

Rev. E. Wall

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PRESIDENT'S 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 gratitude, 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 3rd of August, a steamer, called the *Panpero*, departed from New Orleans for Cuba, having on board upward of four hundred armed men, with evident intention 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 had taken place in the eastern quarter of Cuba. The importance of this movement was unfortunately so much exaggerated in the accounts 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 Playtes, 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 18th 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 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 offenses 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 the 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 judgment seat 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 interposition 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 behooves 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 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 the 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 offenses 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 engrained 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 reenacted 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 of 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-interposition, 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 minister 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, the act of Congress of 1818 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 by George II., prohibiting the exportation of arms, and the furnishing of arms to 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 Indian 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 conversation on this subject between the Charge 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 it 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 coasts of the United States, or the seas adjacent thereto. It will be seen by the last communication from the British Charge 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 fully

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 consular officers residing in foreign countries is exactly the measure of what is due to the consular officers of other Governments residing here. As in war, the persons of flags of truce are sacred or else they 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 a view 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, 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. 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