress passed a resolution, requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.

The instruction above referred to was complied with, and the Turkish government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam-frigate Mississippi, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the Mississippi at Gibraltar, for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State he has expressed his grateful acknowledgments for the interposition of this Government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom political events have exiled from their own homes in Europe; and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated.

It is earnestly to be hoped that the differences which have for some time past been pending between the Government of the French republic and that of the Sandwich Islands, may be peaceably and durably adjusted, so as to secure the independence of those islands. Long before the events which have of late imparted so much importance to the possessions of the United States on the Pacific, we acknowledged the independence of the Hawaiian government. This Government was first in taking that step, and several of the leading powers of Europe immediately followed. We were influenced in this measure by the existing and prospective importance of the islands as a place of refuge and refreshment for our vessels engaged in the whale fishery, and by the consideration that they lie in the course of the great trade which must, at no distant day, be carried on between the western coast of North America and Eastern Asia.

We were also influenced by a desire that those islands should not pass under the control of any other great maritime State, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations. I need not say that the importance of these considerations has been greatly enhanced by the sudden and vast development which the interests of the United States have attained in California and Oregon; and the policy heretofore adopted in regard to those islands will be steadily pursued.

It is gratifying not only to those who consider the commercial interests of nations, but also to all who favor the progress of knowledge and the diffusion of religion, to see a community emerge from a savage state and attain such a degree of civilization in those distant seas.

It is much to be deplored that the internal tranquillity of the Mexican republic should again be seriously disturbed; for, since the peace between that republic and the United States, it had enjoyed such comparative repose that the most favorable anticipations for the future might, with a degree of confidence, have been indulged. These, however, have been thwarted by the recent outbreak in the State of Tamaulipas, on the right bank of the Rio Bravo. Having received information that persons from the United States had taken part in the insurrection, and apprehending that their example might be followed by others, I caused orders to be issued for the purpose of preventing any hostile expeditions against Mexico from being set on foot in violation of the laws of the United States. I likewise issued a proclamation upon the subject, a copy of which is herewith laid before you. This appeared to be rendered imperative by the obligations of treaties and the general duties of good neighborhood.

In my last annual message I informed Congress that citizens of the United States had undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehuantepec, under a grant of the Mexican government to a citizen of that republic; and that this enterprise would probably be prosecuted with energy whenever Mexico should consent to such stipulations with the government of the United States as should impart a feeling of security to those who should invest their property in the enterprise.

A convention between the two governments for the accomplishment of that end has been ratified by this Government, and only awaits the decision of the Congress and the Executive of that republic.

Some unexpected difficulties and delays have arisen in the ratification of that convention by Mexico, but it is to be presumed that her decision will

be governed by just and enlightened views, as well of the general importance of the object, as of her own interests and obligations.

In negotiating upon this important subject, this government has had in view one, and only one object. That object has been, and is, the construction or attainment of a passage from ocean to ocean, the shortest and the best for travelers and merchandise, and equally open to all the world. It has sought to obtain no territorial acquisition, nor any advantages peculiar to itself; and it would see, with the greatest regret, that Mexico should oppose any obstacle to the accomplishment of an enterprise which promises so much convenience to the whole commercial world, and such eminent advantages to Mexico herself. Impressed with these sentiments and these convictions, the government will continue to exert all proper efforts to bring about the necessary arrangement with the republic of Mexico for the speedy completion of the work.

For some months past, the republic of Nicaragua has been the theatre of one of those civil convulsions from which the cause of free institutions and the general prosperity and social progress of the States of Central America have so often and so severely suffered. Until quiet shall have been restored, and a government apparently stable shall have been organized, no advance can prudently be made in disposing of the questions pending between the two countries.

I am happy to announce that an inter-oceanic communication from the mouth of the St. John to the Pacific has been so far accomplished as that passengers have actually traversed it, and merchandise has been transported over it; and when the canal shall have been completed according to the original plan, the means of communication will be further improved. It is understood that a considerable part of the railroad across the Isthmus of Panama has been completed, and that the mail and passengers will in future be conveyed thereon.

Whichever of the several routes between the two oceans may ultimately prove most eligible for travellers to and from the different States on the Atlantic and Gulf of Mexico and our coast on the Pacific, there is little reason to doubt that all of them will be useful to the public, and will liberally reward that individual enterprise by which alone they have been or are expected to be carried into effect.

Peace has been concluded between the contending parties in the island of St. Domingo, and, it is hoped, upon a durable basis. Such is the extent of our commercial relations with that island, that the United States cannot fail to feel a strong interest in its tranquillity.

The office of commissioner to China remains unfilled; several persons have been appointed, and the place has been offered to others, all of whom have declined its acceptance, on the ground of the inadequacy of the compensation. The annual allowance by law is six thousand dollars, and there is no provision for any outfit. I earnestly recommend the consideration of this subject to Congress. Our commerce with China is highly important, and is becoming more and more so, in consequence of the increasing intercourse between our ports on the Pacific coast, and Eastern Asia. China is understood to be a country in which living is very expensive, and I know of no reason why the American commissioner sent thither should not be placed, in regard to compensation, on an equal footing with ministers who represent this country at the courts of Europe.

By reference to the report of the Secretary of the Treasury, it will be

seen that the aggregate receipts for the last fiscal year amounted to \$52,312,979.87; which, with the balance in the treasury on the 1st July, 1850, gave, as the available means for the year, the sum of \$58,917,524.36.

The total expenditures for the same period were \$48,005,578.68.
 The total imports for the year ending 30th June, 1851, were--\$215,725,995
 Of which there were in specie----- 4,967,901
 The exports for the same period were----- 217,517,130
 Of which there were of domestic products--- \$178,546,555
 Foreign goods re-exported----- 9,738,695
 Specie----- 29,231,880
 -----\$217,517,130

Since the 1st of December last, the payments in cash on account of the public debt, exclusive of interest, have amounted to \$7,501,456.56; which, however, includes the sum of \$3,242,400 paid under the twelfth article of the treaty with Mexico, and the further sum of \$2,591,213.47, being the amount of awards to American citizens under the late treaty with Mexico, for which the issue of stock was authorized, but which was paid in cash from the Treasury.

The public debt on the 20th ultimo, exclusive of the stock authorized to be issued to Texas by the act of 9th September, 1850, was \$62,560,395.26.

The receipts for the next fiscal year are estimated at \$51,800,000; which, with the probable unappropriated balance in the Treasury on the 30th June next, will give, as the probable available means for that year, the sum of \$63,258,743.09.

It has been deemed proper, in view of the large expenditures consequent upon the acquisition of territory from Mexico, that the estimates for the next fiscal year should be laid before Congress in such manner as to distinguish the expenditures so required from the otherwise ordinary demands upon the Treasury.

The total expenditures for the next fiscal year are estimated at \$42,892,299.19, of which there is required for the ordinary purposes of the Government, other than those consequent upon the acquisition of our new Territories, and deducting the payments on account of the public debt, the sum of \$33,343,198.08; and for the purposes connected directly or indirectly with those Territories, and in the fulfilment of the obligations of the Government, contracted in consequence of their acquisition, the sum of \$9,549,101.11.

If the views of the Secretary of the Treasury in reference to the expenditures required for these Territories shall be met by corresponding action on the part of Congress, and appropriations made in accordance therewith, there will be an estimated unappropriated balance in the Treasury on the 30th June, 1853, of \$20,366,443.90, wherewith to meet that portion of the public debt due on the 1st of July following, amounting to \$6,237,931.35, as well as any appropriations which may be made beyond the estimates.

In thus referring to the estimated expenditures on account of our newly-acquired territories, I may express the hope that Congress will concur with me in the desire that a liberal course of policy may be pursued towards them, and that every obligation, express or implied, entered into in consequence of their acquisition, shall be fulfilled by the most liberal appropriations for that purpose.

The values of our domestic exports for the last fiscal year, as compared

with those of the previous year, exhibit an increase of \$43,646,322. At first view, this condition of our trade with foreign nations would seem to present the most flattering hopes of its future prosperity. An examination of the details of our exports, however, will show that the increased value of our exports for the last fiscal year is to be found in the high price of cotton which prevailed during the first half of that year, which price has since declined about one-half.

The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have greatly augmented, has fallen from \$65,701,921 in 1847, to \$26,051,373 in 1850, and to \$21,848,653 in 1851, with a strong probability, amounting almost to a certainty, of a still further reduction in the current year.

The aggregate values of rice exported during the last fiscal year, as compared with the previous year, also exhibit a decrease amounting to \$460,917, which, with a decline in the values of the exports of tobacco for the same period, make an aggregate decrease in these two articles of \$1,156,751.

The policy which dictated a low rate of duties on foreign merchandise, it was thought by those who promoted and established it, would tend to benefit the farming population of this country, by increasing the demand and raising the price of agricultural products in foreign markets.

The foregoing facts, however, seem to show incontestably, that no such result has followed the adoption of this policy. On the contrary, notwithstanding the repeal of the restrictive corn laws in England, the foreign demand for the products of the American farmer has steadily declined, since the short crops and consequent famine in a portion of Europe have been happily replaced by full crops and comparative abundance of food.

It will be seen, by recurring to the commercial statistics for the past year, that the value of our domestic exports has been increased in the single item of raw cotton, by \$40,000,000 over the value of that export for the year preceding. This is not due to any increased general demand for that article, but to the short crop of the preceding year, which created an increased demand and an augmented price for the crop of last year. Should the cotton crop now going forward to market be only equal in quantity to that of the year preceding, and be sold at the present prices, then there would be a falling off in the value of our exports, for the present fiscal year, of at least \$40,000,000, compared with the amount exported for the year ending 30th June, 1851.

The production of gold in California, for the past year, seems to promise a large supply of that metal from that quarter for some time to come. This large annual increase of the currency of the world must be attended with its usual results. These have been already partially disclosed, in the enhancement of prices, and a rising spirit of speculation and adventure, tending to overtrading, as well at home as abroad. Unless some salutary check shall be given to these tendencies, it is to be feared that importations of foreign goods, beyond a healthy demand in this country, will lead to a sudden drain of the precious metals from us, bringing with it, as it has done in former times, the most disastrous consequences to the business and capital of the American people.

The exports of specie to liquidate our foreign debt during the past fiscal year have been \$24,263,979 over the amount of specie imported. The ex-

ports of specie during the first quarter of the present fiscal year have been \$14,651,827. Should specie continue to be exported at this rate for the remaining three quarters of this year, it will drain from our metallic currency during the year ending 30th June, 1852, the enormous amount of \$58,607,308.

In the present prosperous condition of the national finances, it will become the duty of Congress to consider the best mode of paying off the public debt. If the present and anticipated surplus in the Treasury should not be absorbed by appropriations of an extraordinary character, this surplus should be employed in such way, and under such restrictions as Congress may enact, in extinguishing the outstanding debt of the nation.

By reference to the act of Congress approved 9th September, 1850, it will be seen that, in consideration of certain concessions by the State of Texas, it is provided that the "United States shall pay to the State of Texas the sum of ten millions of dollars, in a stock bearing five per cent. interest, and redeemable at the end of fourteen years, the interest payable half yearly at the Treasury of the United States."

In the same section of the law it is further provided "that no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas, *for which duties on imports were specially* pledged, shall first file at the Treasury of the United States releases of all claims against the United States, for or on account of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States."

The form of release thus provided for has been prescribed by the Secretary of the Treasury, and approved. It has been published in all the leading newspapers in the commercial cities of the United States, and all persons holding claims of the kind specified in the foregoing proviso were required to file their releases (in the form thus prescribed) in the Treasury of the United States, on or before the 1st day of October, 1851. Although this publication has been continued from the 25th day of March, 1851, yet up to the 1st of October last comparatively few releases had been filed by the creditors of Texas.

The authorities of the State of Texas, at the request of the Secretary of the Treasury, have furnished a schedule of the public debt of that State created prior to her admission into the Union, with a copy of the laws under which each class was contracted.

I have, from the documents furnished by the state of Texas, determined the classes of claims which in my judgment fall within the provisions of the act of Congress of the 9th of September, 1850.

On being officially informed of the acceptance by Texas of the propositions contained in the act referred to, I caused the stock to be prepared, and the five millions which are to be issued unconditionally, bearing an interest of five per cent. from the 1st day of January, 1851, have been for some time ready to be delivered to the state of Texas. The authorities of Texas, up to the present time, have not authorized any one to receive this stock, and it remains in the Treasury Department, subject to the order of Texas.

The releases, required by law to be deposited in the Treasury, not having been filed there, the remaining five millions have not been issued. This last amount of the stock will be withheld from Texas until the conditions upon which it is to be delivered shall be complied with by the creditors of

that state, unless Congress shall otherwise direct by a modification of the law.

In my last annual message, to which I respectfully refer, I stated briefly the reasons which induced me to recommend a modification of the present tariff, by converting the ad valorem into a specific duty, wherever the article imported was of such a character as to permit it, and that such a discrimination should be made, in favor of the industrial pursuits of our own country, as to encourage home production without excluding foreign competition.

The numerous frauds which continue to be practised upon the revenue by false invoices and under-valuations, constitute an unanswerable reason for adopting specific instead of ad valorem duties in all cases where the nature of the commodity does not forbid it. A striking illustration of these frauds will be exhibited in the report of the Secretary of the Treasury, showing the custom-house valuation of articles imported under a former law subject to specific duties, when there was no inducement to under-valuation, and the custom-house valuations of the same articles under the present system of ad valorem duties, so greatly reduced as to leave no doubt of the existence of the most flagrant abuses under the existing laws. This practical evasion of the present law, combined with the languishing condition of some of the great interests of the country caused by over-importations and consequent depressed prices, and with the failure in obtaining a foreign market for our increasing surplus of breadstuffs and provisions, has induced me again to recommend a modification of the existing tariff.

The report of the Secretary of the Interior, which accompanies this communication, will present a condensed statement of the operations of that important department of the Government.

It will be seen that the cash sales of the public lands exceed those of the preceding year, and that there is reason to anticipate a still further increase, notwithstanding the large donations which have been made to many of the States, and the liberal grants to individuals as a reward for military services. This fact furnishes very gratifying evidence of the growing wealth and prosperity of our country.

Suitable measures have been adopted for commencing the survey of the public lands in California and Oregon. Surveying parties have been organised, and some progress has been made in establishing the principal base and meridian lines. But further legislation and additional appropriations will be necessary before the proper subdivisions can be made, and the general land system extended over those remote parts of our territory.

On the 3d of March last, an act was passed providing for the appointment of three commissioners to settle private land claims in California. Three persons were immediately appointed, all of whom, however, declined accepting the office, in consequence of the inadequacy of the compensation. Others were promptly selected, who, for the same reason, also declined; and it was not until late in the season that the services of suitable persons could be secured. A majority of the commissioners convened in this city on the 10th September last, when detailed instructions were given to them in regard to their duties. Their first meeting for the transaction of business will be held in San Francisco on the eighth day of the present month.

I have thought proper to refer to these facts, not only to explain the causes of the delay in filling the commission, but to call your attention to the propriety of increasing the compensation of the commissioners. The

office is one of great labor and responsibility, and the compensation should be such as to command men of a high order of talents and the most unquestionable integrity.

The proper disposal of the mineral lands of California is a subject surrounded by great difficulties. In my last annual message, I recommended the survey and sale of them in small parcels, under such restrictions as would effectually guard against monopoly and speculation. But upon further information, and in deference to the opinions of persons familiar with the subject, I am inclined to change that recommendation, and to advise that they be permitted to remain, as at present, a common field, open to the enterprise and industry of all our citizens, until further experience shall have developed the best policy to be ultimately adopted in regard to them. It is safer to suffer the inconvenience that now exists, for a short period, than, by premature legislation, to fasten on the country a system founded in error, which may place the whole subject beyond the future control of Congress.

The agricultural lands should, however, be surveyed, and brought into market with as little delay as possible, that the titles may become settled, and the inhabitants stimulated to make permanent improvements, and enter on the ordinary pursuits of life. To effect these objects, it is desirable that the necessary provision be made by law for the establishment of land offices in California and Oregon, and for the efficient prosecution of the surveys at an early day.

Some difficulties have occurred in organizing the territorial governments of New Mexico and Utah; and, when more accurate information shall be obtained of the causes, a further communication will be made on that subject.

In my last annual communication to Congress, I recommended the establishment of an Agricultural Bureau, and I take this occasion again to invoke your favorable consideration of the subject.

Agriculture may justly be regarded as the great interest of our people. Four-fifths of our active population are employed in the cultivation of the soil, and the rapid expansion of our settlements over new territory is daily adding to the number of those engaged in that vocation. Justice and sound policy, therefore, alike require that the Government should use all the means authorized by the Constitution to promote the interests and welfare of that important class of our fellow-citizens. And yet it is a singular fact that, whilst the manufacturing and commercial interests have engaged the attention of Congress during a large portion of every session, and our statutes abound in provisions for their protection and encouragement, little has yet been done directly for the advancement of agriculture. It is time that this reproach to our legislation should be removed; and I sincerely hope that the present Congress will not close their labors without adopting efficient means to supply the omissions of those who have preceded them.

An Agricultural Bureau, charged with the duty of collecting and disseminating correct information as to the best modes of cultivation, and of the most effectual means of preserving and restoring the fertility of the soil, and of procuring and distributing seeds and plants, and other vegetable productions, with instructions in regard to the soil, climate, and treatment best adapted to their growth, could not fail to be, in the language of WASHINGTON, in his last annual message to Congress, a "very cheap instrument of immense national benefit."

Regarding the act of Congress, approved 28th September, 1850, granting bounty lands to persons who had been engaged in the military service of the country, as a great measure of national justice and munificence, an anxious desire has been felt, by the officers entrusted with its immediate execution, to give prompt effect to its provisions. All the means within their control were, therefore, brought into requisition to expedite the adjudication of claims; and I am gratified to be able to state, that near one hundred thousand applications have been considered, and about seventy thousand warrants issued, within the short space of nine months. If adequate provision be made by law to carry into effect the recommendations of the Department, it is confidently expected that, before the close of the next fiscal year, all who are entitled to the benefits of the act will have received their warrants.

The Secretary of the Interior has suggested in his report various amendments of the laws relating to pensions and bounty lands, for the purpose of more effectually guarding against abuses and frauds on the Government: to all of which I invite your particular attention.

The large accessions to our Indian population consequent upon the acquisition of New Mexico and California, and the extension of our settlements into Utah and Oregon, have given increased interest and importance to our relations with the aboriginal race.

No material change has taken place within the last year in the condition and prospects of the Indian tribes who reside in the North-western Territory and west of the Mississippi river. We are at peace with all of them; and it will be a source of pleasure to you to learn that they are gradually advancing in civilization and the pursuits of social life.

Along the Mexican frontier, and in California and Oregon, there have been occasional manifestations of unfriendly feeling, and some depredations committed. I am satisfied, however, that they resulted more from the destitute and starving condition of the Indians than from any settled hostility toward the whites. As the settlements of our citizens progress towards them, the game upon which they mainly rely for subsistence is driven off or destroyed, and the only alternative left to them is starvation or plunder. It becomes us to consider, in view of this condition of things, whether justice and humanity, as well as an enlightened economy, do not require that, instead of seeking to punish them for offences which are the result of our own policy towards them, we should not provide for their immediate wants, and encourage them to engage in agriculture, and to rely on their labor, instead of the chase, for the means of support.

Various important treaties have been negotiated with different tribes during the year, by which their title to large and valuable tracts of country has been extinguished: all of which will, at the proper time, be submitted to the Senate for ratification.

The joint commission under the treaty of Gaudalupe Hidalgo has been actively engaged in running and marking the boundary line between the United States and Mexico. It was stated in the last annual report of the Secretary of the Interior that the initial point on the Pacific and the point of junction of the Gila with the Colorado river had been determined, and the intervening line, about one hundred and fifty miles in length, run and marked by temporary monuments. Since that time a monument of marble has been erected at the initial point, and permanent landmarks of iron have been placed at suitable distances along the line.

The initial point on the Rio Grande has also been fixed by the commissioners at latitude $32^{\circ} 22'$, and, at the date of the last communication, the survey of the line had been made thence westward about one hundred and fifty miles, to the neighborhood of the copper mines.

The commission on our part was at first organized on a scale which experience proved to be unwieldy and attended with unnecessary expense. Orders have, therefore, been issued for the reduction of the number of persons employed within the smallest limits consistent with the safety of those engaged in the service and the prompt and efficient execution of their important duties.

Returns have been received from all the officers engaged in taking the census in the States and Territories, except California. The superintendent employed to make the enumeration in that State, has not yet made his full report, from causes, as he alleges, beyond his control. This failure is much to be regretted, as it has prevented the Secretary of the Interior from making the decennial apportionment of representatives among the States, as required by the act approved May 23, 1850. It is hoped, however, that the returns will soon be received, and no time will then be lost in making the necessary apportionment, and in transmitting the certificates required by law.

The Superintendent of the Seventh Census is diligently employed, under the direction of the Secretary of the Interior, in classifying and arranging, in tabular form, all the statistical information derived from the returns of the marshals, and it is believed that when the work shall be completed, it will exhibit a more perfect view of the population, wealth, occupations, and social condition of a great country, than has ever been presented to the world. The value of such a work, as the basis of enlightened legislation, can hardly be over-estimated; and I earnestly hope that Congress will lose no time in making the appropriations necessary to complete the classifications, and to publish the results in a style worthy of the subject, and of our national character.

The want of a uniform fee-bill, prescribing the compensation to be allowed district attorneys, clerks, marshals, and commissioners in civil and criminal cases, is the cause of much vexation, injustice and complaint. I would recommend a thorough revision of the laws on the whole subject, and the adoption of a tariff of fees which, as far as practicable, should be uniform, and prescribe a specific compensation for every service which the officer may be required to perform. This subject will be fully presented in the report of the Secretary of the Interior.

In my last annual message I gave briefly my reasons for believing that you possessed the constitutional power to improve the harbors of our great lakes and seacoast, and the navigation of our principal rivers, and recommended that appropriations should be made for completing such works as had already been commenced, and for commencing such others as might seem to the wisdom of Congress to be of public and general importance. Without repeating the reasons then urged, I deem it my duty again to call your attention to this important subject. The works on many of our harbors were left in an unfinished state, and, consequently, exposed to the action of the elements, which is fast destroying them. Great numbers of lives and vast amounts of property are annually lost for want of safe and convenient harbors on the lakes. None but those who have been exposed to that dangerous navigation can fully appreciate the importance of this subject.

The whole North-west appeals to you for relief, and I trust their appeal will receive due consideration at your hands.

The same is in a measure true in regard to some of the harbors and inlets on the sea coast.

The unobstructed navigation of our large rivers is of equal importance. Our settlements are now extending to the sources of the great rivers which empty into and form a part of the Mississippi, and the value of the public lands in those regions would be greatly enhanced by freeing the navigation of those waters from obstructions. In view, therefore, of this great interest, I deem it my duty again to urge upon Congress to make such appropriations for these improvements as they may deem necessary.

The surveys of the delta of the Mississippi, with a view to the prevention of the overflows that have proved so disastrous to that region of country, have been nearly completed, and the reports thereof are now in course of preparation, and will shortly be laid before you.

The protection of our south-western frontier, and of the adjacent Mexican States, against the Indian tribes within our border, has claimed my earnest and constant attention. Congress having failed, at the last session, to adopt my recommendation that an additional regiment of mounted men specially adapted to that service should be raised, all that remained to be done was to make the best use of the means at my disposal. Accordingly, all the troops adapted to that service that could properly be spared from other quarters have been concentrated on that frontier, and officers of high reputation selected to command them. A new arrangement of the military posts has also been made, whereby the troops are brought nearer to the Mexican frontier and to the tribes they are intended to overawe.

Sufficient time has not yet elapsed to realize all the benefits that are expected to result from these arrangements, but I have every reason to hope that they will effectually check their marauding expeditions. The nature of the country, which furnishes little for the support of an army, and abounds in places of refuge and concealment, is remarkably well adapted to this predatory warfare; and we can scarcely hope that any military force, combined with the greatest vigilance, can entirely suppress it.

By the treaty of Guadalupe Hidalgo we are bound to protect the territory of Mexico against the incursions of the savage tribes within our border, "with equal diligence and energy," as if the same were made within our territory or against our citizens. I have endeavored to comply, as far as possible, with this provision of the treaty. Orders have been given to the officers commanding on that frontier to consider the Mexican territory and its inhabitants as equally with our own entitled to their protection; and to make all their plans and arrangements with a view to the attainment of this object. Instructions have also been given to the Indian commissioners and agents among these tribes, in all treaties, to make the clauses designed for the protection of our own citizens apply also to those of Mexico. I have no reason to doubt that these instructions have been fully carried into effect. Nevertheless, it is probable that in spite of all our efforts, some of the neighboring States of Mexico may have suffered, as our own have, from depredations by the Indians.

To the difficulties of defending our own territory, as above mentioned, are superadded, in defending that of Mexico, those that arise from its remoteness, from the fact that we have no right to station our troops within her limits, and that there is no efficient military force on the Mexican side

to cooperate with our own. So long as this shall continue to be the case, the number and activity of our troops will rather increase than diminish the evil, as the Indians will naturally turn towards that country where they encounter the least resistance. Yet these troops are necessary to subdue them, and to compel them to make and observe treaties. Until this shall have been done, neither country will enjoy any security from their attacks.

The Indians in California, who had previously appeared of a peaceable character, and disposed to cultivate the friendship of the whites, have recently committed several acts of hostility. As a large portion of the reinforcements sent to the Mexican frontier were drawn from the Pacific, the military force now stationed there is considered entirely inadequate to its defence. It cannot be increased, however, without an increase of the army; and I again recommend that measure as indispensable to the protection of the frontier.

I invite your attention to the suggestions on this subject, and on others connected with his department, in the report of the Secretary of War.

The appropriations for the support of the army, during the current fiscal year ending 30th June next, were reduced far below the estimate submitted by the department. The consequence of this reduction is a considerable deficiency, to which I invite your early attention.

The expenditures of that department, for the year ending 30th June last, were \$9,060,268.58. The estimates for the year commencing 1st July next, and ending June 30, 1853, are \$7,898,775.83; showing a reduction of \$1,161,492.75.

The board of commissioners, to whom the management of the affairs of the military asylum, created by the act of 3d March last, was entrusted, have selected a site for the establishment of an asylum in the vicinity of this city, which has been approved by me, subject to the production of a satisfactory title.

The report of the Secretary of the Navy will exhibit the condition of the public service under the supervision of that Department. Our naval force afloat during the present year, has been actively and usefully employed in giving protection to our widely-extended and increasing commerce and interests in the various quarters of the globe, and our flag has everywhere afforded the security and received the respect inspired by the justice and liberality of our intercourse, and the dignity and power of the nation.

The expedition commanded by Lieut. De Haven, despatched in search of the British commander, Sir John Franklin, and his companions in the Arctic Seas, returned to New York in the month of October, after having undergone great peril and suffering from an unknown and dangerous navigation and the rigours of a northern climate, without any satisfactory information of the objects of their search, but with new contributions to science and navigation from the unfrequented polar regions. The officers and men of the expedition having been all volunteers for this service, and having so conducted it as to meet the entire approbation of the Government, it is suggested, as an act of grace and generosity, that the same allowances of extra pay and emoluments be extended to them that were made to the officers and men of like rating in the late exploring expedition to the South Seas.

I earnestly recommend to your attention the necessity of reorganizing the naval establishment, apportioning and fixing the number of officers in each grade, providing some mode of promotion to the higher grades of the

navy, having reference to merit and capacity, rather than seniority or date of entry into the service, and for retiring from the effective list upon reduced pay those who may be incompetent to the performance of active duty. As a measure of economy, as well as of efficiency in this arm of the service, the provision last mentioned is eminently worthy of your consideration.

The determination of the questions of relative rank between the sea officers and civil officers of the navy, and between officers of the army and navy, in the various grades of each, will also merit your attention. The failure to provide any substitute, when corporal punishment was abolished for offences in the navy, has occasioned the convening of numerous courts-martial upon the arrival of vessels in port, and it is believed to have had an injurious effect upon the discipline and efficiency of the service. To moderate punishment from one grade to another is among the humane reforms of the age: but to abolish one of severity, which applied so generally to offences on ship-board, and provide nothing in its stead, is to suppose a progress of improvement in every individual among seamen which is not assumed by the legislature in respect to any other class of men. It is hoped that Congress, in the ample opportunity afforded by the present session, will thoroughly investigate this important subject, and establish such modes of determining guilt, and such gradations of punishment, as are consistent with humanity and the personal rights of individuals, and at the same time shall insure the most energetic and efficient performance of duty and the suppression of crime in our ships of war.

The stone dock in the navy yard at New York, which was ten years in process of construction, has been so far finished as to be surrendered up to the authorities of the yard. The dry dock at Philadelphia is reported as completed, and is expected soon to be tested and delivered over to the agents of the Government. That at Portsmouth, New Hampshire, is also nearly ready for delivery: and a contract has been concluded, agreeably to the act of Congress at its last session, for a floating sectional dock on the bay of San Francisco. I invite your attention to the recommendation of the Department touching the establishment of a navy yard in conjunction with this dock on the Pacific. Such a station is highly necessary to the convenience and effectiveness of our fleet in that ocean, which must be expected to increase with the growth of commerce and the rapid extension of our whale fisheries over its waters.

The Naval Academy at Annapolis, under a revised and improved system of regulations, now affords opportunities of education and instruction to the pupils quite equal, it is believed, for professional improvement, to those enjoyed by the cadets in the Military Academy. A large class of acting midshipmen was received at the commencement of the last academic term, and a practice-ship has been attached to the institution, to afford the amplest means for regular instruction in seamanship, as well as for cruises during the vacations of three or four months in each year.

The advantages of science in nautical affairs have rarely been more strikingly illustrated, than in the fact stated in the report of the Navy Department, that, by means of the wind and current charts, projected and prepared by Lieutenant Maury, the Superintendent of the Naval Observatory, the passage from the Atlantic to the Pacific ports of our country has been shortened by about forty days.

The estimates for the support of the navy and marine corps, the ensuing

fiscal year, will be found to be \$5,856,472.19, the estimates for the current year being \$5,900,621.

The estimates for special objects under the control of this department, amount to \$2,684,220.89, against \$2,210,980 for the present year, the increase being occasioned by the additional mail service on the Pacific coast, and the construction of the dock in California, authorized at the last session of Congress, and some slight additions under the head of improvements and repairs in navy yards, buildings, and machinery.

I deem it of much importance to a just economy, and a correct understanding of naval expenditures, that there should be an entire separation of the appropriations for the support of the naval service proper from those for permanent improvements at navy yards and stations, and from ocean steam-mail service, and other special objects assigned to the supervision of this Department.

The report of the Postmaster-General, herewith communicated, presents an interesting view of the progress, operations, and condition of his Department.

At the close of the last fiscal year, the length of mail routes within the United States was 196,290 miles; the annual transportation thereon 53,272,252 miles; and the annual cost of such transportation \$3,421,754.

The length of the foreign mail routes is estimated at 18,349 miles, and the annual transportation thereon at 615,206 miles. The annual cost of this service is \$1,472,187, of which \$448,937 is paid by the Post-Office Department, and \$1,023,250 are paid through the Navy Department.

The annual transportation *within* the United States (excluding the service in California and Oregon, which is now, for the first time, reported and embraced in the tabular statements of the Department) exceeds that of the preceding year 6,162,855 miles, at an increased cost of \$547,110.

The whole number of post-offices in the United States on the 30th day of June last was 19,796. There were 1,698 post-offices established, and 256 discontinued, during the year.

The gross revenues of the Department for the fiscal year, including the appropriations for the franked matter of Congress, of the Departments, and officers of Government, and excluding the foreign postages, collected for, and payable to the British post-office, amounted to \$6,727,866.78.

The expenditures for the same period (excluding \$20,599.49, paid under an award of the Auditor, in pursuance of a resolution of the last Congress, for mail service on the Ohio and Mississippi rivers in 1832 and 1833, and the amount paid to the British post-office for foreign postages collected for and payable to that office) amounted to \$6,024,566.79; leaving a balance of revenue over the proper expenditures of the year of \$703,299.99.

The receipts for postages during the year (excluding the foreign postages collected for and payable to the British post-office) amounted to \$6,345,747.21, being an increase of \$997,610.79, or 18 $\frac{6.5}{100}$ per cent. over the like receipts for the preceding year.

The reduction of postage under the act of March last, did not take effect until the commencement of the present fiscal year. The accounts for the first quarter, under the operation of the reduced rates, will not be settled before January next; and no reliable estimate of the receipts for the present year can yet be made. It is believed, however, that they will fall far short of those of the last year. The surplus of the revenues now on hand is, however, so large, that no further appropriation from the Treasury,

in aid of the revenues of the Department, is required for the current fiscal year; but an additional appropriation for the year ending June 30, 1853, will probably be found necessary when the receipts of the first two quarters of the fiscal year are fully ascertained.

In his last annual report, the Postmaster-General recommended a reduction of postage to rates which he deemed as low as could be prudently adopted, unless Congress was prepared to appropriate from the Treasury, for the support of the Department, a sum more than equivalent to the mail services performed by it for the Government. The recommendations of the Postmaster-General, in respect to the letter postage, except on letters from and to California and Oregon, were substantially adopted by the last Congress. He now recommends adherence to the present letter rates, and advises against a further reduction until justified by the revenue of the Department.

He also recommends that the rates of postage on printed matter be so revised as to render them more simple and more uniform in their operation upon all classes of printed matter. I submit the recommendations of the report to your favorable consideration.

The public statutes of the United States have now been accumulating for more than sixty years, and, interspersed with private acts, are scattered through numerous volumes; and, from the cost of the whole, have become almost inaccessible to the great mass of the community. They also exhibit much of the incongruity and imperfection of hasty legislation. As it seems to be generally conceded that there is no "common law" of the United States to supply the defects of their legislation, it is most important that that legislation should be as perfect as possible, defining every power intended to be conferred, every crime intended to be made punishable, and prescribing the punishment to be inflicted. In addition to some particular cases spoken of more at length, the whole criminal code is now lamentably defective. Some offences are imperfectly described, and others are entirely omitted, so that flagrant crimes may be committed with impunity. The scale of punishment is not in all cases graduated according to the degree and nature of the offence, and is often rendered more unequal by the different modes of imprisonment, or penitentiary confinement, in the different States.

Many laws of a permanent character have been introduced into appropriation bills, and it is often difficult to determine whether the particular clause expires with the temporary act of which it is a part, or continues in force. It has also frequently happened that enactments and provisions of law have been introduced into bills with the title or general subject of which they have little or no connexion or relation. In this mode of legislation so many enactments have been heaped upon each other, and often with but little consideration, that, in many instances, it is difficult to search out and determine what is the law.

The Government of the United States is emphatically a government of written laws. The statutes should, therefore, as far as practicable, not only be made accessible to all, but be expressed in language so plain and simple as to be understood by all, and arranged in such method as to give perspicuity to every subject. Many of the States have revised their public acts with great and manifest benefit; and I recommend that provision be made by law for the appointment of a commission to revise the public statutes of the United States, arranging them in order, supplying deficiencies, correcting in-

congruities, simplifying their language, and reporting them to Congress for its action.

An act of Congress approved 30th September, 1850, contained a provision for the extension of the Capitol, according to such plan as might be approved by the President, and appropriated one hundred thousand dollars to be expended under his direction, by such architect as he should appoint to execute the same. On examining the various plans which had been submitted by different architects, in pursuance of an advertisement by a committee of the Senate, no one was found to be entirely satisfactory, and it was therefore deemed advisable to combine and adopt the advantages of several.

The great object to be accomplished was to make such an addition as would afford ample and convenient halls for the deliberations of the two Houses of Congress, with sufficient accommodations for spectators, and suitable apartments for the committees and officers of the two branches of the Legislature. It was also desirable not to mar the harmony and beauty of the present structure, which, as a specimen of architecture, is so universally admired. Keeping these objects in view, I concluded to make the addition by wings, detached from the present building, yet connected with it by corridors. This mode of enlargement will leave the present Capitol uninjured, and afford great advantages for ventilation and the admission of light, and will enable the work to progress without interrupting the deliberations of Congress. To carry this plan into effect I have appointed an experienced and competent architect. The corner-stone was laid on the 4th day of July last with suitable ceremonies, since which time the work has advanced with commendable rapidity, and the foundations of both wings are now nearly complete.

I again commend to your favorable regard the interests of the District of Columbia, and deem it only necessary to remind you, that although its inhabitants have no voice in the choice of representatives in Congress, they are not the less entitled to a just and liberal consideration in your legislation. My opinions on this subject were more fully expressed in my last annual communication.

Other subjects were brought to the attention of Congress in my last annual message, to which I would respectfully refer. But there was one of more than ordinary interest, to which I again invite your special attention. I allude to the recommendation for the appointment of a commission to settle private claims against the United States. Justice to individuals, as well as to the Government, imperatively demands that some more convenient and expeditious mode than an appeal to Congress should be adopted.

It is deeply to be regretted that in several instances officers of the Government, in attempting to execute the law for the return of fugitives from labor, have been openly resisted, and their efforts frustrated and defeated by lawless and violent mobs; that in one case such resistance resulted in the death of an estimable citizen, and in others, serious injury ensued to those officers and to individuals who were using their endeavors to sustain the laws. Prosecutions have been instituted against the alleged offenders, so far as they could be identified, and are still pending. I have regarded it as my duty, in these cases, to give all aid legally in my power to the enforcement of the laws, and I shall continue to do so wherever and whenever their execution may be resisted.

The act of Congress for the return of fugitives from labor is one required and demanded by the express words of the Constitution.

The constitution declares, "That no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." This constitutional provision is equally obligatory upon the legislative, the executive, and judicial departments of the Government, and upon every citizen of the United States.

Congress, however, must, from necessity, first act upon the subject, by prescribing the proceedings necessary to ascertain that the person is a fugitive, and the means to be used for his restoration to the claimant. This was done by an act passed during the first term of President Washington, which was amended by that enacted by the last Congress, and it now remains for the executive and judicial departments to take care that these laws be faithfully executed. This injunction of the constitution is as peremptory and as binding as any other; it stands exactly on the same foundation as that clause which provides for the return of fugitives from justice, or that which declares that no bill of attainder, or *ex post facto* law shall be passed, or that which provides for an equality of taxation according to the census, or the clause declaring that all duties shall be uniform throughout the United States, or the important provision, that the trial of all crimes shall be by jury. These several articles and clauses of the constitution, all resting on the same authority, must stand or fall together. Some objections have been urged against the details of the act for the return of fugitives from labor; but it is worthy of remark, that the main opposition is aimed against the constitution itself, and proceeds from persons, and classes of persons, many of whom declare their wish to see that constitution overturned. They avow their hostility to any law which shall give full and practical effect to this requirement of the constitution. Fortunately, the number of these persons is comparatively small, and is believed to be daily diminishing, but the issue which they present is one which involves the supremacy, and even the existence of the constitution.

Cases have heretofore arisen in which individuals have denied the binding authority of acts of Congress, and even States have proposed to nullify such acts upon the ground that the Constitution was the supreme law of the land, and that those acts of Congress were repugnant to that instrument; but nullification is now aimed, not so much against particular laws as being inconsistent with the Constitution, as against the Constitution itself; and it is not to be disguised that a spirit exists, and has been actively at work to rend asunder this Union, which is our cherished inheritance from our revolutionary fathers.

In my last annual message I stated that I considered the series of measures, which had been adopted at the previous session, in reference to the agitation growing out of the territorial and slavery questions, as a final settlement in principle and substance of the dangerous and exciting subjects which they embraced; and I recommended adherence to the adjustment established by those measures, until time and experience should demonstrate the necessity of further legislation to guard against evasion or abuse. I was not induced to make this recommendation because I thought those measures perfect, for no human legislation can be perfect. Wide differences and jarring opinions can only be reconciled by yielding something on all sides,

and this result had been reached after an angry conflict of many months, in which one part of the country was arrayed against another, and violent convulsion seemed to be imminent. Looking at the interests of the whole country, I felt it to be my duty to seize upon this compromise as the best that could be obtained amid conflicting interests, and to insist upon it as a final settlement, to be adhered to by all who value the peace and welfare of the country. A year has now elapsed since that recommendation was made. To that recommendation I still adhere, and I congratulate you and the country upon the general acquiescence in these measures of peace which has been exhibited in all parts of the republic. And not only is there this general acquiescence in these measures, but the spirit of conciliation which has been manifested in regard to them in all parts of the country has removed doubts and uncertainties in the minds of thousands of good men concerning the durability of our popular institutions, and given renewed assurance that our Liberty and our Union may subsist together for the benefit of this and all succeeding generations.

MILLARD FILLMORE.

WASHINGTON, *December 2, 1851.*

LIST OF PAPERS,

FROM THE DEPARTMENT OF STATE, ACCOMPANYING THE MESSAGE OF THE PRESIDENT OF
THE UNITED STATES, AT THE OPENING OF THE THIRTY-SECOND CONGRESS.

President's Proclamation upon the subject of the apprehended invasion of
Cuba, 5th April, 1851.

Bond.

Acting Secretary of State to Commodore Parker, 23d August, 1851.

Commodore Parker to Mr. Webster, 6th September, 1851.

The same to the same, 12th September, 1851.

The same to the same, 25th September, 1851.

The same to the same, 5th October, 1851.

Mr. Calderon to the Acting Secretary of State, 26th August, 1851.

Acting Secretary of State to the United States Attorney at New Orleans,
20th August, 1851.

Mr. Calderon to Acting Secretary of State, 29th August, 1851.

Acting Secretary of State to Mr. Calderon, 30th August, 1851.

The same to the United States Attorney at New Orleans, 1st September, 1851.

Mr. Calderon to the Acting Secretary of State, 5th September, 1851.

Acting District Attorney of the United States, at New Orleans, to Acting
Secretary of State, 25th September, 1851.

Mr. Calderon to Acting Secretary of State, 14th October, 1851.

Secretary of State to Mr. Calderon, 13th November, 1851.

Mr. Calderon to the Secretary of State, 14th November, 1851.

Acting Secretary of State to Mr. Calderon, 6th September, 1851.

The same to the same, 30th September, 1851.

The same to Mr. Barringer, 6th October, 1851.

The Secretary of State to the same, 29th October, 1851.

The same to the same, 26th November, 1851.

Intervention of France and England.

Memorandum of a conversation between the Acting Secretary of State and
the Chargé d'Affaires of Great Britain.

Mr. Crampton to Mr. Webster, 12th November, 1851.

Mr. Crittenden to M. de Sartiges, 22d October, 1851.

M. de Sartiges to Mr. Crittenden, 27th October, 1851.

Mr. Webster to M. de Sartiges, 18th November, 1851.

President's Proclamation relative to the insurrection in the Mexican state
of Tamaulipas.

*Commercial intercourse between the United States and the British North
American Provinces.*

Sir H. L. Bulwer to Mr. Webster, March, 1851.

Mr. Derrick to Sir H. L. Bulwer, 29th March, 1851.

Sir H. L. Bulwer to Mr. Webster, 24th June, 1851.

Oregon Boundary.

Mr. Crampton to Mr. Buchanan, 13th January, 1848.

Mr. Clayton to Mr. Crampton, 25th October, 1849.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas, there is reason to believe that a military expedition is about to be fitted out, in the United States, with intention to invade the island of Cuba, a colony of Spain, with which this country is at peace; and whereas, it is believed that this expedition is instigated and set on foot chiefly by foreigners, who dare to make our shores the scene of their guilty and hostile preparations against a friendly power; and seek, by falsehood and misrepresentations, to seduce our own citizens, especially the young and inconsiderate, into their wicked schemes,—an ungrateful return for the benefits conferred upon them by this people in permitting them to make our country an asylum from oppression—and in flagrant abuse of the hospitality thus extended to them.

And whereas, such expeditions can only be regarded as adventures for plunder and robbery, and must meet the condemnation of the civilized world, whilst they are derogatory to the character of our country—in violation of the laws of nations—and expressly prohibited by our own, our statutes declare, “that if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.”

Now, therefore, I have issued this my proclamation, warning all persons who shall connect themselves with any such enterprise or expedition, in violation of our laws and national obligations, that they will thereby subject themselves to the heavy penalties denounced against such offences, and will forfeit their claim to the protection of this Government or any interference in their behalf, no matter to what extremities they may be reduced in consequence of their illegal conduct. And therefore I exhort all good citizens, as they regard our national reputation, as they respect their own laws and the laws of nations, as they value the blessings of peace and the welfare of their country, to discountenance, and, by all lawful means, prevent any such enterprise; and I call upon every officer of this Government, civil or military, to use all efforts in his power to arrest, for trial and punishment, every such offender against the laws of the country.

Given under my hand, the twenty-fifth day of April, in the year of our Lord one thousand eight hundred and fifty-one, and the seventy-fifth of the independence of the United States.

MILLARD FILLMORE.

By the President :

W. S. DERRICK,

Acting Secretary of State.

\$2,000.

BOND.

No. —

Be it known to all men, that I, General Narciso Lopez, Chief of the "Patriotic Junta for the promotion of the political interests of Cuba," established in the United States of North America, and the contemplated head of Provisional Government and commander-in-chief of the revolutionary movement about to be now undertaken through my agency and permissive authority, for the liberation of the people of Cuba from the tyranny and oppression to which they are now subject by the power of Spain, and to be prosecuted by me till superseded by a superior executive officer, or such form of government and authority as the people by their free will and choice shall prescribe, do, by these presents, to subserve the cause and object aforesaid, make and execute this obligation, on behalf of the people of Cuba, by whatever designation of nationality or form of body politic they shall hereafter assume, to wit:

I do, by these presents, for and on behalf of the said people of Cuba, and their successors in government forever, and for value received, promise to pay to ———, or bearer, in equal annual instalments, at one, two, three, four, and five years, the sum of Two Thousand Dollars, with six per cent. interest from date, payable rateably on each annual instalment until both principal and interest be fully paid and discharged. And I, the said General Narciso Lopez, in virtue of the authority and for the promotion of the object aforesaid, do by these presents pledge to the said ———, or bearer, the public lands and public property of Cuba, of whatever kind, and the fiscal resources of the people and government of Cuba, from whatever source to be derived; and do further pledge the good faith of the people and Government of Cuba, in perpetuity, for the faithful and complete discharge of this obligation.

In testimony whereof, I, the said General Narciso Lopez, do hereto affix my signature and seal of the said Provisional Government, which is further witnessed by Ambrosio José Gonzales and José Maria Sanchez Yznaga, members of said "Patriotic Junta," and the Hon. Cotesworth Pinckney Smith, Judge of the Supreme Court of Errors and Appeals of the State of Mississippi.

This done and executed in the city of New Orleans and State of Louisiana, one of the United States of North America, on this 30th day of April, A. D. 1850.

NARCISO LOPEZ.

J. SANCHEZ YZNAGA,
AMBROSIO JOSE GONZALES,
C. P. SMITH.

\$2,000.

Mr. Derrick to Commodore Parker.

DEPARTMENT OF STATE,
Washington, 23d August, 1851.

SIR: This Department has been officially informed by the Consul of the United States at Havana, that fifty persons taken from boats off the coast

of Cuba, were brought to that city on the night of the 15th instant, and were the next morning tried and shot. Information derived from other sources renders it probable that many of them were citizens of the United States. This is sufficient to warrant and require an immediate inquiry into the facts and circumstances attending so summary and sanguinary a punishment. The President consequently directs that you will proceed at once to Havana in the vessel under your command. On arriving there, you will obtain an audience of the Governor and Captain-General of Cuba, and will then express to him the regret of the President that the persons referred to should have been deemed guilty of an offence requiring, in the judgment of the Spanish authorities, so severe a punishment. You will also inform him that it is expected that, if citizens of the United States were among the persons shot, the offence with which they were charged was satisfactorily proved. You will accordingly request of him a copy of the proceedings of the Court which sentenced the prisoners. It is presumed that those proceedings will show the names of the accused; the countries where they were born or to which they owed allegiance; the position of the boats at the time when they were captured; the course they were taking, and whether the persons on board of them were armed. If, however, these facts should not be stated, or if you should not obtain a copy of the proceedings, you will endeavor to ascertain the same facts from other sources.

Mr. Owen also apprizes the Department that the United States Mail Steamer *Falcon*, Lieutenant Rogers commanding, was several times fired over by a Spanish steamer and boarded on her last voyage from Chagres to Havana. Although the Captain-General expressed regret for this occurrence and promised that it should not be repeated, it seems somewhat doubtful whether the captain of the steamer was or was not obeying the orders of some superior officer in the course which he pursued. You will endeavor to ascertain the truth in relation to this, and also whether or not the flag of the *Falcon* was hoisted at the time the firing took place.

You will assure the Captain-General that everything within the power of this Government has been and will continue to be done, towards discharging the obligations of the United States to Spain. You will also assure him, that if, hereafter, unhappily, citizens of the United States should be so forgetful of their obligations of obedience to the laws of their own country, and of regard to the rights of Spain, as to be engaged in hostile expeditions against the island of Cuba, the President earnestly desires that they will not be punished except upon the clearest proofs of guilt and without an obvious necessity. A contrary course on the part of the Spanish authorities will be sure to increase the difficulties in the performance of the duties of the United States as a friendly neutral power, and might render the discharge of those duties impracticable.

This Department will expect to receive from you a full report upon the subjects of this instruction.

I am, sir, very respectfully, your obedient servant,

W. S. DERRICK,

Acting Secretary.

To Commodore FOXHALL A. PARKER, &c., &c.

Commodore Parker to Mr. Webster.

U. S. FLAG-SHIP *SARANAC*,
Havana, Sept. 6, 1851.

SIR: I have the honor to report, that, in obedience to the instructions of the President, contained in your letter of the 23d ultimo, I got under weigh from Norfolk, and arrived at this port on the morning of the 4th inst.

I immediately addressed a note to the Captain-General, requesting an interview with him, at his earliest convenience; to which he promptly replied, and fixed the hour for the interview at half-past seven o'clock on that evening. I called on him at that hour, and the following is a synopsis of the information which I obtained from him in relation to the various subjects alluded to in your instructions.

He regretted the necessity of executing the prisoners captured in the boats on the Cayes of the Island, but deemed it an act of necessary severity in the circumstances, and he felt it to be his duty to make an example of them, in order to deter others from making a similar attempt.

He stated that he considered them as pirates, and that they had been so denounced in the proclamation of the President of the United States. That they were tried in a summary manner, and "full proof made of their guilt," and of their participation in the invasion of the island by Lopez. He did not consider himself at liberty to furnish me with the proceedings on the trial, but would send them to his own government, and to the Spanish Minister at Washington, who would do whatever was right in the matter, on the call of the Government of the United States.

The execution was delayed from half-past seven o'clock, A. M., to eleven, in order to give the prisoners an opportunity of writing to their friends, during which period they made the declaration that they constituted a part of the forces of Lopez. These particulars, he stated, were given for my personal satisfaction, inasmuch as he was not invested with diplomatic powers;—but referred our Government to the Spanish Minister at Washington, in whom diplomatic powers were vested by her Majesty's Government.

As to citizenship, he said that a majority of them claimed to be citizens of the United States; but they were from various countries, and that it was of no consequence to what nation they had belonged, as they were captured in the waters of Cuba, with arms in their hands, endeavoring to escape in boats from an expedition in which they had engaged against the island of Cuba.

In relation to such persons as may be hereafter captured, and who are not embraced in his recent proclamation giving security of life to such as deliver themselves up to the authorities, the Captain-General declares that he will be compelled, however reluctantly, to deal with them in accordance with his instruction, which are in accordance with the laws of his own and all other countries in relation to pirates.

As to the matter of the steamer "Falcon," he would repeat what he had said to the American Consul (who was then present) that, in the present condition of the island, a Spanish cruiser has a right to ascertain the character of merchant vessels in the waters of Spain; that one expedition had already landed from a steamer, and that reinforcements were daily expected. The Spanish cruiser had fired three unshotted guns to leeward to show the friendly character of the vessel of war, of which no notice was taken by the "Falcon," and that the firing of the shotted guns was rendered necessary

oy the course pursued by the "Falcon." The General of Marine was on board, and it was to be presumed that the shot was fired by his order. He declared that he had requested Mr. Rogers, the commander of the "Falcon," to call on him and give him a correct statement of this affair, but that he had not done so. He expressed some surprise that Lieutenant Rogers did not come to at once, as the man-of-war was only doing what, by the laws of nations, she clearly had a right to do.

On the day succeeding this interview, I addressed a note to the Captain-General requesting permission to visit the prisoners now confined by the Spanish authorities, in answer to which I received a communication which, with my letter, I herewith enclose.

From the best information I can obtain, the boats containing the fifty men who were executed, were on the Cayes very near the shore of the main land. It appears to have been the purpose of this detachment, in the desperate condition to which they were reduced, to put to sea in the hope of being picked up by some friendly vessel.

On the morning of the 4th inst., I communicated off the Moro Castle with the "Albany," Commander Platt, and ascertained from him that the Captain-General had released William Scott Haynes, (of Tennessee,) one of the leaders of the expedition, and James A. Kelly, of New Orleans, formerly of Bayou Sara, a captain in the same.

They were also provided with a suit of clothes and sixty dollars each in money. They are now on board the American ship "Norma" in the harbor, to sail to-morrow for New York. At the solicitation of Commander Platt, a young man (whose name I did not learn) from Albany, New York, was released, and is now on board the "Albany."

Yesterday a young man named Henry Sandford or Summers, formerly a captain, I hear, of one of the steamboats on Red river, was liberated, and sailed to-day for New Orleans.

I have not, as yet, been able to obtain the names of those confined here, or of those shot, but shall use every exertion to do so as soon as possible.

I was informed this morning by the Captain-General, that *all* of the party have been captured. He also informed me that those confined here would embark on Monday next for Spain.

Last evening I received a communication from the Captain-General, stating that, from the passengers of a schooner just arrived from New Orleans, he had learned that the steamer "Alabama" had been purchased for \$40,000, in New Orleans, and was to leave with eight hundred armed men; and that the Pampero had left with two hundred.

There is much excitement here, particularly among the Catalan population, in consequence of a number of Spaniards having been driven from New Orleans by the mob; but I hope it may pass off without any serious results. This morning news arrived of the ill-treatment of Spaniards at Key West, which has increased the excitement.

Any further information which I may be able to learn here will be immediately sent to the department.

I have the honor to be, sir, with great respect, your obedient servant,
FOXHALI A. PARKER,
Commanding Home Squadron.

The Hon. DANIEL WEBSTER,
Secretary of State, Washington.

Commodore Parker to the Captain-General of Cuba.

U. S. STEAM-FRIGATE SARANAC,
Flag-ship U. S. Home Squadron, Havana, Sept. 5, 1851.

EXCELLENT SIR: If it is not incompatible with the regulations which your Excellency has established, in regard to the prisoners now confined, and who were captured for unlawfully invading this island, I should be obliged to your Excellency for permission to visit those who call themselves citizens of the United States.

Your Excellency will at once appreciate my motives in making this request, when I inform you it is with a view of making a faithful report to my Government.

Should this request be granted, I beg leave that my personal staff be included.

I have the honor to be, with great respect, your Excellency's obedient servant,

FOXHALL A. PARKER,
Commander-in-chief of the U. S. Naval forces in the West Indies.
To his Excellency SENOR DON JOSE DE LA CONCHA,
Captain-General and Governor of the Island of Cuba, &c., &c., &c.

The Captain-General of Cuba to Commodore Parker.

[Translation.]

HAVANA, Sept. 5, 1851.

MY DEAR SIR: I have received your letter of this day, asking permission for yourself, and the three officers under your command, to visit the prisoners who call themselves citizens of the United States, if not contrary to the rules ordered to be observed against said prisoners, with a view, as you inform me, of making a truthful statement to your Government.

I regret very much that it is not in my power to comply with your request, inasmuch as it is contrary to the rules ordered to be observed towards the prisoners belonging to the expedition, which, without nationality or known flag, has lately invaded this island; it is my purpose, as I informed you at the interview which I had the pleasure of holding with you last night, to publish an account of their names and birth-places, in the official gazette of this Government.

I am, with every consideration, your attentive, faithful servant, who kisses your hand,

JOSE DE LA CONCHA.

To FOXHALL A. PARKER,
Commander-in chief of the Naval forces of the U. S.
in the West Indies.

Commodore Parker to Mr. Webster.

U. S. FLAG-SHIP SARANAC,
Off Havana, Sept. 12, 1851.

SIR: Since my despatch of the 6th instant, nothing of note has occurred. The Captain-General informs me that all the survivors of the late invading force have been captured. One hundred and thirty-five of the prisoners sailed on the 8th for Spain, in a Spanish barque, convoyed by a sloop-of-war and steamer.

I understand twenty-five were left in the hospital, and about sixteen are still in prison, as there was not room for them in the transport. Two days before the sailing of the prisoners, I was informed by Mr. Thrasher, an American gentleman residing in Havana, that a collection had been made to provide comforts for them on the passage to Spain, and he wishes permission to put them on board the barque; I waited on the Captain-General, who readily granted the desired permission.

The evening before the prisoners sailed, I requested our Consul, Mr. Owen, to visit them (not being permitted to see them myself:) he did so, both at the prison and hospital, and found them carefully, cleanly clad, and the sick having proper medical attendance.

My mission here was known several days previous to our arrival, and I have reasons for believing that the course intended to be pursued by the Captain-General in relation to it, decided on before my arrival.

I neglected to state, in my letter of the 6th, that at our first interview, the Captain-General stated distinctly, he could not enter into correspondence with me in relation to the prisoners, as he was directed by his government not to do so, and that *diplomatic* powers were vested alone in the Spanish Minister at Washington. I cannot imagine why the Captain-General refused to permit me to see the prisoners, as Commander Platt, our Consul, and several other Americans had been allowed so do so, unless it was to avoid all correspondence in relation to them.

I enclose a copy of my note asking an interview with the Captain-General, with his reply, by which you will perceive he declined receiving me as a commissioner, on the ground that he had not been advised by his government of my coming in that capacity.

The Hon. Secretary of the Navy says, in his instructions to me of the 23d ultimo, "With this, you will be put in possession of instructions from the Department of State, appointing you a special commissioner to communicate on the subject therein mentioned, with the governor and Captain-General of Cuba." Although the Department of State, in its instructions to me, says nothing about a special commissioner, I concluded it was from inadvertence, and therefore informed the Captain-General, in my note, that I had been appointed by the President of the United States.

I have sought in vain for an American citizen who had been an eye-witness to the execution of the prisoners on the 16th ultimo.

A great many conflicting reports are in circulation, as regards the mutilation of the bodies after death.

* * * * *

The Captain-General promised that all the names of the prisoners should be published in the official Gazette, with the places of their former abodes, birth, the State to which they belonged, &c., as far as could be ascertained. This had not been done yesterday when I left port, but I hope to get it in

time for the steamer of the 17th, by which this will go. I was informed by Col. Haynes (one of the released prisoners) that a correct muster-roll, giving birth-place, residence, &c., of all the invading force, was taken and placed in the hands of Lopez. It is probably now in the possession of the Captain-General, or some of the authorities at Havana.

I have been put to great inconvenience, and perhaps gained less information in regard to what is passing here, than I otherwise should, from not having an interpreter. None of the officers of the "Saranac" speak or write Spanish, and the interpreters to be obtained in the city are not, in all cases, to be relied on.

My opinion is, that the Creoles are not in a situation to throw off the Spanish yoke, even if they wished it, and that no invading force coming to this island can expect aid from them.

The Captain-General and all the officers with whom I have had intercourse, have been polite and courteous.

The newspapers forwarded to the Department, were handed me by respectable American residents of Cuba, and may contain paragraphs of interest.

Mr. Van Vechten, the young man who was released at the solicitation of Commodore Platt, was put on board the steamer "Winfield Scott," on the 8th instant, bound to New York.

I am, sir, with the highest respect, your most obedient servant,
FOXHALL A. PARKER,
Commanding Home Squadron.

HON. DANIEL WEBSTER,
Secretary of State, Washington, D. C.

Commodore Parker to the Captain-General of Cuba.

U. S. STEAM-FRIGATE SARANAC,
Flag-ship U. S. Home Squadron, Havana, Sept. 4, 1851.

EXCELLENT SIR: I have the honor to acquaint your Excellency that I have been appointed by the President of the United States, a special commissioner in addition to my duties as commander-in-chief of the United States squadron on this station, to confer with you in relation to matters, and to ascertain certain facts growing out of the capture and execution, on the morning of the 16th ultimo, by order of the authorities of the island of Cuba, of about fifty men, captured in boats, some of whom, it is supposed, were citizens of the United States. Will your Excellency be pleased to give me an audience at your earliest convenience.

I have the honor to be, with high consideration, your Excellency's most obedient servant,

FOXHALL A. PARKER,
Commander-in-chief of the U. S. Naval Forces
in the West Indies.

His Excellency Señor Don JOSE DE LA CONCHA,
Governor and Captain-General of the island of Cuba, &c., &c.

The Captain-General of Cuba to Commodore Parker.

Havana, September 4, 1851.

SIR: I have received your lordship's communication of this date, announcing to me the special commission conferred upon you by the President of the United States, in addition to your office of commander-in-chief of the naval squadron in the station, and requesting me to appoint an hour to receive you.

As her Majesty's government have not informed me that you were about to present yourself in this city, with the character of an especial commissioner of the Sñ. President of the United States, for the purpose you have expressed, only in the capacity of commander-in-chief of the naval forces, shall I have the pleasure of receiving and holding a conference with you, at half-past seven of this evening, in my palace.

I am, with all consideration, your lordship's attentive and obedient servant, that kisses your hand, &c.

JOSE DE LA CONCHA.

FOXHALL A. PARKER, ESQ., *Commander-in-Chief*
of the Naval Forces of the United States in the West Indies.

*Commodore Parker to Mr. Webster.*U. S. FLAG-SHIP SARANAC,
Havana, September 25, 1851.

SIR: Since my despatch of the 12th instant, nothing of importance has occurred here. All is now quiet, and the excitement which existed against citizens of the United States, by a portion of the inhabitants of this city, has subsided.

I enclose a list of all the American prisoners which have been brought here since the 16th ultimo, furnished at my request, by the Captain-General, which, I presume, is correct. I also enclose a copy of my letter to the Captain-General, soliciting the release of the prisoners now here, with his answer.

His excellency, Mr. Letcher, arrived here on the 20th instant, in the revenue cutter "Forward," and sailed yesterday morning for Vera Cruz. On the 22d, Mr. Letcher had an interview with the Captain-General. In the course of conversation respecting the release of the prisoners, (citizens of the United States,) the Captain-General alluded to the ill-treatment the subjects of Spain had received, and the insults offered to the Spanish flag at New Orleans. Mr. Letcher remarked, that it was the act of a mob, and not the citizens of New Orleans generally, and that the Government of the United States, nor any other government, should be held responsible for the acts of an assemblage of that character.

Mr. Letcher also remarked, that our Government regretted the circumstance, &c. The Captain-General asked *emphatically*, whether Mr. Letcher was officially authorized to make such a declaration; who replied, he was not, but he was sure that such were the feelings of the Government of the United States, as well as of her citizens generally.

It is Mr. Letcher's opinion, that had he or any one else been authorized to make such a declaration, as coming officially from the Government at

Washington, the situation of the prisoners would have been ameliorated, and perhaps they might have been released. I am authorized by Mr. Letcher to make this statement to the Department of State.

There are now here only seventeen prisoners belonging to the United States. Commander Perdergrast, and several officers belonging to this ship, have visited them, and report favorably of the treatment they receive, both at the prison and hospital. These will be sent to Spain in a few days, with the exception, perhaps, of Captain Robert Ellis, of Washington City, who, it is reported, will be released and sent to the United States.

I have the honor to be, your obedient, humble servant,

FOXHALL A. PARKER,

Commanding Home Squadron.

The Hon. DANIEL WEBSTER,

Secretary of State, Washington, D. C.

Relacion nominal de los 92 prisoners Piratas Americanos que han ingresado y existen parte en este Deposito.

POR LA FRAGATA GOATEMALA.

Nombres.	Edad.	Patria.	Oficio.	Padre.	Madre.
James Smith	29	Leydon.	Farmer.	Henry S.	Mary
Thomas H. Lee	19	New London.	Clerk.	Hooda L.	Elizabeth Thompson.
Dandridge Seay	21	S. Carolina.	Engineer.	Lorenzo D.	Sarah Seales.
Harney Williams	48	Connecticut.	Farmer.	Elias W.	Betsy Williams.
Benjamin Hannd	22	Pennsylvania.	Farmer.	Samuel H.	Mary Jones.
James M. Wilson	22	Indiana.	Clerk.	David W.	Ophelia Morel.
Michael L. Hefrow	21	New York.	Steward.	Michael H.	Ellen Hera.
Burton Fagan	19	Ohio.	Boatman.	Lewis F.	Ruthy Morgan.
Wm. L. Wilkinson	25	Mobile.	Engineer.	James H. W.	Mary Bostwood.
Peter McMullin	20	Maine.	Cook.	James	Lucy A. Lord.
S. H. Purnell	20	Mississippi.	Printer.	John M. P.	Rebecca Howell.
C. A. McMurray	21	Maryland.	Printer.	John	Bridget Garty.
George Holdship	20	Pennsylvania.	Boatman.	George	Elizabeth Hook.
H. B. Hart	22	Pennsylvania.	Ceriner.	John	Martha Broadal.
W. H. McKensey	18	Kentucky.	Brickl'r.	James	Polly Farrills.
Malbon R. Scott	20	Kentucky.	Ceriner.	John	Jane McNikle.
William H. Vaughan	40	Kentucky.	Clerk.	James	Mary Bass.
William Hero	16	Georgia.	Clerk.	John	Maria Cristophe.
William H. Craff	23	Virginia.	Jenrier.	William	Maria Niecel.
John G. Bush	24	Virginia.	Printer.	George	Mary J. Risk.
W. Wilson	22	New York.	Clerk.	Samuel	P. Parker.
P. La Coste	21	New Orleans.	Driver.	John	Mary
James D. Baller	25	Indiana.	Clerk.	J. M.	Sarah Carter.
J. Casanovas	32	New Orleans.	Clerk.	Francis	Catherine Acosta.
Thomas Hilton	26	Washington.	Painter.	John H.	Susan Oparron.
William Wilson	18	Kentucky.	Boatman.	William	Ellen Ray.
Thomas Munroe	20	Alabama.	Machinist.	Dustan	Mary McCarty.
John Denton	28	New York.	Clerk.	Richard	Patience McCruigg.
Thomas Denton	32	New York.	Carpenter.	Richard	Patience McCruigg.
John Boswel	25	Maryland.	Mason.	John B.	Arabella Boone.
J. Hearsey	25	New Orleans.	Clerk.	Thomas H.	M. Wildford.
James Brady	36	Isle of Wight.	Laborer.	Peter	Mary Polson.
William Cameron	45	Virginia.	Carpenter.	Daniel	Catherine Gaines.
David O. Rousseau	24	Kentucky.	Brickl'r.	David	S. Clinton.
Patrick Abac Gath	28	Illinois.	Laborer.	John	Guillen Ryan.
George W. Foster	17	New York.	Laborer.	John	Anne Jane
Cornelius Cook	21	Alabama.	Printer.	Edward H.	Sarah Reese.
John R. Pruitt	24	Alabama.	Printer.	John P.	Rohody Newson.
J. P. Simpson	23	Pennsylvania.	Butcher.	J. A.	Bridget Clyne.
George Wilson	21	Pennsylvania.	Fapartner.	John H.	
Eliza J. Ollis	22	New York.	Boatman.	Levi	Claraph Lewih.
George E. Metcalfe	22	Ohio.	Druggist.	Asa B.	Barbara A. Arrip.
Henry Metcalfe	19	Mississippi.	Druggist.	Asa B.	Barbara A. Arrip.
Cornelius Sebring	25	New York.	Laborer.	Cornelius	Mary Brown.
Robert H. Grider	34	Kentucky.	Merchant.	Martin	Sarah Moore.
Charles Geblin	23	Pennsylvania.	Boatman.	Charles	Cecilia Mac Andra.
F. C. Mahan	23	Kentucky.	Farmer.	Francis	Nancy Clark.
H. West	26	Ohio.	Saddler.	Charles	Elizabeth Elam.
James Chajerman	19	S. Carolina.	Carpenter.	Samuel	Emelina Cantty.
Edwin Q. Bell	20	S. Carolina.	Clerk.	Charles H.	Elizabeth Quimby.
David Winburn	37	S. Carolina.	Brickl'r.	Elium	Catherine Spiter.
John Cartis	26	Illinois.	Carpenter.	Henry	Elizabeth Norton.
John Cooper	19	Virginia.	Clerk.	Charles	H. Mary Pearson.
H. Stranmire	26	Pennsylvania.		William	Sarah

Relacion nominal de los 92 prisoners—Continued.

POR LA FRAGATA GOATEMALA—Continued.

Nombres.	Edad.	Patria.	Oficio.	Padre.	Madre.
Ansell R. Ludwing....	28	Maine.	Seaman.	John Nelson	Sophronia Pease.
Richard Nelson.....	39	Copeniagen.		William	Almina Rasusser.
Charles Harrison.....	21	New Orleans.	Paniter.	James	Sarah
Benjamin Gilmore....	19	Ohio.	BrickPer.	James	Eveline Decker.
James Abing.....	21	New York.	Boatman.	Justin	Noconoidea
Victor Dupral.....	19	New Orleans.	Engineer.	Servis A.	Elizabeth Badgley.
W. S. Constantine....	22	Canada West.	Painter.	Thomas	Marie de Loren.
Thomas Hundnall....	35	Virginia.	Farmer.	Jacob	S. Harcum.
Martin Meullen.....	19	Illinois.	Confect'r.	Charles	Maria Nachor.
Charles Horwell.....	23	Virginia.	Printer.	Louis A.	Aspatia Philipps.
Joseph B. Gunst.....	16	New Orleans.	Clerk.	Charles	Nath Newton.
John McKinnip.....	25	Pennsylvania.	Boatman.		Mary Johnson.

CORBETA DE S. M. VENUS.

Edmund H. McDonald	20	Kentucky.		James	
H. J. Thomasson.....	18	Alabama.		James H.	
Daniel E. De Wolf....	23	Alabama.		Samuel H.	
Armand R. Woer.....	22	Alabama.		Robert	

VAPOR ISABEL LA CATÓLICA.

Fenton D. Hough....		New Albany.	Engineer.	Fenton	Nancy McDonald.
Charles A. Downer...		Maryland.	Clerk.	Jason B.	Frances J. Merchand.

PUESTOS EN LIBERTAD.

Col. Wm. Scott Haynes		New Orleans.			
Capt. J. A. Kelly.....		New Orleans.			
Philip Van Vechten..	23	New York.	Lawyer.	Jacob F. B.	Caroline Roor V ch.

CASTELLO DE LA PUNTA.

Cornelius Duffy.....	17	Boston.	Clerk.	Michael	Margaret Doyle.
Thomas D. Brown....	25	New Orleans.	Driver.	John G.	Louisa Newman.
Robert Ellis.....	22	Washington.	Clerk.	Robert	Mary Brook.
Preston Essex.....	25	Kentucky.	Boatman.	William	Susan Baker.
Thomas Little.....	30	Philadelphia.	Carpenter.	John	Mary Foy.
George Parr.....	25	New Orleans.	Clerk.	John	Mary
Joseph Stevens.....	26	New York.	Carpenter.	William	L. Onet.
John Johnson.....	35	Owensboro'.	Merchant.	S. J.	S. Stark.
John A. Sowers.....	21	Kentucky.	Merchant.	William	C. Jenkins.

HOSPITAL MILITAR.

George W. Richardson	35	Massachusetts	Clerk.	Robert	Mary Brook.
George Egerton.....	24	Massachusetts	Carpenter.	Owin	Maria Foster.
Isaac Freeborn.....	38	Ohio.	Tailor.	Jacob	Mary McLelly.
Thomas L. McNeill....	23	N. Carolina.	Clerk.	Thomas	Rose A. Fippins.
William Miller.....	32	New Orleans.	Boot ma'r.	William	Ann Irons.
Wilson L. Reeves....	19	Georgia.	Driver.	Jephe B.	Cynthia Towns.
John Clume.....	21	Pennsylvania.	Boatman.	Henry	Mary Hodge.
David Gino.....	26	Philadelphia.	Laborer.	Desconoeids.	Deconoidea.

PRESIDIO DEPARTAMENTAL DE LA HABANA, 23 de Set^{re} de 1851.

Commodore Parker to the Captain-General of Cuba.

U. S. FLAG-SHIP SARANAC,
Havana, September 16, 1851.

EXCELLENT SIR: From the newspapers received this day from New Orleans, and other parts of the United States, I observe with pleasure that all the men collected for the unlawful invasion of this Island have been dispersed, and that the President of the United States has reiterated strict orders to both civil and military officers, to use every exertion to prevent in future any unlawful assemblage of men, or the embarkation of such men on any pretext whatever, from any port of the United States.

Now that all appears tranquil, would it be asking too much of your Excellency to take into consideration the propriety and humanity of releasing the prisoners now at your Excellency's disposition—particularly such of them as are wounded and sick.

This course I am sure would be the means of tranquilizing the excited people of the United States, and be most gratifying to my Government.

I hope you will appreciate the motives I have for soliciting this favor at your Excellency's hands, and believe me to be, with high considerations of respect, your obedient servant,

FOXHALL A. PARKER,
*Commander-in-chief of the U. S. Naval Forces
in the West Indies.*

His Excellency Señor DON JOSE DE LA CONCHA,
Governor and Captain-General of the Island of Cuba, &c., &c.

[Translation.]

*The Captain-General of Cuba to Commodore Parker,
Havana, September 18, 1851.*

MY DEAR SIR: I have received your communication of the 16th instant, informing me that you perceived, by the New Orleans papers and those journals published at other points in the United States, that the men who had assembled for the purpose of unlawfully invading this Island had been disbanded; and that the President of the United States had again issued the most stringent orders to both *civil* and military officers to prevent in future all illegal assemblages of this class of men, and the possibility of their embarking at any of the ports of the United States, concluding with the remark, that now, when every thing appears tranquil, I ought to take into consideration the propriety of setting at liberty those prisoners who are still here, especially those who are sick and wounded, and that you are sure that such an act would contribute to calm the excitement of the people of the United States, and prove very gratifying to your Government.

I have to say to you in reply, that it is not in my power to comply with your request, as I have already informed her Majesty's Government of the events which have lately transpired on this Island, and that I was going to send to Spain all the pirates whose lives have been spared in virtue of the pardon which I granted in my proclamation of the 24th of last August, in

deference to considerations of humanity, to be disposed of there agreeably to its superior will.

I am, with every consideration, your attentive, faithful servant, who kisses your hand,

JOSE DE LA CONCHA.

To Mr. FOXHALL A. PARKER,
*Commander-in-Chief of the Naval Forces
of the United States in the West Indies.*

Commodore Parker to Mr. Webster.

U. S. FLAG-SHIP SARANAC,
Havana, October 5, 1851.

SIR: On my return from Matanzas to this place, I learned that two men, Robert H. Breckinbridge and Ransom Beach, both from the state of Kentucky, had been picked up in a small boat at sea by a Spanish merchant schooner, and were then confined in prison at this place.

I waited on the Captain-General and inquired why and wherefore these men had been captured, who informed me that they were captured on the high seas, but had confessed they were a part of the Lopez expedition, had been on the island some twenty days, and made their escape thirty-six hours before they were captured in the boat, which belonged to a small vessel anchored near the shore, that the boat was recognized as having been stolen, &c.

In the course of conversation, the Captain-General said he would be compelled to try these men under the general law of nations for piracy, but they would be dealt with as leniently as possible, and under no circumstances would their lives be endangered.

I have reason to hope these men will be released. There are now here fifteen prisoners, thirteen of whom are in the Hospital, but not dangerously sick.

I have the honor to be, very respectfully, your obedient servant,
FOXHALL A. PARKER,
Commanding Home Squadron.

The Hon. DANIEL WEBSTER,
Secretary of State, Washington, D. C.

Mr. Calderon to Acting Secretary of State.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
New York, August 26, 1851.

It has positively been announced in all the newspapers of this city, and those of this evening confirm the fact, that, not only her Majesty's Consul in New Orleans, but also the editors of a Spanish journal published in that city, called "La Union," together with many peaceable Spaniards, have been brutally insulted. Herewith enclosed is the "Commercial Advertiser" of this evening, containing an account of the occurrence.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, has not yet received any authentic information of the affair, nor is it natural that he should, if, as it is said, Her Majesty's Consul has taken refuge in a prison, or has become the victim of some criminal outrage.

The undersigned flatters himself with the hope that the rumor is false, or that it has been greatly exaggerated for the diabolical purpose of inflaming the evil passions of men. The Federal Government, however, is, no doubt, in possession of reliable information on the subject.

But the undersigned would fail in the performance of his duty, in his own opinion, if, in the present state of uncertainty, he did not address himself to the acting Secretary of State, as he now does, with a request that he will have the goodness to inform him of the truth; and in case these rumored acts of violence should actually have been committed, to ask, in the most urgent manner, in the name of civilization, of the law of nations, of treaty obligations, and of morality, that the Consul of her Catholic Majesty in New Orleans, and all Spaniards residing in the United States, be efficiently protected in their persons and property, and that due satisfaction may be secured, both to the demands of justice and to the Spanish nation. The undersigned repeats again, that he still flatters himself that this is one of those innumerable falsehoods which evil-minded men have circulated with such unheard of profusion, in the hope of destroying those friendly relations which happily exist between the two countries, to the mutual advantage of both parties. Such is his earnest wish; such is his hope.

The undersigned avails himself of this occasion to renew to the acting Secretary of State the assurances of his most distinguished consideration.

A. CALDERÓN DE LA BARCA.

Hon. W. S. DERRICK,

Acting Secretary of State of the United States.

Acting Secretary of State to U. S. District Attorney at New Orleans.

DEPARTMENT OF STATE,
Washington, August 28, 1851.

SIR: I have the honor to transmit enclosed, a copy of a despatch from the Minister of Spain near this Government, of the 26th instant, in which he invites attention to certain outrages alleged to have been recently committed upon the Spanish Consul and other Spanish residents of New Orleans.

Allow me to request that you will immediately institute a strict inquiry into the truth of these representations; and if, upon investigation, they prove to be well grounded, you will report the facts of the case to this department, and take proper steps to vindicate the laws and bring the offenders to punishment.

I am, sir, very respectfully, your obedient servant,

WM. S. DERRICK;
Acting Secretary.

LEGGAN HUNTON, Esq.,

U. S. District Attorney, New Orleans, La.

M. Calderon to Acting Secretary of State.

[Translation.]

SPANISH LEGATION IN WASHINGTON,
New York, August 29, 1851.

In addition to his note of the 26th instant, the undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, begs to enclose to the acting Secretary of State of the United States a copy of a telegraphic communication which he received yesterday from her Majesty's vice consul at Mobile, confirming, in a certain degree, the accounts of the outrages committed in New Orleans against her Majesty's consul for that port.

Upon this subject, as it shows that he had ample cause, and is still justified in asking, in the most urgent manner, that efficient measures may be adopted, the undersigned desires to call the attention of the acting Secretary of State to the fact, which he will already have learned from the journals of this city, viz: that but for the decided and timely interference of the local authorities of this place, it is probable that both her Majesty's consul for this port, and the editor of the *Cronica*, would have likewise been the victims of some violent outrage. Convinced, as the undersigned is, that the enlightened Government of the United States, and the upright chief magistrate at the head of it, will employ all the means necessary to check such abominable excesses, which they cannot but condemn with just indignation, he abstains from making any idle reflections, and renews to the acting Secretary of State the assurances of his distinguished consideration.

A. CALDERON DE LA BARCA.

Hon. WM. S. DERRICK,
Acting Secretary of State of the U. S. of America.

[By Telegraph.]

WASHINGTON, August 28, 1851.

The Spanish consul's office at New Orleans has been entered and torn to pieces, and the consul burnt in effigy, last night.

SPANISH CONSUL AT MOBILE, August 22, 1851.

To SPANISH MINISTER,
Care Spanish Consul, 115 Leonard street.

True copy.

Acting Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,
Washington, August 30, 1851.

The undersigned, acting Secretary of State of the United States, has the honor to acknowledge the receipt of the two notes which Don A. Cal-

deron de la Barca, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, near this Government, addressed to him on the 26th and 29th inst., inquiring of this Department, whether official information of certain reports respecting outrages alleged to have been committed lately against the Spanish Consul, the Editors of the "Union," and many peaceable Spaniards in New Orleans, had reached this Department, and asking for efficient protection of the persons and property of those individuals.

Possessing no official information respecting the outrages complained of in these communications, as having been committed in New Orleans, the undersigned hopes sincerely with Mr. Calderon, that the reports which have been published in the journals of the day may prove to have been greatly exaggerated.

In the meantime, however, the undersigned has instructed the United States' District Attorney at New Orleans to furnish this Department with a full statement of facts respecting these alleged acts of violence, and to prosecute any persons who may be found to have been engaged in them.

The undersigned avails himself of this occasion to renew to Mr. Calderon the assurances of his distinguished consideration.

WM. S. DERRICK,
Acting Secretary.

Acting Secretary of State to the United States District Attorney at New Orleans.

DEPARTMENT OF STATE,
Washington, September 1, 1851.

SIR: Referring to the letter addressed to you from this Department on the 28th ult., relative to alleged acts of violence upon the Consul of her Catholic Majesty, and other Spanish residents of New Orleans, I have to request that you will, in prosecuting your inquiries, endeavor to ascertain, with all practicable accuracy, what amount of pecuniary loss or damage Mr. Laborde may have sustained in the attack upon him by the mob of that city, and communicate the particulars to this Department without unnecessary delay.

I am, sir, respectfully,

Your obedient servant,

WM. S. DERRICK,
Acting Secretary.

LOGAN HUNTON, Esq.

U. S. Attorney for the Eastern District of Louisiana.

Mr. Calderon to Acting Secretary of State.

[Translation.]

LEGATION OF SPAIN, IN WASHINGTON,
New York, September 5, 1851.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, proceeds to place in the hands of the Acting

Secretary of State, the accompanying narrative of the violent outrages which have been inflicted upon her Majesty's Consul in New Orleans, and upon several peaceful and industrious Spaniards residing in that city.

This narrative has been compiled by the undersigned from the various accounts which have been forwarded by said Consul, who, finding it impossible freely to perform the functions of his office, and in view of the risk he has undergone, and would still undergo, of jeopardizing his life, has been compelled to abandon his post, recommending all Spanish subjects to the protection of the French and English Consuls, as it appears from the annexed copies.

From this narrative, we gather that the unheard-of crime of sending, without hindrance, an armed expedition of considerable strength from New Orleans, to take possession of her Catholic Majesty's territory, in the midst of peace, laying waste her property and killing her subjects, has been aggravated, if such a thing be possible, by subsequent atrocities.

Her Majesty's Consul has been assaulted,—his place of business forcibly entered—the effects belonging to him destroyed—his life threatened, and the sign of his office torn down and carried away in triumph to Lafayette Square, where, in the midst of rude jests, it was publicly burned, together with the Spanish flag; and, as if such disorderly acts had not been sufficient, they have taken away the official papers of the Consulate, and it is credibly rumored that the same will be published. Personal attacks were also made upon several Spaniards, as well as upon the Consul, and their respective houses plundered; all of which is proved by the annexed list.

The undersigned feels persuaded that the noble President Fillmore deplores and highly disapproves of these excesses, and that his enlightened cabinet, and all the good men of the republic cannot do otherwise than to condemn the same, as well as his Excellency.

In the meanwhile, however, the hostilities and bloody acts of violence committed on Spanish territory,—the insult offered to the dignity of her Catholic Majesty in the person of her Consul,—the robbery of her archives,—the trampling on the rights of her subjects, and the plundering the latter of their property, have placed the relations between Spain and the United States in the most melancholy condition.

For this reason, the undersigned, in compliance with the sacred dictates of duty, appeals again to the most excellent President, as bound to see that the treaty stipulations with Spain are faithfully carried out, and to protect the Spanish residents in the United States, under the guaranty of those treaty stipulations, and of the laws, for the purpose of asking, once more, not only for just satisfaction for the above-mentioned insults and acts of hostility, with a corresponding indemnification for the damages and injuries inflicted upon her Catholic Majesty's subjects, but also for the adoption of the most efficient measures, in order that Spain may rest secure that such scenes will not be repeated.

The undersigned renews to the Acting Secretary of State the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

[Translation.]

SPANISH LEGATION IN WASHINGTON,

New York, September 5, 1851.

A narrative of the outrages committed in New Orleans, upon the persons and properties of her Majesty's consul in that city, and of several other Spaniards.

On the arrival of the steamer "Crescent City," on the 21st of last August, at eight o'clock in the morning, the daily press began to excite the angry passions of the people, and fully succeeded in that iniquitous purpose.

A numerous crowd, exasperated by the falsehoods which said press had knowingly circulated, and by inflammatory harangues, started for the office of a Spanish newspaper published in New Orleans, called "La Union," and destroyed it completely, the editor having only saved his life at the entreaties of his wife and children.

The mob having divided itself into groups, started in the direction of various establishments belonging to Spaniards, a list of which is herewith enclosed, and proceeded to demolish them all, some being more or less injured than others, merely because the property belonged to Spaniards.

In their mad fury, they called at the house of her Majesty's consul, which they entered, demolished whatever they happened to meet with, seized his papers and books of entry, and tore down the sign of the consulate and the national flag, which they afterwards carried in triumph to Lafayette square, where they were cut and broken into fragments, and burned up.

The sign of the consulate was torn down by the recorder of the first municipality, as it is stated, with a view of thus appeasing the anger of the crowd, by gratifying their wishes so far.

Her Majesty's consul, Don J. J. Laborde, being compelled to yield to the representations of the recorder, and mayor of the first municipality, who assured him that he was endangering his life, concealed himself, and presently took refuge in the house of a friend. With a view of continuing to inflame the evil passions of men, and to keep such passions in a constant state of fermentation, "the press was induced, (these are the consul's own words,) to follow in the same strain by representing, in its leading articles, the exasperated condition of the public mind, as having been produced by the indiscreet conduct of several Spaniards, boastful and elated at the triumph obtained over the pirates. So great a falsehood was never put in circulation before." In such a conflict, the consul, who found himself abandoned by all the authorities, sought in vain to find the governor of the State! His excellency was, as usual, out of the city.

"I undertook afterwards, (continues the consul,) to induce the mayor and the recorder to do something, as those officials had previously entreated me to interpose my influence with the editors of 'La Union,' in order that they might be moderate in their remarks in the number of their paper which was to be issued on the 23d, requesting me, shortly afterwards, that I would persuade the aforesaid editors not to publish their paper for some days, all of which I guaranteed should be done, in order to secure the tranquillity about which so much anxiety was felt. I did not on this account, however, succeed in inducing these local authorities to adopt such measures as would have evinced, on their part, a desire to re-

strain those who were ready, as it was known, to commit a thousand atrocities. The calling out of the troops, for the preservation of order, was evaded in various ways. I was informed, that *the greatest portion of them partook largely of the same sentiments, and that they were not, therefore, to be trusted.*

"The troops under General Twiggs, stationed at a short distance from this city, had become useless, inasmuch as their command was temporarily absent in the Bay of St. Louis; and even though he had been here, he would have turned a deaf ear to my most pressing requests."

Thus forsaken by those who should have protected him, and left to the mercy of a ferocious rabble, the consul adopted the only alternative which was left to him. He ceased to perform the functions of his office, and committed the property and persons of Spanish subjects to the care and protection of the British and French consuls, in the terms specified in copy (A) of a communication which he addressed to them, which fact was brought to the knowledge of our countrymen, by the notice as contained in copy (B.)

Having taken refuge in the house of a friend, situated thirty-three miles from the city, the consul was about to repair to Havana, where he is probably at present.

And what else could he have done? He says, and very justly, "As a great portion of the papers belonging to the consulate are in the possession of several of the rioters, and it is rumored that said papers will be published, springing thus a source of irritation to the families and friends of those residing in this city, who are implicated in favoring piratical expeditions, it is not to be wondered at, I repeat, if the mob, on being again influenced, should proceed to the perpetration of fresh outrages."

The consul encloses the following list of the houses which have been plundered:

Consulate of her Catholic Majesty completely destroyed without a vestige being left of its archives.

Printing-office of the newspaper "La Union" completely destroyed.

Coffee-house called "Jenny Lind" razed to the ground.

Coffee-house of Señor Albeio, not entirely destroyed.

Coffee-house of Don Antonio Rovira, not entirely destroyed.

Coffee-house of Don N. N. Bertram completely demolished.

Coffee-house of Don Juan Carbó totally destroyed.

Two other coffee-houses, the owners of which names I know not, destroyed.

Tobacco store of Don A. Hernandez completely destroyed and its valuable contents stolen.

Tobacco store called "La Corina," belonging to Don Francisco Romagosa, entirely destroyed.

Tobacco store of Don Y. M. Caballero completely destroyed, with many other establishments, which have suffered little, in consequence of various means adopted by their owners for the preservation of the same, some calling themselves American citizens, and others, by simply hoisting the flag of this republic without saying any thing.

A. CALDERON DE LA BARCA.

[Translation.]

A.

NEW ORLEANS, *August 22, 1851.*

The events of yesterday, of which you will have been informed, compel me to resort to the only expedient which is left me, in the very painful position in which I am placed. Relying, as I am bound to do, upon the well known sympathy, nobleness, and generosity of the valiant English [French] nation, of whose government you are the worthy representative at this port, I place under the magnanimous protection of the illustrious flag of her Britannic Majesty, [of the republic,] all the Spanish subjects of her Catholic Majesty, expecting that my request will be well received by you, which will secure you the blessings of those who at present consider themselves without protection.

I hope that, should you think it proper, as I think it is, in order that those who are to be protected by you may be apprised of the fact, you will cause my request to be published in any papers which you may select to that effect.

May God preserve you for many years.

(True copy:) JUAN IGNACIO LABORDE Y TRUEDA,
Consul ad interim of her Majesty.

(True copy:)

A. CALDERON DE LA BARCA.

HER BRITANNIC MAJESTY'S CONSUL, *Present.*

The same, with the alterations in [], to the
CONSUL OF THE FRENCH REPUBLIC, *Present.*

[Translation.]

B.

To Spanish subjects and merchants in general.

NEW ORLEANS, *August 23, 1851.*

Until I receive instructions from the most excellent Minister of her Catholic Majesty in Washington, and while the consulate under my charge continues closed, it is my duty to give notice to all Spanish subjects, that I place their persons and their property under the protection of the authorities of the country, and of the representatives, in this city, of those nations which are allied to the government of her Catholic majesty, and to apprise merchants generally, that all matters connected with the duties of my office, will be attended to and disposed of, without distinction, by her Britannic Majesty's consul, and the consul of the French republic, residing in this city.

JUAN IGNACIO LABORDE.

(True copy:)

A. CALDERON DE LA BARCA.

Acting District Attorney of the United States for the Eastern district of Louisiana to the Acting Secretary of State.

NEW ORLEANS, *September 25, 1851.*

SIR: After a delay which I found to be unavoidable, but for which I beg to express my regrets, I proceed to submit, in reply to your letters of the 28th ultimo and 1st instant, such particulars in respect to the outrages which were committed upon the Spanish consul and other Spanish residents of this city, on the 21st of August last, as I have been able to ascertain.

In order to obtain the most full and authentic information in regard to the origin and extent of the riots which took place on that day, as well as the measures which were adopted by the public authorities for their suppression, I addressed a letter to the Honorable A. D. Crossman, Mayor of the city, and I enclose herewith his reply, and also copies, furnished by him, of the several orders issued from his office during the existence of the excitement, and of his message to the Council of the Second Municipality under date of the 26th ultimo.

These documents furnish a general history of what occurred; but your inquiries in relation to the Spanish Consul call for a more particular statement, and compel me to refer to circumstances which preceded, and perhaps may serve to explain the attack upon his office.

Mr. Brincio, the secretary of the Spanish Consul, who arrived on the Empire City, from Havana, on the 21st August, had in his charge the letters from the prisoners executed in Havana to their friends in this country. He had been directed by the Captain-General of Cuba, as I am informed, to deliver the letters addressed to parties in this city, personally, if practicable, and to deposit the others in the post-office. It was soon made known that the letters were in his possession, and many of the parties to whom letters were directed, called at the Consul's office and received them; but a report got into circulation in the course of the morning that the letters were improperly detained at the Consul's office, instead of being deposited, as usual, in the post-office, and even that the Consul had refused to deliver them. Perhaps the rumor grew out of a misconception of the conduct of the secretary, who had declined to deliver the letters to any other than the parties to whom they were addressed, when the parties themselves were known to be in the city. It is proper to state that as soon as he was informed of the misunderstanding and ill-feeling which had been occasioned, he immediately deposited all the letters remaining in his hands, in the post-office, and took a receipt for them. I enclose a copy of the receipt, from which it appears that the letters were put into the post-office at 3½ o'clock, P. M.; but meanwhile the misrepresentations of the matter which had been circulated, had served to excite some animosity against the Consul.

About 2½ o'clock, P. M., an extra was issued from the office of "La Union," which contained an abstract of the news from Havana, preceded by a few editorial remarks. It so happened that I was passing the office of "La Union" a few minutes before three o'clock, P. M., and bought at the office a copy of the extra, which is herewith transmitted. At that time the press was at work; all was quiet in the neighborhood, and no apprehensions seemed to be entertained of any disturbance. It appears, however, that placards had been posted up during the morning of the 21st,

threatening an attack on the office of that journal the ensuing night.— Perhaps the publication of the extra precipitated the attack; but, be this as it may, between three and four o'clock, P. M., and before the public authorities expected or were prepared to resist it, the attack was made, and all the presses and other furniture of the office completely destroyed: No violence or personal offence of any kind, so far as I can learn, was offered to any of the people employed about the establishment; and as soon as the destruction of the office had been accomplished, the parties engaged in it dispersed. None of the police appear to have been present, and no arrests were made; but it is believed that few, if any, of the persons engaged in that business took part in the disturbances that afterward occurred. A great and general excitement, however, was created by it throughout the city.

Shortly afterward a difficulty occurred in a cigar shop on the corner of St. Charles and Gravier streets.

I am inclined to believe that the affair was rather accidental than preconcerted, and that it was in a great measure induced by the folly of Gonzales himself, the proprietor or attendant of the shop. He is said to have been a very loyal subject of the Queen of Spain, and in the habit of speaking very freely and in strong language in relation to Cuban affairs. His shop, however, was the resort of many of that class of men, quite numerous in this city about that time, and known as "Fillibusters." They would call for "Fillibuster cigars," and Gonzales permitted himself to be irritated by it. He had been cautioned in a friendly way against his intemperate language and conduct on such occasions, and advised not to involve himself in any unnecessary quarrel. Quite an angry scene, however, took place in his shop on the morning of the 21st, and in the evening of that day, between four and five o'clock, P. M., an attack was made upon his establishment; but, whether it was induced by the quarrel of the morning, or by some new difficulty, I have not been able to learn. The police promptly interfered, and succeeded, without much trouble, in expelling the assailants and in closing the doors of the shop, leaving Gonzales within. But the crowd, which in the feverish state of the public mind had quickly collected in considerable numbers, still lingered around the corner, and several citizens addressed them, urging them to respect the laws and preserve the peace. The excitement appeared to subside, and the people had already begun to disperse, when Gonzales removed the bars of one of the doors which had been fastened on the inside, and came out upon the sidewalk in his shirt sleeves, with a knife in his hand, and threatened to kill any one who should attack him or his property. He was immediately assailed with stones and brickbats, when he rushed into the crowd, and began to cut right and left, till he forced his way through and fled towards the guard-house of the Second Municipality. He was pursued by the mob, but fortunately some policemen came out from the guard-house and rescued him from his pursuers. The attack upon his shop then commenced, and all its contents were broken to pieces and thrown into the street. In the midst of the confusion and excitement thus renewed, a cry was raised for an attack on the office of the Spanish Consul, and the mob forthwith started off in that direction.

The Consul's office is on Bourbon street, near the corner of St. Louis street, in the First Municipality. Hon. Joseph Genois, the Recorder of the First Municipality, informs me that it was between five and six o'clock,

P. M., that he learned that a mob from the Second Municipality was threatening the Consul's office, and that he immediately repaired to the spot, accompanied by the Captain of the Watch, and one or two policemen. He states that on his arrival he found the streets filled with people, the doors of the office broken open and some seven or eight persons inside in the act of breaking the furniture. That he made his way into the office, and commanded the rioters to desist from further violence, and that with some difficulty he at length succeeded in inducing them to withdraw without having done any serious injury. They possessed themselves, however, of the Consul's sign, with which they ran off, shouting and exulting, to the Lafayette square in the Second Municipality, where a public meeting had been called for that evening, and had already begun to assemble, and there the sign was publicly burned. No arrest was made of any of the persons who had been found in the office. After the mob had withdrawn, the doors were closed and nailed up. No guard was placed over the office, but the police retired, or were called off to other scenes of disorder, without any apprehension apparently that the attack would be renewed. Within an hour afterward the rioters returned, forced their way again into the office, and without any interruption or hindrance, destroyed all the furniture of the office, threw the archives of the Consulate into the street, defaced the portraits of the Queen of Spain and the Captain-General of Cuba, and tore the flag of Spain (which they found in the office) into pieces.

All these outrages were committed upon the office of the Consul without any interference on the part of the police, (none of whom appear to have been present) and without the apprehension, as yet, of any of the offenders. Other disturbances took place during the night, and numerous arrests of the rioters were made; but, so far as I can learn, none of the persons concerned in the attack upon the Consul's office have been taken or identified. The value of the property destroyed at the Consul's office cannot be very great: The chief loss is that of the archives. A portion of them has since been recovered, but I fear the greater part is lost. The damage done to the property of individuals cannot yet be ascertained with certainty, but the estimates which I have heard for the value of the property destroyed in the Second Municipality at \$10,000 to \$20,000, and in the First Municipality at \$6,000 to \$7,000.

No personal injury was suffered by the Consul or any one connected with his office. The story that he had fallen a victim to violence, or been compelled to fly for safety to the prison, was one of those falsehoods which, as his Excellency the Spanish Minister observes, had been scattered through the country with unheard-of profusion. It may be (though I do not believe it,) that if he had fallen in the way of the rioters during the night of the 21st August, he might have been in some danger; but after the excitement of that night was over, any notion that his stay in New Orleans would have been attended with personal danger, is simply ridiculous. It is worthy of remark that the only person who suffered any injury whatever at the hands of the mob, was Gonzales, who, in a great measure, was himself to blame for it. He has since been examined on the complaint of one of the persons who was wounded by him, and he now stands committed for trial before the Criminal Court. The temper of the mob was neither sanguinary, nor even strongly vindictive; and after the attack upon the Consul's office; all the subsequent mischief was committed by parties the most of whom were

recognized by the police as common vagrants and thieves, who probably had no other object in view than plunder. It is rumored also, that among them were some natives of Cuba, who took advantage of the opportunity to instigate the rioters against their fellow-countrymen of old Spain.

The riots doubtless are to be ascribed to the exasperation excited by the news from Cuba. It was a sudden outbreak, for which the public authorities were not prepared, and which the citizens did not immediately rally to resist; but it is a significant fact, that in no instance where the police made the attempt, did they fail to check the rioters — that in no case was any violent resistance opposed to them, nor was any effort even made to rescue parties which they arrested.

I am, sir, very respectfully, your obedient servant,

E. A. BRADFORD.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
New Orleans, September 8, 1851.

SIR: I have been instructed to institute an inquiry in respect to the "outrages alleged to have been recently committed upon the Spanish consul and other Spanish residents of this city," and to report the facts of the case to the Department of State, at Washington.

As I desire, in furtherance of the views of the Government, to obtain the most full and authentic information, I beg leave to apply to you for such a statement of the facts connected with the outrages referred to as it may be in your power to furnish.

I am, very respectfully, your obedient servant,

LOGAN HUNTON,

by E. A. BRADFORD.

Honorable A. D. CROSSMAN.

MAYORALTY OF NEW ORLEANS,
September 18, 1851.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, in which you desire to obtain information relative to the "outrages alleged to have been recently committed upon the Spanish consul and other Spanish residents of this city," for the purpose of reporting the same to the Department of State, at Washington.

Confining myself strictly to the facts of the case, I would state in reply, that at an early hour on the morning of the 21st ultimo, the steamship **Empire City** arrived here, bringing the melancholy intelligence of the execution at Havana, of a portion of Crittenden's command, comprising fifty-one American citizens. This heart-rending news was confirmed by the correspondents of the press of this city, who, at the same time, accompanied their narrative by a recital of the most revolting and barbarous indignities committed on the bodies of these unfortunate men after they had been shot. These advices spread like wild-fire through the city, and aroused the entire community to the highest pitch of excitement and exasperation. Notwithstanding the universal sympathies of our population,

I did not, however, for a moment apprehend that any outrage would have been committed on persons or property, until about two o'clock, when I ascertained that some written placards had been stuck up, containing an inflammatory appeal to unite in destroying, during the night, the office of "La Union," the Spanish paper of this city. This induced me at once to send for the Honorable Joseph Genois, recorder of municipality number one, for the purpose of communicating with him on the subject, and after consultation we deemed it advisable to call upon the Spanish consul, with the object of persuading him to use all his influence with the editors of that paper to suspend its publication until the great excitement should have somewhat subsided. On reaching the office of the consul he was not in, whereupon the recorder and myself, after having explained the purport of our visit to the consul's private secretary, left word that we would wait for him at the mayor's office until three o'clock. A few minutes after the appointed time Mr. Laborde arrived, and after representing to him the dangerous excitement which prevailed, and the probability that it might be quieted by an authorized announcement that "La Union" would suspend its issues for some time, he consented to use all his influence in carrying out our wishes, and actually gave the requisite instructions to that effect to his private secretary in our presence. At that time I had not the slightest idea that any attack would have been made upon the Spanish consul, and so expressed myself at the moment.

On leaving my office at four o'clock in company with the Hon. Recorder Genois and some other gentlemen, we were then apprised that the establishment of "La Union" had been destroyed. The persons who participated in this act of violence went determinedly and coolly to work, and, it must needs be confessed, were encouraged by the presence and openly avowed sympathies of many citizens. Previously to this occurrence I had issued orders to the heads of police to muster all their available forces, and to increase them to any extent that might be demanded by the public safety.

In the meanwhile the excitement continued to grow, and at five o'clock a concerted attack was made on the cigar shop of a Spaniard in St. Charles street. The police, however, succeeded for a moment in arresting the disorder at this point, only to break out, however, simultaneously and with renewed violence in various other quarters. An immense demonstration was made on the establishment at the corner of Tchoupitoulas and Poydras streets, and on repairing thither I addressed the multitude, counselling them to preserve order and peace, and calling upon all good citizens to aid in suppressing the disorder. The crowd dispersed, promising to behave peaceably, but the riots broke out anew; and indeed so strongly were the sympathies of the community enlisted in the cause of the expedition, and so greatly were they incensed at the barbarities said to have been practised in Havana, that for a moment the greater portion of the population was entirely disaffected, and the police were thus left to cope with the rioters without much assistance on the part of the citizens. So spontaneous also were the disturbances in various parts of the city, that it was impossible for the police to act with concert; and the same difficulty was experienced with the military, who turned out in very limited numbers only, and were not enabled to effect an organization until an advanced hour of the evening.

I was so much occupied in going over the entire extent of the city, that

it was nearly eight o'clock in the evening before I heard of the attack on the office of the Spanish consul. It was not until twelve o'clock that the rioters were finally dispersed, after having broken open about a dozen coffee-houses and shops in different portions of the city.

I can assure you, however, from information I subsequently received, that not one-fourth the places which it was designed to attack were disturbed; and were it not for the very decided measures which I took for the preservation of the peace on the following day, and the hearty response made by the citizens to my proclamation calling upon them to aid the authorities in suppressing the turbulent proceedings, there would doubtless have been a renewal of those disgraceful occurrences which, for the fair fame of our city, I so deeply deplore. I will also state that several citizens who had been led to believe, from various threats, that their property was menaced with destruction, called upon me for assistance, and in every instance I took the necessary precautions to preserve them from being molested. I deem it proper to add that the only time I saw the Spanish consul was during the brief interview with him in my office on the 21st, the particulars of which have already been set forth. The foregoing statement embraces a correct and faithful account of the proceedings which took place in this city on the 21st and 22d ultimo. In connexion with the above, it may be perhaps not amiss to add that Mr. Musson, the postmaster of this city, called on me between two and three o'clock, on the 21st ultimo, and stated that he entertained some apprehensions that an attack would be made on the "Union" office during the night. He also remarked that Mr. De Buys, his deputy, had informed him that persons had called at the post-office for letters which had been written to them by the unfortunate victims at Havana, and that he overheard some of them utter threats against the Spanish consul for not having deposited the letters in the post-office.

Finally, as a matter of reference, I beg to enclose a copy of an official communication which I sent into the council of municipality, No. 2, in relation to the occurrences of the 21st and 22d ult. The strong language which I employed on the occasion had its origin in the concurrent accounts received by all the papers of this city, from their various correspondents in Havana, reciting the mutilations and barbarities committed on the bodies after death.

In addition to the above details I have deemed it proper, with the view of placing the State Department in possession of all the information touching on the subject, to enclose copies, numbered one to nine, of the various orders and directions issued from my office during the period of excitement.

I have the honor to be, very respectfully, your obedient servant,

A. D. CROSSMAN, *Mayor*.

LOGAN HUNTON, Esq.,

United States District Attorney.

MAYORALTY OF NEW ORLEANS, August 26, 1851.

GENTLEMEN: On Thursday last our usually quiet city was thrown into the deepest agitation by the receipt of advices from Havana, announcing the horrible massacre of a number of our citizens, coupled with details of the most revolting indignities and mutilations committed on their bodies.

Commiseration for the untimely fate of so many gallant young men, was for the moment absorbed in a universal expression of horror at the barbarous manner of their death; and it became evident that the recital of these cruel events, had aroused the public mind to the highest pitch of excitement. Such being the state of affairs, and fearing that the natural indignation of the community might manifest itself in acts subversive of law and order, I gave directions in the forenoon to the heads of police to take the needful measures for the preservation of the public peace by putting on such additional force as they might deem necessary.

Notwithstanding these precautionary steps, I deeply regret to state, for the fair fame of our city, that during the afternoon and night, scenes of violence and disorder were committed, and the property of inoffensive citizens destroyed; and although using every personal exertion to put a stop to these outbreaks, I feel compelled to add that my efforts, together with those of the police, were only partially successful. Indeed, so spontaneous was the movement on the part of the rioters, and such the suddenness with which tumultuous assemblages appeared in various parts of the city, that, in addition to the embarrassment occasioned by the lateness of the hour, the police officers found it extremely difficult to act with that degree of concert necessary to the prompt suppression of the disorders. Later, however, when the police had got fairly organized, it is due to state that they performed efficient service, and succeeded in arresting a considerable number of the rioters, and in restoring the public peace.

Early in the evening, finding that the riots and outrages on property continued unchecked, I deemed it my duty to call upon the military to hold themselves in readiness at a moment's warning, and, on a given signal, to aid in repressing the tumult.

At eleven o'clock that night, I issued a proclamation calling upon all good citizens to aid the authorities in preserving the order, peace and dignity of the city; and on the following day I put forth another proclamation inviting any fellow-citizens to enrol themselves as a special police for the purpose of performing patrol duties. This call, I am happy to say, was promptly responded to by many of our most respected citizens, and it is with great pleasure that I thus publicly acknowledge the important services rendered by this volunteer corps in preserving the peace of the city, despite the great excitement which continued to prevail on Friday and Saturday. Nor must I omit to mention the fact that many strangers now sojourning in the city, came forward and tendered to me their services on Friday, for which disinterested offer they are entitled to the hearty thanks of the community. As there was reason to apprehend a renewal of the scenes of Thursday, I caused the military to remain under arms on Friday night; but I feel deeply grateful in adding that there was no occasion for their services.

Several citizens, who, in consequence of threats, had been led to believe that their property was menaced with destruction, applied to me for protection, and in every instance I gave immediate orders for the stationing of an extra force in their vicinity. Indeed, if any intention existed on the part of evil-minded persons to disturb the public peace on Friday, it was most effectually thwarted by the complete and extensive arrangements made by the authorities to put down disorder wherever it might manifest

itself. These preparations have necessarily entailed some expense on the city, which will have to be met.

I cannot dismiss the subject without again expressing my sincere sorrow and regret that our city should have been made the scene of such disgraceful occurrences as took place on Thursday last. Conduct of this kind can admit of no palliation, and, whilst I would not for a moment set up, in justification of those excesses, the excitement produced by the heart-rending news from Havana, knowing as I do that in a popular government it is essential that the laws be maintained, yet, on reviewing the causes out of which these disorganizing acts arose, I cannot but congratulate my fellow-citizens that these disreputable riots have terminated without bloodshed.

In conclusion, allow me to express the hope that our city may never again be disgraced by such exhibitions as were unfortunately witnessed last Thursday. New Orleans has always been characterized by her love of order, and her obedience to the laws, and every good citizen should do all in his power to maintain and preserve this reputation. No grievance, however insupportable, no outrage, however gross, can justify a resort to mob violence. An habitual disregard of the laws framed by the people for their own protection, can only end in demoralization of the community.

I have the honor to be, very respectfully, your obedient servant,

A. D. CROSSMAN, *Mayor.*

To the Honorable PRESIDENT AND MEMBERS
OF MUNICIPALITY No. 2.

No. 1.

MAYORALTY OF NEW ORLEANS,

August 21, 1851.

SIR: I have some reason to fear that, in the present excited state of the public mind, some disturbances may take place to-night, and would therefore request you to take the needful precaution to preserve the public peace, by putting on such force as you may deem necessary.

Respectfully, your obedient servant,

A. D. CROSSMAN, *Mayor.*

Captain HENRY FORNO,

High Constable of Municipality No. 2.

No. 2.

MAYORALTY OF NEW ORLEANS,

August 21, 1851.

By virtue of the power rested in me by law, you are requested to order out the military under your command, and to use all the means at your disposal for the preservation of the public peace.

I have the honor to be, very respectfully, your obedient servant,

A. D. CROSSMAN, *Mayor.*

Major-General J. L. LEWIS,

Commanding Louisiana Militia.

No. 3.

PROCLAMATION BY THE MAYOR.

MAYORALTY OF NEW ORLEANS,

August 21, 1851, 11 o'clock, P. M.

Whereas, during this afternoon and night, certain persons have so far forgotten the obedience due to the laws of their country, as to openly violate the peace by creating riots and disturbances, which, unfortunately for the good reputation of the city, have terminated in the destruction of property; and whereas, it is essential to the well-being of society, that the supremacy of the laws be maintained, I, A. D. Crossman, Mayor of the city of New Orleans, therefore issue this my proclamation, calling on all good citizens to aid in suppressing these disturbances, and to assist the authorities in preserving the order, peace, and dignity of the city.

A. D. CROSSMAN, *Mayor.*L. HEYLIGER, *Secretary.*

No. 4.

MAYORALTY OF NEW ORLEANS,

August 22, 1851.

SIR: You will perceive by the evening papers, that I have issued a proclamation, calling on the citizens to come forward and enrol themselves as an auxiliary police, for the purpose of performing patrol duty to-night. You are therefore authorized to commission such citizens as may apply to be enrolled, and to furnish them the necessary equipment and arms. Colonels Walton and Pickett have just called on me to tender their services in the present emergency.

I have the honor to be your obedient servant,

A. D. CROSSMAN, *Mayor.*

P. S. I shall remain at the mayor's office during this afternoon and evening.

To the Hon. J. N. HAWTHORN,

Acting Recorder Municipality No. 2.

No. 5.

MAYORALTY OF NEW ORLEANS,

August 22, 1851.

Enclosed I beg to hand you a copy of a letter which I have just received from Messrs. John Maginnis & Co., proprietors of the "True Delta." These gentlemen have been led to believe, from various reports and threats, that their newspaper establishment is to be attacked to-night, and I have therefore to request that you will forthwith order such a force to be detached, as you may deem sufficient for the preservation of the property

of Messrs. John Maginnis & Co. You will please communicate at once with Capt. Forno on the subject.

I have the honor to be, very respectfully, your obedient servant,
A. D. CROSSMAN, *Mayor*.

To the Hon. J. N. HAWTHORN,
Acting Recorder of Municipality No. 2.

No. 6.

MAYORALTY OF NEW ORLEANS,
August 22, 1851.

SIR: As I have good cause to apprehend this evening a renewal of the disgraceful disturbances which took place last night, and as these outrageous proceedings must be stopped at all hazards, I direct you forthwith to assemble the whole police force under your control, and to station them in St. Charles street, and other thoroughfares, with instructions to disperse all assemblies of suspicious persons.

You are likewise authorized to increase your force, by accepting the services of every citizen who may volunteer to assist in preserving the public peace; also to call upon citizens to enrol themselves as a special police, and to patrol the streets in such detachments as you may deem necessary.

I have the honor to be, very respectfully, your obedient servant,
A. D. CROSSMAN, *Mayor*.

P. S. I have given the requisite instructions to Acting Recorders Elder and Hawthorn. You will please to communicate to me, from time to time, the state of affairs.

Capt. HENRY FORNO,
High Constable Municipality No. 2.

No. 7.

PROCLAMATION BY THE MAYOR.

MAYORALTY OF NEW ORLEANS,
August 22, 1851, 11 A. M.

Whereas, there is good reason to apprehend, during the day and evening, a renewal of the disgraceful occurrences which took place last night; and whereas, it is due to the maintenance of law, and the preservation of the public peace, that these disturbances should be put down at all hazards; therefore,

I, A. D. Crossman, Mayor of the city of New Orleans, deem it proper to issue this my proclamation, calling upon all good citizens to abstain from gathering and mixing together in crowds, and to do all that lies in their power to allay the excited state of the public mind.

And, in order more effectually to suppress the riotous spirit which has unfortunately manifested itself in our midst, I appeal to my fellow-citizens to enrol themselves as a special police, and to report themselves forthwith

in readiness to the offices of the various recorders of the three Municipalities, for the purpose of performing patrol duty.

A. D. CROSSMAN, *Mayor.*

J. HEYLIGER, *Secretary.*

No. 8.

MAYORALTY OF NEW ORLEANS,
August 25, 1851.

SIR: Although at the present moment everything is quiet, yet the possibility of exciting news reaching us from Havana renders it necessary that you should continue to keep up your organization, so that at a moment's warning you may be enabled to concentrate your whole force on any given point.

I trust that no further disturbance will occur, but in the meantime it is proper that you should be on your guard, for under no circumstances can a repetition of the scenes of Thursday last be tolerated.

Respectfully, your obedient servant.

A. D. CROSSMAN, *Mayor.*

Captain HENRY FORNO,
High Constable, Municipality No. 2.

No. 9.

MAYORALTY OF NEW ORLEANS,
August 27, 1851.

SIR: Although I sincerely trust that no further attempt will be made to disturb the peace of the city, such as occurred during your absence, yet I deem it prudent to be prepared for any sudden emergency, and would therefore recommend to you the propriety of having the police ready to act at a moment's warning, in the event of the receipt of any further disastrous news from Cuba.

I addressed similar recommendations to the acting recorder and to the high constable during your absence from the city, and think it proper now to apprise you of the necessity of being prepared.

I have the honor to be, very respectfully, your obedient servant,
A. D. CROSSMAN, *Mayor.*

To the Hon. J. H. CALDWELL,
Recorder of Municipality No. 2.

[Extract from the New Orleans Picayune of 23d September, 1851.]

MAYOR CROSSMAN AND THE SPANISH CONSUL.

We take pleasure in publishing the following from Mr. Crossman, in correction of a statement which has appeared in our Havana correspond-

ence. As similar statements have been telegraphed to the north from other sources, we do not regret that an opportunity has been afforded our worthy mayor of refuting such a calumny on our city. It may be proper to say that our Havana correspondent gave the statement as coming from the Spanish consul, without endorsing it in any way.

“NEW ORLEANS, *September 22, 1851.*”

“EDITORS OF THE PICAYUNE: My attention has been called to the following extract from a letter of your Havana correspondent, under date of the 9th September:

“I myself heard him (the Spanish consul) say, that he left the city by advice of the mayor, Mr. Crossman, who informed him that his life was in danger, and that if seized by the mob, he (the mayor) would be unable to protect him.”

“A similar statement was conveyed by your correspondent some time since, but in this instance the writer alleges that he *heard* the Spanish consul make use of the language above cited. It therefore becomes me to say, that Mr. Laborde must have either strangely misinterpreted the meaning of my words, or that the excitement of the moment has made him forgetful of the purport of my remarks. In the only conversation I had with that gentleman at my office, on the 21st ultimo, I distinctly assured him, on the contrary, that he need not entertain the slightest fear of any attack on his person. Other gentlemen were present who doubtless have a lively recollection of the fact.

“A. D. CROSSMAN, *Mayor.*”

Letters received by the Spanish consul from Cuba, and delivered into the post office at 3½ P. M., 21st August, 1851.

<i>Names.</i>	<i>Residences.</i>
Stanton & Co.,	New Orleans, La.
Col. Robert W. James,	Do. do.
Mrs. P. Allen,	Do. do.
Gen. Ross Veazey,	Baltimore, Md.
Marcus W. Robinson,	Nashville, Tenn.
Daniel Heard,	New Orleans, La.
Edmund Doyle,	Do. do.
Lucien Hensley,	Do. do.
Mrs. Sarah A. Whitecomb,	Pennsylvania.
John McGuin,	New Orleans, La.
Mrs. Isabella Waters,	Do. do.
Mrs. S. A. Collins,	Philadelphia, Pa.
Levis J. Tourniquet,	New Orleans, La.
Col. James G. Bayce,	Do. do.
Mrs. J. Farzoir,	Do. do.
George Cotchett,	Charleston, S. C.
J. J. Crittenden,	Washington, D. C.
James Hulling,	New Orleans, La.
Henry Vieman,	Pennsylvania.
Henry Lanes,	New Orleans, La.

<i>Names.</i>	<i>Residences.</i>
Mrs. Henry O'Rourke,	Mississippi.
Mr. Bunell,	New Orleans, La.
Mr. Aldeman,	Louisville, Ky.

From Mr. Brincio, passenger on the steamer "Empire City," New Orleans, August 21, 1851.

M. MUSSON, P. M.

Mr. Calderon to the Acting Secretary of State.

[Translation.]

SPANISH LEGATION IN WASHINGTON,
Washington, October 14, 1851.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, notified his government at the same time that he addressed to the government of the United States the reclamations contained in his notes of the 26th August and the 5th September last, respectively, in regard to the excesses which were committed in New Orleans, after the piratical invasion of Bahia Honda. The undersigned has just received a reply from her Majesty's government, expressive of the very deep grief it had experienced, (as it was to be expected,) in consequence of such ominous and abominable events; nor has the Spanish government felt less pain in seeing the futility of the numerous and constant efforts it had made with a view of preventing the catastrophe which has been witnessed in the island of Cuba. It is certainly not its own fault, if, turning a deaf ear to all its warnings, and persisting to disdain the voice of reason and of justice, a set of wicked agitators have succeeded in carrying into effect, an undertaking which has been denounced at all times by every civilized nation, and which had been condemned beforehand by the enlightened public opinion of the country. Since the Cardenas expedition of last year, military preparations have been going on without interruption at various points of the confederacy, keeping the island of Cuba in a constant state of uneasiness, until finally the new attempt upon Bahia Honda was consummated in spite of our repeated protests and constant reclamations. And as if the scandal which the New Orleans agitators presented to the world, in sending piratical expeditions against a country from which not the least insult or provocation had been received, and with which the Government was entirely at peace,—a peace guaranteed by solemn treaties, and preserved until this moment through the medium of the most friendly intercourse—had not been sufficient, these and other agitators, in the frenzy of an unjust resentment, have committed upon the territory of the United States, acts of violence which are of public notoriety, and which would not even have been justified under circumstances of an open state of war between the two governments.

Apprised of all the facts, her Majesty's government has ordered the undersigned to persist in asking, as he again asks in the name of said government, for full satisfaction for the aggravated insults committed upon the Spanish flag and upon her Majesty's consul at New Orleans, and also that

the Spaniards residing in that city shall be indemnified for the losses they have sustained at the hands of an infuriated and licentious mob.

Her Majesty's government has been likewise informed, and it does not deny the fact, how painful it has been to the illustrious President of the republic to see his authority set at defiance, and the noble and imperishable principles contained in his proclamation of the 25th of last April undervalued. His Excellency, however, cannot fail likewise to acknowledge on his own part, and in the plenitude of his liberal sentiments, how impossible it is for Spain to put up with such outrages, which it has never tolerated before. If the excitement produced in the South, and at other points by recent events, has been tumultuous and far spread, the sensation which has been caused in Spain has been equally deep, as well as unanimous among all classes and parties, with the public press and in private life, at court as well as in the provinces. In the island of Cuba there also exists an opinion on the subject which the Spanish government is bound to respect, because it is at once just and honorable, and in view of this expression of national sentiments, her Majesty's government, whether optional with it or otherwise, could do no less than to sustain, at all hazards, the honor of the Castilian flag—a flag without stain, notwithstanding the unforeseen disasters and misfortunes through which the Spanish nation has had to pass for a long series of years; a nation which never shrinks from any species of sacrifice when it is a question of maintaining her honor, and of vindicating her rights.

Her Majesty's government has been gratified to observe that a respectable portion of the United States have expressed themselves openly and respectfully against the criminal excesses committed in the South; and relying, moreover, upon the support which the cabinet of Washington will meet from all good and sensible men, her Majesty's government hopes, also, that the former will succeed in suppressing and restraining all similar misbehaviours.

The undersigned has been instructed to inform the Government of the United States, that the Captain-General of the island of Cuba has received positive orders from her Majesty's government, efficiently to protect the persons and property of all Anglo-Americans established there, because, with the same severity it has used towards the piratical invaders of Spanish territory, it would likewise punish all who should attempt to commit any offence against those respectable foreigners who reside there under the auspices of our good faith.

Her Majesty's government fears, however, that if these agitations and these hostile designs should continue, the supreme authority of the island might be placed in such circumstances as not to be able to avoid ordering all those who belong to the southern States out of it, and even to compel the United States' consul himself to quit, in case the Spanish consul in New Orleans should not have received due satisfaction.

But this reparation, together with the indemnifications due to those Spaniards who were deprived of their property by forcible means, have been verbally promised to the undersigned, who has communicated the fact to his government. He has no doubt, therefore, but that he will soon receive an explicit reply from the Hon. J. J. Crittenden on the subject which he earnestly requests, and he flatters himself with the hope that justice will shortly repair the injuries and excesses which have been caused by injustice to the detriment of those friendly relations which existed between the

two countries, to the mutual advantage of both parties, and which are suitable to both countries.

The undersigned renews to the Hon. J. J. Crittenden the assurances of his distinguished consideration.

A. CALDERON DE LA BARCA.

Hon. J. J. CRITTENDEN,
Acting Secretary of State of the United States.

Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,
Washington, November 13, 1851.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Señor Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, of the 14th of last month, upon the subject of the excesses committed at New Orleans upon the house of the Spanish Consul, and also on the property of certain individuals, subjects of her Catholic Majesty.

Mr. Calderon has written and acted on this occasion, as well as on others growing out of similar occurrences, with his accustomed zeal, as well with fidelity to his government; and he has met, and will meet, on the part of that of the United States, an entire readiness to listen most respectfully to his representations, and to do all that honor, good faith, and the friendly relations subsisting between the United States and Spain may appear to demand.

The first rumor of the outrage at New Orleans induced the government of the United States to take immediate steps to become acquainted with the particulars. It was regarded as a case in which the honor of the country was involved; and, as Mr. Calderon has already been informed by this Department, the Attorney of the United States for the District of Louisiana, was instructed to cause inquiry to be made into the circumstances attending the occurrences, and to report the same to this Department.

The report of the District Attorney has been received, and a copy of it is now communicated to Mr. Calderon for his information. It is accompanied, as will be perceived, by a statement of the Mayor of the City of New Orleans, whose duty, as well as whose inclination, led him to make himself acquainted with everything which took place.

From these authentic sources of information, it appears that, on the morning of the 21st of August, the steamer Crescent City arrived at New Orleans from Havana, with intelligence of the execution of the fifty persons who were captured near the coast of Cuba. Mr. Brincio, the Secretary of the Spanish Consul, was a passenger in the steamer, and was understood to have been entrusted, by the Captain-General, with letters written by the persons who were afterwards executed, to their friends in the United States. Instead of putting these letters into the post-office at once, on his arrival, he retained them as was alleged. This occasioned an impression that he acted with great impropriety, and a report became current that the Consul had refused to deliver the letters when requested. Writ-

ten placards were accordingly posted up in the city, threatening an attack on the office of the Spanish newspaper, called "La Union," during the ensuing night. This attack was probably precipitated by an extra sheet issued from the office of that paper, at half-past two o'clock in the afternoon, giving an account of the execution of the fifty persons at Havana; as the attack was made between three and four o'clock the same afternoon, and before the public authorities were or could be prepared to prevent it. During the attack, however, no personal injury was offered to any one. Afterward, attacks were made upon coffee-houses and cigar shops kept by Spaniards. Between five and six o'clock the same afternoon, M. Genois, the Recorder of the First Municipality, hearing that an assault was threatened on the Consul's office, situated in that municipality, repaired thither, accompanied by some of the police. He found the streets filled with people, the doors of the office broken open, and seven or eight persons in the act of breaking and destroying the furniture. He commanded the rioters to desist, and they withdrew, after obtaining possession of the Consul's sign, which they took to a public square and there burned. After the departure of the mob, the doors of the Consul's office were fastened up by the officers, and the police retired, not apprehending that the attack would be renewed. Within an hour, however, the rioters returned; forced their way into the office; destroyed all the remaining furniture; threw the archives into the street; defaced the portraits of the Queen of Spain, and of the Captain-General of Cuba; and tore in pieces the flag which they found in the office. This is believed to be a true account of everything material which took place.

The undersigned has now to say, that the Executive Government of the United States regards these outrages not only as unjustifiable, but as disgraceful acts, and a flagrant breach of duty and propriety, and that it disapproves them as seriously, and regrets them as deeply, as either Mr. Calderon or his government can possibly do. The Spanish Consul was in this country discharging official duties, and protected not only by the principles of public and national law, but also by the express stipulations of treaties; and the undersigned is directed to give to Mr. Calderon, to be communicated to his government, the President's assurance that these events have caused him great pain; and that he thinks a proper acknowledgment is due to her Catholic Majesty's government. But the outrage, nevertheless, was one perpetrated by a mob, composed of irresponsible persons, the names of none of whom are known to this Government; nor, so far as the Government is informed, to its officers or agents in New Orleans. And the undersigned is happy to assure Mr. Calderon, that neither any officer or agent of the government of the United States, high or low, nor any officer of the state of Louisiana, high or low, or of the municipal government of the city of New Orleans, took any part in the proceeding, so far as appears, or gave it any degree of countenance whatever. On the contrary, all these officers and agents, according to the authentic accounts of the mayor and district attorney, did all which the suddenness of the occasion would allow to prevent it.

The assembling of mobs happens in all countries; popular violences occasionally break out everywhere, setting law at defiance, trampling on the rights of citizens and private men; and sometimes on those of public officers, and the agents of foreign governments, especially entitled to protec-

tion. In these cases the public faith and national honor require, not only that such outrages should be disavowed, but also that the perpetrators of them should be punished, wherever it is possible to bring them to justice; and further, that full satisfaction should be made in cases in which a duty to that effect rests with the government, according to the general principles of law, public faith, and the obligation of treaties.

Mr. Calderon thinks that the enormity of this act of popular violence is heightened by its insult to the flag of Spain. The Government of the United States would earnestly deprecate any indignity offered in this country, in time of peace, to the flag of a nation so ancient, so respectable, so renowned as Spain. No wonder that Mr. Calderon should be proud, and that all patriotic Spaniards of this generation should be proud of that Castilian ensign which in times past has been reared so high and waved so often over fields of acknowledged and distinguished valor; and which has floated, also, without stain on all seas, and especially, in early days, on those seas which washed the shores of all the Indies.

Mr. Calderon may be assured that the Government of the United States does not and cannot desire to witness the desecration or degradation of the national banner of his country. It appears, however, that in point of fact no flag was actually flying or publicly exhibited when the outrage took place; but this can make no difference in regard to the real nature of the offence or its enormity. The persons composing the mob knew that they were offering insult and injury to an officer of her Catholic Majesty, residing in the United States under the sanction of laws and treaties; and, therefore, their conduct admits of no justification. Nevertheless, Mr. Calderon and his government are aware that recent intelligence had been received from Havana, not a little calculated to excite popular feeling in a great city, and to lead to popular excesses. If this be no justification, as it certainly is none, it may still be taken into view, and regarded as showing that the outrage, however flagrant, was committed in the heat of blood, and not in pursuance of any predetermined plan or purpose of injury or insult.

The people of the United States are accustomed, in all cases of alleged crime, to slow and cautious investigation and deliberate trial before sentence of condemnation is passed, however apparent or however enormous the imputed offence may be. No wonder, therefore, that the information of the execution, so soon after their arrest, of the persons above referred to — most of whom were known in New Orleans, and who were taken, not in Cuba, but at sea, endeavoring to escape from the island — should have produced a belief, however erroneous, that they had been executed without any trial whatever, caused an excitement in the city, the outbreak of which the public authorities were unable for the moment to prevent or control.

Mr. Calderon expresses the opinion that not only ought indemnification to be made to Mr. Laborde, her Catholic Majesty's Consul, for injury and loss of property, but that reparation is due also from the Government of the United States to those Spaniards residing in New Orleans whose property was injured or destroyed by the mob; and intimates that such reparation had been verbally promised to him. The undersigned sincerely regrets that any misapprehension should have grown up out of any conversation between Mr. Calderon and officers of this Government on this unfortunate and unpleasant affair; but while this Government has manifested a willing-

ness and determination to perform every duty which one friendly nation has a right to expect from another, in cases of this kind, it supposes that the rights of the Spanish Consul, a public officer residing here under the protection of the United States Government, are quite different from those of the Spanish subjects who have come into the country to mingle with our own citizens, and here to pursue their private business and objects. The former may claim special indemnity; the latter are entitled to such protection as is afforded to our own citizens.

While, therefore, the losses of individuals, private Spanish subjects, are greatly to be regretted, yet it is understood that many American citizens suffered equal losses from the same cause. And these private individuals, subjects of her Catholic Majesty, coming voluntarily to reside in the United States, have certainly no cause of complaint, if they are protected by the same law and the same administration of law as native-born citizens of this country. They have, in fact, some advantages over citizens of the State in which they happen to be, inasmuch as they are enabled, until they become citizens themselves, to prosecute for any injuries done to their persons or property in the courts of the United States, or the State courts, at their election. The President is of opinion, as already stated, that for obvious reasons the case of the Consul is different, and that the Government of the United States should provide for Mr. Laborde a just indemnity; and a recommendation to that effect will be laid before Congress at an early period of its approaching session. This is all which it is in his power to do. The case may be a new one; but the President, being of opinion that Mr. Laborde ought to be indemnified, has not thought it necessary to search for precedents.

In conclusion, the undersigned has to say, that if Mr. Laborde shall return to his post, or any other Consul for New Orleans shall be appointed by her Catholic Majesty's Government, the officers of this government, resident in that city, will be instructed to receive and treat him with courtesy, and with a national salute to the flag of his ship, if he shall arrive in a Spanish vessel, as a demonstration of respect, such as may signify to him, and to his government, the sense entertained by the government of the United States of the gross injustice done his predecessor by a lawless mob, as well as the indignity and insult offered by it to a foreign State, with which the United States are, and wish ever to remain on terms of the most respectful and pacific intercourse.

The undersigned avails himself of this occasion to offer to Mr. Calderon renewed assurances of his most distinguished consideration.

DANIEL WEBSTER.

• To Señor Don A. CALDERON DE LA BARCA, &c., &c., &c.

[Translation.]

Mr. Calderon to the Secretary of State.

LEGATION OF SPAIN, IN WASHINGTON,
Washington, November 14, 1851.

The undersigned, envoy extraordinary and minister plenipotentiary from her Catholic Majesty, has the honor to acknowledge the receipt of the note

addressed to him by the Hon. Daniel Webster, Secretary of State of the United States, dated the 13th instant, in answer to the communication of the undersigned, dated the 14th ultimo.

The undersigned will lose no time in bringing this document to the knowledge of his government; and he entertains the confident hope that Mr. Webster's note, both as regards its substance, and as regards the friendly spirit in which it is conceived, will prove satisfactory to the queen's government, and will not fail to have the effect of re-establishing those friendly relations which have so long and so happily subsisted between her Majesty's government and the government of the United States, upon that accustomed footing of cordiality which it has ever been the earnest desire, as well as the duty of the undersigned, to see maintained between the two nations.

The undersigned avails himself of this opportunity to renew to the Hon. Daniel Webster the assurances of his high consideration.

A. CALDERON DE LA BARCA.

Acting Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,
Washington, September 6, 1851.

It having been announced, both by telegraph and in the newspapers of this date, that Lopez has been captured and executed, and that one hundred and fifty-five men under his command have been arrested, the undersigned, Acting Secretary of State of the United States, has the honor of addressing himself to his Excellency, Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, for the purpose of ascertaining from him, whether he is the possessor of any certain information on the subject, and in that event, to beg that he will be pleased to communicate the same to this Department.

In the event of these facts, relative to the execution of Lopez and the seizure of his command, being true, as is generally stated, the undersigned avails himself of this opportunity to submit the following remarks to his Excellency Don A. Calderon de la Barca:—

During the several hostile attempts which have been made upon the island of Cuba, the government of the United States has never hesitated to pursue the course which was pointed out to it by the stern dictates of duty, whether in putting forth all its executive energies to prevent any violation of existing laws, or to punish those of its officers who had failed to execute; or exhibited any criminal backwardness in the execution of such laws. In view of these considerations, and of the tragical antecedents connected with this last expedition; in view, also, of the peculiar state of excitement under which the popular mind is still laboring, consequent upon the summary proceedings against the party of Americans captured at Bahia Honda, the government of the United States would be much gratified to learn that this Excellency, Mr. Calderon, had used the influence of his high position in persuading the Governor-General of Cuba to treat the unfortunate party of citizens of the United States, reported to have lately been captured, with that leniency which so becomes a magnanimous conqueror, and which, as in this case, could not fail to strengthen the cause of her Majesty, by showing to

the world, that even in the midst of the most aggravating circumstances, the Spanish authorities can listen to the voice of humanity, and appreciate the unhappy position of those misguided men who have been lured on to destruction by false representations. It may be said, on the part of Spain, that the summary execution of Mr. Crittenden's party was an indispensable act of policy, required by the exigency of the occasion, and necessary to deter others from making similar attempts in future; but any violence or undue austerity, which may be pursued against the party of Americans lately captured, would only tend to exasperate the public mind in this country. Now that the principal instigator of these outrages is out of the way, any harsh measures against these defenceless men would probably be made the plea for new commotions, and be represented as the unnecessary outpourings of a revengeful spirit; whereas, by a course of lenity and mercy, the storm of passions which at present rages in portions of this country might be appeased, and the asperities felt by those who have lost friends or relations by the first executions, considerably softened down.

The undersigned begs Mr. Calderon distinctly to understand, that no right is now claimed on the part of this Government to interfere, officially, with regard to this matter; but that the foregoing remarks are offered, as simply embodying the private wishes of this Government, and as worthy the consideration of one so eminently humane and kindly disposed as her Catholic Majesty's representative in the United States.

The undersigned has the honor to renew to Mr. Calderon the assurance of his distinguished consideration.

WM. S. DERRICK, *Acting Secretary.*

Acting Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,
Washington, September 30, 1851.

SIR: The same spirit of humanity which dictated my note to you of the 26th instant, in favor of Robert M. Grider, now impels me to appeal once more to your good offices in behalf of another of the late Cuban expeditionists—J. C. Brigham, a youth of respectable family, and a near relative of the Hon. S. W. Downs, U. S. Senator from the State of Louisiana, who, it appears, has personally addressed a communication to you upon the subject. I transmit a copy of his letter to this Department respecting his kinsman, of whose fate the family have, so far, received no certain intelligence.

In appealing to your own well-known kindness of heart, I know I do not appeal in vain; but I could most fervently wish that the Spanish government might evince its moderation and its magnanimity by a spontaneous grant of pardon to the survivors of the Lopez expedition, together with a formal permission to the families of those who were executed, or who otherwise perished, to remove their remains, wherever they may be found in the island, for interment in the United States.

Such an act, on the part of Spain, could not fail, in my opinion, to produce a most salutary effect at this moment in the United States, and it would assuredly receive the sanction of the civilized world.

I am, sir, with distinguished consideration, your obedient servant,

J. J. CRITTENDEN,

Acting Secretary of State.

SEÑOR DON A. CALDERON DE LA BARCA, &c., &c.

Acting Secretary of State to Mr. Barringer.

[No. 42.]

DEPARTMENT OF STATE,
Washington, 6th October, 1851.

SIR: At the request of Mr. B. F. de Bow, of Charleston, South Carolina, I transmit a letter which is addressed to you, but sent hither by him, open, for my perusal, and a copy of his communication to this Department, of the 29th ultimo, respecting his brother-in-law, Edwin Q. Bell, one of the Cuban expeditionists. I cannot hesitate to comply with Mr. De Bow's wishes, and I cordially join him in soliciting, as an act of humanity, your unofficial intercession with the Spanish government, in favor of this young man.

Sir, I would go further. I would ask you to exercise whatever personal and private influence you may possess, and to use it in whatever manner you may think most likely to command success with her Majesty, the Queen of Spain, in behalf of all the survivors of the late Lopez expedition. I do not intend to give you formal and official instructions or orders on this delicate and painful subject; but I cannot go far wrong in requesting you, as an American, to do anything you can, informally, to procure the pardon and release of those of your unfortunate countrymen who have been sent prisoners from Cuba to Spain.

I have lately had occasion to make applications to Mr. Calderon de la Barca, the excellent and humane Minister of her Majesty near the Government of the United States, to enlist his kind offices in favor of particular individuals of the late expedition, who have, like young Bell, been sent to Spain; and I now transmit, for your information, a copy of one of these notes, which is dated the 30th ult., in which I availed myself of the opportunity to express my fervent wish that the Spanish government might come to the determination of pardoning the whole of these unfortunate persons; adding, also, what I firmly believed, that an act of clemency and grace like this, on the part of her Majesty, could not fail to be attended by the most salutary consequences at this moment in the United States, and that it would certainly receive the sanction of the civilized world.

I also send, for your information, a copy of a despatch which I thought it proper to address to Mr. A. F. Owen, the Consul of the United States at Havana, on the subject of obtaining permission for the families of the deceased to remove to the United States the remains of those of the late Lopez expedition who were executed, or who otherwise perished in Cuba. I transmit, at the same time, another despatch from this Department to Mr. Owen, dated the 29th ultimo.

The Consul has been instructed to furnish to his Government, ample and exact information in regard to the recent tragic events which took place in the island. You will, of course, not fail to communicate all the information within your reach, which may have any bearing on the same subject, and especially in relation to those Americans who have been sent, or who may hereafter be sent as criminals to Spain. Their families and friends, I may say the whole American people, are interested in their fate.

Your despatches, to No. 57 inclusive, have been received at this Department.

I am, sir, respectfully, your obedient servant,

J. J. CRITTENDEN,

Acting Secretary.

D. M. BARRINGER, Esq., &c., &c., &c., Madrid.

Secretary of State to Mr. Barringer.

[No. 43.]

DEPARTMENT OF STATE,

Washington, October 29, 1851.

SIR : I transmit a copy of a communication addressed, on the 14th inst., to this Department by P. Hamilton, Esq., the U. S. District Attorney at Mobile ; and the petition to the Queen of Spain, which came enclosed, signed by a considerable number of citizens of Alabama, soliciting the clemency of her Majesty towards the Americans lately captured in Cuba, and sent to Spain.

The President wishes you to lose no time, after the receipt of this despatch, in ascertaining, through the Minister of Foreign Relations of Spain, whether her Majesty will receive this petition, and if so, in what manner it will be most agreeable to her that it should be presented.

You may inform the Minister that, although the people, as well as the Government of the United States, entirely condemn the late attempt upon the island of Cuba, both would be greatly gratified to learn that her Majesty had been pleased to listen to the voice of mercy, and to extend her sovereign grace to the unfortunate Americans who were misled and seduced by Lopez, and the other confederates of his designs, to participate in that criminal and ill-fated expedition.

I am, sir, respectfully, your obedient servant,

DANIEL WEBSTER.

D. M. BARRINGER, Esq., &c., &c. *Madrid.*

DEPARTMENT OF STATE.

Washington, September 29, 1851.

SIR : I am directed by the President to instruct you to prepare and send to this Department a full and detailed account of the occurrences connected with the late invasion of Cuba, by a body of men from the United States ; and, particularly, to furnish all the information in your power concerning the capture, trial, and execution of one part of that body, and the capture, trial, and detention of the remaining part. The President is desirous of ascertaining the fate of those who may now be held in captivity ; whether they are still in Cuba, or have been sent elsewhere, and what has been, or may now be their treatment from the local authorities.

It is reported in the public papers that a number of these men have been sent to Spain. If these reports are correct, you will please state under what circumstances they were sent thither ; whether they have been tried and condemned in Cuba, and if so, to what punishment ; or, if they were transported for the purpose of undergoing trial ; and, if the former, if it be practicable to do so, you will transmit copies of the judicial proceedings which were had on the occasion.

The President is especially anxious to receive a fuller statement than you have yet given of your own course of proceeding during these occurrences. He trusts that nothing was omitted on your part, in your official character, to secure to these men such privileges as, influenced by motives of humanity and magnanimity, the Captain-General might be willing to extend to them ; and that, in your private intercourse, you afforded them all the

attention and sympathy of which their condition was susceptible, and which, from the relation you bore to them as a fellow citizen, they had a right to expect and to receive from you.

The President has felt himself much embarrassed for the want of that precise and authentic information which is now invited, and which was confidently expected from you, concerning the recent events in Cuba, and respecting the deluded and misguided men who, following the impulses of an ill-directed enthusiasm, have suffered such heavy afflictions as to have awakened the sympathies of their Government and country in their fate.

Enclosed is a duplicate of the letter addressed to you on the 1st instant.

I am, sir, &c.,

W. S. DERRICK,
Acting Secretary.

A. F. OWEN, Esq.,
Consul of the United States, Havana.

DEPARTMENT OF STATE,
Washington, September 29, 1851.

SIR: Frequent applications have been made, and others will no doubt be made to the Department of State, praying for the interposition of the Government to enable the families of those who were lately executed in Havana, to procure the mortal remains of their deceased relatives for decent interment in their native land. Those who make this appeal are among the most virtuous of our citizens, and their private grief deserves and commands general respect and sympathy.

Having been just called upon by the President to assume the temporary charge of this Department, it becomes one of my first duties to call your special attention to the natural wishes on this subject, of the parents, relatives and friends of the Americans, who, fatally connecting themselves with General Lopez in his late attempt on Cuba, were captured and shot at Havana.

Those who met this fate were mostly inexperienced youths, who had evidently been enticed and beguiled by false lures and misrepresentations; but it is not doubted that they were animated at the same time by impulses which, under proper circumstances, would have done them honor, and secured for them the approbation of the world. They were unquestionably the dupes of Lopez, a Spanish subject, and of other individuals, whose motives this is not the time, nor indeed have I the disposition to criticise.

The lives of these victims have atoned for all the follies they committed, and the royal authority of Spain, against whom all their acts were aimed, has exercised a terrible retribution upon the invaders.

The most of the victims, we know, were very young, and I venture to declare my own conviction, that they had not the remotest idea of the crime they were committing, but were influenced rather by a misguided enthusiasm for liberty than by any criminal motive. Had they indeed comprehended the cruel deceptions really practised upon them, and which many of them discovered only when it was too late, they never would have embarked in the ill-fated, the criminal enterprise, the catastrophe of which has rendered necessary this appeal from their surviving families.

I will no longer dwell on these melancholy events; my principal object

in calling your attention to the subject at all being to request you to receive with kindness all those persons who may visit Havana on this sad business; and to furnish them with every facility, private and official, that will aid them in performing the mournful duty that carries them thither.

I do not permit myself for a moment to suppose that the Colonial or Spanish Government will consider these wishes, or any efforts you may be pleased to make to effect their accomplishment, as either offensive or improper. Their indignation against the late invaders of Cuba, I trust and believe, is now buried in that untimely grave to which our gallant but deluded fellow-citizens have been doomed. Their mouldering bones have long since ceased to be fit objects of resentment.

I am, sir, &c.

J. J. CRITTENDEN,

Acting Secretary.

A. F. OWEN, Esq.,

United States Consul, Havana.

Mr. Webster to Mr. Barringer.

[No. 48.]

DEPARTMENT OF STATE,

Washington, November 26, 1851.

SIR: Your despatches to No. 64, inclusive, have been received. I am happy to inform you that the complaints of her Catholic Majesty's government respecting insults to the Spanish Consul and flag by a mob at New Orleans, and other acts of violence against the property of her subjects in this country, all occasioned by the excitement growing out of the late invasion of Cuba and its incidents and consequences, have been made the subject of a correspondence between this department and Mr. Calderon, her Majesty's minister here. A copy of this correspondence is herewith transmitted to you, by which you will perceive that those complaints have been met by the Government of the United States in a manner satisfactory to the representative of Spain. Her Catholic Majesty's government must be too just to suppose for a moment either that the Government of the United States has connived at the several invasions of Cuba by persons proceeding from our ports, or that anything within the power of the Government has been omitted for preventing those invasions and for punishing those concerned in them. It has now been many months that these hostile designs against Cuba have occupied the attention of the Government of the United States, from week to week and from day to day. The most zealous efforts have been made to bring to condign punishment all who have been disposed to violate the laws of their own country by making war upon a Spanish possession. Her Catholic Majesty's government is quite well aware that the principal instigator of this criminal invasion of Cuba, and leader of the expedition, was one of her Majesty's subjects, who came to this country and abused its hospitality by inducing American citizens, mostly young and ill-informed persons, to embark in his cause and follow his standard. There is good reason to believe, that but for his agency and that of other Spaniards who had come to the country, no expedition against Cuba would ever have been set on foot. The policy of the United States is the policy of peace, until there shall arise just cause of war. The colonies of

Spain are near to our own shores. Our commerce with them is large and important, and the records of the diplomatic intercourse between the two countries will manifest to her Catholic Majesty's government how sincerely and how steadily the United States has manifested the hope that no political changes might lead to a transfer of these colonies from her Majesty's crown. If there is one among the existing governments of the civilized world which, for a long course of years, has diligently sought to maintain amicable relations with Spain, it is the Government of the United States. Not only does the correspondence between the two governments show this, but the same truth is established by the history of the legislation of the country and the general course of the executive government. In this recent invasion, Lopez and his fellow subjects in the United States succeeded in deluding a few hundred men by a long continued and systematic misrepresentation of the political condition of the island, and of the wishes of its inhabitants. And it is not for the purpose of reviving unpleasant recollections that her Majesty's government is reminded that it is not many years since the commerce of the United States suffered severely from armed boats and vessels which found refuge and shelter in the ports of the Spanish islands. These violators of the law, these authors of gross violence towards the citizens of this republic, were finally suppressed, not by any effort of the Spanish authorities, but by the activity and vigilance of our navy. This, however, was not accomplished but by the efforts of several years, nor until many valuable lives, as well as a vast amount of property, had been lost. Among others, Lieutenant Allen, a very valuable and distinguished officer in the naval service of the United States, was killed in an action with these banditti.

All this is not said for the purpose of making or renewing complaints, either of the violation of treaty obligations or of unjustifiable remissness against the government of Spain or the authorities of the islands. But it may be brought to the notice of the Spanish government, as one of the consequences which may sometimes flow from the conduct of men disposed to carry on criminal enterprises, and favored in the execution of such enterprises by the contiguity of the possessions of the two governments.

The Spanish islands lie near the coast of America, and the use of steam has rendered the passage from one to the other short; but while this facilitates the accomplishment of the purposes of wrong-doers, on the other hand it augments the means of government to pursue, overtake and disperse them, or bring them to proper trial and punishment. In truth, steam has greatly increased the proximity between Cuba and the United States. We have become much nearer neighbors than formerly, and the duty which this new state of things devolves on both governments, is to keep a closer and stricter watch on their subjects and citizens respectively, in order that no violation of treaty obligations, and no interruption of the peace and amity existing between the two governments may take place. And this duty will be performed on the part of the United States, diligently and faithfully, in the true spirit of treaties, as well as in the proper execution of the laws. You are at liberty to communicate these observations to the Government of her Catholic Majesty.

I have now to call your attention to another subject of much interest. We have learned that a hundred and sixty-two of the persons captured on the island of Cuba, as having constituted a part of Lopez's forces, have been sent to Spain. We have no official information respecting their trial

or sentence, or of their subsequent destination, but it is generally reported that they have been, or are to be sent to the mines. The Government of the United States has admitted that these violators, both of the law of nations and of the laws of their own country, have no legal claim for its protection. Yet they are men, and most of them ignorant or deluded men. It cannot be denied that they are, as such, objects of compassion, and I think I may say that severe punishment inflicted on so many persons, for an attempt which has ended in a failure so signal, and for an offence, which, however grave, has already been expiated by the lives of a majority of those who participated in it, might be regarded as inconsistent with feelings of humanity, and that generosity of sentiment which may, not unreasonably, be looked for from the sovereign of a great nation. This seems to have been the sentiment entertained by the Captain-General of Cuba, under the influence of which he pardoned several of the captives; and her Majesty's Government may be assured that this wise and well-considered exercise of clemency and mercy, has produced the best effects in this country. He has said that, in the executions ordered by him, he acted under a conviction of the absolute necessity of setting an example which might deter others from the performance of acts of similar criminality. That example has been set by the infliction of a punishment as prompt as it was awful, by the execution of fifty persons. The knowledge of their miserable fate has been carried to every man in this country, and spread all over the world.

Is not this enough? Can example be made more terrific? Certainly an act of clemency on the part of the Spanish government could not now be thought a symptom of weakness. May not the sword of justice be now sheathed without danger, and the voice of Christian humanity be allowed to be heard? And even if the Spanish government can entertain no great feeling of compassion for these deluded and offending men themselves, is it not highly just and proper to consider that they have friends and families, distressed fathers and mothers, weeping brothers and sisters, all of them unoffending, and some of them most respectable persons. Application has been made for the interposition of the kind offices of this Government from fathers whose sons, thoughtless young men, seduced by the efforts of Lopez and his associates, eloped from their own homes and joined the expedition without the knowledge of their friends. I am aware that, in regard to the results of the Cuban invasion, all cause for sympathy and compassion is not on one side. I am aware that a general officer in her Majesty's service was slain, and that many Spanish soldiers and Spanish subjects lost their lives in defence of their government and of their own homes: but the President thinks that it is wise to suffer oblivion to cover the past. He is anxious for the removal of every cause which might tend to keep alive ill-will between the citizens and subjects of the two countries. So long as these prisoners shall continue to be suffering a severe and lingering punishment in a foreign land, so long will efforts be constantly made by their friends to procure their release, by appeals to the good offices of their Government. The tendency of these applications can only be to keep alive a very considerable irritation. It is in consideration of this, and from a strong wish for the extinguishment of all feelings of that kind, that, in the judgment of the President, nothing would be more useful than the granting of her Majesty's pardon to the residue of these prisoners, and suffering them to return to their own homes.

Those who were pardoned by the Captain-General of Cuba appear to have

been among the most prominent and well-informed members of the expedition. The friendless are left to their fate, although less culpable, as being less informed of their duties and obligations. It seems invidious and unjust to make distinctions of this kind. You say that the existing belief in Spain is, that the result of the expedition has strengthened the hands of the Spanish Government, and given new security to its possession of the island. A similar sentiment prevails, to some extent, here.

We are not apprised of the disposition which may have been made of the prisoners, who, you state in your No. 62, had arrived at Vigo. In answer to your inquiry as to whether, in any event, and to what extent, assistance in clothing or other necessaries might be furnished to such as might need and apply for the same on account of the United States, I have to remark that it is expected that none of the needy among the prisoners will be allowed to suffer for want of the necessaries of life. You will accordingly take care that their wants are provided for. An application will be made to Congress for an appropriation towards defraying any expenses which may thereby be occasioned.

I am, sir, very respectfully, your obedient servant,

DANIEL WEBSTER.

To D. M. BARRINGER, Esq., &c., &c., &c.

Intercession of France and England.

MEMORANDUM.

Mr. Crampton, at an interview with Mr. Crittenden, at the Department of State, on the 27th of September, 1851, stated that he had been directed by her Majesty's government to say to the United States Secretary of State that her Majesty's government had learned with great regret that expeditions have again been prepared in the ports of the United States for an attack upon a territory belonging to a sovereign at peace with the United States, and in friendly relations with her Majesty.

Her Majesty's government do not doubt that the Government of the United States will use all possible diligence to prevent and punish proceedings which are in violation both of the laws of the United States and of the law of nations; and her Majesty's government are persuaded that such measures, if taken in time, will accomplish their object.

But her Majesty's government deem it due to the frankness which ought to characterize the intercourse between the two governments, to state to that of the United States that her Majesty's ships of war on the West Indian station will have orders to prevent by force any adventurers of any nation from landing with hostile intent upon the island of Cuba.

At another interview, held at the same Department on the 6th of October, Mr. Crittenden replied verbally to Mr. Crampton, as follows:

I am instructed by the President to express his regret that such orders as those mentioned in the despatch from Lord Palmerston should have been deemed necessary and proper by the British government.

So far as they have reference to lawless and unauthorized expeditions against the island of Cuba, apprehended from citizens of the United States, it is only necessary to say that such expeditions are forbidden by the laws

of this republic, and that its Government is able and determined to execute those laws. Evasions of them may occur in spite of the utmost vigilance and energy; such instances are common to the laws of all countries. It is only by stealth and by favor of rare and accidental circumstances that any such expeditions can escape from our shores; none of sufficient force or magnitude to create any serious apprehension for the safety of Cuba, and certainly none against which Spain herself is not abundantly able to protect that island.

The Government of the United States, always determined, in perfect good faith, to maintain its neutral relations and perform all its national obligations, condemns as strongly as the British government the lawless enterprises against which the orders in question appear to be directed, and the Government of the United States equally with the British government desires their prevention or suppression.

But just and desirable as that end may be, the President could not witness, without concern, any attempt to accomplish such an object by means which might eventually lead to encroachments on the rights of the people of the United States.

The President is of opinion that, so far as relates to this republic and its citizens, such an interference as would result from the execution of those orders, if admitted to be rightful in themselves, would nevertheless be practically injurious in its consequences, and do more harm than good. Their execution would be the exercise of a sort of police over the seas in our immediate vicinity, covered as they are with our ships and our citizens, and it would involve, moreover, to some extent, the exercise of a jurisdiction to determine what expeditions were of the character denounced, and who were the guilty adventurers engaged in them.

The President cannot but apprehend that such orders could not be carried into effect without leading too probably to abuses and collisions that would constantly jeopard and might seriously disturb that peace and good will which he sincerely desires to see cultivated and made perpetual between the United States and Great Britain.

The President deems it unnecessary to say more at present on the subject of these orders, than to add the expression of his hope that there may never arise any occasion for carrying them into execution.

BRITISH LEGATION,
Washington, November 12, 1851.

SIR: With reference to our conversation on the 10th inst., and in compliance with your desire, I have the honor to enclose a copy of the despatch addressed to me by Lord Palmerston, which I then read to you, upon the subject of the orders issued to her Majesty's ships of war on the West Indian station, respecting unauthorized expeditions against the island of Cuba.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

THE HON. DANIEL WEBSTER, &c., &c., &c.

[No. 16.]

FOREIGN OFFICE,
October 22, 1851.

SIR: I have received your despatch No. 29, of the 6th instant, and I have to acquaint you that her Majesty's government approve the course pursued by you, in communicating to the government of the United States the orders issued by her Majesty's government to the Commander-in-chief of her Majesty's ships in the West Indies, respecting the prevention of lawless expeditions against Cuba.

If you should have any further conversation with the Secretary of State of the United States on this subject, you may assure him that every care will be taken that, in executing these preventive measures against the expeditions of persons whom the United States government itself has denounced as not being entitled to the protection of any government, no interference shall take place with the lawful commerce of any nation.

I am, &c.,

PALMERSTON.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

DEPARTMENT OF STATE,
Washington, October 22, 1851.

The undersigned, acting Secretary of State of the United States, has the honor to remind M. de Sartiges, envoy extraordinary and minister plenipotentiary of the French Republic, that, in the interview which he had with him on the 8th instant, he stated that he might have occasion to address him in writing upon the subject of the information which M. de Sartiges then communicated, that the French government had issued orders to its ships of war in the West Indies to give assistance to Spain, and to prevent, by force, any adventurers of any nation from landing, with hostile intent, on the island of Cuba.

Having imparted that information to the President, the undersigned has now the honor, by his direction, to address M. de Sartiges in regard to it.

M. de Sartiges is apprized that, a few days prior to the interview adverted to, the Chargé d'Affaires of her Britannic Majesty had given to this Department official notice that his government had issued similar orders to its naval forces. The President had regarded this as a matter of grave importance, but its gravity is greatly increased by the concurrence and coöperation of France in the same measure.

It cannot be doubted that these orders have been occasioned by the recent unlawful expedition of less than five hundred men, which, having evaded the vigilance of this Government, and escaped from New Orleans, were landed by the steamer Pampero upon the island of Cuba, and were soon captured and many of them executed. That such an accident should have incited the combined action of two great European powers for an object to which neither of them is a direct party, and in a manner that may seriously affect the people of the United States, cannot fail to awaken the earnest consideration of the President.

He cannot perceive the necessity or propriety of such orders,—while he entertains the strongest apprehensions that their execution by French and British cruisers will be attended with injurious and dangerous consequences to the commerce and peace of the United States. They cannot be carried

into effect without a visitation, examination and consequent detention of our vessels on our shores and in the great channels of our coasting trade, and this must invest British and French cruisers with the jurisdiction of determining, in the first instance at least, what are the expeditions denounced in their orders, and who are the guilty persons engaged in them.

It is plain, however different may have been the intention of the respective governments, that the exercise of such a power and jurisdiction could hardly fail to lead to abuses and collisions perilous to the peace that now so happily prevails. By such an interference, those governments seem to assume an attitude unfriendly to the United States. The President will not, however, allow himself to believe that this intervention has been intended as an admonition or reproach to this Government. He has signally manifested his condemnation of all such lawless enterprises, and has adopted active measures for their prevention and suppression. It must also be known to the governments of France and England, in common with all the world, that this Government, since it took its place among nations, has carefully preserved its good faith, and anxiously endeavored to fulfil all its obligations, conventional and national. And this it has done from motives far above any apprehension of danger to itself. From its beginning under the present Constitution, it has sedulously cultivated the policy of peace, of not intermeddling in the affairs of others, and of preventing, by highly penal enactments, any unlawful interference, by its citizens, to disturb the tranquillity of countries with which the United States were in amity.

To this end, many such enactments have been made—the first as early as the year 1794, and the last as late as 1838. The last having expired by its own limitation, and all the preceding legislation on the subject having been comprehended in the act of Congress of the 20th April, 1818, it is unnecessary to do more than to refer M. de Sartiges to its provisions as marking the signal anxiety and good faith of this Government to restrain persons within its jurisdiction from committing any acts inconsistent with the rights of others, or its own obligations. These laws were intended to comprehend, and to protect from violation, all our relations with, and duties to countries at peace with us, and to punish any violations of them by our citizens as *crimes* against the United States. In this manifestation of its desire to preserve just and peaceful relations with all nations, it is believed that the United States have gone before, and further than any of the older governments of Europe. Without recapitulating all the provisions of those laws by which the United States have so carefully endeavored to prohibit every act that could be justly offensive to their neighbors, it is deemed enough for this occasion to say, that they denounce all such enterprises or expeditions as those against which the orders in question are directed.

The undersigned thinks it is of importance enough to call the attention of M. de Sartiges more directly to this law. A literal copy of it is accordingly herewith communicated.

Besides the ordinary legal process, it authorizes the President to employ the military and naval forces of the country for the purpose of preventing such expeditions and arresting for punishment those concerned in them. In the spirit of this law, the President condemns such expeditions against the island of Cuba as are denounced by the orders in question, and has omitted nothing for their detection and prevention. To that end he has given orders to civil, naval and military officers from New York to New Orleans, and has enjoined upon them the greatest vigilance and energy. His course on

the subject has been in all things clear and direct. It has been no secret, and the undersigned must presume that it has been fully understood and known by M. de Sartiges. An appeal might confidently be made to the vigilant and enlightened minister of Spain, that his suggestions for the prevention of such aggressions, or the prosecution of offenders engaged in them, have been promptly considered; and, if found reasonable, adopted by the President; his course, it is believed, has been above all question or just cause of complaint. This Government is determined to execute its laws, and in the performance of this duty can neither ask nor receive foreign aid. If, notwithstanding all its efforts, expeditions of small force, hostile to Cuba, have, in a single vessel or steamer, excited by Cubans themselves, escaped from our extensive shores, such an accident can furnish no ground of imputation either upon the law or its administration. Every country furnishes instances enough of infractions and evasions of its laws, which no power or vigilance can effectually guard against.

It need not be feared that any expeditions of a lawless and hostile character can escape from the United States of sufficient force to create any alarm for the safety of Cuba, or against which Spain might not defend it with the slightest exertion of her power. The President is persuaded that none such can escape detection and prevention, except by their minuteness and insignificance. None certainly can escape which could require the combined aid of France and England to resist or suppress. Cuba will find a sure, if not its surest protection and defence in the justice and good faith of the United States.

There is another point of view in which this intervention on the part of France and England cannot be viewed with indifference by the President. The geographical position of the island of Cuba, in the Gulf of Mexico, lying at no great distance from the mouth of the river Mississippi, and in the line of the greatest current of the commerce of the United States, would become, in the hands of any powerful European nation, an object of just jealousy and apprehension to the people of this country. A due regard to their own safety and interest must, therefore, make it a matter of importance to them who shall possess and hold dominion over that island. The government of France and those of other European nations were long since officially apprized by this Government, that the United States could not see without concern that island transferred by Spain to any other European state. President Fillmore fully concurs in that sentiment, and is apprehensive that the sort of protectorate introduced by the orders in question might, in contingencies not difficult to be imagined, lead to results equally objectionable.

If it should appear to M. de Sartiges that the President is too apprehensive on this subject, this must be attributed to his great solicitude to guard the friendly relations between the two countries against all contingencies and causes of disturbance. The people of the United States have long cherished towards France the most amicable sentiments, and recent events which made her a republic, have opened new sources of fraternal sympathy. Harmony and confidence would seem to be the natural relations of the two great republics of the world — relations demanded no less by their permanent interests than by circumstances and combinations in continental Europe, which now seem to threaten so imminently the cause of free institutions. The United States have nothing to fear from those convulsions; nor are they propagandists, but they have at heart the cause of freedom i

all countries, and believe that the example of the two great republics of France and America, with their moral and social influences coöperating harmoniously, would go far to promote and to strengthen that cause.

It is with these views that the President so much desires the cultivation of friendly feelings between the two countries, and regards with so much concern any cause that may tend to produce collision or alienation. He believes that this Cuban intervention is such a cause.

The system of government which prevails most generally in Europe is adverse to the principles upon which this republic has been founded, and the undersigned is well aware that the difference between them is calculated to produce distrust of, if not aversion to the government of the United States. Sensible of this, the people of this country are naturally jealous of European interference in American affairs. And although they would not impute to France, now herself a republic, any participation in this distrustful and unfriendly feeling towards their Government, yet the undersigned must repeat that her intervention in this instance, if attempted to be executed in the only practicable mode for its effectual execution, could not fail to produce some irritation, if not worse consequences. The French cruisers, sailing up and down the shores of the United States to perform their needless task of protecting Cuba, and their ungracious office of watching the people of this country, as if they were fruitful of piracies, would be regarded with some feelings of resentment, and the flag which they bore—a flag that should always be welcome to the sight of Americans—would be looked at as casting a shadow of unmerited and dishonoring suspicion upon them and their Government.

The undersigned will add, that all experience seems to prove that the rights, interests and peace of the continents of Europe and America will be best preserved by the forbearance of each to interfere in the affairs of the other. The government of the United States has constantly acted on that principle, and has never intermeddled in European questions.

The President has deemed it proper to the occasion that his views should be thus fully and frankly presented for the friendly consideration of M. de Sartiges and his Government, in order that all possible precaution may be used to avert any misunderstanding, and every cause or consequence that might disturb the peace or alienate in the least the sentiments of confidence and friendship which now bind together the republics of the United States and France.

The undersigned avails himself of this occasion to offer to M. de Sartiges the assurance of his very distinguished consideration.

J. J. CRITTENDEN.

M. DE SARTIGES, &c., &c., &c.

[Translation.]

FRENCH LEGATION IN THE UNITED STATES,
Washington, October 27, 1851.

The undersigned, Minister of France, has received the note dated the 22d of October, which the acting Secretary of State addressed him subsequently to the conversation he had the honor of holding with him on the 5th of the same month, in the course of which Mr. de Sartiges had, in a

kind and friendly manner, informed Mr. Crittenden, who appeared to be ignorant of the fact, of the character of the instructions issued by the government of the republic to the commanding officer of the French station at Havana, as soon as it was known in Paris that the first detachment of adventurers, commanded by Lopez, which announced itself as the advance guard of a large expedition, had succeeded in getting off to sea.

Notwithstanding the spirit of kindness in which that communication was made, Mr. Crittenden reserved himself to point out, in writing—if, upon reflection, he should deem it expedient—the considerations which it might give rise to, both in the mind of the President and his own. Mr. de Sartiges thanks him for having done so; for, while he sees, in the note addressed to him, renewed assurances of the strongest sympathy on the part of the American Government and of the American people for France and her government, he also finds occasion to recall certain points of his conversation, which, it would appear, were not at first presented by him with sufficient clearness. Mr. de Sartiges had endeavored to establish, in a distinct manner, the two following points: first, that the instructions issued by the government of the republic were spontaneous and isolated; secondly, that those instructions were exclusive, for an exclusive case, and applicable only to the class, and not to the nationality of any pirate or adventurer that should attempt to land, in arms, on the shores of a friendly power. He had added, that the existing laws in regard to the right of search—laws about which the susceptibilities of the French government are as forcibly roused as those of the Government of the United States—were neither directly nor indirectly affected by the order to repel violence by force, since the instructions which have been issued to the commanding officer of the French station were only intended to apply to a case of piracy, the article of the maritime code in force concerning pirates. In again asserting these two points categorically, as he now does, the undersigned thinks that he has removed all cause of prejudice on the part of the President, both as regards the importance of an act agreed upon in advance on the part of France and England, and the likelihood that the laws which govern the right of search will be in the least affected. He will add, that the attitude assumed by President Fillmore and by his cabinet, under these lamentable circumstances, has been so upright that the French government, so far from intending to imply doubts which did not exist, by the measures it spontaneously adopted, it had, on the contrary, reason to believe that it would find in those same latitudes the American squadron acting in the same spirit and pursuing a similar object. This consideration must prevent any false construction, tending to give to this act of the republican government the appearance of an admonition or of a reproach tacitly addressed to the Government of the United States, and never contemplated by the French government.

Mr. de Sartiges begs to thank Mr. Crittenden for having sent him the text of the law of 1818, actually in force for preventing the crime of armed invasion of a territory belonging to any friendly power. He is happy to find that the opinion of the representatives of the American nation is in honest opposition to this species of aggressions, and that Congress has furnished the President with sufficient means to arrest them. These means, placed in strong and able hands, and of which the President openly declares that he will make an energetic use—if, unfortunately, the occasion for resorting to them should again occur—become the much more precious for the peace of the world, as America is closely connected with Europe, being

only separated from the latter by a distance scarcely exceeding eight days' journey, by one of the most important of general interests—the interest of commerce. The nations of America and of Europe are, at this day, so dependent upon one another, that the effects of any event, prosperous or otherwise, happening on one side of the Atlantic, are immediately felt on the other side. The undersigned finds, among other proofs, an evidence of the interest which binds the Government of the United States to the other governments of the world, in several passages of the note of October 22d, wherein Mr. Crittenden, in appealing to the liberal ideas of France, intimates that the continuance of those sentiments of confidence and fraternal sympathy, which so happily unite the two countries, is calculated to make the cause of free institutions in Europe prevail. The result of this community of interests, commercial, political, and moral, between Europe and America—of this frequency and rapidity of intercourse between them—is, that it becomes as difficult to point out the geographical degree where American policy should terminate and European policy begin, as it is to trace out the line where American commerce begins and European commerce terminates—where may be said to begin or terminate the ideas which are in the ascendant in Europe and in America.

The undersigned has likewise the honor of reminding the acting Secretary of State, that the territories belonging to the various European powers, either on the seas or on the American continent, are considered by the States to which they appertain as constituting part of the system of their general policy. France has never admitted that her possessions in the Antilles might enjoy any other political rights than those which are universally recognized in Europe; it is the same with England; the same with Spain, in regard to their American possessions. It is in virtue of this principle of common law, which no power has yet repudiated—either on its own account or in behalf of its neighbors—that the government of the republic has been able to show the interest it feels, as it has done, for the security of an island recognized as Spanish territory, by treaties actually in force, which security has been threatened in the midst of universal peace.

These general considerations do not prevent the undersigned from acknowledging that the interest which a country feels for another is naturally increased by reason of proximity; and his government, which understands the complicated nature as well as the importance of the relations existing between the United States and Cuba, has seriously considered the declaration formerly made by the Government of the United States, and which has been renewed on this occasion, “that that Government could not see with indifference the island of Cuba pass from the hands of Spain into those of another European State.” The French government is likewise of opinion that, in case it should comport with the interests of Spain, at some future day, to part with Cuba, the possession of that island, or the protectorship of the same, ought not to fall upon any of the great maritime powers of the world.

The undersigned hopes that this frank declaration, which he feels himself justified in making, in regard to the disinterested views of his government as to the future destiny of Cuba, and which breathes the same spirit as that of the declaration which the United States Government made on the subject, and the categorical explanations he has given relative to the character of the instructions exclusively sent to the French station at Havana, will put an end to all the uncertainty which the late events that befell on the

occasion of Lopez's expedition might have given rise to in the mind of the President, and that his Excellency will rest satisfied as to the great value which the government of the republic attaches to the maintenance and development of those frank and sympathetic relations at present existing between the two countries.

The undersigned avails himself of this occasion to tender to the acting Secretary of State the assurances of his high consideration.

SARTIGES.

MR. CRITTENDEN,

Acting Secretary of State, &c., &c., &c.

DEPARTMENT OF STATE,
Washington, November 18, 1851.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of M. de Sartiges, envoy extraordinary and minister plenipotentiary of the French republic, of the 27th ultimo, upon the subject of the orders given by the government of the republic to its naval commander on the West India station, directing him to prevent, by force, the landing of adventurers from any nation with hostile intent upon the island of Cuba.

The undersigned has the honor to acquaint M. de Sartiges that he has submitted the same to the President, who has directed him to state in reply that the apprehensions of this Government, and the reasons therefor, in regard to the orders referred to, are considered to have been frankly and fully stated in the note of Mr. Crittenden of the 22d of October last. An inasmuch as M. de Sartiges now avers that the French government has only in view the execution of the provision of its maritime code against pirates, further discussion of the subject would seem to be for the present unnecessary.

The undersigned avails himself of this occasion to offer to M. de Sartiges renewed assurances of his very distinguished consideration.

DANIEL WEBSTER.

M. DE SARTIGES, &c., &c., &c.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas, there is reason to believe that a military expedition is about to be fitted out in the United States for the purpose of invading the Mexican republic, with which this country is at peace; and whereas, there is reason to apprehend that a portion of the people of this country, regardless of their duties as good citizens, are concerned in, or may be seduced to take part in the same; and whereas, such enterprises tend to degrade the character of the United States in the opinion of the civilized world, and are expressly prohibited by law.

Now, therefore, I have issued this, my proclamation, warning all persons who shall connect themselves with any such enterprise in violation of the

laws and national obligations of the United States, that they will thereby subject themselves to the heavy penalties denounced against such offences; that if they should be captured within the jurisdiction of the Mexican authorities they must expect to be tried and punished according to the laws of Mexico, and will have no right to claim the interposition of this Government in their behalf.

I therefore exhort all well-disposed citizens who have at heart the reputation of their country, and are animated with a just regard for its laws, its peace, and its welfare, to discountenance and by all lawful means prevent any such enterprise, and I call upon every officer of this Government, civil or military, to be vigilant in arresting for trial and punishment every such offender.

Given under my hand the twenty-second day of October, in the year of our Lord one thousand eight hundred and fifty-one, and the seventy-sixth of the Independence of the United States.

MILLARD FILLMORE.

By the President :

J. J. CRITTENDEN,
Acting Secretary of State.

Commercial intercourse between the United States and the British North American Provinces.

BRITISH LEGATION,
March, 1851.

SIR: I have the honor to enclose to you herewith the copy of a letter which was addressed to the chairman of the Committee on Commerce in the House of Representatives by Mr. Hincks, (the Inspector-General of Customs, in Canada, and an influential member of the Canadian Cabinet,) when he visited this Capitol in December last.

The letter in question refers, as you will see, to the commercial regulations to be established between the United States and the British North American provinces, which it was then hoped that Congress would place upon a satisfactory footing of reciprocity.

Mr. Hincks, however, states without disguise, what he deemed would be the feeling and policy of the said provinces if the expectations then existing were disappointed, and it is now my painful duty to announce to you, that from the information I have received from the quarters above alluded to, the dissatisfaction that has been produced throughout British North America, since it has been known that no bill has passed the United States Legislature replying to the friendly disposition which has long been manifested by the British provinces in North America to improve their commercial relations with the United States, is deep and general.

The Canadians, especially, consider that their application for an interchange of agricultural products has failed of success because they have generously and without stipulations conceded many commercial advantages which it was in their power to bestow upon the trade of this country, and they seem to believe that their only mode at present of obtaining adequate

attention is to replace themselves in the situation in which they were previous to making the aforesaid concessions.

For many reasons I deem it desirable to prevent, as soon as possible, this feeling, if it is a mistaken one, from gaining ground.

I have also had my attention necessarily drawn to the two enclosed resolutions, passed by the Senate previous to the dissolution of Congress, which resolutions I am told by gentlemen well calculated to form an opinion, would also have been adopted by the House of Representatives if proposed to that body.

I wish, therefore, to know whether you would be disposed to enter with me into a negotiation, embracing a consideration of the various commercial advantages affecting the trade and intercourse with the British North American provinces which have been and could be extended by the British government, and by the British North American provinces themselves to the United States, and also with respect to the advantages of a like kind which could be conferred by the United States on the aforesaid provinces, to the end that such a convention, touching these matters, may be drawn up between us as would be agreeable to both governments and beneficial to all parties.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

H. L. BULWER.

Honorable DANIEL WEBSTER, &c., &c., &c.

NATIONAL HOTEL,

Washington, January 6, 1851.

SIR: I avail myself of your kind permission to state the grounds on which the passage of the bill which has been repeatedly brought under the consideration of Congress, for establishing reciprocal free trade in certain articles, the natural products of the United States and Canada, is urged by the latter. To bring the subject fairly under consideration, I must advert to the changes which have taken place, within the last few years, in the colonial policy of Great Britain. The old policy of the mother country was to compel the colonies, by means of heavy differential duties, to purchase their supplies exclusively from her. The trade was carried on in British bottoms, and the products of the colonies were admitted into the markets of the mother country on more advantageous terms than those of foreign nations. While such was the commercial policy of Great Britain, the political affairs of the colonies were materially influenced by the imperial government, the local parliament having no practical control over the administration of affairs. About the same period, when, owing to the change in the commercial policy of Great Britain, it became necessary to remove all restrictions on the colonial trade, a most important concession was made to the North American provinces, by the introduction of a system of government, under which the local parliaments obtained an effective control over their governments. The consequence of the withdrawal of the protection formerly enjoyed by the colonies, has been, that they have been left to buy and sell in the markets of the world, just as the United States, or any other foreign nation. Under the colonial system, the differential

duties were so onerous, that the trade between the United States and Canada was of the most limited and unimportant character. In 1846, the Canadian legislature having been authorized, by an act of the imperial parliament, to regulate their own tariff, and being anxious to cultivate a free commercial intercourse with their powerful and enterprising neighbours, removed the existing differential duties, and admitted American manufactures, and foreign goods purchased in the American market, on the same terms as those from Great Britain. Had Canada, at that time, stipulated with the United States, that in return for her admission of American manufactures, the duties should be removed from her products, it would obviously have been the interest of the United States to have agreed to such an arrangement. No such proposition, however, was made; and the very important concession in favor of the United States, to which I have adverted, seems scarcely to have attracted the attention of your federal government, and so little was it understood, that when General Dix urged it as an argument in favor of the reciprocity bill in the Senate, the fact was disputed. Most important results, however, have followed from the legislation of the Canadian parliament. Since 1846, the manufactures of the United States, the teas, sugars, fruits, and other foreign luxuries, purchased by the merchants on the Atlantic seaboard, with the produce of American labor, and transported to that seaboard in American bottoms, have been poured into Canada. The duties at the port of Toronto have increased, within a few years, from about \$30,000 to nearly \$400,000; and Hamilton, Kingston, and other ports contiguous to the United States, would show a similar result. This increase is to be attributed mainly to the American trade which has sprung up since the removal of the differential duties, and which, I need hardly say, has been most profitable to the various American interests, to the manufacturers, the ship owners, the railroads, and the canals. The consequence of this trade, however, has been, that the Canadians have been led to export their raw products to the same markets from which they have drawn their supplies. Here they are met by a heavy American duty on their staple commodities—lumber and breadstuffs.

As I have frequently heard it asserted, that the reciprocity asked would be all on one side, and that the Americans are not exporters to Canada of any of the articles named in the bill, permit me to call your special attention to the operation of the present tariffs on two leading articles. One of the great staples of the western States is pork, which can be produced there at such rates as to defy competition in Canada. This article is the principal food of the Canadian lumberer, and lumber is the principal Canadian staple. Canada charges a duty on pork, which swells the price of the lumber which is sent to the markets of Buffalo, Albany, and New York. The consequence is, that the eastern consumer of lumber actually pays the Canadian duty on the pork furnished by the western States, from which the entire supply is obtained for the lumbering districts. It has been urged, and with some plausibility, that Canadian products, being similar to those of the United States, would meet the latter on equal terms under the reciprocity bill, and that western wheat-growers would be injured by the competition of Canadian wheat. Assuming, for the sake of argument, in order to meet objections of every kind, that there is no surplus of breadstuffs in the United States, and that the manufacturing districts of

your country and the Atlantic cities are likely to be the consumers both of American and Canadian wheat. I am yet prepared to deny the soundness of the argument drawn from that fact, against the admission of the latter. I affirm that the Canadian trade has created, and must continue to create an increased demand for breadstuffs, quite equal to the supply. If it be a fact, that prior to the removal of the differential duties against the United States, Canada imported her sugars from Cuba and Porto Rico through the St. Lawrence direct, or via Halifax, her teas from China direct, or via London, and that she consumed English manufactures almost exclusively, then I would ask, whether the change in the trade, owing to which Canada is now largely supplied with these commodities by the United States' manufacturers and the merchants of the Atlantic cities, must not have increased the demand for food in the United States. If an Ohio farmer were to bring a thousand bushels of wheat to New York, to be exchanged for groceries and domestic goods for his consumption, he would not suffer any injury from the competition of a Canadian farmer who wanted to effect a similar exchange; on the contrary, in proportion to the number of such exchanges would the profits of the merchants and forwarders be reduced, a large trade being conducted more economically than a small one. I am persuaded, therefore, that the exchange of Canadian agricultural products for domestic manufactures, sugar, tea, coffee, tobacco, fruits, &c., so far from being injurious to the interests of the western farmers of the United States, is rather calculated to benefit them: and I am moreover firmly persuaded, that should the Canadian trade be forced into other channels, as seems not improbable, it will then be estimated at its true value by the people of the United States. Though I have deemed it advisable to discuss the question as if the United States had no surplus of breadstuffs to export, I think the more correct assumption would be, that for many years the western wheat-growers will have to compete with Canada in the markets of the world on equal, and possibly on disadvantageous terms. A reference to official documents will prove, that the provinces of Nova Scotia, New Brunswick, Prince Edward's Island, and New foundland, have been among the best customers of the United States for breadstuffs. In those provinces there are revenue duties on flour varying from twenty-five cents to seventy-five cents per barrel. Within the last year, arrangements have been effected by Canada with three of those provinces, for a free interchange of their natural productions; and the experience of a single season induces me to believe that a very large trade will be diverted to those provinces from the city of New York, unless the present restrictions be removed. At the very opening of the navigation last year, a steamer was chartered at Toronto to take a cargo of flour to Halifax, and to bring back sugar, molasses, &c. The protection in favor of Canada flour, when sent by the St. Lawrence to Halifax, St. John's, and other ports, must divert the supply of those provinces from New York to Montreal and Quebec; and the vessels which take the flour will bring back sugar, molasses, and other foreign commodities, which, during the last few years, have been purchased in the New York markets. Under the existing commercial regulations, therefore, the United States' wheat-growers will have to compete with the Canadians on terms disadvantageous to the former in a market which is next in importance and nearly equal to Brazil. The other markets of the world both will meet on an equal footing. Canad

flour is at this time competing, in the New York markets, with that of the western States, to supply the foreign demand which regulates the price of the article; and it would be injurious to American interests to force the trade, which is now carried on with the Atlantic cities, into the channel of the St. Lawrence.

It is assumed (and as, perhaps, it may turn out, unfortunately assumed,) by the opponents of the reciprocity bill, that in the event of the bill being rejected by the American Congress, Canada will maintain her present commercial policy, and continue to foster the import trade from the United States.

It is very desirable that you should be fully aware of the state of public opinion in Canada on this question. Having myself been a strong advocate for free commercial intercourse with the United States, and having had, in my position as finance minister, to resist in Parliament, the advocates of a restrictive policy, I am thoroughly acquainted with the views of all parties. I have no hesitation in stating that the advocates of a retaliative policy are rapidly gaining ground. Whether all or any of the plans suggested will be carried out, it is of course impossible for me to say, but it is certainly highly desirable that, in arriving at a very important decision, you should be fully aware of the probable consequences. The re-imposition of the differential duties against the United States manufactures, has been strongly urged. Such a measure would be most acceptable to the commercial interests of Montreal and Quebec, whose trade was seriously injured by their repeal. At the close of the last session of our Parliament, an influential member of the opposition, a gentleman who held under a former administration the office which I have now the honor to fill, gave notice of his intention to introduce a bill, during the next session, to re-impose those duties. Leading organs of the opposition have strongly advocated such a measure, and no doubt can be entertained that it will engage the consideration of our Parliament at an early day. Should it be adopted, the United States would have no just cause of complaint. They never invited Canada to repeal the differential duties, and their rejection of the reciprocity bill would of course be looked upon as a deliberate rejection of the Canada trade.

In England the re-imposition of differential duties by Canada would be viewed most favorably, and there can be no doubt that the effect would be to stimulate the efforts of those who are seeking to obtain some modification of the present corn laws. Another measure of retaliation which is beginning to engage attention in Canada, is the closing up of all the canals to American vessels. Should this policy be adopted, a most serious injury would be inflicted on the trade of Chicago, Cleveland, and other lake ports. Oswego, Ogdensburgh, and the New England railroad interest, Burlington, Whitehall, and the New York northern canal.

The Canadian revenue derived from tolls would of course suffer, but as that forms an insignificant portion of the resources of the province, the loss would cause no inconvenience. It is contended by the advocates for this policy, that the western products which now find their way by Oswego and Ogdensburgh to New York and Boston, and carried in American bottoms, would be diverted to the St. Lawrence, and that the entire inland trade would be in British bottoms. It is affirmed that the tonnage of Canada, with what could be spared from Nova Scotia and New Brunswick, would very soon be sufficient for the increased trade. I have stated the views

which are entertained very extensively by influential parties in Canada as to her future commercial policy in the event of the rejection of the reciprocity bill by Congress.

I am, however, unauthorized to announce the views of the Canadian government; indeed, its policy has not yet been determined on. Since the accession of the present administration to office in 1848, they have been watching with anxiety the proceedings in Congress regarding the reciprocity bill; and my object in visiting Washington at this time was to ascertain, if possible, the probable fate of that measure, as the government must be prepared at the approaching session to meet Parliament with a defined policy regarding our commercial relations with the United States.

Although I have probably exhausted your patience, I must make a remark or two on the importance to the United States of the free navigation of the St. Lawrence. It has been affirmed by the opponents of the reciprocity bill, that inasmuch as a considerable quantity of Canada flour is sent by the Oswego and Ogdensburgh routes, the St. Lawrence route must be much inferior. I believe, on the other hand, that the increasing trade of the west will afford business for all the channels which are likely to be opened to it; and it surely would be an immense advantage both to the shipping and agricultural interests of the West to be allowed to participate in furnishing supplies to the great depots of the fishing trade. The vessels on the western lakes engaged in this commerce, and which are now idle during the winter months, would obtain a share of the West India trade, for which they are well suited.

I may state a fact or two bearing on the importance of the St. Lawrence navigation.

Repeated applications have been made to the Canadian government during the last two years, by parties in Buffalo, Cleveland, and Chicago, for permission to pass vessels through the St. Lawrence, which it has been constrained under existing circumstances to refuse. Special permission, however, was given in two cases, one to a vessel to carry a cargo of copper ore from Lake Huron to Swansea, in Wales; the other to a vessel bound to California with emigrants.

Besides these cases, the Government of the United States made application for permission to send two war-steamers through the Canadian canals and St. Lawrence to the Atlantic, which was at once granted.

Having now presented you with my views on this important question, I have only in conclusion to express my warm acknowledgments to you for having kindly permitted me to do so, and for the patient consideration which, as chairman of the Committee of Commerce in the House of Representatives, you have paid the subject.

I have the honor to remain, sir, your most obedient humble servant,

F. HINCKS,

Inspector-General of Canada.

To Hon. R. M. McLANE,

Chairman Committee of Commerce, House of Representatives.

DEPARTMENT OF STATE,

Washington, March 29, 1851.

SIR: By the direction of the Secretary of State, I have the honor to acknowledge the receipt of the two letters which you yesterday addressed to him, relating to the commercial regulations to be established between the United States and the British North American provinces; and to inform you in reply, that they will be forthwith submitted to the President, with a view of obtaining his directions upon the subject at the earliest convenient day.

I have the honor to be, sir, with high consideration, your obedient servant,

W. S. DERRICK,
Chief Clerk.

Right Hon. Sir H. L. BULWER, &c., &c., &c.

BRITISH LEGATION.

June 24, 1851.

SIR: I have already expressed to you at different periods, and especially in my note of 22d March last, the disappointment which was experienced in Canada, when at the close of last session of Congress it was known that no progress whatever had been made in the bill which had been brought forward for three years successively for reciprocating to the measure which passed the Canadian legislature in 1847, and which granted to the natural produce of this country an entry free of duty into Canada whenever the Federal Legislature of the United States should pass a measure similarly admitting into the United States the natural produce of the Canadas. This disappointment was the greater, inasmuch as the Canadian government has always adopted the most liberal commercial policy with respect to the United States, as well in regard to the transit through its canals, as in regard to the admission of manufactured goods coming from this country.

I have now the honor to enclose to you the copy of an official communication which I have received from the governor-general, Lord Elgin, by which you will perceive that unless I can hold out some hopes that a policy will be adopted in the United States similar to that which has been adopted in Canada, and which the Canadian authorities would be willing, if met in a corresponding spirit, to carry out still farther, the Canadian government and legislature are likely forthwith to take certain measures, which, both in themselves and their consequences, will effect a considerable change in the commercial intercourse between the Canadas and the United States.

I should see with great regret the adoption of such measures, and I am induced to hope, from the conversations I have recently had with you, that they will be unnecessary.

The wish of her Majesty's government indeed would be rather to improve than impair all relations of friendship and good neighborhood between her Majesty's American possessions and the United States; and I feel myself authorized to repeat to you now, what I have at different times already stated to Mr. Clayton and yourself, viz.: that her Majesty's government would see with pleasure any arrangement, either by treaty or by legisla-

tion, establishing a free interchange of all natural productions not only between Canada and the United States, but between the United States and all her Majesty's North American provinces; and furthermore, I am willing to say that in the event of such an arrangement, her Majesty's government would be ready to open to American shipping the waters of the river St. Lawrence with the canals adjoining, according to the terms of a letter which I addressed to Mr. Clayton on 27th March, 1850. for the information of the Committee on Commerce in the House of Representatives; and to which I take the liberty of referring you, whilst I may add that her Majesty's government would in this case be likewise willing to open to American fishermen the fisheries along the coast of Nova Scotia and New Brunswick, according to the conditions specified in the enclosed extract from instructions with which I am furnished.

The willingness to grant to American citizens on such reasonable conditions two important privileges so long enjoyed exclusively by the subjects of Great Britain, will testify clearly to the spirit by which the British government is on this occasion animated; and as affairs have now arrived at that crisis in which a frank explanation of the views of either party is necessary for the interests and right understanding of both, I take the liberty of begging you to inform me whether you are disposed, on the part of the United States, to enter into such a convention as will place the commercial relations between the United States and her Majesty's North American colonies on the footing which I have here proposed; or whether, in the event of there appearing to you any objection to proceed by convention in this matter, you can assure me that the United States government will take the earliest opportunity of urgently recommending Congress to carry out the object aforesaid by the means of legislation.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

H. L. BULWER.

HON. DANIEL WERSTER, &c., &c., &c.

GOVERNMENT HOUSE,

Toronto, June 7, 1851.

SIR: I have the honor to transmit for your excellency's information the copy of a memorandum and accompanying documents, which has been submitted to me by the Honorable Mr. Hincks, inspector-general of public accounts in this province, on the subject of the closing of the Canadian canals to foreign vessels. You are, I believe, aware that a measure, such as that recommended by Mr. Hincks, has been for some time contemplated by the Canadian Government.

I have been most unwilling to have recourse to it, more particularly after the representations made by the gentlemen from Oswego, who visited this city some time ago.

The discussion which took place in the legislative assembly last evening, to which Mr. Hincks refers in his memorandum, indicates, however, very clearly, the direction which public opinion is taking on these questions, and I cannot conceal from your excellency my belief that, unless you are enabled to give me some assurance that negotiations with the government of

the United States are in progress, which are likely to result in placing the commercial relations between the provinces and the United States on a more satisfactory footing, it will not be in my power any longer to refrain from adopting the steps which the inspector-general suggests, and which may, I think, very probably be followed up by others calculated to check the trade between British North America and the United States.

Under these circumstances, I deem it my duty to invite your excellency's attention to the documents which I herewith enclose, and to request you will, at your earliest convenience, furnish me, for my guidance, with such information respecting the views of the government of the United States as it may be in your power to give.

I have, &c.,

ELGIN AND KINCARDINE.

The Rt. Hon. Sir HENRY L. BULWER, G. C. B., &c. &c. &c.

The papers alluded to in this despatch, are :

1st. Memorandum from Mr. Hincks to the Governor-General of Canada, recommending that the canals should be closed to foreign shipping, in regard to which no immediate steps were taken in consequence of the expected arrival of a deputation from Oswego, to confer with the Governor-General on this subject.

2dly. Memorandum subsequent to the arrival of said deputation, recommending that the canals should be closed, unless the British minister at Washington could give some assurance that the trade between Canada and the United States is likely to be placed on a more satisfactory footing.

3dly. Resolutions about to be proposed by the Hon. Mr. Robinson, to the effect that a duty of twenty per cent. should be levied on American goods, and that a system of differential duties should be returned to, encouraging importers to bring their goods into Canada, via St. Lawrence, instead of through the United States.

4thly. Resolutions about to be proposed by the Hon. Mr. Merritt, that her Majesty be prayed to recommend to her Imperial Parliament to enact that similar duties should be imposed on foreign produce (as enumerated in schedule A herewith appended) imported into Great Britain and her dependencies, as are levied on British produce in those foreign countries.

Schedule A.

Grain, and breadstuffs of all kinds, vegetables, fruits, seeds, animals, hides, wool, cheese, tallow, horns, salted and fresh meats, ores of all kinds of metals, plaster of paris in stone or ground, ashes, timber, staves, wood, and lumber of all kinds.

[*Extract.*]

Her Majesty's government are prepared, on certain conditions and with certain reservations, to make the concession to which so much importance seems to have been attached by Mr. Clayton, namely: to throw open

to the fishermen of the United States, the fisheries in the waters of the British North American colonies, with permission to those fishermen to land on the coast of those colonies for the purpose of drying their nets and curing their fish: provided, that in so doing, they do not interfere with the owners of private property, or with the operations of British fishermen. Her Majesty's government, however, would require as an indispensable condition, in return for this concession, that all fish, either cured or fresh, imported into the United States from the British North American possessions in vessels of any nation or description, should be admitted into the United States duty free, and upon terms, in all respects, of equality with fish imported by citizens of the United States."

N. B. As the concession above stated applies solely to the sea fishery, the fisheries in estuaries and in the mouths of rivers are not, of course, included.

Her Majesty's government do not propose that any part of this arrangement should apply to Newfoundland.

CORRESPONDENCE RELATIVE TO THE OREGON BOUNDARY.

WASHINGTON, *January 13, 1848.*

Sir: Mr. Pakenham, in the early part of last year, suggested to her Majesty's government the expediency of endeavoring to arrive at an early settlement of such matters of detail as are still wanting to a complete and final adjustment of every thing connected with the Oregon boundary.

In the propriety of this suggestion, her Majesty's government concurred, so far, at least, as certain portions of the boundary in question are involved; but finding from the admiralty and from the Hudson Bay Company, that some important parts of the space through which the boundary line is to run, namely, the Gulf of Georgia and Fuca's straits, are still very imperfectly known, and that further information respecting them was to be shortly expected by means of the reports of the commander of her Majesty's surveying vessels "Herald" and "Pandora," which were engaged during the previous summer in surveying those waters, her Majesty's government were of opinion that it would be better to postpone any further proceedings respecting the boundary until those reports shall be received.

Her Majesty's government have however learned, by further inquiries at the admiralty, that the survey which was carried on last year in the Straits of Fuca and the Gulf of Georgia, by her Majesty's ships "Herald" and "Pandora," did not extend beyond the entrance to Hood's Canal on the south and Canal de Arro on the north; and that thus the greater part of the space in the Gulf of Georgia through which the line of boundary, as provided by the convention of the 15th of June, 1846, is to be carried, remains unexplored.

This being the case, and there being no probability that her Majesty's government will acquire, within any reasonable time, that detailed knowledge of those parts which they had been led to expect, there seems, to her Majesty's government, to be no reason for any further delay in communicating with the United States government, with a view to the adoption of early measures for laying down such parts of the boundary line as the two governments on mutual consultation deem it advisable to determine.

I have, accordingly, been furnished by her Majesty's principal Secretary of State for Foreign Affairs, with such instructions as may be necessary for this purpose. But her Majesty's Government believe that it may be useful that I should first briefly recapitulate what has been done in regard to determining the whole of the boundary which separates the North American territory of Great Britain from that of the United States.

Assuming that the commission of which Lieutenant-Colonel Estcourt and Mr. Albert Smith were members, has now finished its work, the boundary line may be considered as having been marked out on the ground from the Bay of Fundy to the head of Lake Huron, the point to which it was completed under the sixth article of the treaty of Ghent.

From the head of Lake Huron to the head of Lake Superior, the line was surveyed and marked out on the ground by the commissioners under the seventh article of the Treaty of Ghent; but in consequence of a difference of opinion between them on certain points, that portion of the boundary was not definitively determined by those commissioners, and consequently was not agreed upon by the two governments. But this part of the line has since been so definitely described in the second article of the Treaty of Washington, of the 9th of August, 1842, that no serious doubt or difference of opinion can well arise about it. And the boundary line having by the same Treaty of Washington, been farther carried on, by equally circumstantial description, to the point where the forty-ninth parallel of latitude strikes the western shore of the Lake of the Woods, it may fairly be assumed that the portion of the boundary line which extends from the head of Lake Huron to the Lake of the Woods may, without inconvenience, be allowed for the present to rest upon verbal description without being actually marked out upon the ground. For it is to be borne in mind that the desert condition of the country through which this portion of the boundary line passes, while, on the other hand, it prevents any pressing necessity for marking that line out, would render the operation of marking it out excessively expensive, by reason of the cost and difficulty of subsisting the persons who would be employed in that operation. As bearing upon this point, I enclose a copy of a memorandum which Lieutenant-Colonel Estcourt has drawn up for the use of the Foreign Office, and which states the most eligible mode and the estimated expense of marking out either the whole or certain detached parts of the boundary from Lake Superior to the Gulf of Georgia. Her Majesty's Government, therefore, upon a full consideration of the matter, would not be inclined at present to propose any measures for actually marking out upon the ground the boundary line from the head of Lake Huron to the western shore of the Lake of the Woods.

From the Lake of the Woods to the Gulf of Georgia the line is described by the treaty of the 15th of June, 1846, as running along the forty-ninth parallel of latitude, and the ascertainment of that parallel on the surface of the ground being an operation of astronomical observation, can be accomplished with as much precision at a future time as at present.

But between the Gulf of Georgia and the Straits of Fuca, the line is less distinctly and accurately defined by the verbal description of the treaty by which it is established; and local circumstances render it probable that, if this part of the line were not to be precisely determined, the uncertainty as to its course might give rise to disputes between British subjects and

citizens of the United States. It appears, therefore, to her Majesty's government, that it would be wise to proceed forthwith to take measures for marking out that portion of the line of boundary.

For this purpose, her Majesty's government are of opinion that it might probably be sufficient that each government should appoint a naval officer of scientific attainments and of conciliatory character, and that those officers should be directed to meet at a specified time and place, and should proceed in concert to lay down the abovementioned portion of the boundary line.

The first operation of these officers would be to determine, with accuracy, the point at which the forty-ninth parallel of latitude strikes the eastern shore of the Gulf of Georgia, and to mark that point by a substantial monument.

From that point they would have to carry on the line along the forty-ninth parallel of latitude to the centre of the channel between Vancouver's Island and the continent; and this point, as it probably cannot be marked out by any object to be permanently fixed on the spot, should be ascertained by the intersection of the cross-bearings of natural or artificial landmarks.

The two officers would then have to carry on the line down the centre of that channel, and down the centre of the Straits of Fuca to the ocean. And this water-line must, as it would seem, be determined also by a series of points to be ascertained by the intersection of cross-bearings.

But in regard to this portion of the boundary line, a preliminary question arises, which turns upon the interpretation of the treaty rather than upon the result of local observation and survey.

The convention of the 15th June, 1846, declares that the line shall be drawn down the middle of the "*channel*" which separates the continent from Vancouver's island. And upon this it may be asked what the word "*channel*" was intended to mean.

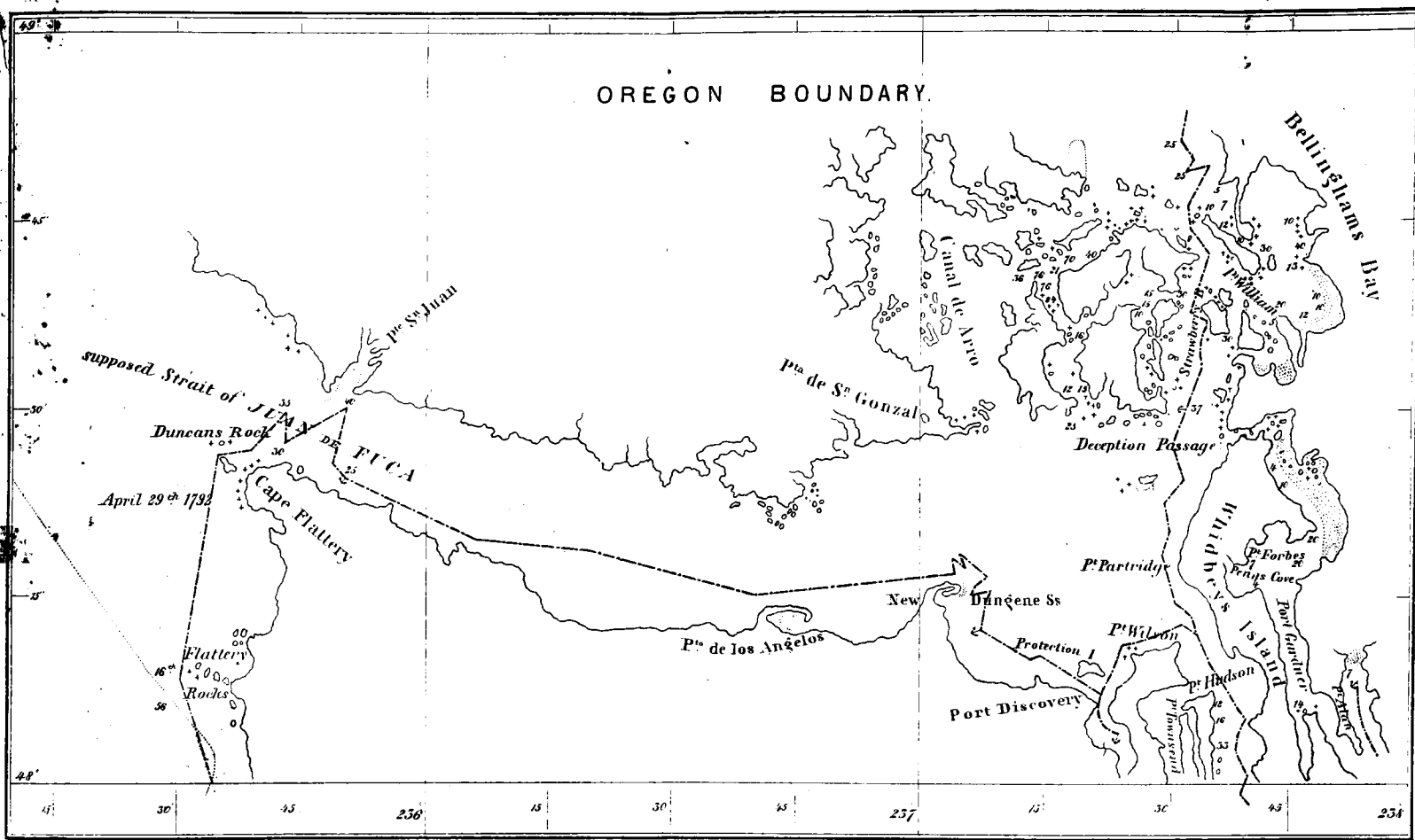
Generally speaking, the word "*channel*," when employed in treaties, means a deep and navigable channel. In the present case, it is believed that only one channel, that, namely, which was laid down by Vancouver in his chart, has, in this part of the gulf, been hitherto surveyed and used; and it seems natural to suppose that the negotiations of the Oregon convention, in employing the word "*channel*," had that particular channel in view.

If this construction be mutually adopted, no preliminary difficulty will exist, and the commissioners will only have to ascertain the course of the line along the middle of that channel, and along the middle of the Straits of Fuca down to the sea.

It is, indeed, on all accounts, to be wished that this arrangement should be agreed upon by the two governments, because, otherwise, much time might be wasted in surveying the various intricate channels formed by the numerous islets which lie between Vancouver's island and the main land; and some difficulty might arise in deciding which of those channels ought to be adopted for the dividing boundary.

The main channel marked in Vancouver's chart is, indeed, somewhat nearer to the continent than to Vancouver's island; and its adoption would leave on the British side of the line rather more of those small islets, with which that part of the gulf is studded, than would remain on the American side. But these islets are of little or no value; and the

OREGON BOUNDARY.



My large and valuable island" belonging to the group, namely, that called "Whidbeys," would of course belong to the United States.

This question being, as I have already said, one of interpretation rather than of local observation, it ought, in the opinion of her Majesty's government, to be determined before the commissioners go out, which cannot be earlier than in the spring of next year.

In bringing this matter under the consideration of the government of the United States, I am directed to present to you a copy of the proposed draft of instructions to the commissioners to be so appointed, which I have the honor herewith to enclose.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. JAMES BUCHANAN.

DRAFT.

Her Majesty's government and the Government of the United States, having determined to appoint commissioners for the purpose of marking out that part of the line of boundary between the British and United States' possessions in North America, which passes through the Gulf of Georgia and Fuca's Straits to the Pacific Ocean, I have to acquaint you, &c., &c., &c.

The first article of the treaty of the 15th of June, 1846, between Great Britain and the United States, provides as follows:

"From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between Great Britain and the United States terminates, the line of boundary between the territories of her Britannic Majesty and those of the United States shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's island, and thence southerly through the middle of the said channel and of Fuca's straits to the Pacific ocean: provided, however, that the navigation of the whole of said channel and strait south of the forty-ninth parallel of north latitude remain free and open to both parties."

The first operation which, in conjunction with the United States commissioner, you will have to undertake in tracing the above-mentioned boundary line, will be to determine with accuracy the point at which the forty-ninth parallel of north latitude strikes the eastern shore of the Gulf of Georgia, and to mark that point by a substantial monument.

From that point you will carry on the line of boundary along the forty-ninth parallel of north latitude to the middle of the channel between Vancouver's island and the continent. The whole breadth of the Gulf of Georgia in this part being, as far as is known, navigable, the term "middle of the channel" used in the treaty, may here be assumed to mean the middle of the Gulf. But as it is probable that the point which constitutes the middle of the gulf cannot well be marked out by any object to be fixed

permanently on the spot, it must be ascertained and fixed by the intersection of the cross-bearings of natural or artificial landmarks. This matter the commissioners will have to settle by mutual agreement; but it will be essential that the point in question should be marked out as accurately as the nature of things will admit.

You will then proceed to carry on the line of boundary from this point down the middle of the Straits of Fuca to the ocean. In tracing and marking out this continuation of the boundary, the water-line must probably still be determined by a series of points to be ascertained by the intersection of cross-bearings. In performing this operation it will, of course, be desirable to observe as much accuracy as may be attainable. But independently of the impossibility of arriving at mathematical precision in such a matter, such precision is the less important, because the treaty stipulates that the navigation of the whole of the channel of the Gulf of Georgia and of the Straits of Fuca shall remain free and open to both parties.

That part of the channel of the Gulf of Georgia which lies nearly midway between the forty-eighth and forty-ninth parallels of north latitude appears by Vancouver's chart to be obstructed by numerous islands, which seem to be separated from each other by small and intricate channels as yet unexplored; it has, therefore, been mutually determined between the governments of Great Britain and the United States, in order to avoid the difficulties which would probably attend the exploration of all those channels, that the line of boundary shall be drawn along the middle of the wide channel to the east of those islands, which is laid down by Vancouver, and marked with soundings, as the channel which had been explored and used by the officers under his command. You will find the line thus described, traced in red in the copy from Vancouver's chart hereto annexed.

It must necessarily be left to the discretion of the commissioners to connect this part of the line through Vancouver's channel with the other parts of the line which, being drawn through portions of the gulf free from islands, must pass exactly half-way between Vancouver's island and the main; but the slight deviations of the boundary from the accurate midway, which may for some short distance be required for this purpose, cannot be of any material importance to either party.

Memorandum relating to the tracing and marking the line of boundary between the British possessions, in North America, and the United States, comprehended between Lake Superior and the Pacific ocean.

There are four questions for consideration in regard to the amount of boundary it may be desirable to mark.

1. It may be considered sufficient to determine and mark only two points along the forty-ninth parallel of north latitude, viz.: the eastern extremity on the Lake of the Woods, and the western extremity on the Gulf of Georgia.

2. It may be desired to trace and survey the line of boundary from Lake Superior to the western extremity of the forty-ninth parallel of north lati-

tude on the Lake of the Woods, and thence along that parallel to the Red river.

3. To determine and trace the forty-ninth parallel of north latitude from the Gulf of Georgia to the intersection of the Columbia, west of the Rocky Mountains.

4. To trace and survey the whole line from Lake Superior to the Pacific.

The estimated distances are as follows :

	Miles.
1. From Lake Superior to the eastern extremity of the forty-ninth parallel of north latitude, on the Lake of the Woods - - -	273
2. From the eastern extremity of the forty-ninth parallel, as above, along that parallel to the Red river - - -	91
3. From the Red river along the forty-ninth parallel to the summit of the Rocky Mountains - - -	818
4. From the summit of the Rocky Mountains westerly to the Columbia - - -	159
5. From the Columbia to the western extremity of the forty-ninth parallel, on the shore of the Gulf of Georgia - - -	205
	1,546
Say - - - - -	1,600

With reference to No. 1, two British astronomers should move up with the first opening of the navigation from Montreal, and upon arrival at the Lake of the Woods, they should there, in company with American astronomers, determine and mark in some durable manner the forty-ninth parallel of north latitude, near the shore of the lake, whilst at the same time the Lake of the Woods itself should be surveyed.

Perhaps the best monument to erect would be a high mound of earth, and on it a cast-iron monument with a suitable inscription. That would be sufficient for the eastern extremity.

The officers should then move over to the western extremity and do the same there: or, which would be better, other officers should be sent round by sea to the Gulf of Georgia in a ship of war.

The same description of monument should be erected at the point on or near the shore of the Gulf of Georgia, determined by observation to be the forty-ninth degree of north latitude.

A survey should be made of the coast, including northwards the mouth of Frazier's river, and southwards any remarkable headland or river which might present itself.

Strength of party required to perform the service described above on the eastern extremity of the forty-ninth degree, near the Lake of the Woods.

Astronomers - - - - -	2
Sappers - - - - -	6
Laborers - - - - -	50

Depots of provisions to be formed from three principal depots mentioned as to be prepared before the previous winter.

Depots.

For the supply of that portion of the boundary between Lake Superior and the eastern extremity of the forty-ninth parallel	-	5
At the intersection of Reed Grass river by the forty-ninth parallel	-	1
At the intersection of the Red river by the forty-ninth parallel	-	1
		<hr/>
		7
		<hr/>

The three astronomers destined for the forty-ninth degree north latitude, after taking up their respective stations, viz: On the shore of the Lake of the Woods, 1; on the Reed Grass river, 1; at Pembina, 1; will, by trial, determine the forty-ninth degree north latitude. Then they will mark it in conjunction with the American commission.

They will then run the parallel between the stations thus:

That on the shore of the Lake of the Woods will run west; that on the Reed Grass river will run both east and west; that at Pembina will run east.

At the end of every ten miles they will observe for a new meridian.

The two astronomical parties destined for the boundary between Lake Superior and the Lake of the Woods, will form a chain of stations connecting them in longitude by interchanges of chronometers. They will in that way complete the connection of Lake Superior with the eastern extremity of the forty-ninth parallel on the Lake of the Woods.

The surveyors will be disposed in detail, thus:

One surveyor, who with the astronomers will have previously wintered at the Red river settlement, will, when able to move out in the spring, ascend the Red river, and proceed to survey that river and Reed Grass river within convenient distances of the forty-ninth parallel, comprehending at least the mouth of Reed Grass river.

The other three will be distributed thus: on Lake Superior, one; on Rainy Lake, two: of these two, one will survey towards Lake Superior, and the other towards Lake of the Woods.

They will dispose their sappers into different parties, as they think best, so as to cover the ground to be surveyed.

The astronomical party on the Lake of the Woods will be able to furnish one additional surveying party, at least for a time. That party to be employed in surveying the Lake of the Woods itself, which should be laid down with minuteness.

Instruments required.

Transits	-	-	-	-	-	-	6
Altitude and azimuth instruments	-	-	-	-	-	-	6
Theodolites	-	-	-	-	-	-	26
Chronometers, box	-	-	-	-	-	-	10
Chronometers, pocket	-	-	-	-	-	-	15
Sextants	-	-	-	-	-	-	6

Chains	-	-	-	-	-	-	-	30
Schmalcalda compasses	-	-	-	-	-	-	-	25
Barometers	-	-	-	-	-	-	-	20
Thermometers	-	-	-	-	-	-	-	20
Spare Levels for transits	-	-	-	-	-	-	-	10
Telescopes	-	-	-	-	-	-	-	9
Heliostads	-	-	-	-	-	-	-	4

Estimate of expenses.

Salaries	-	-	-	-	-	-	-	£ 8,000
Wages	-	-	-	-	-	-	-	12,500
Equipments	-	-	-	-	-	-	-	1,500
Instruments	-	-	-	-	-	-	-	2,500
Provisions	-	-	-	-	-	-	-	9,000
								£33,500
								£33,500

No. 3. To trace and mark the boundary mentioned in No. 3, *i. e.*, along the forty-ninth parallel from the Gulf of Georgia to the intersection of the Columbia, west of the Rocky mountains.

One astronomical party should determine the forty-ninth degree of north latitude near the shore of the Gulf of Georgia. That parallel should then be run. Every ten miles a new meridian should be observed for. Cutting parties should be employed to open the line to thirty feet as rapidly as it is run. These parties should consist of ten men each.

Whilst the parallel is being traced, one astronomer should remain at a fixed observatory on the shore of the Gulf of Georgia to observe for absolute longitude.

The time required for the service would be from one hundred and fifty to two hundred days.

The party should be sent either by sea, or it should move over by the Red river settlement.

But at any rate it would be most convenient to send the principal equipments and the instruments by sea.

Strength of the party.

Commissioner	-	-	-	-	-	-	-	1
Secretary	-	-	-	-	-	-	-	1
Astronomers	-	-	-	-	-	-	-	3
Surveyor	-	-	-	-	-	-	-	1
Sappers	-	-	-	-	-	-	-	12
Laborers	-	-	-	-	-	-	-	200

The surveyor should be employed on the shore of the Gulf of Georgia, and should comprehend in his survey the mouth of Frazer's river, and as much of the river itself as time would permit.

If it should be desired to survey the sound and the island between Vancouver's island and the main, a proportionate addition should be made to the party to suit that service. The above only contemplates the tracing the forty-ninth parallel and the survey immediately dependent on it.

Instruments required.

Transits	-	-	-	-	-	-	-	-	3
Altitude and azimuth instruments	-	-	-	-	-	-	-	-	3
Sextants,	-	-	-	-	-	-	-	-	3
Theodolites	-	-	-	-	-	-	-	-	3
Chronometers, box	-	-	-	-	-	-	-	-	6
Chronometers, pocket	-	-	-	-	-	-	-	-	10
Chains	-	-	-	-	-	-	-	-	6
Schmalcalda compasses	-	-	-	-	-	-	-	-	4
Barometers	-	-	-	-	-	-	-	-	10
Thermometers	-	-	-	-	-	-	-	-	10
Spare transit levels	-	-	-	-	-	-	-	-	6
Telescopes	-	-	-	-	-	-	-	-	3
Heliostads	-	-	-	-	-	-	-	-	3

Estimate of expenses.

Salaries	-	-	-	-	-	-	-	£ 8,200
Wages	-	-	-	-	-	-	-	11,000
Instruments	-	-	-	-	-	-	-	1,300
Equipments	-	-	-	-	-	-	-	500
Provisions	-	-	-	-	-	-	-	11,000
								<hr/>
								£32,000
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No. 4. To determine and trace the boundary mentioned in No. 4, *i. e.*, the whole line from Lake Superior to the Pacific.

The survey of that portion of the boundary between Lake Superior and the eastern extremity of the forty-ninth degree north latitude near the Lake of the Woods, to be the same as that described in the operations required for No. 2.

That should be the work of the first season.

From the Lake of the Woods to the Gulf of Georgia the distance is about 1,273 miles.

As the boundary along that part is a parallel of latitude, it would, probably, be sufficient to mark it at intervals of about twenty-five miles by a chain of astronomical stations.

The number of astronomical parties should be *twelve*.

They should move along the line and take up stations in succession at about twenty-five miles distance one from the other.

Each party upon taking up its station should observe for latitude and time.

Upon having agreed upon and determined upon the forty-ninth degree north latitude, it should be marked.

Having done that, the party should move westward, comparing chronometers with each station on its journey.

After having passed the most westerly station, the party should move on about twenty-five miles, establish itself, and observe as before.

Thus the whole line of boundary along the forty-ninth parallel of north latitude may probably be marked at intervals of from twenty to twenty-five

Thermometers	-	-	-	-	-	-	-	50
Spare transit levels	:	-	-	-	-	-	-	30
Telescopes	-	-	-	-	-	-	-	15
Heliostads	-	-	-	-	-	-	-	15

Estimate of expenses.

Salaries	-	-	-	-	-	-	-	£48,400
Wages	-	-	-	-	-	-	-	36,800
Instruments	-	-	-	-	-	-	-	5,000
Equipments	-	-	-	-	-	-	-	4,500
Provisions	-	-	-	-	-	-	-	80,000
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								£174,700
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J. B. BUCKNALL ESTCOURT,
Lieutenant-colonel.

DEPARTMENT OF STATE.
Washington, October 25, 1849.

SIR: You were pleased in a recent conversation to call my attention to the note which, by direction of your government you addressed to this Department on the 13th of January, 1848, relative to the marking out of that part of the Oregon boundary line which passes through the Gulf of Georgia and the Straits of Fuca to the Pacific ocean.

The importance of this subject, which has since been inquired into by me, is fully admitted, and I have the honor to inform you that the papers relating to it will be laid before Congress at its next session, in order that if, in its judgment, it shall at this be deemed expedient to accede to the proposal of her Majesty's government, the preliminary step of making the appropriation necessary for the purpose may be taken.

I avail myself of this opportunity to renew to you, sir, the assurances of my high consideration.

J. M. CLAYTON.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

