

JX  
1428  
G7C3

UC-NRLF



\$B 593 928







JX 1428  
G7 C3

# SPEECH

OF

## HON. LEWIS CASS, OF MICHIGAN,

ON

### OUR RELATIONS WITH GREAT BRITAIN.

DELIVERED IN THE SENATE JANUARY 23, 1856.

Mr. CASS said: Mr. PRESIDENT: No man, who has read the President's annual message, can fail to see that our relations with England are in a critical condition. In that able and statesmanlike paper, the Chief Magistrate has spread before the country and the world, a statement of our affairs with various nations, and especially of our affairs with England. The whole exposition is plain and comprehensive; but it is with the latter, only, that I have any concern upon the present occasion. And there I find the facts true and clearly stated, the principles urged with force and justice; and, while the indefensible pretensions of England are exposed with a power of truth and reason, which will carry conviction to every unprejudiced mind, there is a tone of firmness pervading the document, and within the limits of a proper national comity, which becomes the constitutional representative of this great Republic in its intercourse with the other Powers of the earth.

And I have read, with much gratification, the dispatches which have issued from the State Department in relation to this controversy; and I find them marked with signal ability. It must be a satisfaction to the country to see, that its important interests are committed to such able management; and I will add, as a mere act of justice, that the papers, which have found their way to the public from that Department, during the administration of the present Secretary, may favorably compare with the official papers of the most eminent of his predecessors.

And I fully concur in the encomium pronounced the other day by the honorable Senator from Delaware, [Mr. CLAYTON,] himself a competent judge, upon the distinguished Minister, who has conducted our negotiations at the Court of London. His letters to Lord Clarendon, and especially his statements, first explaining our case, and next examining the case of England, are models of diplomatic correspondence, clear, cogent, conclusive, and I believe have been read

with pride and pleasure through the whole country. And I trust, sir, that the public press has already conveyed to Mr. Buchanan evidence of the warm appreciation of his fellow-citizens. An American Representative abroad is often placed in positions of difficulty and responsibility, where the support of his countrymen is not only his best reward, but his best encouragement. I have found myself surrounded with such circumstances; and one of the proudest days of my life was the day, when information reached me, that upon a memorable occasion I had been weighed in the balance by my fellow-citizens, and found not wanting.

Entertaining the views I have expressed of the President's message, I regretted to see, in a highly esteemed and intelligent journal of this city, which I have read with interest for almost half a century, the National Intelligencer, and for whose editors I have a warm personal regard, comments upon the tone and temper of portions of that document, which seemed to me marked with an undue severity of criticism. I do not propose to examine them, and refer to the article principally for the purpose of quoting a single paragraph. Before doing so, however, I ask attention to an expression, which conveys a forcible image, but one I consider wholly inapplicable to our position. That expression which contains much in little is, that "we are drifting into difficulties." Sir, I do not thus understand the circumstances, with which we are surrounded. In my opinion, our noble ship is upon her true course, and our pilot is doing his duty. If difficulties are before us—and I believe they are—we are neither drifting towards them, nor they towards us. They are designedly placing themselves in our way, and it would ill become our self-respect, or our honor, to change our course with a view to avoid them. The maneuver, even if resorted to, would be but a temporary escape, and we should find, that, while we had lost our character, we had not gained the poor recompense of safety for dishonor.

Foreign Aff. 504

The *Intelligencer*, speaking of warnings it had given, says they were "warnings prompted by observation of the increasing prevalence of a war spirit amongst the politicians of the day, against indulging this martial propensity to the extent of giving countenance, much less confidence, to any Administration, or to any party, now or hereafter, which may show a disposition to make capital by fomenting national jars into national hates, or nursing into causes of war every adventitious dispute or controversy, great or small, such as are of every-day occurrence in the family of nations, and from which the United States would in vain hope for any exemption."

Sir, I am sorry to see these remarks in such a justly influential journal, not so much on account of the language, for it is guarded, but on account of the spirit, which pervades the article. Should trouble come, that paper will be a faithful co-laborer in its country's cause; but, in the mean time, such intimations are unfortunate, for they tend to cast doubts upon the motives of public men, and to render them distrusted. During many years, I have observed that every one has been exposed to similar imputations, who looked steadily at the proceedings of other nations, and was prompt to observe and denounce injurious or insulting conduct towards us. It seems to be thought, with some, to be the dictate of caution, if not of wisdom, that the public eye and ear should be kept almost closed, lest the country should become too sensitive, and something worse might happen, as though there could be anything worse than national disgrace. I do not recollect a single controversy we have had with a foreign Power, since I have been on the stage of action, when these ungracious charges have not come to weaken, if not to deaden, the inspirations of patriotism. Certainly, sir, to observe vigilantly the conduct of foreign nations towards our country, and to expose their injustice, is not to desire or to demand a war upon all occasions. The idea is utterly unfounded. Grave events, the gravest, only can justify hostilities, but far short of such events may there be others calling for examination and exposure. It seems to me, sir, that the propensity to doubt the justice of our own cause is almost an American idiosyncrasy, for I do not believe it is equally prevalent among any other people on the face of the globe. I have more than once before been, and shall now again be, exposed to similar obloquy. But neither its advent nor its apprehension has deterred me, at much earlier periods of life, nor will they deter me now, when life is fast drawing towards its close, from the expression of an earnest hope that the American name and the American fame will be maintained by the American people with the brightness of true glory, undiminished by the commission of a single deed, or the omission of a single deed, which national duty may forbid or require. I have the consolation, however, of believing that, upon the present occasion, every appearance indicates that, in the Senate and out of the Senate, a unanimity of sentiment almost unknown in the history of our country will accompany the efforts of the Government to secure the public rights and honor.

Why, sir, it is all idle to talk about a desire to engage the country in war. There is no such desire, or, if there be, it is confined to a portion of

the population so inconsiderable, as to exert no influence upon our national course. Almost nobody wants war. But war is not to be avoided by shutting our eyes to the signs of the times, and crying, "all's well," when danger is upon us. The ostrich, which roams the desert, and hides its head in the sand, fearing it knows not what, and believing that it cannot be seen, because it cannot itself see, is as wise as those politicians, who think to avert or avoid danger by affecting to be utterly ignorant of its existence. The true way is to look it in the face, and to be prepared for it. This is equally the dictate of prudence and of patriotism.

Sir, war has its evils, and great, indeed, they are. Many of us know them by personal observation, and all know them by history and tradition. But there are evils still greater, and among those is the forfeiture of our own self-respect and the loss of the respect of the world. If, in addition to our own experience, we wanted any other proof of the dire calamities, which war brings in its train, we should find it in the great contest now going on upon the shores of the old Euxine, the early seats of civilization, where three of the greatest nations of the world are engaged in the deadliest conflict, recorded in the long annals of human warfare, from the first battle described in sacred history, when the four Kings went out against the five Kings in the vale of Siddim, down to our day. How this mighty struggle is to end, or when, or with what consequences to the combatants themselves, or to the old hemisphere, it would be presumptuous even to endeavor to predict.

A singular commentary upon the little danger of war, "while statesmen keep their senses," to use an expression of the *Intelligencer*, is furnished by an event, that recently occurred in England. War, indeed, did not result from it, but it is obvious that, in the public opinion there, a critical state of things exists, which requires but a slight incident to produce hostilities; and the circumstance to which I allude is anything but honorable to the boasted intelligence of this middle of the nineteenth century. It is but a few days since the people of England, with wonderful unanimity, believed that a war with the United States was imminent—not imminent merely, but that it had actually broken out. They heard, as they supposed, the guns of the hostile parties, while, in fact, it was the peals of their own "Thunderer," now facetiously called "Blunderer," when it discusses American affairs, that broke upon their startled senses, peals with no flashes of light to relieve their monotonous reverberations. His Olympian predecessor "frightened the nations," while the English ruler of the clouds has to limit his powers of alarm to his own nation. But he sent his voice to every nook of Great Britain, from Johnny Groat's house to the Land's End, carrying trouble to every loyal heart. A fleet had actually sailed to chastise the presumptuous Americans. That was certain; but why, was involved in inextricable obscurity. The great light could not, or did not, enlighten that dark point. It was as much of a puzzle as ever puzzled a Chinese. But, though opinions were a good deal divided, there were two principal causes, which seemed to challenge the public assent, each finding its advocates. One was, that the

naval expedition was destined to intercept a new armada, more terrible than its Spanish predecessor, which had left, or was about to leave, our shores, in order to wrest Ireland from English domination; and the other, that this display of a nation's power was for the purpose of avenging the insult cast upon the realm of Queen Victoria, by our Attorney General, in a communication to the District Attorney of New York, in which that high functionary had, to the great offense of English delicacy, stated a plain case in plain language. And this national burst of indignation is another illustration of the truth of the poetic exclamation—

“What great effects from little causes spring!”

I leave to the future historian to pass judgment upon the disputed point.

It is difficult, sir, to believe that any extent of national credulity could suffice to enable a people to swallow such *humbuggery* as this; it deserves no better name. And yet the humiliating fact is true, beyond the reach of doubt. The whole English press confirms it. I have myself seen a letter from a most distinguished English gentleman, who says, frankly, that he was one of the “dupes”—this is the word he uses, upon that occasion—the dupe of an arrogant, unprincipled journal, which has acquired and exercises an influence over the English public mind, equally strange and humiliating. Unfortunate is it for any people, where the journals of the day guide, instead of indicating, the national opinion, and, especially, where one of them reigns supreme, and constitutes itself a new estate of the realm.

The President, in his message, refers to another incident, which has come to complicate our difficulties with England, and that is, the effort to procure recruits in the United States for the British army, and the developments which have attended it. As the President well remarks, our traditional policy has been to avoid all connection with European wars, and to prevent either party from receiving aid from this country. For this purpose, laws have been passed, which form a permanent portion of our system of national intercommunication. Those laws have been violated by persons, acting in the name of the British Government. The existence of the offense has been established, and the offenders identified by the verdict of a jury, and the sentence of a court. No man has, therefore, the right to gainsay, either the one or the other; and, least of all, has the British Government the right to say, your laws are to be construed so and so, and we have not interfered with them, agreeably to our construction. Our own judicial tribunals constitute the department appointed to interpret our own laws. The act of engaging men within the United States to leave our territory, with a view to enlist into the British army, when within the British dominions, is not denied; but we learn, from the President's message, that it has been urged, in defense of the act, that “stringent instructions” were given so to conduct the affair, as not to violate our laws.

Well may the President express his surprise at such an excuse as this! Well may he ask, how could the British Government, with our law before them, which they had, or ought to have had—how could they look to the accomplishment of their object, without going in the face of a statute as comprehensive as ours? I will not

characterize this pretension. It characterizes itself.

That high officers of the English Government, both in the United States and upon their borders, were engaged in superintending and directing this business, is not denied either by them or by the home authorities. It was an unfortunate moment to make this experiment upon our forbearance. A great war was going on, and the nations of the earth were watching with anxiety every incident connected with it. We could not submit to the violation of our neutrality laws, without the most serious imputations upon our honor and good faith. When this interference with them became known—and known, too, by judicial investigation—there were two courses for the Government to pursue in vindication of the honor of the country. One was, to dismiss the British Minister, a principal agent in these obnoxious affairs; and the other, to lay the case before the British Government, and to demand his recall. For myself, sir, I think the former should have been instantly adopted. I think the nature and the publicity of the transactions, and, especially, looking to the time and the condition of the world, and recalling the thousand-and-one charges made against us by the English press, and people, and Cabinet, or *filibustering*, and of permissive if not of authorized, armaments in the United States, in violation of our solemn duties—I think this act of vigorous policy was demanded by the highest considerations, and I also think it would have redounded to our credit through the world. At the same time, sir, I do not conceal from myself, that there were very grave considerations in favor of adopting the second course: that is, giving to the British Government the opportunity of doing justice to the occasion and to us by its own act. I trust a demand has been made, and that it will be listened to; and, if not listened to, that we shall do for ourselves what, in that event, will be most ungraciously refused, and ought to have been done for us elsewhere. The British Government, had it been actuated by a proper spirit of friendly intercourse, would have recalled its Minister as soon as it ascertained the awkward position in which he had placed himself. It owed a prompt disavowal not less to itself than to us.

Of Mr. Crampton I shall only speak in terms of high personal respect. He is a distinguished gentleman, enjoying, and, I believe, deserving, the esteem and regard of all, who are acquainted with him. Upon such a subject I shall take counsel from my own feelings only, and not from a lesson which I find in British parliamentary history, and which was written there, I suppose, for my special benefit.

When I had the honor to represent my country abroad, my official conduct became the subject of animadversion—of censure, rather—in the British House of Peers. I had, unfortunately for the good opinion of the English public, done what I could to counteract a scheme of their Government, which, if successful, would have given to them the maritime supremacy of the world. Upon that occasion, I was assailed by one who had held the highest office known to the British Constitution, after the Sovereign, in terms which I will repeat, but shall not imitate. The actor in that interlude—the Thersites, rather—has been remarkable for his versatility, having

performed many parts; but while he has been able in all, he has particularly excelled in vituperation. In that high assemblage, Lord Brougham said, speaking of me, that "he had no more conception of questions of international law, than he had of the languages spoken in the moon." [Here, the record says, their lordships laughed, pleased, no doubt, with such a delicate, sarcastic hit; but I trust, for the honor of the aristocracy, that it was not a hearty, Democratic laugh, but rather a gentle relaxation of high-born muscles.] Lord Brougham added, that "he (meaning myself) had no more capacity for argument, or reason, than he had for understanding legal points and differences;" "that he was the very impersonation of mob hostility to England;" and "that he pandered to a groveling, groundling set of politicians," meaning the people of the United States.

But the conduct of the English representative, so far as it affects the honor and interests of our country, is a proper subject of examination. Whether he, acted with or without authority, is a question between himself and his Government. If without it, his course was indefensible, and his punishment should be exemplary. If with it, the greater is our cause of complaint, and the clearer right have we to expect reparation.

The dismissal of a Minister is no cause of war. It has been often done. It is a measure, we have more than once taken, and England many times. On one occasion, she sent home a foreign ambassador under guard. Spain, fallen as she is from her former high estate, quite recently testified her dissatisfaction with a British Minister, by ordering him out of the country. I repeat, sir, this act of national sovereignty is no just cause of war; and if it be made the pretext for one, why so be it—we will meet it as we may. The prosecution and conviction of an English consular agent in a Prussian Court, for a similar offense, seems to have excited in England neither surprise nor complaint. Both were reserved for us. He, who believes that England would have permitted such a breach of her laws to pass unnoticed, under such circumstances, has read her history to little purpose.

One of the recent arrivals from England has brought an article in the London Morning Herald, of December 20, 1855, which is not unworthy of notice in this connection. This article says that, notwithstanding the "bluster" here, no doubt but the foreign enlistment affair was a "plot," got up by the "American press" at "the instance, it would seem, at all events, with the knowledge, of the American Secretary of State." The Herald asserts it was proposed to the Government through Mr. Crampton, and not objected to. It also states that, at the trial in Philadelphia, an attempt was made to implicate Mr. Crampton, "too gross even for a Yankee court of justice." The Attorney General is charged with "grossness," "vulgarity," "daring assertion," "inconclusiveness;" and certain members of the Government are charged with laying "this plot to implicate our officials."

Notwithstanding "struggles for notoriety, malignancy of the southern and the inextinguishable hatred of the Irish," and though "the Yankee may bluster and rave," the Herald predicts, that it will all end in nothing.

Now, sir, this precious diatribe is only important, as an indication of the popular feeling in England. Here is one of the great London newspapers, printed within sound of Bow-bells, abounding in the most ridiculous specimens of nonsense and malignity, it is possible to compress within such a space, issued, and read, and believed, and enjoyed in the land of all the DECENCY. There is nothing too gross for the English palate, in relation to our country. I must confess, as a western man, who crossed the Ohio when a lad, and spent a large portion of his life contending with the obstacles of a new country, and upon the very verge of civilization, that my self-love is a little wounded at the classification, by the writer in the Herald, of the people of the United States; recognizing none but Southerners, and Irishmen, and Yankees—thus ignoring the great West, with its six millions of people, exceeding in population more than half of the kingdoms of Europe. However, I console myself with the reflection, that we shall be heard of by-and-by, and that in the mean time, this ignorance is not strange in a region where, it is said, that wonder is often expressed at finding, that an American is white, and speaks the English language. The same arrival, that brought the Morning Herald, brought also this most acceptable piece of information, that "the report which recently prevailed, that the United States had made a treaty with the Shah of Persia, guaranteeing the territory on the Persian Gulf, had proved erroneous." Great relief this must have afforded in England! "*How little wisdom*"—said a Swedish statesman to his son—"how little wisdom does it take to govern the world!" How little common sense, we may exclaim, is exhibited in Europe on the subject of American affairs!

We have had many difficulties with England, from the time she refused to surrender the western posts, under the treaty of peace of 1783, to this day; and I will not say all, but almost all, of them resulted from her conduct towards us, and were causes of complaint on our part.

Why this never-ceasing injustice? Why seek, not only to injure, but to degrade us, in the eyes of the world? I have often sought the reason, and can only find it in hostility to our institutions, and jealousy of the advance, we have made in all the elements of power and prosperity, and still more at the wonderful career before us. Time brings no relaxation of this unfriendly feeling. It brings professions enough, but little corresponding action. And the operation of the feeling is as evident at this day, as at any former period of our intercourse. So far as we know, the conduct of the Ministry has called forth no token of public disapprobation.

Mr. President, we had a short discussion the other day upon the subject of the oft-debated Monroe doctrine. I propose very briefly to re-examine it; and I shall do so with the more confidence, because I have just refreshed my recollection by a conversation with the person, who, of all living men, has the most right to speak authoritatively upon this matter. I refer to Mr. Rush, whose name is well and favorably known to the whole country, which he has served with honor and ability in various high capacities, at home and abroad, and who was our Minister in England, when this doctrine was first broached. I have already expressed the pleasure I felt at the

progress this great American principle had made, and at the hold, it had obtained upon the public mind, and especially at the adhesion to it, which had been pronounced here by two able and distinguished Senators. It has grown in favor, rapidly but firmly; for the tenth year has not yet passed away, since I addressed the Senate upon the subject, and they refused even to refer it to the Committee on Foreign Relations for examination. Mr. Buchanan said well and truly, in one of his notes to Lord Clarendon, that, "when first announced, more than thirty years ago, it was hailed with enthusiastic approbation by the American people; and since that period, different Presidents of the United States have repeated it in their messages to Congress, and always with unmistakable indications of public approbation."

When this subject was before us, in one of its almost periodical visits, some years since, I said: "But these resolutions, (resolutions recognizing the doctrine,) or equivalent ones, embodying the same principles, will pass the Legislature of the United States. Their passage is but a question of time. They may fail to-day, and they may fail again. Timidity, or imbecility, may overrule that firm sagacity which befits our condition. It is just as certain, that these principles themselves will be permanently engrafted into the American policy, and in the most imposing form, as that they are now engrafted in the hearts of the American people."

What, sir, is the Monroe doctrine? Let Mr. Monroe answer the question. In his annual message to Congress, in 1823, he announced his views upon two important subjects. They are as follows, and are to be found in different parts of the message:

"1. That it was impossible for the Allied Powers to extend their political system to any part of America, without endangering our peace and happiness, and equally impossible, therefore, that we should behold such interference with indifference."

"2. That the occasion had been judged proper for asserting, as a principle, in which the rights and interests of the United States were involved, that the American continents, by the free and independent condition, which they had assumed and maintained, were henceforth not to be considered as subjects for future colonization by any European Power."

It is extraordinary, sir, that any one could suppose, that these declarations had reference, only, to the peculiar position of the Spanish colonies. The first had, but the second was addressed to all nations, and was intended to operate during all time. It was the annunciation of a new line of policy. On what was it founded? On "the situation of our country, and of the various States of this continent, which demanded a system—as Mr. Jefferson said, "separate and apart from that of Europe." For ages after the discovery, the colonies, planted in this hemisphere, were the mere appendages of the mother countries; used for the purposes of trade, and without the slightest view to the establishment of any enlarged policy for their prosperity or increase. They were useful in peace for the purposes of commerce; and in war, to aid in its prosecution. When the successful result of our Revolution established an independent power on this side of the Atlantic,

it began to be perceived, that new interests had arisen, which would necessarily lead to great changes. And when the Spanish colonies took the same position, as sovereign States, it became evident, that the time had arrived for some decisive action upon the subject. It was impossible for the United States to permit, if they could prevent it, the recolonization of those countries, or the establishment of new colonies. They could not suffer a state of things, which would forever connect those vast regions with European Powers, making them parties to distant wars—dynastic, ambitious, and what not—in which they had no concern; and thus endangering our safety and our interests—placed as they were on our very borders, keeping us in perpetual alarm. The great code of public law is not a rigid, unbending one. It accommodates itself to the advancing condition of the world; of which power of adaptation many examples are on record, as in the case of the principle of the right of occupation, resulting from discovery, and the abrogation of the claim of dominion over what was called the narrow seas. Many other instances are to be found, but I shall not stop to seek them. The question is well touched by Mr. Canning, who said to Mr. Rush:

"It concerned the United States, under aspects and interests, as immediate and commanding, as it did or could any of the States of Europe. They were the first Power on that continent, and confessedly the leading Power. They were connected with Spanish America by their position, as with Europe by their relations; and they also stood connected with those new States by political relations. Was it possible they could see with indifference their fate decided only by Europe? Could Europe expect such indifference? Had not a new epoch arrived in the relative position of the United States towards Europe, which Europe must acknowledge? Were the great political and commercial interests, which hung upon the destinies of the new continent, to be canvassed and adjusted in this hemisphere, (Europe,) without the cooperation, or even knowledge, of the United States?"

And to the same purport speaks Mr. Everett in one of the most admirable letters to be found in the whole history of diplomacy. He said, speaking of the influence of the United States:

"But a new element of incalculable importance in reference to territorial arrangements is henceforth to be recognized in America."

This principle of European non-interference in the affairs of this continent has been advocated, and brought before Congress and the country, by three Presidents of the United States at different intervals, and under circumstances, calling for action. In Europe, such a line of policy might well be marked out by the executive authority, as that department of the Government possesses the power to enforce it, being vested with the right to make war. But here the Executive occupies a very different position, and he can establish authoritatively no such principle, without the cooperation of Congress. He may recommend, but the Legislature alone can sanction and enforce his views. We ought, sir, years ago, by congressional interposition, to have made this system of policy an American system by a solemn declaration; and, if we had done so, we should have spared ourselves much trouble, and no little mortification. But we let the time pass by, without appreciating our high responsibilities, leaving important interests to be the sport of circumstances. And why this indifference to a measure, urged upon us by so many grave considerations?

The honorable Senator from New York [Mr. SEWARD] said, the other day, that this doctrine was an abstraction, and had therefore found no favor with Congress. Sir, it was never an abstraction. There never was a moment, when its resolute confirmation by Congress would not have been of the highest importance to the honor, the interest, and the safety of our country. The legislative confirmation would have been no more an abstract declaration, than the executive recommendation. Both the one and the other were demanded by the gravest considerations. No, sir, it was not the fear of abstractions, which interfered between Congress and this good work. It was some undefined apprehension, that, if we spoke the words, we must adhere to them; and that, if we adhered to them, they would be words of terrible import to our country. I am happy to believe, that timidity is giving way to a wise firmness.

Mr. SEWARD. Will the honorable Senator allow me to ask him a question at this point by way of elucidating this matter?

Mr. CASS. Certainly.

Mr. SEWARD. I desire to avail myself of the honorable Senator's recollection about the occasion when the debate, to which he alludes, took place. Was there at that time before Congress a practical question of conflict, or apprehended conflict, in regard to any portion of the territory of Central America? I ask the question, because I have quite forgotten the occasion on which the debate to which he refers took place.

Mr. CASS. I beg pardon; I referred to the honorable Senator's declaration on the introduction of the President's message.

Mr. SEWARD. I spoke then of the reason why it failed upon the occasions when it had been brought forward, referring especially to an occasion since I had been a member of this House, when the honorable Senator from Michigan himself brought it forward, and I thought then it was presented without an occasion.

Mr. CASS. Mr. President, so far as I know, the first attempt to procure the coöperation of the American Legislature in this doctrine was on its redeclaration by Mr. Polk. He certainly introduced it in reference to the then pending difficulties in regard to Oregon. There was a plain, practical point. We refused to say a word, and, I repeat, we refused then even to take it (the subject) into consideration. On the other occasion to which the honorable Senator refers, there was a resolution, I think, introduced by myself; but I do not recollect what particular bearing it had, except its general bearing, on the welfare of the country.

Mr. SEWARD. That is what I understood, and therefore I asked the question.

Mr. CASS. The circumstances connected with Mr. Monroe's communication are well known, and properly called for the consideration and action of Congress; but it found neither. When Mr. Polk adopted and renewed the declaration, the Oregon controversy was pending, and it was a peculiarly fitting occasion for a union of the legislative and executive powers, in order to bring this great work to its consummation. Still, nothing was done. And, now, this subject is again brought before us by another President, and with a view to its direct bearing upon the discussion, in which

we find ourselves engaged with England. Some years since, as I have stated, the debate in the Senate was brought on by resolutions introduced by myself, affirming the concurrence of Congress in the anti-colonial doctrine. It was fruitless in any useful result, and thus this American principle has been but a barren *dictum*, as Lord Clarendon calls it, and will never fructify until it receives the sanction of the Federal Legislature.

The honorable Senator from New Hampshire, [Mr. HALE,] in the remarks he made upon this subject a few days ago, referred to the views expressed by Mr. Calhoun, in the Senate, in relation to this doctrine, and maintained, that no general principle of action was laid down by Mr. Monroe, but that his efforts were limited to the preservation of the independent States of Spanish origin from the grasp of the Holy Alliance, as the union of various despotic powers to put down popular demonstrations was called. The unholy alliance would have been its proper designation.

There is no doubt, sir, but that the threatening aspect of affairs in relation to these Spanish States, and the known project to bring them under the dominion of some Bourbon prince, was the prominent cause, which led Mr. Monroe to interpose upon that occasion. Circumstances do not create principles. They call them into action. Circumstances occurred, which directed the attention of the American Government to an approaching crisis, and it then investigated, not only its line of action, but the ground upon which that action could be justified, and the result was this well-known declaration. In our position, it is one of the great elements of our strength, and of our means of self-defense. It is perpetual, as well in its obligations, as in the security, it brings with it. It interfered with no existing rights, but looked to the future, with a view to guard that from danger.

Mr. Monroe promulgated, what is known through the world as his doctrine—the American doctrine of American self-preservation. It is now sought to degrade it to a mere temporary expedient, living while the Holy Alliance lived, and dying with the death of that unprincipled league. Now, sir, Mr. Monroe is the best expositor of his own views. Hear him. In his annual message of 1824, when the danger from the Holy Alliance had passed away, he said, renewing his recommendation, that we had no concern with European wars, but “with regard to our neighbors our situation is different. It is impossible for the European Governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us.”

But, sir, we have another witness to introduce, whom no American can hear without respect and gratitude, the writer of the Declaration of Independence, the patriarch of the Democratic faith, the statesman and patriot, second only to Washington in the estimation of his countrymen. Mr. Monroe, during his whole Presidency, was in the habit of the most confidential communication with Mr. Jefferson upon all questions of serious concern. He consulted him upon this subject, and here follows the answer, dated October 24, 1823. Never were sentiments sounder in themselves, or more beautifully expressed:

“The question presented by the letters you have sent me

is the most momentous, which has ever been offered to my contemplation, since that of Independence. That made us a nation; *this sets our compass, and points the course, which we are to steer through the ocean of time.* And never could we embark on it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. *Our second, never to suffer Europe to intermeddle with cis-Atlantic affairs.* America, North and South, has a set of interests, distinct from those of Europe, and peculiarly her own. She should, therefore, have a system of her own, separate and apart from that of Europe; the last is laboring to become the domicile of despotism—our endeavor should surely be to make our hemisphere that of freedom.”

And now there are those, who would mar the magnificent figure of Mr. Jefferson, by converting his ocean of time into a mere duck pond, and his fundamental maxim, never “to suffer Europe to intermeddle with cis-Atlantic affairs,” into the historical recollection of a temporary project to save our neighboring States from a blow aimed at that time at their safety, and all danger from which passed away, as suddenly as it had arisen.

And there is another voice from the tomb, which speaks the same confirmatory language, respecting this doctrine—the voice of one whose memory will live upon the pages of our history, and in the hearts of our countrymen, as long as true genius and elevated patriotism shall find admirers.

In 1825, Mr. Clay, then Secretary of State, in a letter to Mr. Poinsett, says, “that the then President, Mr. Adams, who was Secretary of State when Mr. Monroe advanced his doctrine, coincides in ‘both principles,’ (non-interference and anti-colonization,) which were laid down after much and anxious deliberation on the part of the late Administration. The President, (Mr. Adams,) who then formed a part of it, continues to coincide with both, and you will urge upon the Government of Mexico the utility and expediency of asserting the same principles on all proper occasions.”

It is obvious, sir, that Mr. Calhoun was under a misapprehension in relation to the views of Mr. Monroe upon this subject. He himself stated, that his recollection of it was imperfect, and that it was so, is beyond all contradiction. He considered that the “declaration of Mr. Monroe had reference to a specific case, (the Holy Alliance,) and stopped there.” “Mr. Monroe,” he added, “was a wise man, and had no design of burdening the country with a task it could not perform. He knew there was a broader declaration made by the gentleman, then Secretary of State,” &c. What Mr. Calhoun here alluded to, I profess my inability to comprehend. No declaration could well be broader, than that of Mr. Monroe; and whatever agency or advice Mr. Adams may have had, or given in the matter, its responsible paternity rests upon the Chief Magistrate. I have reason to believe, that Mr. Adams was anxious for the measure, though his precise share in it I do not know. Indeed, Mr. Clay, by his authority, as I have shown, avowed his concurrence in it. But, sir, those who knew Mr. Monroe well know that he was entitled to the character of wisdom, here given to him by Mr. Calhoun. He was a safe and sagacious statesman, cautious in his investigations, looking narrowly into every question presenting itself, hearing all that could be said, and then deciding for himself, and adhering with unshaken firmness to his decisions. I knew him well, and hold him in remembrance as a true patriot and a pure one, and the worthy successor

of his personal and political friends, Jefferson and Madison. The declaration of Mr. Monroe contained the enunciation of a general principle, and its application to a particular case, while Mr. Calhoun has confined it to the latter, divesting it thus of all claim to the establishment of a great line of policy.

It has been said here more than once, and I think, though I am not certain, that it was said by Mr. Calhoun, that the course of action of Mr. Monroe upon this subject, was the result of a suggestion made by Mr. Canning to Mr. Rush. This is another, among the many errors, which seem to have clustered around this whole matter. It is easy to show this.

As early as July, 1823, Mr. Rush received from the Department of State a dispatch, containing the views of the President upon the Spanish-American question, corresponding, substantially, with the ground, subsequently taken in the message. They were transmitted to him, not for any immediate diplomatic action, but to put him in possession of the opinions of the Government, as circumstances might arise, rendering it necessary for him to be acquainted with them. Mr. Rush, I understand, had his first conversation with Mr. Canning, at the request of the latter, towards the end of August in that year; and his dispatches, announcing the result of that, and of other subsequent interviews, did not reach Washington until about the middle of November, just before the opening of Congress, as Mr. Rush says, in his interesting narrative of this diplomatic episode. Now, I have already read an extract of a letter from Mr. Jefferson to Mr. Monroe, dated October 23, 1823, by which it appears, that the President had communicated to the retired Patriarch his impressions, and probably his intentions, in relation to this whole subject, which met, as we have seen, the most cordial approbation; and I have no doubt but that a similar correspondence, with a like approval, took place with Mr. Madison. It is obvious, that a course, involving such important principles, and fraught, it might be, with startling consequences, must have been some time under the consideration of a cautious statesman, like Mr. Monroe, before it could assume a shape, proper to be submitted for the opinion of Mr. Jefferson. It is clearly impossible, that the suggestions of Mr. Canning could have led to the establishment of this doctrine, or to its promulgation. Why, sir, it is a well-known historical fact, that when the message of Mr. Monroe reached Europe, it excited a great sensation among the politicians, and nowhere a greater one than in England. Mr. Canning had proposed to Mr. Rush that the United States should take ground against the extension of the schemes of the Holy Alliance to the Spanish-American States, and promised the cooperation of England. The proposition reached here, when, as we have seen, Mr. Monroe was about to submit his doctrine to Congress. He accepted the suggestion of Mr. Canning, as to the particular case, which was all the British Government wanted, but he also accompanied his action with a declaration of the principles, which he thought should guide his country thereafter. Now, sir, Mr. Canning did not partake of the mistake, which prevails here. He saw that the special interposition was temporary, but that the doctrine itself was perpetual.

I am informed by one who knows, that no man in Europe was more surprised than was Mr. Canning, when he found that the American Government had gone so far beyond his wishes and expectations. And we see, sir, to this day, that the point is perfectly understood in England; for Lord Clarendon, in his statement, said to Mr. Buchanan, but the other day, that the anti-colonization declaration of Mr. Monroe was "but the *dictum* of the distinguished person, who declared it, but her Majesty's Government cannot admit that doctrine, as an international axiom, which ought to regulate the conduct of European States." Here is no attempt to avoid the principle, nor is there any in the answer of Mr. Buchanan, who frankly avows his adhesion to the "*dictum*," and adds, with true American spirit, that "if the occasion required, he would cheerfully undertake the task of justifying the wisdom and sound policy of the Monroe doctrine, in reference to the nations of Europe, as well as those of the American Continent." I wish our Minister had been called upon to do this work. He would have done it well and conclusively, and in a manner, which, I doubt not, would have been satisfactory to his own countrymen, if not to European politicians, and which might have silenced objections at home.

Mr. Canning, sir, arrogated the credit of one great measure to himself, to which he had no just claim. Let him not have the merit of another, to which he advanced no pretensions. He said, in quite a grandiloquent vein, in the British House of Commons, that he had called the Spanish-American Republics into being, and his words fell with proud assent upon English ears. But, sir, the boast had no foundation. At the very time he made it, those Republics had achieved their own independence, and were beyond the reach of Spanish resubjugation, and that independence had been formally acknowledged by the United States. I think I am correct in the statement of this fact.

Mr. SUMNER, (in his seat.) It is so.

Mr. CASS. I believe, sir, that to Mr. Clay, more than to any other statesman, American or European, was due the entrance of those States into the family of nations.

But, after all, sir, this inquiry into the origin of the Monroe doctrine has but a speculative interest. To adopt an expression, familiar to the ears of Senators, it is well "to vindicate the truth of history," and to vindicate it upon this point; but this great cis-Atlantic principle does not now derive its strength from its origin or its author; it rests upon a surer foundation, upon the cordial concurrence of the American people, and is destined to be a broad line upon the chart of their policy. One motive with some of us—perhaps with many of us—in the Senate, for supporting the Clayton-Bulwer treaty was, that, if carried out in good faith, it would peaceably do the work of the Monroe doctrine, and free an important portion of our continent from European interference. That it has so far signally failed is no fault on our side. Whether it is to be a triumph as well as a fault, on the other, will depend on the firmness and self-respect, which may direct and accompany our course. I am well aware, that, during the premiership of Lord Palmerston, an amicable arrangement, or rather a fair fulfillment of the treaty, agreeably to its obvious import, and the avowed

object of the parties, is an event hardly to be hoped for. I have nothing to say of that distinguished English statesman, incompatible with his own high position, or this high place, where circumstances have given to his views, to his temperament perhaps, an importance rarely attached to a public man out of his own country. But he is not only the official head of the British administration; he is also its guiding spirit; and his probable course is no matter of indifference to the people of the United States. Some time since, sir, in this Chamber, I took occasion to say that, of all the active public men of England, I considered Lord Palmerston the most unfriendly to our country, and that his exertions would never be wanting in any effort to oppose us. This opinion was received with some surprise, and a good deal of incredulity, but I believe his sentiments are now pretty well understood here, and nothing favorable is expected from him. Sir, he undoubtedly nourishes the strongest prejudices against our institutions, our progress, and our prospects; and there is hardly a well-informed American, returning from Europe, who will not confirm this representation. His observation to Mr. Castellan, the Nicaraguan Minister, is indicative, not only of his sentiments towards us, but of his estimate of our firmness. He said:

"We have been disposed to treat the United States with some degree of consideration; but, in reference to this question, it is a matter of total indifference to her Majesty's Government what she may say or do."

Very complimentary, this, to our national pride. His lordship may yet be disappointed. From the beginning, he has been no friend of this treaty; nor do I believe it would have been formed, had he directed the Government at the time. And I believe, now, sir, that these difficulties would be adjusted by an honest interpretation being put upon this convention, within one month after the accession of a liberal statesman to the station now held by Lord Palmerston. Till that event takes place, it will be the dictate of true wisdom not to anticipate, though we will still hope for, an amicable arrangement—but to take counsel from the duty we owe to ourselves. The treaty, from its commencement, has been set at naught upon the most flimsy pretences.

It is evident that Lord Clarendon has adopted the views, and participates in the feelings of Lord Palmerston upon this whole subject, as also that the pretensions they have advanced will be tenaciously adhered to. For myself, I do not see how they are to be abandoned without self-stultification by those, who have thus far so strenuously maintained them. The attempt to torture language to the accommodation of preconceived purposes was never more palpable than in this case. Let any one compare the able and frank opinion of Mr. Johnson, who was our Attorney General, when this treaty was negotiated, with the opinion given by the Queen's Advocate, the law officer of the British Government in its communication with other Powers, and he cannot but be struck with the contrast. Before I sit down, I shall ask to have Mr. Johnson's opinion read at the Clerk's table. It is entitled to high commendation for its clearness and ability; and I am happy to have this opportunity of testifying my respect and regard for that able and accomplished gentleman. And what says the Queen's Advocate, that high

legal counselor? Why, that the treaty provides that neither party shall occupy, or fortify, or colonize, or assume, or exercise any dominion— [Mr. CLAYTON. Any dominion—meaning any dominion whatever.]—over Central America; yet that either party may, at its pleasure, send a fleet or army into any part of that vast region, if it abstains from occupying, or fortifying, or assuming, or exercising dominion therein. Now, sir, all this, I repeat, is not less an insult to common sense, than to the position of our country before the world. It is equally in defiance of the spirit, and of the text of the arrangement. Here is a mutual convention, entered into, for the purpose of securing an important region from the control and influence of the contracting parties, professing to leave it to its own management and its own fate; and now it is maintained that fleets and armies may invade that country, (I do not speak of a just war; that is without the treaty; but of armaments sent for protection, as it is called,) provided they exercise no dominion. I desire to know how a British army could encamp upon the soil of Nicaragua without occupation and the assumption of dominion? They might not choose to interfere with the internal administration of the country; but that voluntary forbearance would not affect their power or influence in the slightest degree. You might as well say, that the Austrians exercise no dominion at Ancona, nor the French at Rome, because the local police at both places is left to do its own ungracious work. "Dominion," says the great English lexicographer, "is power;" and to contend that an English army, with the *panoply of war*, could traverse one of those feeble Central American States without power—powerless indeed!—is to say that language has lost its force, and that conventions for the accommodation of national differences are but waste paper, to be read, as the purposes of interest or ambition may dictate.

It was not difficult, it appears to me, to anticipate the present state of things. Certainly, I thought I foresaw it, and I predicted it three years ago. Lord Clarendon kindly wrote a dispatch to Mr. Crampton, dated May 27, 1853, a gratuitous one for our benefit, designed upon its face for publication, in which he said: "As great misconception appears to prevail, not only among the people of the United States, but also among persons placed in high and responsible situations in the governments of that country, respecting" the "engagements of Great Britain under the Clayton-Bulwer treaty," he thought it desirable to put it on its right footing. He does so by his conclusions, fortified by the opinion of the Queen's Advocate, to which I have already referred, and which proves, that a weak country may be traversed by an unresisted army exercising no power, and occupying no space; and that such a warlike expedition is the fair fulfillment of a treaty, which sought; with jealous vigilance, to exclude both parties from the exercise of any influence by one, which might be turned to the injury of the other. Lord Clarendon, in this letter to Mr. Crampton, went over the whole matter, and this was my conclusion as to the course of the British Government: "They will hold on to all their pretensions, and will not sacrifice their interest to our *misconceptions*. That is Lord Clarendon's term for our construction of the treaty." The fulfillment has come.

I referred, a few days since, to the anxiety of the British Government to obtain an ascendency in the South American country, in order to control the great highway across the Isthmus, rendered of incalculable importance by our acquisitions upon the Pacific coast. Accident has brought to light a document confirmatory of these views. It is a letter from the British vice consul at Grenada to Lord Palmerston, dated April 4, 1849, in which that functionary, speaking of the projects of citizens of the United States to establish a communication with the Pacific by the route of the San Juan, says, that this, and other circumstances, had injured the British interests, and that the country "will be overrun by North American adventurers, unless an arrangement is made by negotiation for a protectorate and transit favorable to British interests," &c.

But the gist of the correspondence is in the concluding paragraph, where the writer says:

"The welfare of my country, and desire of its obtaining the control of so desirable a spot in the commercial world, and free it from the competition of so adventuresome a race as the North Americans, impel me to address your lordship with such freedom."

We have here a key to the whole line of policy, which dictated, and yet dictates, the course of England. There was little necessity for the consul to deprecate the displeasure of Lord Palmerston. The proposition went, no doubt, to the head and heart of his lordship—perhaps it was followed by promotion. The prospect that a route across the continent, by canal or railroad, would be undertaken and accomplished by our citizens, unquestionably led the British Government, or such portion of it as favored the measure, to enter into this treaty, with a view to insure a participation in the advantages. The parties jointly agreed, in the words I have already quoted, that neither should "occupy or fortify, or assume, or exercise dominion over Central America, including Mosquito," &c. I observed, on a former occasion, that I could not conceive why the word "occupy" would not have fulfilled the intention of the parties, and why these pleonasmis were introduced into the treaty, rendering it perhaps doubtful, by overloading it with words. I am now enabled to do justice to our negotiator, the honorable Senator from Delaware, [Mr. CLAYTON,] and from information not derived from him, and to say, that this redundancy of language was no fault of his; but that he was placed in a situation, which rendered it proper to yield though inclined against it.

But I must also make the *amende honorable*, and acknowledge, that, in my opinion, formed upon subsequent circumstances, whether the phraseology of the treaty had been concise or prolix, the construction would have been a foregone conclusion, and just what it now is. We should have had the same *prudential* interpretation, which is hallowed in English diplomacy, and which, many years since, was applied to a treaty between Spain and England, in relation to this very region of country. This remarkable, or rather remarkably disgraceful, incident was alluded to the other day, but it will bear repetition as a useful lesson in the mazes of a tortuous policy.

A treaty was concluded in 1783, between Spain and England, the sixth article of which provided

for the abandonment of the Mosquito country, as a portion of the "Continent Espagnol." There was a great reluctance on the part of the British Cabinet to this withdrawal, and, at the same time, a strong desire to terminate the pending war by the conclusion of a treaty. The King was honestly inclined, and hesitated to give his assent. Mr. Fox, then one of the Ministers, undertook to remove his objections. He urged, that it was in their power to put their own interpretation upon the words, "Continent Espagnol," and to determine, upon *prudential considerations*, (that is the term,) "whether the Mosquito shore came under that description or not." And this expedient prevailed; and, though Mr. Fox and his associates knew full well, to speak in plain language, that they were cheating the Spaniards, who thought, as everybody else thinks, that the words, "Spanish continent," meant that portion of the American continent, yet the treaty was concluded and ratified, and *prudential considerations* excluded the Mosquito shore from its operation. The King, while he gave his consent, did so with hesitation, and considered the "circumstance a very untoward one." He might have truly qualified it by a much harsher epithet. I am under the impression, that the same *prudential* rule would have been again applied, to retain the same Mosquito country, even if the words of the Clayton-Bulwer treaty had been less equivocal upon this point than they are, if that is possible.

Mr. President, it is within the recollection of the Senate, that some two years since, I had a discussion with the Senator from Delaware upon this treaty, when I took exceptions to a portion of its phraseology, as well as to other circumstances, connected with it. I never doubted, nor did I ever express a doubt of, the patriotic purpose of the Senator; and I renew an acknowledgment I then made, that during the progress of the negotiation, he did me the honor to consult me, as well as other Senators, and that I warmly approved his effort. Now, sir, I have nothing to say as to these past differences of opinion; they are gone by. While pending, they embraced questions relating to our internal affairs—to the course and conduct of a functionary of our own. But now we are drawn into a discussion with a foreign Government, respecting the honest interpretation of the treaty, and the subterfuges—I use the term advisedly—by which it is sought to avoid its obligations. And I express my full concurrence in the various points taken by the Senator from Delaware, and which he has supported with that power of intellect and eloquence, which is known to the whole country, and with a full knowledge of the subject, directed by an active and enlightened patriotism.

I have said, that the object of this treaty was to keep the country from the occupation or influence of the two parties. So far as respects us, the object has been accomplished; and the proof of that fact is, that no complaint of a failure has been preferred against us by our co-contractor. We have not a foot of land in that region, nor the slightest influence, except what results from a fair course of policy; and we are disqualified from ever making an acquisition in that quarter. Not so with England. The advantage is altogether on her side. She retains all she claimed, while we

have debarred ourselves of the right of acquisition. It is an unequal arrangement, rendered such by *prudential considerations*, producing a palpable breach of faith.

What are the complaints we prefer against England in relation to this treaty? I will enumerate them as succinctly as I can:

1. We complain, as a general allegation, that constructions are put upon it so manifestly inconsistent with its purpose and language, that the very assumption is felt by us to be an insult, and seen to be such by the world.

2. But to come to specific statements, we further complain, that these constructions are destructive of the objects of the treaty. It is now said by Lord Clarendon, that this instrument is prospective in its operation. And so it is. If it had but a retroactive bearing, it would be but of little value. It necessarily operates in the future, like almost all national arrangements. But, by prospective operation, Lord Clarendon means that, in some most important particulars, it has no operation at all. He claims, that it passes over the British pretensions existing in Central America at the time of its conclusion, and leaves them untouched by its provisions. We contend, that it embraces all the country named in it that is not expressly excepted; and that its operation commences from the moment of its ratification; and that its obligations are perpetual.

This claim, that the British possessions held at the ratification of the treaty were excepted from its stipulations, is now heard for the first time, so far as I know, and so says Mr. Buchanan; and this very circumstance is a strong presumption, unfavorable to the assumption, especially considering the investigations the treaty had undergone, and the many minds that had been at work upon it. Mr. Buchanan takes up this point, and discusses it with great force and clearness. Before the treaty was ratified, there was an act of the British Government, which is conclusive, as to their opinion upon this pretension. The treaty went to England, without any declaration, excepting the Honduras settlement from its operation. If the construction now contended for, under the term prospective operation, be the correct one, there was no need of providing for the exclusion of that settlement; because, being held by the British at that time, it would not be affected by the arrangement.

But the British Government returned the treaty, and required an express declaration, that it did not extend to their possessions—a demand utterly inconsistent with this newly-discovered interpretation, that, being prospective, existing claims are protected from its provisions. And such, too, was the view of the Queen's Advocate, in the opinion, to which I have already referred, who said, that the assumption, which he understood had been maintained, that Great Britain had abandoned all dominion over the whole of Central America, was incorrect, at least in regard to the Belize and its dependencies. The Belize and its dependencies were, as the Queen's Advocate says, expressly excluded from the treaty by a declaration, accompanying the act of ratification; and the expression, "at least as regards the Belize," is sufficiently indicative of the opinion, that all other portions of Central America came within the

treaty, and are not protected by this prospective discovery, operating upon existing claims. And Lord Clarendon himself, in his letter to Mr. Crampton, of May 27, 1853, places the exemption of the British possessions—meaning the Belize—upon the *declaration of the negotiators*, and not upon this recently-announced and *prudential* canon of interpretation.

What is the language of the treaty upon this subject? That the parties shall not occupy Central America. How can this stipulation be complied with, if one of them continues the occupation previously held? To occupy is to do just what the treaty prohibits. And what reason is given for this perversion of language, as plain as words permit? "Because," says Lord Clarendon, "the treaty does not contain, in specific terms, a renunciation on the part of Great Britain." And in what principle of international law, or of common sense, or of common honesty, does Lord Clarendon find his justification for such an assumption as this? I know of none. If a nation, or an individual, contracts, to do an act, they contract the obligation to do all that that act fairly requires. A stipulation not to occupy necessarily includes within itself the duty of abandoning any pretension or possession, inconsistent with that obligation. And if one individual contract with another, that he will hold no possession in a given district,—and that is the equivalent expression in a private case for a national stipulation of non-occupation, as no nation can retain a country without occupation,—such individual would forfeit all claim to honesty, if he urged, as a reason for holding possession, that he meant he would not hold what he had not, but that what he had he would keep. Apply the same considerations to the position of England, and the discussion terminates itself.

3. The third article in our list of grievances is, the indefinite extension of the Belize settlement, and the exercise of full, unlimited jurisdiction over it.

This branch of the subject has been so fully presented both here, and by Mr. Buchanan in England, and with marked ability, that I shall pass over it, as rapidly as is consistent with its clear understanding.

The British Government has, for a century and a half, held qualified possession of a small region, including the neighborhood of the Belize. It was originally seized for the purpose of cutting logwood; and after long and angry contests with Spain, the latter Power finally recognized the right to hold it for that object alone. So jealous was the Spanish Government, that it insisted upon the most stringent provisions; that there should be no armed force, no fortress, no agriculture; expressly providing, that the natural fruits of the soil should be its only produce, to be used as food, and that there should be no manufactories, but mills for sawing the mahogany into boards. And there are two acts of the British Parliament, passed in 1817 and 1819, confirming and recognizing this very limited jurisdiction. They declared that the settlement at the Bay of Honduras was "a settlement for certain purposes, in the possession, and under the protection, of his Majesty, but not within the territory and dominions of his Majesty," &c.

Now, sir, all these limitations upon the power

of Great Britain over that region are wholly disregarded, and she has fortified it, and cultivates it, and exercises as full dominion over it, as over any other part of her territories. She does not merely hold the usufruct—and that confined to the logwood trade—but the country is exclusively hers, for all the purposes of peace and war. It is a permanent position on the great Bay of Honduras.

And besides this change of tenure, and the conversion of a limited right into an absolute proprietorship, Great Britain has greatly enlarged the extent of the settlement beyond the boundaries assigned to it, to the injury of the State of Guatemala, to which the invaded country belongs, as successor to the rights and possessions of Spain. The most remote Southern limit of this settlement, ever recognized by Spain, was the Siboon river, I suppose twelve or fourteen miles from the Belize; but the British have extended it to the Sarstoon river, one hundred and fifty or two hundred miles still further south, and as clearly in the State of Guatemala as the James river is in Virginia. Some maps represent her encroachments as having reached the Golfo Dolce, still further down the coast.

And this progressive invasion has been committed, without the slightest title of right or authority—committed by the strong hand, and maintained by it. Lord Clarendon, in his discussion with Mr. Buchanan, claims this region "by right of conquest." But when it was conquered, and when ceded, he fails to tell us. The fact is, it has been gained by successive acts of encroachment, sometimes individual and sometimes colonial, of which, till now, the British Government has not publicly claimed the benefit. These, now, constitute this "right of conquest." I have before me a charge delivered, not long since, by Chief Justice Temple, to a grand jury at the Belize. He seemed to consider it necessary to explain by what right the authorities exercised jurisdiction over the country between the Siboon and the Sarstoon rivers; and said "it was neither by grant nor conquest, but by occupation." Occupation is a title resting upon discovery, and is applied to a region, which had belonged to Spain, or her emancipated colony, since the second voyage of Columbus. Doctors often disagree as to a cure for the patient, but seldom more pointedly than in this case.

4. We object to the occupation of Roatan, and the cluster of islands in its neighborhood, in the Bay of Honduras, and consider it a palpable violation of the treaty. And in the very face of that treaty, and after its ratification, a colonial Government was established there, called the Colony of the Bay Islands, in contempt of the stipulation, that neither party should colonize.

What are the facts in relation to this aggression—for it is undeniably such—and what are the objections to the claim?

1. Roatan is said by Lord Clarendon to be one of the group of islands excepted in the note to the treaty, and described as "the small islands in the neighborhood of the Belize settlement, and known as its dependencies." Now, there is a cluster of islands—islets, rather—about three leagues from the Siboon river, which are dependencies of the Belize, and are beyond all doubt the objects of this provision in the note; while Roatan

is a large, important island, four or five hundred miles from the Belize. A cause must be weak, indeed, which depends upon such support. Roatan is only some thirty miles from the coast of Honduras, and belongs to it by as just a title, as Long Island belongs to New York.

2. Another ground of claim to Roatan is founded on the allegation, that by some maps it is in the West Indies. I do not see, that Lord Clarendon has assumed this position, but others have. I state it only to show, that if a political measure is determined on, reasons will never be wanting for its defense. This geographical elasticity, if it goes on, may rob us of our good old island of Nantucket, making it tropical for British purposes, though not for those of nature.

3. One of the British titles to Roatan is a title by right of occupation; and it is thus stated by Lord Clarendon:

"Whenever Roatan has been permanently occupied, either in remote or recent times, by anything more than a military guard and flagstaff, the occupation has been by British subjects."

How cautiously is this worded, as the foundation of such a claim! When the island has been occupied, formerly or latterly, it has been by British subjects! Then, according to this statement, the occupation has been interrupted, and no permanent possession held until the English seized it; and yet a Central American garrison is conceded to have been stationed there; and we know that the island was wrested from it by force.

But still more extraordinary is the succeeding declaration:

"It has been, without the instigation of the British Government, of late years, spontaneously occupied by British subjects."

Spontaneous occupation is a new title in English colonial history. Had the British Government the slightest faith in its title, there would have been no *spontaneous* action, but an authorized possession of one of the most important positions in Central America. English subjects, according to an English Minister, seized a district belonging, by all the recognized principles of discovery, to Spain and her emancipated colonies, and the Government steps in and takes advantage of the illegal act. Apply such a case to us, and what horror would be excited in England? What would she say if we permitted our citizens to wander through the world, occupying regions at their pleasure, where they could gain foothold, and then should step in and convert their *spontaneous* occupation into our sovereignty? and especially should we do so at this time in Central America? In such an event, language would fail me to describe her virtuous indignation.

But what are the prominent facts connected with this occupation? In brief, they are these: In the year 1804, Colonel Henderson, the British commandant at the Belize, who was sent to examine this island, reported that it belonged to Spain. In 1820, it was seized by a British force, and abandoned on the remonstrances of the Central American Government, which was then united and strong. In 1841, it was again seized after that Government was dissolved, and when Honduras was feeble, and in a time of profound peace, without urging the slightest pretense, so far as appears: a mere act of piracy, to call things by their true names.

These five Islands, as I have already said, now constitute a British colony, organized since the ratification of this treaty. They are a most valuable possession, the principal of them, Roatan, being a highly important naval station, abounding with excellent harbors, easily fortified, and affording the means of commanding the great Bay of Honduras, and the communication along the coast of Central America. And their adaptation to these purposes constitutes at once their value to England, and the motive for the tenacity, with which she holds on to them, her solemn stipulations to the contrary notwithstanding. I am glad to see, that the purpose has not escaped the sagacity of our Government, nor the knowledge of it, its avowal. Mr. Marcy speaks upon this subject with a frankness, which becomes his position and responsibility. He says, in a letter to Mr. Buchanan of June 12, 1854:

"Roatan can only be desirable to Great Britain as a naval and military station, and for that purpose only, as it would give her great facility in affecting injuriously our interests. Should she refuse to acknowledge it as a part of the State of Honduras, and retain possession of it herself, the United States would clearly understand her object. A predetermination to interfere with our affairs thus manifested, will render the continuance of our amicable relations with her precarious."

Roatan is to become the Gibraltar of those seas, and, like that celebrated fortress, like the Cape of Good Hope, and Aden, and Singapore, it is destined by English policy to overlook, and, when the time comes, to control the commerce of the world. No man can fail to admire the judgment and precaution with which these and other stations have been selected, girding the globe with seats of power—places, at once, of attack and refuge—and especially their establishment upon great lines of communication, and where the flag of every maritime nation must pass before their doors. No Power is more interested in all this than we are; and that interest is tenfold increased by our acquisitions upon the Pacific, and by the necessity of an unbroken communication with them. We want no lion in our path, watching, in his lair, till he is ready to spring; but this is just what England wants, ay, and will have, if we do not bring both vigilance and firmness to the task before us.

5. Our fifth and last principal ground of complaint is the conduct and pretensions of England with respect to the Mosquito country and protectorate. The treaty recognizes the existence of no such relation with that region. This is conceded by Lord Clarendon, who adds, however, that the treaty does recognize the right of both the United States and England to afford protection to the Central American States, including Mosquito. This phraseology is too indeterminate. The allusion in the convention to this important matter is a mere incidental one. It is, that neither party shall make use of any protection it may afford to either of the said States, for any purpose inconsistent with the treaty. I think now, as I thought at first, that the introduction of this provision was unfortunate; and I should feel obliged to the Senator from Vermont, [Mr. COLLAMER,] who was a member of General Taylor's Cabinet, at the time this subject was pending, if he will state to the Senate the reasons for its introduction.

[Here Mr. COLLAMER stated, that, owing to his peculiar aversion to war, as a means of adjusting national controversies, and seeing that an endeavor was to be made by this treaty to "guaranty the neutrality of some part of God's earth, in peace and war, he felt particularly interested in the subject," and therefore turned his attention to the negotiations.

He further stated, that the first *projet* of the treaty contained no stipulation as to protection. In considering the matter in the Cabinet, such a clause was deemed necessary, in consequence of the disclaimer, made by Lord Palmerston to Mr. Lawrence, of any intention to occupy the Mosquito country, though "at that very time (said Mr. C.) they were occupying the whole extent of country which I have mentioned.

"It will thus be seen (continued Mr. C.) that Great Britain told us she did not intend to occupy or colonize any part of Central America, when she was actually occupying it," &c. It was, therefore, feared, looking to the British connection with the Mosquitoes for two hundred years, that, if some such provision were not made, Great Britain "might fall back on the word 'occupy,' and might really occupy the country under the pretense of not doing so in her own right." A man may occupy land in his own right, or in the right and as tenant of another. "It was for the purpose of putting an abnegation of the resort to any such pretense, that the last words of the first article, relating to protection, were inscribed in the treaty."] ]

Mr. CASS. Mr. President, I tender my acknowledgments to the honorable Senator for his clear exposition, which satisfactorily shows the reasons, that influenced the Cabinet of General Taylor in this transaction. That explanation presents the subject in an aspect, which is new to me, and certainly suggests better reasons for the adoption of this course, than I had anticipated, though I still think the treaty would have been safer without this clause.

I appreciate the reluctance of the Senator to debate this subject. It is no pleasant task. As he well intimates, it demands strong reprobation, in strong language. I believe I have not, certainly I have not intended, to employ expressions, which do not fairly belong to the circumstances. I recollect, some years since, that Lord John Russell, in the British House of Commons, called Mr. Polk's Oregon message a "blustering display"—I think that was the term. His lordship's display was an unfortunate one, for there was nothing to warrant the aspersion. But there are pretensions so grossly unjust, that no mild epithets befit their character. One of these we are dealing with to-day.

Lord Clarendon, in a dispatch to Mr. Crampton, connects the Mosquito protectorate with the honor of England, and distinctly avows that he has no intention to abandon it. He, indeed, tells Mr. Buchanan that the Government "did intend to reduce and limit that right." Mr. Buchanan's retort is a very happy one. He intimates that some proof of this design, more substantial than the mere declaration, might remove this subject from the controversy. It is not denied, on the part of England, that it must be exercised with-

out bringing with it occupation, or fortification, or colonization, or dominion.

Now, sir, what is this protectorate, which cannot be abandoned without leaving a dishonorable stain upon the English escutcheon? How has it been exercised, and what good has it done? I need not go over the historical narrative, showing the unjustifiable progress of this assumption of supremacy over these Indians. The story has been often told, and the interference itself has been the principal cause of more than one war between Spain and England. It reduced these Indians, or—if it has not actually done that—it has aided in reducing them from a numerous band of high-spirited aborigines to a miserable remnant of a few hundreds—I believe not more than five hundred north of the San Juan—and the decadence has not been less rapid or visible in their moral and physical condition, than in their power and numbers. All accounts represent them as in the lowest state of wretchedness. "Degraded," as Mr. Buchanan says, "even below the common Indian standard"—they can hardly sink lower. And the contemptible exhibition of King crowning has been enacted at Jamaica, as well as in the Mosquito country, by British officers of the highest authority; and the head of a drunken savage chief has been encircled with a tinsel royal diadem, and he has been hailed as one of the sovereigns of the earth. And the title is in happy coincidence with the farce, and must have sounded euphoniouly to English ears, when the trumpets blew—and I suppose they did, as in the olden time—and the people cried, GOD SAVE THE KING OF THE MOSQUITOES!

Lord Palmerston seems to have held a very different estimate of the powers of this monarch, and of the condition of his monarchy, at different times, or, at any rate, to have avowed one. He said, in a letter dated July 16, 1849, to the Minister of Nicaragua, that "the King of the Mosquitoes had, from an early period of history, been the independent (!) ruler of a separate territory." "*E converso*," he said to Mr. Rives, "they have what is called a King, but who, by-the-by, is as much a King as you or I." What a jewel is consistency! Lord John Russell and Lord Palmerston both denominated this pretension a fiction. It is so, and a gross one, too. I might, indeed, characterize it by a stronger epithet. But, like other members of the same imaginative family, it is undergoing a metamorphosis which is rapidly converting it into grave fact, which, if not now met and resisted, will mark its place in history as having exercised a controlling influence upon the fate of those wide-spread regions. The world is looking on, and doubtless with interest watching the course of the disputants, and, regarding the cause of the struggle as an experiment, wondering whether British presumption or American forbearance can be carried furthest or continued longest. While a British Secretary of State is lending his sanction to such an unworthy transaction, referring to the anointing process as one of the foundations of the British claim, in a communication with an American representative, Lord Clarendon calls the present chief "a decent, well-behaved youth." He may be so; but if he is, he does not derive his virtues, as he does his realm, from hereditary descent, for Lord Clarendon

don further says: "his late Majesty, his father, was a bad fellow." He was a worthless, drunken savage; all accounts agree in that. Lord Clarendon said, inadvertently I should think, with purposed frankness it may be, that the present monarch lives in the family of Mr. Green, the consul, denying at the same time the exercise of any British power over the region by means of the royal *protégé*. He adds, however, "that the consul may be often called upon to give his advice or opinion to the Mosquito Government."

Well, sir, this is cool, if not satisfactory. And has Lord Clarendon so low an estimate of mankind, as to suppose that a single man, either in his country or in ours, can be found, who can be deceived by such representations? It is making a heavy demand upon human credulity. Here is an immense extent of sea-coast—more than five hundred miles—held by the British Government, upon this weakest of all pretenses. Thus held to-day, but to be held to-morrow in full sovereignty by the right of possession, and if need be, by the application of power. And all this, while the wax is hardly dry upon a treaty, whose whole spirit is incompatible with even the exercise of influence for political purposes by one party, which might, as I have already said, injuriously affect the other in that magnificent region.

But, after all, Lord Clarendon makes the following striking admission—and a strange one it is, considering his general propositions and pretensions. He says, though Great Britain never held possession of the Mosquito coast, yet "she undoubtedly exercises a great and powerful influence over it as protector of the Mosquito king." Who knows, but that this relation may hereafter assume a position in the English heraldic college, and as the sovereign is the DEFENDER OF THE FAITH, the protectorship of the Mosquitoes may take its place alongside the boasted motto of the pious Henry VIII.

I desire to ask the honorable Senator from Delaware, if this professed abstinence from interference has been observed, and whether the British consul has not issued grants of land, without reference to the authority of the Mosquito King?

Mr. CLAYTON. Yes, sir; he undoubtedly has done so. If the Senator will refer to a letter of our Minister in Central America, of the 10th day of July, 1849, addressed to this Government, he will see there that the Minister states that fact distinctly. He says:

"Since the seizure of this port by the English, the municipal and other regulations have been dictated by the English authorities, at the head of which stands her Britannic Majesty's consul general, Mr. W. D. Christy. He has taken up his residence here, and assumed the entire control of affairs. No written laws or regulations have been promulgated; and this gentleman is, *de facto*, a dictator, his will being the law, beyond which there is no appeal. He has made himself extremely obnoxious to the inhabitants, without exception, and his arbitrary conduct is the subject of complaint on every hand. His sole adherents are but a dozen officials, one of whom is vice consul, another harbor-master, others policemen, &c. Although the so-called Mosquito flag is flying, yet, apart from this, there seems to be no deference to Mosquito authority on the part of the consul-general. He has taken upon himself to disregard all leases and grants of land made by the Nicaraguan authorities before the English conquest, and assumes to sell the same, not as the agent of the Mosquito King, but as her Britannic Majesty's vice consul.

"This assumption may not be deemed of much importance, but it will tend to show that here it is hardly deemed

worth the while longer to keep up the shallow disguise of 'Mosquito authority.'"

This will be found on the 135th page of Executive Document, No. 75, of the first session of the Thirty-First Congress.

Mr. SUMNER. What is the date of the letter?

Mr. CLAYTON. July 10, 1849. Again: on page 138 of the same document, there is a specimen of one of these grants, signed by her Britannic Majesty's vice consul, James Green; and a statement of sums of money paid for a survey of the land by Robert Woods, surveyor, an Englishman. Mr. Marcy instructs Mr. Buchanan that there is really no Mosquito Government. It is as he says, merely a British Government.

Mr. CASS. Now, sir, I have neither time nor patience to examine and expose this ground, assumed by Lord Clarendon. That the whole of the Mosquito country is just as much under the subjection of England, as the Island of Jamaica, is as obvious, as the most palpable fact which is now passing before the world.

A few days ago, sir, when this subject was before the Senate, I recalled some reminiscences connected with English philanthropic professions of regard for the Indians, of which we have heard so much in this country; and upon that occasion, I appealed to the honorable Senator from Kentucky [Mr. CRITTENDEN] as a witness of the truth of my assertions. I renew the appeal to-day, because I know him to be a competent one, both traditional and personal; for having been born and lived all his life on the DARK and BLOODY GROUND of Kentucky, as it was called by the Indians, he early heard the tales of horror, which Indian barbarities, urged on by British agents, brought upon that country; and I saw him stand up in battle against a combined Christian and barbarian army, where the red man had been subsidized to fight the warfare of the white man. He knew—the country knows, indeed—that these allies, as they were called by the British commissioners at Ghent, were purchased by a lavish distribution of money, and presents, and whisky, and by the hopes of gaining Indian trophies in the form of human scalps, to be reaped in a bloody harvest on our frontiers. This state of things was never more eloquently or feelingly depicted than by Fisher Ames, in an address in the House of Representatives, remarkable in our oratorical history for its beauty. It took place during the administration of General Washington, on a resolution that it was expedient, to make appropriations for carrying into effect the treaty with Great Britain. The consequences of the failure to do so formed the principal topic of Mr. Ames's remarks; and among these the Indian hostilities, to which we should be exposed by English influence over the Indians, were the most prominent. His thrilling accents yet almost ring in my ears. The eloquent speaker said:

"On this theme my emotions are unutterable. If I could find words for them, if my powers bore any proportion to my zeal, I would swell my voice to such a note of remonstrance, it should reach every log-house beyond the mountains. I would say to the inhabitants, wake from your false security; your cruel dangers, your apprehensions are soon to be renewed! The wounds, yet unhealed, are to be torn open again. In the day time, your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father—the blood of your sons shall fatten your corn-fields. You are a

mother—the war-hoop shall wake the sleep of the cradle.”

I look with a feeling of loathing upon this interference of one civilized nation with savage tribes living out of its territory, and within the dominions of another Power. And the feeling reaches indignation, when the measure is cloaked by hollow professions of philanthropy, while, in fact, it is dictated by the purposes of power. Our experience has been a long and costly one; and I do not believe, that there has since been any change in this system of political ethics, which accelerated the downfall of our Indians, and which is producing a similar fate upon the coast of Central America. May our aboriginal inhabitants be everywhere delivered from the protection of such a protector!

Let us survey this matter of the treaty from another point of view. A change of position often gives increased interest to the same landscape. Suppose an arrangement like this had been entered into between the French and English Governments, for the purpose of securing a transit across the isthmus of Suez, and a safe communication through the Red sea, for both parties, to the rich regions of eastern Asia. And suppose the French Government had endeavored, under the claim of protection, and by means of money—that key to the heart of an Arab—to gain an ascendancy over some of the Ishmaelite tribes on the eastern coast of the Red sea, with Consuls to board and lodge the chiefs, and to give “them advice and opinion”—those are the words—upon all important affairs; I say, supposing all this, what would be the course of the British Government? And the question becomes still more emphatic, if to these suppositions we join another, that the French should add insult to injury by offering such reasons—no, not reasons, but such pretexts—for their want of faith, as are coolly presented and urged for our satisfaction and acquiescence. I will not pursue the inquiry; it cannot be necessary. The answer may be read in the history of England, and he who seeks it there can find it. I now renew the request that the letter of Mr. Johnson may be read.

The Secretary read the letter, as follows:

WASHINGTON, December 30, 1853.

MY DEAR SIR: I cannot hesitate to comply with your request, to give you my opinion on the construction of the treaty of Washington, of the 19th of April, 1850. Pending the negotiation of this treaty, I exerted myself, in personal conferences with Sir Henry L. Bulwer, to bring about an agreement between you and him; and, on several occasions, I had the honor to be consulted by you both; particularly in reference to the declarations made on both sides, at or about the time of the exchange of ratifications.

In the first draft of the first article of the treaty presented by you for the consideration of the President, the contracting parties were obligated not “to occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America.” I thought then, as you did, that these words were sufficient to exclude any nation disposed to observe the faith of treaties from occupying, fortifying, colonizing, or assuming or exercising any dominion, under any pretext, or for any purpose. I still think so; but I remember well that other gentlemen, who were consulted at the time, desisted, from abundant caution, that Great Britain should pledge herself not to make use of any protection which she afforded, or might afford, or any alliance which she had or might have, to or with any State or people, for the purpose of occupying, fortifying, or colonizing, or of assuming or exercising dominion over that country; and, in consequence, the provision to that effect was introduced as a part of that

article. The object of this was still more especially to disarm the Mosquito protectorate of Great Britain in Central America.

My own opinion was then, and it now is, that this provision was not at all necessary. You thought as I did; but as it could not possibly weaken the force or effect of the preceding words, and, if effective at all, could only serve to render them more forcible and operative; we did not object to its insertion. If the former words prohibited, as they clearly did of themselves, the doing any of the particular acts specified, an express stipulation, that such acts should not be done, by or under cover of protectorates or alliances, could only operate still more effectively and absolutely to prohibit them. As one of the advisers of the President, I unhesitatingly gave him my opinion, that the treaty did effectually, to all intents and purposes, disarm the British protectorate in Central America and the Mosquito coast, although it did not abolish the protectorate in terms, nor was it thought advisable to do so, “*in ipsissimis verbis.*” All that was desired by us was, to extinguish British dominion over that country, whether held directly or indirectly—whether claimed by Great Britain in her own right or in the right of the Indians. But our Government had no motive and no desire to prevent Great Britain from performing any of the duties which charity or compassion for a fallen race might dictate to her, or to deprive ourselves of the power to interfere to the same extent in the cause of humanity. We never designed to do anything which could enable the enemies of this miserable remnant of Indians to butcher or starve them; and we thought that both Great Britain and the United States owed it to their high character for civilization and humanity, to interfere so far in their behalf as to prevent the extirpation of the race, or the expulsion of them from the lands they occupied, without extinguishing, by a reasonable indemnity, the Indian title according to the rules of justice, which have been admitted both by the English and ourselves. But we did intend, (and the treaty contains everything for that purpose that could be desired) to prevent the British Government from using any armed force, without our consent, within the prohibited region, under pretext or cover of her pretended protectorate. And when now reviewing what was done, I say, upon my responsibility as a lawyer, and as the legal adviser of the President at the time, that, in my judgment, human language could not be more properly and admirably selected for the purpose, than that which you employed when you signed the treaty.

It has been said, but I can hardly accredit it, that Great Britain now contends, in virtue of the phraseology of the last part of the first article, incidentally speaking of the protection which either party may use, that the treaty acknowledges the protectorate over the Indians. If so, it equally acknowledges our protectorate over the same Indians, or over Nicaragua, or any State which we may choose to protect. The same words apply to both parties, and it is a bad rule that does not work equally for both. The moment Great Britain threatens, with arms, to defend the Indians, and claims a right to do so in virtue of the treaty, we may claim, by the same instrument, with equal justice, the right to take arms in defense of Honduras and Nicaragua. But, in my judgment, the treaty, which was meant for peaceful purposes, denies both to Great Britain and the United States the right to interfere, by force of arms, for any such purpose, or for any other purposes, except by mutual consent. If Great Britain may send an army in Nicaragua to defend the Indians without violating the treaty, which binds her not to occupy that country, then, by the same rule of construction, she may also fortify the whole of Central America, or introduce a colony there under the same pretext. Any adverse possession of Great Britain in Central America, without our consent, is an occupation in violation of her national faith. The construction which would allow her to place an armed soldiery on the territory, for the purpose of protecting the Indians, would also allow her to assume absolute dominion there for the same purpose, and thus annul the whole treaty.

But it may be said that some other nation may invade Central America, and that this construction would deprive both the contracting parties of the power to defend it. Not at all. Both parties have bound themselves to protect the canal, and all the canals and all the railroads that can be made, not only in Central America, but in any part of the Isthmus which separates North from South America. In virtue of this obligation, it would be the duty of both to resist, by the most effective means in their power, all invasions and other acts hostile to their great and philanthropic common purpose. So, too, injuries or torts inflicted either by the Indians, or by any Central American State, upon

either American citizens or British subjects, may be punished by their respective Governments without violating the treaty; and no one of these States, by means of a convention, which is marked in every line by a devotion to the true principles of commerce, civilization, and equal justice to all men, can escape punishment for her injustice or oppression. This treaty is the first instance, within my knowledge, in which two great nations of the earth have thus endeavored to combine, peacefully, for the prosecution and accomplishment of an object which, when completed, must advance the happiness and prosperity of all men; and it would be a matter of deep regret, if the philanthropic and noble objects of the negotiators should now be defeated by petty cavils and special pleading on either side of the Atlantic.

As to the declaration of Sir Henry L. Bulwer, and the counter-declaration made by you at the time of the exchange of the ratifications, I probably had a better opportunity of understanding the views and objects of both of you, than any other. I assisted, by your request, in the arrangement of the phraseology of the counter-declaration, dated the 4th of July, 1850, to Sir Henry L. Bulwer's declaration of the 29th of June. By your request, also, I examined Sir Henry L. Bulwer's powers, and conversed with him, freely and fully, on the whole subject, at the very moment when, in consequence of his declaration, you threatened to break off the whole negotiation.

I remember well, that, after his declaration was received, there was a period when you had resolved to abandon the treaty in consequence of it; but when Sir Henry consented to receive your counter-declaration of the 4th of July, in which you expressly limited the term, "Her Majesty's settlement at Honduras," to that country which is known as British Honduras, as contradistinguished or distinct from the State of Honduras, and also confined the word "dependencies" in his declaration to those "small islands" known at the time to be such; in which, also, while admitting Belize, or British Honduras, not to be included in the treaty, you disavowed all purpose of admitting any British title even there; in which, too, you declared that the treaty did include all the Central American States within their just limits and proper dependencies; and in which you expressly stated to him that no alteration could be made in the treaty without the consent of the Senate; and that he was understood as not even proposing any such alteration; you then consented to exchange upon that counter-declaration, which, in your judgment, and in mine, too, completely annulled every pretext for asserting that the declarations of the negotiators had altered the convention, or fixed an interpretation upon it contrary to the meaning of the President and Senate. We both considered them, and, as a jurist, I now hold it to be perfectly clear, that the exchange of the ratifications on that counter-declaration was, on the part of the British Minister, a complete waiver of every objection that could be taken to any statement contained in it.

In point of law, the declarations of the negotiators, not submitted to the Senate, were of no validity, and could not affect the treaty. Both understood that. This Government had decided that question in the case of the Mexican protocol, and the British Government was officially informed of their decision. The very power to exchange ratifications gave them the same information, and it is absolutely impossible that the British Minister could have been deceived on that subject.

I remember well, that you steadily refused every effort on the part of Sir Henry, to induce you to recognize the Mosquito title. The treaty left us at liberty to recognize the title of Nicaragua, or any other Central American State, and left the British Government the right to recognize the title of the Mosquito King. On these points the parties agreed to disagree. But the right to recognize is a very different affair from the right to compel others to recognize. The British protectorate was, I repeat, entirely disarmed by the treaty. How is it possible for Great Britain to protect, if she cannot "occupy, or fortify, or assume any dominion whatever" in any part of the territory? She is

equally prohibited, in my opinion, from occupying for the purpose of protection, or protecting for the purpose of occupation. If she observes the treaty, her protectorate "stands" (as you once well said of it, in a diplomatic note) "the shadow of a name."

With regard to the British colony said to have been established on the 17th of July, 1852, in the islands of Roatan, Bonaoca, Utila, Barbarat, Helena, and Morat, and designated as the colony of the Bay of Islands, the question whether, by establishing such a colony, Great Britain has violated the treaty of 1850, depends entirely upon facts, in regard to which there are different opinions. The only islands known to this Government on the 4th of July, 1850, to be dependencies of British Honduras or Belize, were those referred to in the fourth and fifth articles of the treaty of London, of the 14th of July, 1786. The fourth article provides that "the English shall be permitted to occupy the small island known by the names of Casina, St. George's Key, or Cayo Cafina," and by the fifth article, they "have the liberty of refitting their merchant ships in the southern triangle included between the point of Cayo Cafina and the *cluster of small islands* which are situated opposite that part of the coast occupied by the cutters, at the distance of eight leagues from the river Wallis, seven from Cayo Cafina, and three from the river Sibun, a place which has always been found well adapted for that purpose. For which end, the edifices and store-houses absolutely necessary for that purpose shall be allowed to be built."

These articles in the treaty of 1786 gave us the only knowledge of any small islands which were, on the 4th of July, 1850, "dependencies" of British Honduras. I repeat, that the counter-declaration acknowledges no other dependencies of British Honduras but those small islands, which were known to be such at its date. We knew, indeed, that Great Britain, as well as Honduras, had laid claim to Roatan, but we had no information as to the ground on which the former rested her claim. Your reply to Sir Henry L. Bulwer avoided any recognition of the British claim to it, or other allusion to it, than could be inferred from the positive assertion that the treaty did include all the Central American States; "with their just limits and proper dependencies." If these islands were a part of any Central American State at the time of the treaty, the subsequent colonization of them by Great Britain is a clear violation of it. If, on the other hand, they did not then belong to any Central American State, it would be gross injustice on our part to pretend that the treaty did include them. My impression is, that Roatan belongs to the State of Honduras, but my knowledge of the facts is too limited to enable me to express it without diffidence.

During the Administration of President Taylor, there was no new aggression by Great Britain in any part of the Isthmus which was not promptly met and resisted. He had firmly resolved, by all constitutional means in his power, to prevent such aggression, if any should be attempted, considering, as he did, that all the passages through the Isthmus should be kept free, to enable us to retain our possessions on the Pacific. I pretend to know nothing of what has occurred there since his day; but neither he nor his advisers could be held responsible if the treaty negotiated by his orders has been at any time violated since his death.

I can scarcely suppose it possible that Great Britain intends seriously to interpose her protectorate again to obtain dominion over the Isthmus. I am assured, that whatever may be contained to the contrary in any dispatches emanating from the British Foreign Office, of which rumor speaks, the fact is that a portion (represented to be one half) of the claim of the Mosquito King has been lately bought up by American citizens, with the concurrence and approbation of the British Government; and that negotiations are on foot, with a fair prospect of success, for the purchase, by the same persons, of the residue of that claim.

I am, dear sir, sincerely your friend and obedient servant,  
REVERDY JOHNSON.

Hon. JOHN M. CLAYTON,

United States Senate, Washington.



14 DAY USE  
RETURN TO DESK FROM WHICH BORROWED  
LOAN DEPT.

This book is due on the last date stamped below, or  
on the date to which renewed.

Renewed books are subject to immediate recall.

1 73 Jan 59 P T

REC'D LD

JAN 9 1959

15 Apr 63 W

REC'D LD

MAY 1 1963

DEC 12 1969 46

IN STACKS NOV 28 69

REC'D LD NOV 28 69



