

THE OREGON SCOUT.

JONES & CHANCEY, Publishers.

UNION, - - - OREGON.

THE PRESIDENT'S MESSAGE.

The Chief Executive's Annual Document to Congress and the People.

A State Paper that Deserves and Should Receive Public Attention.

Grover's Suggestions and Recommendations.

In Memory of Hendricks.

WASHINGTON, Dec. 8.—To the Congress of the United States: Your assembling is clouded by a sense of public bereavement caused by the recent and sudden death of Thomas A. Hendricks, vice-president of the United States. His distinguished public services, his complete integrity and devotion to every duty and his personal virtues will find favorable record in his country's history. Ample and repeated proofs of the esteem and confidence in which he was held by his countrymen were manifested by his election to an office of the most important and highest dignity, and at length, full of years and honors, he has been laid at rest amidst general sorrow and benediction.

He Makes His Bow.

The constitution, which requires those chosen to legislate for the people to annually meet in the discharge of their solemn trust, also requires the president to give to congress information of the state of the union, and recommend to their consideration such measures as he shall deem necessary and expedient. At the threshold of a compliance with these constitutional directions, it is well for us to bear in mind that our usefulness to the people's interests will be promoted by a constant appreciation of the scope and character of our respective duties as they relate to federal legislation. While the executive may recommend such measures as he shall deem expedient, the responsibility for legislative action must and should rest upon those selected by the people to make their laws. A contemplation of the grave and responsible functions assigned to the executive branches of the government under the constitution will disclose the partitions of power between our respective departments and their necessary independence, and also the need for the exercise of all the power entrusted to each in that spirit of comity and co-operation which is essential to the proper fulfillment of the patriotic obligations which rest upon us as faithful servants of the people. The jealous watchfulness of our constituencies, great and small, supplements their suffrage, and by the tribunal thus established every public servant will be judged.

Our Peaceable Foreign Relations.

It is gratifying to announce that the relations of the United States with all foreign powers continue to be friendly—our position after nearly a century of successful constitutional government. Maintenance of good faith in all our engagements, the avoidance of complications with other nations, and a consistent and amicable attitude toward the strong and weak alike, furnish proof of a political disposition which renders professions of good will unnecessary. There are no questions of difficulty pending with any foreign government.

A question has arisen with the government of Austria-Hungary touching the representation of the United States at Vienna. Having under my constitutional prerogative appointed an estimable citizen of unimpeached probity and competence as minister at that court, the government of Austria-Hungary invited this government to cognize on certain exceptions based upon allegations against the personal acceptability of Mr. Kelley, the appointed envoy, asking that, in view thereof, the appointment should be withdrawn. The reasons advanced were such as could not be acquiesced in without violation of my oath of office and the necessarily involved a limitation in favor of a foreign government upon the right of selection by the executive, and required such an application of a religious test as a qualification for office under the United States as would have resulted in the practical disfranchisement of a large class of our citizens and the abandonment of a vital principle of our government. The Austro-Hungarian government finally decided not to receive Mr. Kelley as the envoy of the United States, and that gentleman has since resigned his commission, leaving the post vacant. I have made no new nomination, and the interests of this government at Vienna are now in the care of the secretary of legation as Charge d' Affaires ad Interim.

Early in March last war broke out in Central America, caused by the attempt of Guatemala to consolidate the several states into a single government. In this contest between our neighboring states the United States forbore to interfere actively, but lent the aid of their friendly offices in deprecation of war and to promote peace and concord among the belligerents, and by such counsel contributed importantly to the restoration of tranquillity in that locality.

Emergencies growing out of the civil war in the United States of Colombia demanded of this government at the beginning of this administration the employment of an armed force to fulfill its guarantee under the thirty-fifth article of the treaty of 1846. In order to keep the transit open across the Isthmus of Panama, desirous of exercising only the powers expressly reserved to us by the treaty, and mindful of the rights of Colombia, the forces sent to the Isthmus were instructed to confine their action to "positively and efficiently preventing the transit and its accessories from being interrupted or embarrassed." The execution of this delicate and responsible task necessarily involved police control where the local authority was temporarily powerless, but always

in aid of the sovereignty of Colombia. The powerful and successful fulfillment of its duty by this government was highly appreciated by the government of Colombia, and has been followed by expressions of its satisfaction, and of high praise of the officers and men engaged in this service. The restoration of peace on the Isthmus by the re-establishment of the constituted government there, being thus accomplished, the forces of the United States were withdrawn.

Pending these occurrences, a question of much importance was presented by decrees of the Colombian government proclaiming the closure of certain ports then in the hands of insurgents, and declaring vessels held by the revolutionists to be partial and liable to capture by any power. To neither of these propositions could the United States assent. An effective closure of ports not in the possession of the government, but held by the hostile partisans, could not be recognized. Neither could the vessels of insurgents against the legitimate sovereignty be deemed *hostes humani generis* within the precepts of international law, which might be the definition and penalty of their acts under the municipal laws of the state against whose authority they were in revolt. The denial by this government of the Colombian propositions did not, however, imply the admission of a belligerent status on the part of the insurgents. The Colombian government has expressed its willingness to attend negotiation conventions for the adjustment by arbitration of claims by foreign citizens arising out of the destruction of the city of Aspiwall by the insurrectionary forces.

Inter-Oceanic Transportation.

The interest of the United States in a practicable transit for ships across the strip of land separating the Atlantic from the Pacific has been repeatedly manifested during the last half century. My immediate predecessor caused to be negotiated with Nicaragua a treaty for the construction by, and at the sole cost of the United States, of a canal through Nicaraguan territory and it was laid before the senate. Pending the action of that body thereon, I withdrew the treaty for re-examination. Attentive consideration of its provisions leads me to withhold it from re-submission to the senate. Maintaining, as I do, position in a line of presidents from Washington's day, who have prescribed enlarging and entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory, or the incorporation of remote interests with our own. The laws of progress, vital and organic, and we must be conscious of that irresistible tide of commercial expansion which is the concomitant of our civilization day by day is being urged onward by those increasing facilities of production, transportation and communication to which steam and electricity have given birth. Our duty in the present instructs us to address ourselves mainly to the development of the vast resources of the great area committed to our charge, and to the cultivation of the arts of peace within our borders. We should be jealously alert in preventing the American hemisphere from being involved in the political problems and complications of distant governments, therefore I am unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory, when coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie. While the general project of connecting the two oceans by means of a canal is to be encouraged, I am of the opinion that any scheme to that end to be considered with favor should be free from the features alluded to. The Tehuantepec route is declared by engineers of the highest repute and by competent scientists to afford an entirely practical transit for vessels and cargo by means of a ship railway from the Atlantic to the Pacific. The obvious advantages of such a route, if feasible, over others further removed from the lines of traffic between England and the Pacific, and particularly between the valley of the Mississippi and South America, are deserving of consideration. Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world, must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power. It must not become a point of irritation of hostilities or a prize for warlike ambition. An engagement combining the construction, ownership and operation of such a work by this government with an offensive and defensive alliance for its protection with the foreign states whose responsibilities and rights we would share, is, in my judgment, inconsistent with such dedication to universal and neutral use, and would, moreover, entail measures for its realization beyond the scope of our national policy or present means. The lapse of years has abundantly confirmed the wisdom and foresight of those earlier administrations which, long before the conditions of maritime intercourse were changed and enlarged by the progress of the age, proclaimed the vital need of inter-oceanic traffic across the commercial Isthmus and consecrated it in advance to the common use of mankind by their positive declarations, and through their formal obligations of treaties. Toward such realization the efforts of my administration will be applied, ever bearing in mind the principles on which it must rest, and which were declared in no uncertain tones by Mr. Cass, who, while secretary of state in 1858, announced that "what the United States want in Central America next to the happiness of its people is the security and neutrality of the inter-oceanic routes which lead through it." The construction of three trans-continental lines of railway, all in successful operation, wholly within our territory, and uniting the Atlantic and Pacific oceans, has been accompanied by results of a most interesting and impressive nature, and has created new conditions, not only in the routes of commerce, but in political geography, which powerfully affect our relations toward any and every power. No opportunity has been omitted to testify the friendliness of this government toward Corea, whose entrance into the family of treaty powers the United States were the first to recognize. I regard with favor the application made by the Korean government to be allowed to employ American officers as military instructors, to which the assent of congress becomes necessary and I am happy to say this request has the concurrent sanction of China and Japan.

The arrest and imprisonment of Julio R. Santos, a citizen of the United States, by the authorities of Ecuador, gave rise to a contention with that government, in which his right to be released or to have a speedy and impartial trial with announced charges and with all guar-

antees of defense stipulated by treaty, was insisted upon by us. After an elaborate correspondence and repeated and earnest representations on our part, Mr. Santos was, after an alleged trial and conviction, eventually included in a general decree of amnesty and pardoned by the Ecuadorian executive and released, leaving the question of his American citizenship denied by the Ecuadorian government, but insisted upon by our own.

The amount adjudged by the late French and American Claims commission to be due from the United States to French claimants on account of injuries suffered by them during the war of secession having been appropriated by the last congress, has been duly paid the French government.

The act of February 25, 1855, provided for a preliminary search of the records of the French prize court for evidence bearing on the claims of American citizens against France for spoils committed prior to 1801. The duty has been performed, and the report of the agent will be laid before you.

I regret to say that the restrictions upon the importation of our pork into France, notwithstanding the abundant demonstration of the absence of sanitary danger in its use, are continued, but I entertain strong hopes that, with a better understanding of the matter, this vexatious prohibition will be removed. It would be pleasing to be able to say as much with respect to Germany, Austria and other countries where such food products are absolutely excluded without prospect of reasonable change.

The interpretation of our existing treaties of naturalization by Germany during the past year has attracted attention by reason of an apparent tendency on the part of the imperial government to extend the scope of the residential restrictions to which returning naturalized citizens of German origin are asserted to be liable under the laws of the empire. The temperate and just attitude taken by this government with regard to this class of questions will doubtless lead to a satisfactory understanding.

The dispute of Germany and Spain, relating to the domination of the Caroline Islands, has attracted the attention of this government by reason of extensive interests of American citizens having grown up in those parts during the last thirty-nine years, and because the question of ownership involves jurisdiction of matters affecting the status of our own citizens under civil and criminal law. Whilst standing wholly aloof from the proprietary issues raised between powers to both of which the United States are friendly, this government expects that nothing in the present contention will unfavorably affect our citizens carrying on a peaceful commerce or there domiciled, and has so informed the governments of Spain and Germany.

The marked good will between the United States and Great Britain has been maintained during the past year. The termination of the fishing clauses of the treaty of Washington in pursuance of the joint resolution of March 3, 1853, must have resulted in the abrupt cessation on the 1st of July of this year, in the midst of their ventures, of the operations of citizens of the United States engaged in fishing in British-American waters, but for a diplomatic understanding reached with Her Majesty's government in June last, whereby assurance was obtained that no interruption of those operations should take place during the current season. In the interest of the good neighborhood of the commercial intercourse of adjacent communities, the question of the North American fisheries is one of much importance. Following out the intimation given by me when the extemporary arrangement above described was negotiated, I recommended that the congress provide for the appointment of a commission in which the governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement upon a just, equitable and honorable basis, of the entire question of the fishing rights of the two governments and their respective citizens in the waters of the United States and British North America. Fishing interests being intimately related to the general questions dependent upon contiguity and intercourse, consideration thereof in all their equities might also properly come within the purview of such commission, and the fullest latitude of expression on both sides should be permitted. The correspondence in relation to the fishing rights will be submitted.

The Arctic exploring steamer "Alert," which was generously given by Her Majesty's government to aid in the relief of the Greeley expedition, was, after the successful attainment of that humane purpose, returned to Great Britain in pursuance of the authority conferred by the act of March 3, 1853.

The inadequacy of the existing engagements for extradition between the United States and Great Britain has been long apparent. The tenth article of the treaty of 1842, one of the earliest compacts in this regard entered into by us, stipulated for surrender in respect of a limited number of offences. Other crimes no less inimical to the social welfare should be embraced, and the procedure of extradition brought in harmony with present international practices. Negotiations with Her Majesty's government for an enlarged treaty of extradition have been pending since 1870, and I entertain strong hopes that a satisfactory result may be soon attained.

The frontier line between Alaska and British Columbia, as defined by the treaty of cession with Russia, follows the demarcation assigned in a prior treaty between Great Britain and Russia. Modern exploration discloses that this ancient boundary is impracticable as a geographical fact. In the unsettled condition of that region, the question has lacked importance, but the discovery of mineral wealth in the territory which the line is supposed to traverse admonishes us that the time has come when an accurate knowledge of the boundary is needful to avert jurisdictional complications. I recommend, therefore, that provision be made for a preliminary reconnaissance by officers of the United States, to the end of acquiring more precise information on the subject. I have invited Her Majesty's government to consider with us the adoption of a more convenient boundary to be established by meridian or other observation, or by known geographical features, without the necessity of an expensive survey of the whole.

The late insurrectionary movements in Haiti having been quelled, the government of that republic has made prompt provision for adjudicating the losses suffered by foreigners because of hostilities there, and the claims of certain citizens of the United States will be in this manner determined.

The long pending claims of the two citizens of the United States, Pelletier and Lazare, have been disposed of by

arbitration and an award, in favor of each claimant, has been made, which by the terms of the engagement is final. It remains for congress to provide for the payment of the stipulated moiety of the expenses.

A question arose with Hayti during the past year by reason of the exceptional treatment of an American citizen, Mr. Vanbokkeken, a resident of Port Au Prince, who, on suit by creditors residing in the United States, was sentenced to imprisonment, and under the operation of Haytian statute was denied relief secured to a native Haytian. This government asserted his treaty right to equal treatment with natives of Hayti in all suits at law. Our contention was denied by the Haytian government which, however, while still professing to maintain the ground taken against Mr. Vanbokkeken's right, terminated the controversy by settling him at liberty without explanation.

An international conference to consider the means of arresting the spread of cholera and other epidemic diseases was held at Rome in May last, and adjourned to meet again on farther notice. An expert delegate on behalf of the United States has attended and will submit report.

Our relations with Mexico continue to be most cordial as befits those of neighbors between whom the strongest ties of friendship and commercial intimacy exist, as the natural and growing consequence of our similarity of institutions and geographical proximity. The relocation of the boundary line between the United States and Mexico eastward of the Rio Grande under the convention of July 29, 1852, has been unavoidably delayed, but I apprehend no difficulty in securing a prolongation of the period of its accomplishment. The lately concluded commercial treaty with Mexico still awaits the stipulated ratification to carry its provisions into effect, for which one year's additional time has been secured by a supplementary article signed in February last and since ratified on both sides. As this convention, so important to the commercial welfare of the two adjoining countries, has been constitutionally confirmed by the treaty-making branch, I express the hope that legislation to make it effective may not be long delayed. The large influx of capital and enterprise to Mexico from the United States continues to aid in the development of the resources and in augmenting the material well-being of our sister republic; lines of railway, penetrating to the heart and capital of the country, bring the two peoples into mutually beneficial intercourse and enlarged facilities of transit, added to profitable commerce, create new markets, and furnish revenues to other isolated communities. I have already adverted to the suggested construction of a ship railway across the narrow formation of the territory of Mexico at Tehuantepec. With the gradual recovery of Peru from the effects of her late disastrous conflict with Chili, and with the restoration of civil authority in that distracted country, it is hoped that pending war claims of our citizens will be adjusted.

In conformity with notification given by the government of Peru, the existing treaties of commerce and extradition between us and that country will terminate March 31, 1856.

Our good relationship with Russia continues. An officer of the navy detailed for the purpose is now on his way to Siberia, bearing the testimonials voted by congress to those who generously succeeded the survivors of the unfortunate "Jeannette" expedition.

It is gratifying to advert to the cordiality of our intercourse with Spain. The long pending claim of the owners of the ship "Masonic" for loss suffered through the admitted dereliction of the Spanish authorities in the Philippine Islands, has been adjusted by arbitration and an indemnity awarded. The principles of arbitration in such cases to which the United States has long and consistently adhered, thus receive a fresh and gratifying confirmation. Other questions with Spain have been disposed of or are under diplomatic consideration with a view to just and honorable settlement. The operation of the commercial agreement with Spain of January 24 and February 13, 1854, has been found inadequate to the commercial need of the United States and the Spanish Antilles, and the terms of the agreement are subjected to conducting interpretations in those islands. Negotiations have been instituted at Madrid for a full treaty not open to the objections, and in the line of the general policy touching the neighborly intercourse of proximate communities, to which I elsewhere advert, and aiming, moreover, at the removal of existing burdens and annoying restrictions; and although a satisfactory termination is promised I am compelled to delay its announcement.

An international conference was held at Bern in September, on the invitation of the Swiss government. The envoy of the United States attended as a delegate, but refrained from committing the government to the results, even by signing the recommendatory protocol adopted. The interesting and important subject of international copyright has been before you for several years. Action is certainly desirable to effect the object in view, and while there may be a question as to the relative advantage of treating it by legislation or by specific treaty, the matured views of the Bern conference cannot fail to aid your consideration of the subject.

The termination of the commercial treaty of 1802 between the United States and Turkey has been sought by that government. While there is a question as to the sufficiency of the notice of the termination given, yet as the commercial rights of our citizens in Turkey come under the favored national guarantees of the prior treaty of 1830, and as equal treatment is admitted by the porte, no inconvenience can result from the assent of this government to the revisions of the Ottoman tariffs, on which the treaty powers have been invited to join. Questions concerning our citizens in Turkey may be affected by the porte's non-acquiescence in the right of extradition, and by the imposition of religious tests as a condition of residence, in which this government cannot concur. The United States must hold in their intercourse with every power that the status of their citizens is to be respected, and equal civil privileges accorded to them without regard to creed, and affected by no considerations save those growing out of domiciliary return to the land of original allegiance, or of unfulfilled personal obligations which may survive under municipal laws after such voluntary return. The negotiation with Venezuela relative to the rehearing of the awards of the mixed commission constituted under the treaty of 1856, was resumed, in view of the recent acquiescence of the Venezuelan envoy in the principal point advanced by this government, that the ef-

fects of the old treaty could only be set aside by the operation of a new convention. A result substantially in accord with the advisory suggestions contained in the joint resolution of March 3, 1853, has been agreed upon, and will shortly be submitted to the senate for ratification.

Under section 3659 of the revised statutes, all funds held in trust by the United States, and the annual interest accruing thereon, when not otherwise required by treaty, are to be invested in stocks of the United States bearing a rate of interest not less than 5 per cent per annum. There being now no procurable stocks paying so high a rate of interest, the letter of the statute is at present inapplicable, but its spirit is subserved by continuing to make investments of this nature in current stocks bearing the highest interest now paid. The statute, however, makes no provision for the disposal of such accretions. It being contrary to the general rule of this government to allow interest on claims, I recommend the repeal of the provision in question, and the disposition, under a uniform rule, of the present accumulations from investment of trust funds.

The inadequacy of existing legislation touching citizenship and naturalization demand your consideration. While recognizing the right of expatriation, no satisfactory provision exists providing means for renouncing citizenship by an American, native-born or naturalized, nor for terminating and vacating unimproved acquisition of citizenship. Even a fraudulent decree of naturalization cannot now be cancelled. The privilege and franchise of American citizenship should be granted with care, and extended to those only who intend in good faith to assume its duties and responsibilities when attaining its privileges. It should be withheld from those who merely go through the forms of naturalization with the intent of escaping the duties of their original allegiance without taking upon themselves those of their new status, or who may require the rights of American citizenship for no other than a hostile purpose toward their original government. These evils have had many flagrant illustrations. I regard with favor the suggestion put forth by one of my predecessors, that provision may be made for a central bureau of record of the decrees of naturalization granted by the various courts throughout the United States now invested with that power. The rights which spring from domicile in the United States, especially when coupled with a declaration of intention to become a citizen, are worthy of definition by statute. The stranger coming hither with intent to remain, establishing his residence in our midst, contributing to the general welfare, and by his voluntary act declaring his purpose to assume the responsibility of citizenship thereby gains an inchoate status which legislation may properly define. The laws of certain states and territories admit a domiciled alien to the local franchise, conferring on him the rights of citizenship to a degree which places him in the anomalous position of being a citizen of a state and yet not of the United States within the purvisions of federal and international laws. It is important, within the scope of national legislation, to define this right of alien domicile as distinguished from federal naturalization.

The commercial relations of the United States with their immediate neighbors and with important areas of traffic near our shores suggest especially liberal intercourse between them and us. Following the treaty of 1851 with Mexico, which rested on the basis of reciprocal exemption from customs duties, other similar treaties were initiated by my predecessors. Recognizing the need of less obstructed traffic with Cuba and Porto Rico, and met by the desire of Spain to succeed languishing interest in the antilles, steps were taken to attain those ends by a treaty of commerce. A similar treaty was afterwards signed by the dominion republic. Subsequently overtures were made by Her Britannic Majesty's government for a like mutual extension of commercial intercourse with the British West India and the West Indian dependencies, but without result.

On taking office I withdrew for re-execution the treaties signed with Spain and Santo Domingo then pending before the Senate. The result has been to satisfy me of the inexpediency of entering into engagements of this character not covering the entire traffic. These treaties contemplated the surrender by the United States of large revenues for inadequate considerations. Upon sugar alone duties were surrendered to an amount far exceeding all the advantages offered in exchange. Even were it intended to relieve our consumers, it was evident that so long as the exemption but partially covered our importations, such relief would be illusory. To relinquish a revenue so essential seemed highly imprudent at a time when new and large drains upon the treasury were contemplated. Moreover, embarrassing questions would have arisen under the favored nation clauses of treaties with other nations. As a further objection it is evident that tariff regulation by treaty diminishes that independent control over its own revenues which is essential for the safety and welfare of any government. An emergency calling for an increase of taxation may at any time arise, and no engagement with a foreign power should exist to hamper the action of the government.

By the fourteenth section of the shipping act approved June 26, 1854, certain reductions and contingent exemptions from tonnage-dues were made as to vessels entering ports of the United States from any foreign port in North and Central America, the West India Islands, the Bahamas and Bermuda, Mexico and the Isthmus, as far as Aspiwall and Panama. The governments of Belgium, Denmark, Germany, Portugal, Sweden and Norway have asserted, under the favored-nation clause in their treaties with the United States, a claim to like treatment in respect to vessels coming to the United States from their home ports. This government, however, holds that the privileges granted by the act are purely geographical, applying to any vessel of any foreign power that may choose to engage in traffic between this country and any port within the defined zone, and that no warrant exists under the favored-nation clause, for the extension of the privileges in question to vessels sailing to this country from ports outside the limitation of the act. Undoubtedly the relations of commerce with our near neighbors, whose territories form so long a frontier line difficult to be guarded, and who find in our country, and equally offer to us natural markets, demand special and considerate treatment. It rests with congress to consider what legislative action may increase the facilities of intercourse which contiguity makes natural and desirable.

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