

thus repeatedly abjured, were a recent period revived by Great Britain against the Central American States, the legitimate successors to all the ancient jurisdiction of Spain in that region. They were first applied only to a defined part of the coast of Nicaragua, afterwards to the whole of its Atlantic coast; and, lastly to a part of the Coast of Costa Rica; and they are now reasserted to this extent, notwithstanding engagements to the United States.

On the eastern coast of Nicaragua and Costa Rica the interference of Great Britain, though exerted at one time in the form of military occupation of the port of San Juan del Norte, then in the peaceful possession of the appropriate authorities of the Central American States, is now presented by her as the rightful exercise of a protectorship over the Mosquito tribe of Indians.

But the establishment at the Belize, now reaching far beyond its treaty limits into the State of Honduras, and that of the Bay Islands, appertaining of right to the same State, are as distinctly colonial governments as those of Jamaica or Canada, and therefore contrary to the very letter as well as the spirit of the convention with the United States, as it was at the time of ratification, and now is, understood by this government.

The interpretation which the British government, thus in assertion and act, persists in ascribing to the convention, entirely changes its character. While it holds us to all our obligations, it in a great measure releases Great Britain from those which constituted the consideration of this government for entering into the convention. It is impossible, in my judgement for the United States to acquiesce in such a construction of the respective relations of the two governments to Central America.

To a renewed call by this government upon Great Britain, to abide by, and carry into effect, the stipulations of the convention according to its obvious import, by withdrawing from the possession or colonization of portions of the Central American States of Honduras, Nicaragua, and Costa Rica, the British Government has at length replied, affirming that the operation of the treaty is prospective only, and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion.

This reply substitutes a partial issue, in the place of the general one presented by the United States. The British government passes over the question of the rights of Great Britain, real or supposed, in Central America, and assumes that she had such rights at the date of the treaty, and that those rights comprehend the protectorship of the Mosquito Indians, the extended jurisdiction and limits of the Belize, and the colony of the Bay Islands, and thereupon proceeds by implication to infer that, if the stipulations of the treaty be merely future in effect, Great Britain may still continue to hold the contested portions of Central America. The United States cannot admit either the inference or the premises. We steadily deny that, at the date of the treaty, Great Britain had any possessions there, other than the limited and peculiar establishment at the Belize, and maintain that, if she had any, they were surrendered by the convention.

This government, recognizing the obligation of the treaty, has of course desired to see it executed in good faith by both parties, and in the discussion, therefore, has not looked to rights, which we might assert independently of the treaty, in consideration of our geographical position, and of other circumstances, which create for us relations to the Central American States different from those of any government of Europe.

The British government, in its last communication, although well knowing the views of the United States, still declares that it sees no reason why a conciliatory spirit may not enable the two governments to overcome all obstacles to a satisfactory adjustment of the subject.

Assured of the correctness of the construction of the treaty constantly adhered to by this government, and resolved to insist on the rights of the United States, yet actuated also by the same desire, which is avowed by the British government, to remove all causes of serious misunderstanding between two nations associated by so many ties of interest and kindred, it has appeared to me proper not to consider an amicable solution of the controversy hopeless.

There is, however, reason to apprehend, that, with Great Britain in the actual occupation of the disputed territories, and the treaty therefore practically null, so far as regards our rights, this international difficulty cannot long remain undetermined without involving in serious danger the friendly relations, which it is the interest as well as the duty of both countries to cherish

and preserve. It will afford no sincere gratification, if future efforts shall result in the success, anticipated heretofore with more confidence than the aspect of the case permits me now to entertain.

ENGLISH RECRUITMENT.

One other subject of discussion between the United States and Great Britain has grown out of the attempt which the exigencies of the war in which she is engaged with Russia induced her to make, to draw recruits from the United States.

It is the traditional and settled policy of the United States to maintain impartial neutrality during the wars, which, from time to time, occur among the great powers of the world. Performing all the duties of neutrality towards the respective belligerent States, we may reasonably expect them not to interfere with our lawful enjoyment of its benefits. Notwithstanding the existence of such hostilities, our citizens maintain the individual right to continue all their accustomed pursuits, by land or by sea, at home or abroad, subject only to such restrictions in this relation as the laws of war, the usage of nations, or special treaties may impose; and it is our sovereign right that our territory and jurisdiction shall not be invaded by either of the belligerent parties, for the transit of their armies, the operations of their fleets, the levy of troops for their service, the fitting out of cruisers by or against either, or any other act or incident of war. And these undeniable rights of neutrality, individual and national, the United States will under no circumstances surrender.

In pursuance of this policy, the laws of the United States do not forbid their citizens to sell to either of the belligerent powers articles, contraband of war, or to take munitions of war or soldiers on board their private ships for transportation; and although, in so doing, the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality, nor of themselves implicate the government. Thus, during the progress of the present war in Europe, our citizens have, without national responsibility therefor, sold gunpowder and arms to all buyers, regardless of the destination of those articles. Our merchantmen have been, and still continue to be, largely employed by Great Britain and by France, in transporting troops, provisions, and munitions of war to the principal seat of the military operations, and in bringing home their sick and wounded soldiers; but such use of our mercantile marine is not interdicted either by the international or by our municipal law, and therefore does not compromise our neutral relations with Russia.

But our municipal law, in accordance with the law of nations, preemptorily forbids, not only foreigners but our own citizens, to fit out, within the limits of the United States, a vessel to commit hostilities against any State with which the United States are at peace, or to increase the force of any foreign armed vessel intended for such hostilities against a friendly State.

Whatever concern may have been felt by either of the belligerent powers, lest private armed cruisers or other vessels, in the service of one, might be fitted out in the ports of this country to depredate on the property of the other, all such fears have proved to be utterly groundless. Our citizens have been withheld from any such act or purpose by good faith and by respect for the law.

While the laws of the Union are thus peremptory in their prohibition of the equipment or armament of belligerent cruisers in our ports, they provide not less absolutely that no person shall within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intention to be enlisted or entered in the service of any foreign State, either as a soldier, a marine or seaman on board of any vessel of war, letter of marque, or privateer. And those enactments are also in strict conformity with the law of nations, which declares that no State has the right to raise troops for land or sea service in another State without its consent, and that, whether forbidden by the municipal law or not, the very attempt to do it, without such consent, is an attack on the national sovereignty.

Such being the public rights and the municipal law of the United States, no solicitude on the subject was entertained by this government, when a year since the British Parliament passed an act to provide for the enlistment of foreigners in the military service of Great Britain. Nothing on the face of the act, or in its public history, indicated that the British government proposed to attempt recruitment in the United States; nor did it ever give intimation of such intention to this government. It was matter of surprise, therefore, to

find, subsequently, that the engagement of persons within the United States to proceed to Halifax, in the British Province of Nova Scotia, and there enlist in the service of Great Britain, was going on extensively, with little or no disguise. Ordinary legal steps were immediately taken to arrest and punish parties concerned, and so put an end to acts infringing the municipal law and derogatory to our sovereignty. Meanwhile suitable representations on the subject were addressed to the British government.

Thereupon it became known, by the admission of the British government itself, that the attempt to draw recruits from the country originated with it, or at least had its approval and sanction; but it also appeared that the public agents engaged in it had "stringent instructions" not to violate the municipal law of the United States.

It is difficult to understand how it should have been supposed that troops could be raised here by Great Britain, without violation of the municipal law. The unmistakable object of the law was to prevent every such act, which, if performed, must be either in violation of the law, or in studied evasion of it, and in either alternative, the act done would be alike injurious to the sovereignty of the United States.

In the meantime, the matter acquired additional importance, by the recruitments in the United States not being discontinued, and the disclosure of the fact that they were prosecuted upon a systematic plan devised by official authority, and recruiting rendezvous had been opened in our principal cities, and depots for the reception of recruits established on our frontier; and the whole business conducted under the supervision and by the regular co-operation of British officers, civil and military, in the North American provinces, and some in the United States. The complicity of these officers in an undertaking, which could only be accomplished by defying our laws, throwing suspicion over our attitude of neutrality, and disregarding our territorial rights, is conclusively proved by the evidence elicited on the trial of such of their agents as have been apprehended and convicted. Some of the officers thus implicated are of high official position, and many of them beyond our jurisdiction, so that legal proceedings could not reach the source of the mischief.

These considerations, and the fact that the cause of complaint was not a mere casual concurrence, but a deliberate design, entered upon with full knowledge of our laws and national policy, and conducted by responsible public functionaries, impelled me to present the case to the British government, in order to secure not only a cessation of the wrong, but its reparation. The subject is still under discussion, the result of which will be communicated to you in due time.

BRITISH RELATIONS GENERALLY.

I repeat the recommendation submitted to the last Congress, that provision be made for the appointment of a commissioner, in connection with Great Britain, to survey and establish the boundary line which divides the Territory of Washington from the contiguous British possessions. By reason of the extent and importance of the country in dispute, there has been imminent danger of collision between the subjects of Great Britain and the citizens of the United States, including their respective authorities, in that quarter. The prospect of a speedy arrangement has contributed hitherto to induce on both sides forbearance to assert by force what each claim as a right. Continuance of delay on the part of the two governments to act in the matter will increase the dangers and difficulties of the controversy.

Misunderstanding exists as to the extent, character, and value of the possessory rights of the Hudson's Bay Company and the property of the Puget's Sound Agricultural Company, reserved in our treaty with Great Britain relative to the Territory of Oregon. I have reason to believe that a cession of the rights of both companies to the United States, which would be the readiest means of decimating all questions, can be obtained on reasonable terms; and, with a view to this end, I present the subject to the attention of Congress.

The colony of Newfoundland, having enacted the laws required by the treaty of the 5th of June, 1854, is now placed on the same footing in respect to commercial intercourse with the United States, as the other British North American Provinces.

The commission, which that treaty contemplated of determining the right of fishery in rivers and mouths of rivers on the coast of the United States, and the British North American provinces, has been organized and has commenced its labours; to complete which there is needed other appropriations for the service of another season.