

# **A Compilation of the Messages and Papers of the Presidents eBook**

## **A Compilation of the Messages and Papers of the Presidents by Grover Cleveland**

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# Page 1

## A REPRESENTATIVE FROM THE STATE OF TENNESSEE

1902

This volume, the fifth of the series, comprises a period of twelve years. It includes the four years' term of the Taylor-Fillmore Administration and the full terms of Presidents Pierce and Buchanan. This brings the history down to March 4, 1861, the beginning of the late war between the States. These twelve years form an important and eventful epoch in the affairs of our country, as they immediately precede the war and cover the official utterances of the Executives during this period. Some of the more important events and incidents of these twelve years are the Bulwer-Clayton treaty with Great Britain for a joint occupancy of the proposed ship canal through Central America; the compromise measures of 1850; the admission of California, Minnesota, Oregon, and Kansas as States; the Gadsden purchase, by which the United States acquired 45,535 square miles of territory, being portions of Arizona and New Mexico; the Kansas-Nebraska legislation; the famous Dred Scott decision; the John Brown insurrection, and the disruption of the Democratic party in the national campaign of 1860.

This volume contains several veto messages which are interesting. By President Pierce, vetoes of "An act making a grant of public lands to the several States for the benefit of indigent insane persons;" of six acts relating to internal improvements; of an act for a subsidy for ocean mails, and of an act for the ascertainment and allowance of French spoliation claims. By President Buchanan, vetoes of an act granting lands for agricultural purposes; of two acts relating to internal improvements, and of a homestead act.

Interesting reading is furnished in the protests of President Buchanan against the action of the House of Representatives in ordering the appointment of a committee to investigate the conduct of the President. The careful reader will find in this volume errors which the compiler could not correct. For instance, on page 410 certain figures are given from a report of the Postmaster-General, which when added do not produce the total given. The error may arise from the failure to make the proper addition, or it may be that the total is correct and that the figures first given are incorrect. The original message contains the same error. Similar errors occur elsewhere in the compilation. These matters are, however, trivial and perhaps need not have been mentioned.

*James D. Richardson.*  
*July 4, 1897.*

## **Zachary Taylor**

March 5, 1849, to July 9, 1850

## **Zachary Taylor**

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Zachary Taylor was born in Orange County, Va., November 24, 1784. He was the third son of Richard Taylor, a colonel in the War of the Revolution, who was conspicuous for his zeal and courage. In 1785 his father removed to Kentucky, then a sparsely occupied county of Virginia, and made his home near the present city of Louisville, where he died. Zachary had but little opportunity for attending school in this new settlement, but was surrounded during all the years of his childhood and early manhood by conditions and circumstances well adapted to form the character illustrated by his eventful career. In 1808 he was appointed a Lieutenant in the Seventh Infantry, and in 1810 was promoted to the grade of captain in the same regiment. The same year was married to Miss Margaret Smith, of Maryland. For meritorious conduct in defending Fort Harrison, on the Wabash River, against the Indians received the brevet of major. In 1814 commanded in a campaign against hostile Indians and their British allies on Rock River. Was made lieutenant-colonel of the First Infantry in 1819, and in 1832 became full colonel of that regiment, with headquarters at Fort Crawford, Prairie du Chien. Was occupied with his regiment fighting the Indians in the Black Hawk and other campaigns until 1836, when he was transferred to Florida for service in the Seminole War. For gallant conduct there the next year received the brevet of brigadier-general, and in 1838 was appointed to the chief command in Florida. In 1840 was assigned to command the southern division of the western department of the Army. About this time he made his family home at Baton Rouge, La. In 1845 was ordered to the defense of Texas, which had been annexed to the United States. He went to Corpus Christi, and on March 8, 1846, advanced, and after some fighting, in which he routed and drove the enemy across the Rio Grande, on May 18 occupied Matamoras. He remained there for a short period, obtaining reinforcements. In September fought the enemy at Monterey and captured that town. The following February fought and won the battle of Buena Vista. In the meantime, besides engagements less important, he had won the victories of Palo Alto and Resaca de la Palma, which created great enthusiasm throughout the Union. The terms of capitulation granted by him to the enemy at Monterey were not approved by the Government at Washington. Soon after the battles of Palo Alto and Resaca de la Palma he received the rank of brevet major-general, and on June 27, 1846, was appointed major-general and was commander in chief of all the American forces in Mexico until Major-General Scott was ordered there in 1846. The latter part of November returned to his home in Louisiana. Upon his return to the United States he was received wherever he went with popular demonstrations. Was nominated for President by the national convention of the Whig party at Philadelphia on June 7, 1848, on the fourth ballot, defeating General Scott, Mr. Clay, and Mr. Webster. At the election on November 7 the Whig ticket (Taylor and Fillmore) was successful, receiving 163 electoral votes, while the Democratic candidates (Cass and Butler) each received 127 votes. He was inaugurated March 5, 1849, and died in Washington City July 9, 1850. Was buried in Cave Hill Cemetery, Louisville, Ky.

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### INAUGURAL ADDRESS.

Elected by the American people to the highest office known to our laws, I appear here to take the oath prescribed by the Constitution, and, in compliance with a time-honored custom, to address those who are now assembled.

The confidence and respect shown by my countrymen in calling me to be the Chief Magistrate of a Republic holding a high rank among the nations of the earth have inspired me with feelings of the most profound gratitude; but when I reflect that the acceptance of the office which their partiality has bestowed imposes the discharge of the most arduous duties and involves the weightiest obligations, I am conscious that the position which I have been called to fill, though sufficient to satisfy the loftiest ambition, is surrounded by fearful responsibilities. Happily, however, in the performance of my new duties I shall not be without able cooperation. The legislative and judicial branches of the Government present prominent examples of distinguished civil attainments and matured experience, and it shall be my endeavor to call to my assistance in the Executive Departments individuals whose talents, integrity, and purity of character will furnish ample guaranties for the faithful and honorable performance of the trusts to be committed to their charge. With such aids and an honest purpose to do whatever is right, I hope to execute diligently, impartially, and for the best interests of the country the manifold duties devolved upon me.

In the discharge of these duties my guide will be the Constitution, which I this day swear to “preserve, protect, and defend.” For the interpretation of that instrument I shall look to the decisions of the judicial tribunals established by its authority and to the practice of the Government under the earlier Presidents, who had so large a share in its formation. To the example of those illustrious patriots I shall always defer with reverence, and especially to his example who was by so many titles “the Father of his Country.”

To command the Army and Navy of the United States; with the advice and consent of the Senate, to make treaties and to appoint ambassadors and other officers; to give to Congress information of the state of the Union and recommend such measures as he shall judge to be necessary; and to take care that the laws shall be faithfully executed—these are the most important functions intrusted to the President by the Constitution, and it may be expected that I shall briefly indicate the principles which will control me in their execution.

Chosen by the body of the people under the assurance that my Administration would be devoted to the welfare of the whole country, and not to the support of any particular section or merely local interest, I this day renew the declarations I have heretofore made and proclaim my fixed determination to maintain to the extent of my ability the Government in its original purity and to adopt as the basis of my public policy those great republican doctrines which constitute the strength of our national existence.

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In reference to the Army and Navy, lately employed with so much distinction on active service, care shall be taken to insure the highest condition of efficiency, and in furtherance of that object the military and naval schools, sustained by the liberality of Congress, shall receive the special attention of the Executive.

As American freemen we can not but sympathize in all efforts to extend the blessings of civil and political liberty, but at the same time we are warned by the admonitions of history and the voice of our own beloved Washington to abstain from entangling alliances with foreign nations. In all disputes between conflicting governments it is our interest not less than our duty to remain strictly neutral, while our geographical position, the genius of our institutions and our people, the advancing spirit of civilization, and, above all, the dictates of religion direct us to the cultivation of peaceful and friendly relations with all other powers. It is to be hoped that no international question can now arise which a government confident in its own strength and resolved to protect its own just rights may not settle by wise negotiation; and it eminently becomes a government like our own, founded on the morality and intelligence of its citizens and upheld by their affections, to exhaust every resort of honorable diplomacy before appealing to arms. In the conduct of our foreign relations I shall conform to these views, as I believe them essential to the best interests and the true honor of the country.

The appointing power vested in the President imposes delicate and onerous duties. So far as it is possible to be informed, I shall make honesty, capacity, and fidelity indispensable prerequisites to the bestowal of office, and the absence of either of these qualities shall be deemed sufficient cause for removal.

It shall be my study to recommend such constitutional measures to Congress as may be necessary and proper to secure encouragement and protection to the great interests of agriculture, commerce, and manufactures, to improve our rivers and harbors, to provide for the speedy extinguishment of the public debt, to enforce a strict accountability on the part of all officers of the Government and the utmost economy in all public expenditures; but it is for the wisdom of Congress itself, in which all legislative powers are vested by the Constitution, to regulate these and other matters of domestic policy. I shall look with confidence to the enlightened patriotism of that body to adopt such measures of conciliation as may harmonize conflicting interests and tend to perpetuate that Union which should be the paramount object of our hopes and affections. In any action calculated to promote an object so near the heart of everyone who truly loves his country I will zealously unite with the coordinate branches of the Government.

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In conclusion I congratulate you, my fellow-citizens, upon the high state of prosperity to which the goodness of Divine Providence has conducted our common country. Let us invoke a continuance of the same protecting care which has led us from small beginnings to the eminence we this day occupy, and let us seek to deserve that continuance by prudence and moderation in our councils, by well-directed attempts to assuage the bitterness which too often marks unavoidable differences of opinion, by the promulgation and practice of just and liberal principles, and by an enlarged patriotism, which shall acknowledge no limits but those of our own widespread Republic.

*March 5, 1849.*

### **SPECIAL MESSAGES.**

*Washington, March 13, 1849.*

*To the Senate of the United States:*

I herewith communicate to the Senate, in confidence, a report and accompanying papers[1a] from the Secretary of State, in answer to its resolution of the 12th instant.

[Footnote 1a: Instructions to United States minister at London relative to further extension of reciprocity and equality in the laws of navigation, and contemplating the opening of the coasting trade of the United States to the vessels of other nations.]

*Z. Taylor.*

*Washington, March 20, 1849.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of yesterday, passed in executive session, requesting a communication of certain papers relative to the amendments made by the Senate to the treaty of Guadalupe Hidalgo, I transmit a report from the Secretary of State and the documents by which it was accompanied. It is desirable that the latter should be returned to the Department of State.

*Z. Taylor.*

*Washington, March 22, 1849.*

*To the Senate of the United States:*

In compliance with the request contained in the resolution of the Senate yesterday, adopted in executive session, calling for certain papers in relation to the amendments

made by the Senate in the treaty of Guadalupe Hidalgo, I transmit a report from the Secretary of State and the documents by which it was accompanied.

*Z. Taylor.*

## **PROCLAMATION.**

*By the President of the united states.*

*A proclamation.*

There is reason to believe that an armed expedition is about to be fitted out in the United States with an intention to invade the island of Cuba or some of the Provinces of Mexico. The best information which the Executive has been able to obtain points to the island of Cuba as the object of this expedition. It is the duty of this Government to observe the faith of treaties and to prevent any aggression by our citizens

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upon the territories of friendly nations. I have therefore thought it necessary and proper to issue this my proclamation to warn all citizens of the United States who shall connect themselves with an enterprise so grossly in violation of our laws and our treaty obligations that they will thereby subject themselves to the heavy penalties denounced against them by our acts of Congress and will forfeit their claim to the protection of their country. No such persons must expect the interference of this Government in any form on their behalf, no matter to what extremities they may be reduced in consequence of their conduct. An enterprise to invade the territories of a friendly nation, set on foot and prosecuted within the limits of the United States, is in the highest degree criminal, as tending to endanger the peace and compromit the honor of this nation; and therefore I exhort all good citizens, as they regard our national reputation, as they respect their own laws and the laws of nations, as they value the blessings of peace and the welfare of their country, to discountenance and prevent by all lawful means any such enterprise; and I call upon every officer of this Government, civil or military, to use all efforts in his power to arrest for trial and punishment every such offender against the laws providing for the performance of our sacred obligations to friendly powers.

Given under my hand the 11th day of August, A.D. 1849, and the seventy-fourth of the Independence of the United States.

*Z. Taylor.*

By the President:

*J.M. Clayton,  
Secretary of State.*

## EXECUTIVE ORDER.

General orders, No. 34.

*War department,*

*Adjutant-general's office,*

*Washington, June 19, 1849.*

I. The following orders of the President of the United States and Secretary of War communicate to the Army the death of the late ex-President, James K. Polk:

*Washington, June 19, 1849.*

The President with deep regret announces to the American people the death of James K. Polk, late President of the United States, which occurred at Nashville on the 15th instant.

A nation is suddenly called upon to mourn the loss of one the recollection of whose long services in its councils will be forever preserved on the tablets of history.

As a mark of respect to the memory of a citizen who has been distinguished by the highest honors which his country could bestow, it is ordered that the Executive Mansion and the several Departments at Washington be immediately placed in mourning and all business be suspended during to-morrow.

It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on this occasion to the memory of the illustrious dead.

*Z. Taylor.*

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*War department, June 19, 1849.*

The President of the United States with deep regret announces to the Army the death of James K. Polk, our distinguished and honored fellow-citizen.

He died at Nashville the 15th instant, having but recently left the theater of his high public duties at this capital and retired to his home amid the congratulations of his fellow-citizens. He died in the prime of life, after having received and enjoyed the highest honors of the Republic.

His Administration was eventful. No branch of the Government will be more intimately associated with it in history than the Army and its glorious achievements. Accordingly, the President orders that appropriate military honors shall be paid to his memory by the Army of the United States.

The Adjutant-General will give the necessary instructions for carrying into effect the foregoing orders.

G.W. Crawford,

*Secretary of War.*

II. On the day succeeding the arrival of this general order at each military post the troops will be paraded at 10 o'clock a.m. and the order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of six months.

By order:

R. JONES,

*Adjutant-General.*

## FIRST ANNUAL MESSAGE.

WASHINGTON, *December 4, 1849.*

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

Sixty years have elapsed since the establishment of this Government, and the Congress of the United States again assembles to legislate for an empire of freemen. The predictions of evil prophets, who formerly pretended to foretell the downfall of our institutions, are now remembered only to be derided, and the United States of America at this moment present to the world the most stable and permanent Government on earth.

Such is the result of the labors of those who have gone before us. Upon Congress will eminently depend the future maintenance of our system of free government and the transmission of it unimpaired to posterity.

We are at peace with all the other nations of the world, and seek to maintain our cherished relations of amity with them. During the past year we have been blessed by a kind Providence with an abundance of the fruits of the earth, and although the destroying angel for a time visited extensive portions of our territory with the ravages of a dreadful pestilence, yet the Almighty has at length deigned to stay his hand and to restore the inestimable blessing of general health to a people who have acknowledged His power, deprecated His wrath, and implored His merciful protection.

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While enjoying the benefits of amicable intercourse with foreign nations, we have not been insensible to the distractions and wars which have prevailed in other quarters of the world. It is a proper theme of thanksgiving to Him who rules the destinies of nations that we have been able to maintain amidst all these contests an independent and neutral position toward all belligerent powers.

Our relations with Great Britain are of the most friendly character. In consequence of the recent alteration of the British navigation acts, British vessels, from British and other foreign ports, will under our existing laws, after the 1st day of January next, be admitted to entry in our ports with cargoes of the growth, manufacture, or production of any part of the world on the same terms as to duties, imposts, and charges as vessels of the United States with their cargoes, and our vessels will be admitted to the same advantages in British ports, entering therein on the same terms as British vessels. Should no order in council disturb this legislative arrangement, the late act of the British Parliament, by which Great Britain is brought within the terms proposed by the act of Congress of the 1st of March, 1817, it is hoped will be productive of benefit to both countries.

A slight interruption of diplomatic intercourse which occurred between this Government and France, I am happy to say, has been terminated, and our minister there has been received. It is therefore unnecessary to refer now to the circumstances which led to that interruption. I need not express to you the sincere satisfaction with which we shall welcome the arrival of another envoy extraordinary and minister plenipotentiary from a sister Republic to which we have so long been, and still remain, bound by the strongest ties of amity.

Shortly after I had entered upon the discharge of the Executive duties I was apprised that a war steamer belonging to the German Empire was being fitted out in the harbor of New York with the aid of some of our naval officers, rendered under the permission of the late Secretary of the Navy. This permission was granted during an armistice between that Empire and the Kingdom of Denmark, which had been engaged in the Schleswig-Holstein war. Apprehensive that this act of intervention on our part might be viewed as a violation of our neutral obligations incurred by the treaty with Denmark and of the provisions of the act of Congress of the 20th of April, 1818, I directed that no further aid should be rendered by any agent or officer of the Navy; and I instructed the Secretary of State to apprise the minister of the German Empire accredited to this Government of my determination to execute the law of the United States and to maintain the faith of treaties with all nations. The correspondence which ensued between the Department of State and the minister of the German Empire is herewith laid before you. The execution of the law and the observance

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of the treaty were deemed by me to be due to the honor of the country, as well as to the sacred obligations of the Constitution. I shall not fail to pursue the same course should a similar case arise with any other nation. Having avowed the opinion on taking the oath of office that in disputes between conflicting foreign governments it is our interest not less than our duty to remain strictly neutral, I shall not abandon it. You will perceive from the correspondence submitted to you in connection with this subject that the course adopted in this case has been properly regarded by the belligerent powers interested in the matter.

Although a minister of the United States to the German Empire was appointed by my predecessor in August, 1848, and has for a long time been in attendance at Frankfort-on-the-Main, and although a minister appointed to represent that Empire was received and accredited here, yet no such government as that of the German Empire has been definitively constituted. Mr. Donelson, our representative at Frankfort, remained there several months in the expectation that a union of the German States under one constitution or form of government might at length be organized. It is believed by those well acquainted with the existing relations between Prussia and the States of Germany that no such union can be permanently established without her cooperation. In the event of the formation of such a union and the organization of a central power in Germany of which she should form a part, it would become necessary to withdraw our minister at Berlin; but while Prussia exists as an independent kingdom and diplomatic relations are maintained with her there can be no necessity for the continuance of the mission to Frankfort. I have therefore recalled Mr. Donelson and directed the archives of the legation at Frankfort to be transferred to the American legation at Berlin.

Having been apprised that a considerable number of adventurers were engaged in fitting out a military expedition within the United States against a foreign country, and believing from the best information I could obtain that it was destined to invade the island of Cuba, I deemed it due to the friendly relations existing between the United States and Spain, to the treaty between the two nations, to the laws of the United States, and, above all, to the American honor to exert the lawful authority of this Government in suppressing the expedition and preventing the invasion. To this end I issued a proclamation enjoining it upon the officers of the United States, civil and military, to use all lawful means within their power. A copy of that proclamation is herewith submitted. The expedition has been suppressed. So long as the act of Congress of the 20th of April, 1818, which owes its existence to the law of nations and to the policy of Washington himself, shall remain on our statute books, I hold it to be the duty of the Executive faithfully to obey its injunctions.

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While this expedition was in progress I was informed that a foreigner who claimed our protection had been clandestinely and, as was supposed, forcibly carried off in a vessel from New Orleans to the island of Cuba. I immediately caused such steps to be taken as I thought necessary, in case the information I had received should prove correct, to vindicate the honor of the country and the right of every person seeking an asylum on our soil to the protection of our laws. The person alleged to have been abducted was promptly restored, and the circumstances of the case are now about to undergo investigation before a judicial tribunal. I would respectfully suggest that although the crime charged to have been committed in this case is held odious, as being in conflict with our opinions on the subject of national sovereignty and personal freedom, there is no prohibition of it or punishment for it provided in any act of Congress. The expediency of supplying this defect in our criminal code is therefore recommended to your consideration.

I have scrupulously avoided any interference in the wars and contentions which have recently distracted Europe. During the late conflict between Austria and Hungary there seemed to be a prospect that the latter might become an independent nation. However faint that prospect at the time appeared, I thought it my duty, in accordance with the general sentiment of the American people, who deeply sympathized with the Magyar patriots, to stand prepared, upon the contingency of the establishment by her of a permanent government, to be the first to welcome independent Hungary into the family of nations. For this purpose I invested an agent then in Europe with power to declare our willingness promptly to recognize her independence in the event of her ability to sustain it. The powerful intervention of Russia in the contest extinguished the hopes of the struggling Magyars. The United States did not at any time interfere in the contest, but the feelings of the nation were strongly enlisted in the cause, and by the sufferings of a brave people, who had made a gallant, though unsuccessful, effort to be free.

Our claims upon Portugal have been during the past year prosecuted with renewed vigor, and it has been my object to employ every effort of honorable diplomacy to procure their adjustment. Our late charge d'affaires at Lisbon, the Hon. George W. Hopkins, made able and energetic, but unsuccessful, efforts to settle these unpleasant matters of controversy and to obtain indemnity for the wrongs which were the subjects of complaint. Our present charge d'affaires at that Court will also bring to the prosecution of these claims ability and zeal. The revolutionary and distracted condition of Portugal in past times has been represented as one of the leading causes of her delay in indemnifying our suffering citizens.

But I must now say it is matter of profound regret that these claims have not yet been settled. The omission of Portugal to do justice to the American claimants has now assumed a character so grave and serious that I shall shortly make it the subject of a special message to Congress, with a view to such ultimate action as its wisdom and patriotism may suggest.

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With Russia, Austria, Prussia, Sweden, Denmark, Belgium, the Netherlands, and the Italian States we still maintain our accustomed amicable relations.

During the recent revolutions in the Papal States our charge d'affaires at Rome has been unable to present his letter of credence, which, indeed, he was directed by my predecessor to withhold until he should receive further orders. Such was the unsettled condition of things in those States that it was not deemed expedient to give him any instructions on the subject of presenting his credential letter different from those with which he had been furnished by the late Administration until the 25th of June last, when, in consequence of the want of accurate information of the exact state of things at that distance from us, he was instructed to exercise his own discretion in presenting himself to the then existing Government if in his judgment sufficiently stable, or, if not, to await further events. Since that period Rome has undergone another revolution, and he abides the establishment of a government sufficiently permanent to justify him in opening diplomatic intercourse with it.

With the Republic of Mexico it is our true policy to cultivate the most friendly relations. Since the ratification of the treaty of Guadalupe Hidalgo nothing has occurred of a serious character to disturb them. A faithful observance of the treaty and a sincere respect for her rights can not fail to secure the lasting confidence and friendship of that Republic. The message of my predecessor to the House of Representatives of the 8th of February last, communicating, in compliance with a resolution of that body, a copy of a paper called a protocol, signed at Queretaro on the 30th of May, 1848, by the commissioners of the United States and the minister of foreign affairs of the Mexican Government, having been a subject of correspondence between the Department of State and the envoy extraordinary and minister plenipotentiary of that Republic accredited to this Government, a transcript of that correspondence is herewith submitted.

The commissioner on the part of the United States for marking the boundary between the two Republics, though delayed in reaching San Diego by unforeseen obstacles, arrived at that place within a short period after the time required by the treaty, and was there joined by the commissioner on the part of Mexico. They entered upon their duties, and at the date of the latest intelligence from that quarter some progress had been made in the survey. The expenses incident to the organization of the commission and to its conveyance to the point where its operations were to begin have so much reduced the fund appropriated by Congress that a further sum, to cover the charges which must be incurred during the present fiscal year, will be necessary. The great length of frontier along which the boundary extends, the nature of the adjacent territory, and the difficulty of obtaining supplies except at or near the extremes of the line render it also indispensable that a liberal provision should be made to meet the necessary charges during the fiscal year ending on the 30th of June, 1851. I accordingly recommend this subject to your attention.

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In the adjustment of the claims of American citizens on Mexico, provided for by the late treaty, the employment of counsel on the part of the Government may become important for the purpose of assisting the commissioners in protecting the interests of the United States. I recommend this subject to the early and favorable consideration of Congress.

Complaints have been made in regard to the inefficiency of the means provided by the Government of New Granada for transporting the United States mail across the Isthmus of Panama, pursuant to our postal convention with that Republic of the 6th of March, 1844. Our charge d'affaires at Bogota has been directed to make such representations to the Government of New Granada as will, it is hoped, lead to a prompt removal of this cause of complaint.

The sanguinary civil war with which the Republic of Venezuela has for some time past been ravaged has been brought to a close. In its progress the rights of some of our citizens resident or trading there have been violated. The restoration of order will afford the Venezuelan Government an opportunity to examine and redress these grievances and others of longer standing which our representatives at Caracas have hitherto ineffectually urged upon the attention of that Government.

The extension of the coast of the United States on the Pacific and the unexampled rapidity with which the inhabitants of California especially are increasing in numbers have imparted new consequence to our relations with the other countries whose territories border upon that ocean. It is probable that the intercourse between those countries and our possessions in that quarter, particularly with the Republic of Chili, will become extensive and mutually advantageous in proportion as California and Oregon shall increase in population and wealth. It is desirable, therefore, that this Government should do everything in its power to foster and strengthen its relations with those States, and that the spirit of amity between us should be mutual and cordial.

I recommend the observance of the same course toward all other American States. The United States stand as the great American power, to which, as their natural ally and friend, they will always be disposed first to look for mediation and assistance in the event of any collision between them and any European nation. As such we may often kindly mediate in their behalf without entangling ourselves in foreign wars or unnecessary controversies. Whenever the faith of our treaties with any of them shall require our interference, we must necessarily interpose.

A convention has been negotiated with Brazil providing for the satisfaction of American claims on that Government, and it will be submitted to the Senate. Since the last session of Congress we have received an envoy extraordinary and minister plenipotentiary from that Empire, and our relations with it are founded upon the most amicable understanding.

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Your attention is earnestly invited to an amendment of our existing laws relating to the African slave trade with a view to the effectual suppression of that barbarous traffic. It is not to be denied that this trade is still in part carried on by means of vessels built in the United States and owned or navigated by some of our citizens. The correspondence between the Department of State and the minister and consul of the United States at Rio de Janeiro, which has from time to time been laid before Congress, represents that it is a customary device to evade the penalties of our laws by means of sea letters. Vessels sold in Brazil, when provided with such papers by the consul, instead of returning to the United States for a new register proceed at once to the coast of Africa for the purpose of obtaining cargoes of slaves. Much additional information of the same character has recently been transmitted to the Department of State. It has not been considered the policy of our laws to subject an American citizen who in a foreign country purchases a vessel built in the United States to the inconvenience of sending her home for a new register before permitting her to proceed on a voyage. Any alteration of the laws which might have a tendency to impede the free transfer of property in vessels between our citizens, or the free navigation of those vessels between different parts of the world when employed in lawful commerce, should be well and cautiously considered; but I trust that your wisdom will devise a method by which our general policy in this respect may be preserved, and at the same time the abuse of our flag by means of sea letters, in the manner indicated, may be prevented.

Having ascertained that there is no prospect of the reunion of the five States of Central America which formerly composed the Republic of that name, we have separately negotiated with some of them treaties of amity and commerce, which will be laid before the Senate.

A contract having been concluded with the State of Nicaragua by a company composed of American citizens for the purpose of constructing a ship canal through the territory of that State to connect the Atlantic and Pacific oceans, I have directed the negotiation of a treaty with Nicaragua pledging both Governments to protect those who shall engage in and perfect the work. All other nations are invited by the State of Nicaragua to enter into the same treaty stipulations with her; and the benefit to be derived by each from such an arrangement will be the protection of this great interoceanic communication against any power which might seek to obstruct it or to monopolize its advantages. All States entering into such a treaty will enjoy the right of passage through the canal on payment of the same tolls. The work, if constructed under these guaranties, will become a bond of peace instead of a subject of contention and strife between the nations of the earth. Should the great maritime

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States of Europe consent to this arrangement (and we have no reason to suppose that a proposition so fair and honorable will be opposed by any), the energies of their people and ours will cooperate in promoting the success of the enterprise. I do not recommend any appropriation from the National Treasury for this purpose, nor do I believe that such an appropriation is necessary. Private enterprise, if properly protected, will complete the work should it prove to be feasible. The parties who have procured the charter from Nicaragua for its construction desire no assistance from this Government beyond its protection; and they profess that, having examined the proposed line of communication, they will be ready to commence the undertaking whenever that protection shall be extended to them. Should there appear to be reason, on examining the whole evidence, to entertain a serious doubt of the practicability of constructing such a canal, that doubt could be speedily solved by an actual exploration of the route.

Should such a work be constructed under the common protection of all nations, for equal benefits to all, it would be neither just nor expedient that any great maritime state should command the communication. The territory through which the canal may be opened ought to be freed from the claims of any foreign power. No such power should occupy a position that would enable it hereafter to exercise so controlling an influence over the commerce of the world or to obstruct a highway which ought to be dedicated to the common uses of mankind.

The routes across the Isthmus at Tehuantepec and Panama are also worthy of our serious consideration. They did not fail to engage the attention of my predecessor. The negotiator of the treaty of Guadalupe Hidalgo was instructed to offer a very large sum of money for the right of transit across the Isthmus of Tehuantepec. The Mexican Government did not accede to the proposition for the purchase of the right of way, probably because it had already contracted with private individuals for the construction of a passage from the Guasacualco River to Tehuantepec. I shall not renew any proposition to purchase for money a right which ought to be equally secured to all nations on payment of a reasonable toll to the owners of the improvement, who would doubtless be well contented with that compensation and the guaranties of the maritime states of the world in separate treaties negotiated with Mexico, binding her and them to protect those who should construct the work. Such guaranties would do more to secure the completion of the communication through the territory of Mexico than any other reasonable consideration that could be offered; and as Mexico herself would be the greatest gainer by the opening of this communication between the Gulf and the Pacific Ocean, it is presumed that she would not hesitate to yield her aid in the manner proposed to accomplish an improvement so important to her own best interests.

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We have reason to hope that the proposed railroad across the Isthmus at Panama will be successfully constructed under the protection of the late treaty with New Granada, ratified and exchanged by my predecessor on the 10th day of June, 1848, which guarantees the perfect neutrality of the Isthmus and the rights of sovereignty and property of New Granada over that territory, "with a view that the free transit from ocean to ocean may not be interrupted or embarrassed" during the existence of the treaty. It is our policy to encourage every practicable route across the isthmus which connects North and South America, either by railroad or canal, which the energy and enterprise of our citizens may induce them to complete, and I consider it obligatory upon me to adopt that policy, especially in consequence of the absolute necessity of facilitating intercourse with our possessions on the Pacific.

The position of the Sandwich Islands with reference to the territory of the United States on the Pacific, the success of our persevering and benevolent citizens who have repaired to that remote quarter in Christianizing the natives and inducing them to adopt a system of government and laws suited to their capacity and wants, and the use made by our numerous whale ships of the harbors of the islands as places of resort for obtaining refreshments and repairs all combine to render their destiny peculiarly interesting to us. It is our duty to encourage the authorities of those islands in their efforts to improve and elevate the moral and political condition of the inhabitants, and we should make reasonable allowances for the difficulties inseparable from this task. We desire that the islands may maintain their independence and that other nations should concur with us in this sentiment. We could in no event be indifferent to their passing under the dominion of any other power. The principal commercial states have in this a common interest, and it is to be hoped that no one of them will attempt to interpose obstacles to the entire independence of the islands.

The receipts into the Treasury for the fiscal year ending on the 30th of June last were, in cash, \$48,830,097.50, and in Treasury notes funded \$10,833,000, making an aggregate of \$59,663,097.50; and the expenditures for the same time were, in cash, \$46,798,667.82, and in Treasury notes funded \$10,833,000, making an aggregate of \$57,631,667.82.

The accounts and estimates which will be submitted to Congress in the report of the Secretary of the Treasury show that there will probably be a deficit occasioned by the expenses of the Mexican War and treaty on the 1st day of July next of \$5,828,121.66, and on the 1st day of July, 1851, of \$10,547,092.73, making in the whole a probable deficit to be provided for of \$16,375,214.39. The extraordinary expenses of the war with Mexico and the purchase of California and New Mexico exceed in amount this deficit, together with the loans heretofore made for those objects. I therefore recommend that authority be given to borrow whatever sum may be necessary to cover that deficit. I recommend the observance of strict economy in the appropriation and expenditure of public money.

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I recommend a revision of the existing tariff and its adjustment on a basis which may augment the revenue. I do not doubt the right or duty of Congress to encourage domestic industry, which is the great source of national as well as individual wealth and prosperity. I look to the wisdom and patriotism of Congress for the adoption of a system which may place home labor at last on a sure and permanent footing and by due encouragement of manufactures give a new and increased stimulus to agriculture and promote the development of our vast resources and the extension of our commerce. Believing that to the attainment of these ends, as well as the necessary augmentation of the revenue and the prevention of frauds, a system of specific duties is best adapted, I strongly recommend to Congress the adoption of that system, fixing the duties at rates high enough to afford substantial and sufficient encouragement to our own industry and at the same time so adjusted as to insure stability.

The question of the continuance of the subtreasury system is respectfully submitted to the wisdom of Congress. If continued, important modifications of it appear to be indispensable.

For further details and views on the above and other matters connected with commerce, the finances, and revenue I refer to the report of the Secretary of the Treasury.

No direct aid has been given by the General Government to the improvement of agriculture except by the expenditure of small sums for the collection and publication of agricultural statistics and for some chemical analyses, which have been thus far paid for out of the patent fund. This aid is, in my opinion, wholly inadequate. To give to this leading branch of American industry the encouragement which it merits, I respectfully recommend the establishment of an agricultural bureau, to be connected with the Department of the Interior. To elevate the social condition of the agriculturist, to increase his prosperity, and to extend his means of usefulness to his country, by multiplying his sources of information, should be the study of every statesman and a primary object with every legislator.

No civil government having been provided by Congress for California, the people of that Territory, impelled by the necessities of their political condition, recently met in convention for the purpose of forming a constitution and State government, which the latest advices give me reason to suppose has been accomplished; and it is believed they will shortly apply for the admission of California into the Union as a sovereign State. Should such be the case, and should their constitution be conformable to the requisitions of the Constitution of the United States, I recommend their application to the favorable consideration of Congress.

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The people of New Mexico will also, it is believed, at no very distant period present themselves for admission into the Union. Preparatory to the admission of California and New Mexico the people of each will have instituted for themselves a republican form of government, "laying its foundation in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness." By awaiting their action all causes of uneasiness may be avoided and confidence and kind feeling preserved. With a view of maintaining the harmony and tranquillity so dear to all, we should abstain from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind; and I repeat the solemn warning of the first and most illustrious of my predecessors against furnishing "any ground for characterizing parties by geographical discriminations."

A collector has been appointed at San Francisco under the act of Congress extending the revenue laws over California, and measures have been taken to organize the custom-houses at that and the other ports mentioned in that act at the earliest period practicable. The collector proceeded overland, and advices have not yet been received of his arrival at San Francisco. Meanwhile, it is understood that the customs have continued to be collected there by officers acting under the military authority, as they were during the Administration of my predecessor. It will, I think, be expedient to confirm the collections thus made, and direct the avails (after such allowances as Congress may think fit to authorize) to be expended within the Territory or to be paid into the Treasury for the purpose of meeting appropriations for the improvement of its rivers and harbors.

A party engaged on the coast survey was dispatched to Oregon in January last. According to the latest advices, they had not left California; and directions have been given to them, as soon as they shall have fixed on the sites of the two light-houses and the buoys authorized to be constructed and placed in Oregon, to proceed without delay to make reconnoissances of the most important points on the coast of California, and especially to examine and determine on sites for light-houses on that coast, the speedy erection of which is urgently demanded by our rapidly increasing commerce.

I have transferred the Indian agencies from upper Missouri and Council Bluffs to Santa Fe and Salt Lake, and have caused to be appointed sub-agents in the valleys of the Gila, the Sacramento, and the San Joaquin rivers. Still further legal provisions will be necessary for the effective and successful extension of our system of Indian intercourse over the new territories.

I recommend the establishment of a branch mint in California, as it will, in my opinion, afford important facilities to those engaged in mining, as well as to the Government in the disposition of the mineral lands.

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I also recommend that commissions be organized by Congress to examine and decide upon the validity of the present subsisting land titles in California and New Mexico, and that provision be made for the establishment of offices of surveyor-general in New Mexico, California, and Oregon and for the surveying and bringing into market the public lands in those Territories. Those lands, remote in position and difficult of access, ought to be disposed of on terms liberal to all, but especially favorable to the early emigrants.

In order that the situation and character of the principal mineral deposits in California may be ascertained, I recommend that a geological and mineralogical exploration be connected with the linear surveys, and that the mineral lands be divided into small lots suitable for mining and be disposed of by sale or lease, so as to give our citizens an opportunity of procuring a permanent right of property in the soil. This would seem to be as important to the success of mining as of agricultural pursuits.

The great mineral wealth of California and the advantages which its ports and harbors and those of Oregon afford to commerce, especially with the islands of the Pacific and Indian oceans and the populous regions of eastern Asia, make it certain that there will arise in a few years large and prosperous communities on our western coast. It therefore becomes important that a line of communication, the best and most expeditious which the nature of the country will admit, should be opened within the territory of the United States from the navigable waters of the Atlantic or the Gulf of Mexico to the Pacific. Opinion, as elicited and expressed by two large and respectable conventions lately assembled at St. Louis and Memphis, points to a railroad as that which, if practicable, will best meet the wishes and wants of the country. But while this, if in successful operation, would be a work of great national importance and of a value to the country which it would be difficult to estimate, it ought also to be regarded as an undertaking of vast magnitude and expense, and one which must, if it be indeed practicable, encounter many difficulties in its construction and use. Therefore, to avoid failure and disappointment; to enable Congress to judge whether in the condition of the country through which it must pass the work be feasible, and, if it be found so, whether it should be undertaken as a national improvement or left to individual enterprise, and in the latter alternative what aid, if any, ought to be extended to it by the Government, I recommend as a preliminary measure a careful reconnoissance of the several proposed routes by a scientific corps and a report as to the practicability of making such a road, with an estimate of the cost of its construction and support.

For further views on these and other matters connected with the duties of the home department I refer you to the report of the Secretary of the Interior.

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I recommend early appropriations for continuing the river and harbor improvements which have been already begun, and also for the construction of those for which estimates have been made, as well as for examinations and estimates preparatory to the commencement of such others as the wants of the country, and especially the advance of our population over new districts and the extension of commerce, may render necessary. An estimate of the amount which can be advantageously expended within the next fiscal year under the direction of the Bureau of Topographical Engineers accompanies the report of the Secretary of War, to which I respectfully invite the attention of Congress.

The cession of territory made by the late treaty with Mexico has greatly extended our exposed frontier and rendered its defense more difficult. That treaty has also brought us under obligations to Mexico, to comply with which a military force is requisite. But our military establishment is not materially changed as to its efficiency from the condition in which it stood before the commencement of the Mexican War. Some addition to it will therefore be necessary, and I recommend to the favorable consideration of Congress an increase of the several corps of the Army at our distant Western posts, as proposed in the accompanying report of the Secretary of War.

Great embarrassment has resulted from the effect upon rank in the Army heretofore given to brevet and staff commissions. The views of the Secretary of War on this subject are deemed important, and if carried into effect will, it is believed, promote the harmony of the service. The plan proposed for retiring disabled officers and providing an asylum for such of the rank and file as from age, wounds, and other infirmities occasioned by service have become unfit to perform their respective duties is recommended as a means of increasing the efficiency of the Army and as an act of justice due from a grateful country to the faithful soldier.

The accompanying report of the Secretary of the Navy presents a full and satisfactory account of the condition and operations of the naval service during the past year. Our citizens engaged in the legitimate pursuits of commerce have enjoyed its benefits. Wherever our national vessels have gone they have been received with respect, our officers have been treated with kindness and courtesy, and they have on all occasions pursued a course of strict neutrality, in accordance with the policy of our Government.

The naval force at present in commission is as large as is admissible with the number of men authorized by Congress to be employed.

I invite your attention to the recommendation of the Secretary of the Navy on the subject of a reorganization of the Navy in its various grades of officers, and the establishing of a retired list for such of the officers as are disqualified for active and effective service. Should Congress adopt some such measure as is recommended, it will greatly increase the efficiency of the Navy and reduce its expenditures.

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I also ask your attention to the views expressed by him in reference to the employment of war steamers and in regard to the contracts for the transportation of the United States mails and the operation of the system upon the prosperity of the Navy.

By an act of Congress passed August 14, 1848, provision was made for extending post-office and mail accommodations to California and Oregon. Exertions have been made to execute that law, but the limited provisions of the act, the inadequacy of the means it authorizes, the ill adaptation of our post-office laws to the situation of that country, and the measure of compensation for services allowed by those laws, compared with the prices of labor and rents in California, render those exertions in a great degree ineffectual. More particular and efficient provision by law is required on this subject.

The act of 1845 reducing postage has now, by its operation during four years, produced results fully showing that the income from such reduced postage is sufficient to sustain the whole expense of the service of the Post-Office Department, not including the cost of transportation in mail steamers on the lines from New York to Chagres and from Panama to Astoria, which have not been considered by Congress as properly belonging to the mail service.

It is submitted to the wisdom of Congress whether a further reduction of postage should not now be made, more particularly on the letter correspondence. This should be relieved from the unjust burden of transporting and delivering the franked matter of Congress, for which public service provision should be made from the Treasury. I confidently believe that a change may safely be made reducing all single-letter postage to the uniform rate of 5 cents, regardless of distance, without thereby imposing any greater tax on the Treasury than would constitute a very moderate compensation for this public service; and I therefore respectfully recommend such a reduction. Should Congress prefer to abolish the franking privilege entirely, it seems probable that no demand on the Treasury would result from the proposed reduction of postage. Whether any further diminution should now be made, or the result of the reduction to 5 cents, which I have recommended, should be first tested, is submitted to your decision.

Since the commencement of the last session of Congress a postal treaty with Great Britain has been received and ratified, and such relations have been formed by the post-office departments of the two countries in pursuance of that treaty as to carry its provisions into full operation. The attempt to extend this same arrangement through England to France has not been equally successful, but the purpose has not been abandoned.

For a particular statement of the condition of the Post-Office Department and other matters connected with that branch of the public service I refer you to the report of the Postmaster-General.

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By the act of the 3d of March, 1849, a board was constituted to make arrangements for taking the Seventh Census, composed of the Secretary of State, the Attorney-General, and the Postmaster-General; and it was made the duty of this board "to prepare and cause to be printed such forms and schedules as might be necessary for the full enumeration of the inhabitants of the United States, and also proper forms and schedules for collecting in statistical tables, under proper heads, such information as to mines, agriculture, commerce, manufactures, education, and other topics as would exhibit a full view of the pursuits, industry, education, and resources of the country." The duties enjoined upon the census board thus established having been performed, it now rests with Congress to enact a law for carrying into effect the provision of the Constitution which requires an actual enumeration of the people of the United States within the ensuing year.

Among the duties assigned by the Constitution to the General Government is one of local and limited application, but not on that account the less obligatory. I allude to the trust committed to Congress as the exclusive legislator and sole guardian of the interests of the District of Columbia. I beg to commend these interests to your kind attention. As the national metropolis the city of Washington must be an object of general interest; and founded, as it was, under the auspices of him whose immortal name it bears, its claims to the fostering care of Congress present themselves with additional strength. Whatever can contribute to its prosperity must enlist the feelings of its constitutional guardians and command their favorable consideration.

Our Government is one of limited powers, and its successful administration eminently depends on the confinement of each of its coordinate branches within its own appropriate sphere. The first section of the Constitution ordains that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The Executive has authority to recommend (not to dictate) measures to Congress. Having performed that duty, the executive department of the Government can not rightfully control the decision of Congress on any subject of legislation until that decision shall have been officially submitted to the President for approval. The check provided by the Constitution in the clause conferring the qualified veto will never be exercised by me except in the cases contemplated by the fathers of the Republic. I view it as an extreme measure, to be resorted to only in extraordinary cases, as where it may become necessary to defend the executive against the encroachments of the legislative power or to prevent hasty and inconsiderate or unconstitutional legislation. By cautiously confining this remedy within the sphere prescribed to it in the cotemporaneous

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expositions of the framers of the Constitution, the will of the people, legitimately expressed on all subjects of legislation through their constitutional organs, the Senators and Representatives of the United States, will have its full effect. As indispensable to the preservation of our system of self-government, the independence of the representatives of the States and the people is guaranteed by the Constitution, and they owe no responsibility to any human power but their constituents. By holding the representative responsible only to the people, and exempting him from all other influences, we elevate the character of the constituent and quicken his sense of responsibility to his country. It is under these circumstances only that the elector can feel that in the choice of the lawmaker he is himself truly a component part of the sovereign power of the nation. With equal care we should study to defend the rights of the executive and judicial departments. Our Government can only be preserved in its purity by the suppression and entire elimination of every claim or tendency of one coordinate branch to encroachment upon another. With the strict observance of this rule and the other injunctions of the Constitution, with a sedulous inculcation of that respect and love for the Union of the States which our fathers cherished and enjoined upon their children, and with the aid of that overruling Providence which has so long and so kindly guarded our liberties and institutions, we may reasonably expect to transmit them, with their innumerable blessings, to the remotest posterity.

But attachment to the Union of the States should be habitually fostered in every American heart. For more than half a century, during which kingdoms and empires have fallen, this Union has stood unshaken. The patriots who formed it have long since descended to the grave; yet still it remains, the proudest monument to their memory and the object of affection and admiration with everyone worthy to bear the American name. In my judgment its dissolution would be the greatest of calamities, and to avert that should be the study of every American. Upon its preservation must depend our own happiness and that of countless generations to come. Whatever dangers may threaten it, I shall stand by it and maintain it in its integrity to the full extent of the obligations imposed and the powers conferred upon me by the Constitution.

Z. TAYLOR.

## SPECIAL MESSAGES.

WASHINGTON, *December 17, 1849.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Majesty the Emperor of Brazil, signed at Rio de

Janeiro on the 27th of January last, providing for the adjustment of claims of citizens of the United States on the Brazilian Government. A copy of a dispatch from Mr. Tod, the United States minister at Rio de Janeiro, relative to the convention is also herewith communicated. As it is understood that the Emperor's ratification is ready to be exchanged for that of the United States, and as the period limited for the exchange will expire on the 27th of next month, it is desirable that the decision of the Senate in regard to the instrument should be known as soon as may be convenient.

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Z. TAYLOR.

WASHINGTON, *December 21, 1849.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and His Majesty the King of the Hawaiian Islands, yesterday concluded and signed in this city on the part of the respective Governments by the Secretary of State of the United States and by James Jackson Jarves, His Hawaiian Majesty's special commissioner.

Z. TAYLOR.

WASHINGTON, *December 27, 1849.*

*To the Senate and House of Representatives:*

In consequence of the unexpected delay in proceeding to business, I deem it necessary to invite the immediate attention of Congress to so much of the report of the Secretary of the Treasury as relates to the appropriations required for the expenses of collecting the revenue for the second half of the current fiscal year.

Z. TAYLOR.

WASHINGTON, *January 4, 1850.*

*To the Senate and House of Representatives of the United States:*

I herewith submit to you copies of a correspondence with the lady of Sir John Franklin, relative to the well-known expedition under his command to the arctic regions for the discovery of a northwest passage. On the receipt of her first letter imploring the aid of the American Government in a search for the missing ships engaged in an enterprise which interested all civilized nations, I anxiously sought the means of affording that assistance, but was prevented from accomplishing the object I had in view in consequence of the want of vessels suitable to encounter the perils of a proper exploration, the lateness of the season, and the want of an appropriation by Congress to enable me to furnish and equip an efficient squadron for that object. All that I could do in compliance with a request which I was deeply anxious to gratify was to cause the advertisements of reward promulgated by the British Government and the best information I could obtain as to the means of finding the vessels under the command of Sir John Franklin to be widely circulated among our whalers and seafaring men whose spirit of enterprise might lead them to the inhospitable regions where that heroic officer and his brave followers, who periled their lives in the cause of science and for the

benefit of the world, were supposed to be imprisoned among the icebergs or wrecked upon a desert shore.

Congress being now in session, the propriety and expediency of an appropriation for fitting out an expedition to proceed in search of the missing ships, with their officers and crews, is respectfully submitted to your consideration.

Z. TAYLOR.

EXECUTIVE OFFICE, *January 14, 1850.*

THE PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: I transmit herewith, to be laid before the Senate for its constitutional action thereon, a treaty concluded with the half-breeds of the Dacotah or Sioux Indians for lands reserved for them in the treaty of July 15, 1830, with the Sioux and other Indians, with accompanying papers.

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Z. TAYLOR.

WASHINGTON, *January 14, 1850.*

*To the Senate of the United States:*

I herewith transmit reports from the Secretary of State and the Secretary of the Navy, containing the information called for by the resolution of the Senate of the 7th instant, in relation to the abduction[2a] of Rey, *alias* Garcia, from New Orleans.

[Footnote 2a: By the Spanish consul at New Orleans.]

Z. TAYLOR.

WASHINGTON, *January 14, 1850.*

*To the Senate of the United States:*

I transmit to the Senate, for their consideration, a copy of a correspondence between the Department of State and the charge d'affaires of Austria near this Government, on the subject of the convention for the extension of certain stipulations contained in the treaty of commerce and navigation of August 27, 1829, between the United States and Austria, concluded and signed on the 8th of May, 1848, and submitted to the Senate on the same day by my predecessor.

Z. TAYLOR.

WASHINGTON, *January 23, 1850.*

*To the Senate of the United States:*

I transmit to the Senate, in answer to a resolution of that body passed on the 17th instant, the accompanying reports of heads of Departments, which contain all the official information in the possession of the Executive asked for by the resolution.

On coming into office I found the military commandant of the Department of California exercising the functions of civil governor in that Territory, and left, as I was, to act under the treaty of Guadalupe Hidalgo, without the aid of any legislative provision establishing a government in that Territory, I thought it best not to disturb that arrangement, made under my predecessor, until Congress should take some action on that subject. I therefore did not interfere with the powers of the military commandant, who continued to exercise the functions of civil governor as before; but I made no such appointment, conferred no such authority, and have allowed no increased compensation to the commandant for his services.

With a view to the faithful execution of the treaty so far as lay in the power of the Executive, and to enable Congress to act at the present session with as full knowledge and as little difficulty as possible on all matters of interest in these Territories, I sent the Hon. Thomas Butler King as bearer of dispatches to California, and certain officers to California and New Mexico, whose duties are particularly defined in the accompanying letters of instruction addressed to them severally by the proper Departments.

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I did not hesitate to express to the people of those Territories my desire that each Territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State constitution and submit the same to Congress with a prayer for admission into the Union as a State, but I did not anticipate, suggest, or authorize the establishment of any such government without the assent of Congress, nor did I authorize any Government agent or officer to interfere with or exercise any influence or control over the election of delegates or over any convention in making or modifying their domestic institutions or any of the provisions of their proposed constitution. On the contrary, the instructions given by my orders were that all measures of domestic policy adopted by the people of California must originate solely with themselves; that while the Executive of the United States was desirous to protect them in the formation of any government republican in its character, to be at the proper time submitted to Congress, yet it was to be distinctly understood that the plan of such a government must at the same time be the result of their own deliberate choice and originate with themselves, without the interference of the Executive.

I am unable to give any information as to laws passed by any supposed government in California or of any census taken in either of the Territories mentioned in the resolution, as I have no information on those subjects.

As already stated, I have not disturbed the arrangements which I found had existed under my predecessor.

In advising an early application by the people of these Territories for admission as States I was actuated principally by an earnest desire to afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry dissensions among the people of the United States.

Under the Constitution every State has the right of establishing and from time to time altering its municipal laws and domestic institutions independently of every other State and of the General Government, subject only to the prohibitions and guaranties expressly set forth in the Constitution of the United States. The subjects thus left exclusively to the respective States were not designed or expected to become topics of national agitation. Still, as under the Constitution Congress has power to make all needful rules and regulations respecting the Territories of the United States, every new acquisition of territory has led to discussions on the question whether the system of involuntary servitude which prevails in many of the States should or should not be prohibited in that territory. The periods of excitement from this cause which have heretofore occurred have been safely passed, but during the interval, of whatever length, which may elapse before the admission of the Territories ceded by Mexico as States it appears probable that similar excitement will prevail to an undue extent.

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Under these circumstances I thought, and still think, that it was my duty to endeavor to put it in the power of Congress, by the admission of California and New Mexico as States, to remove all occasion for the unnecessary agitation of the public mind.

It is understood that the people of the western part of California have formed a plan of a State constitution and will soon submit the same to the judgment of Congress and apply for admission as a State. This course on their part, though in accordance with, was not adopted exclusively in consequence of, any expression of my wishes, inasmuch as measures tending to this end had been promoted by the officers sent there by my predecessor, and were already in active progress of execution before any communication from me reached California. If the proposed constitution shall, when submitted to Congress, be found to be in compliance with the requisitions of the Constitution of the United States, I earnestly recommend that it may receive the sanction of Congress.

The part of California not included in the proposed State of that name is believed to be uninhabited, except in a settlement of our countrymen in the vicinity of Salt Lake.

A claim has been advanced by the State of Texas to a very large portion of the most populous district of the Territory commonly designated by the name of New Mexico. If the people of New Mexico had formed a plan of a State government for that Territory as ceded by the treaty of Guadalupe Hidalgo, and had been admitted by Congress as a State, our Constitution would have afforded the means of obtaining an adjustment of the question of boundary with Texas by a judicial decision. At present, however, no judicial tribunal has the power of deciding that question, and it remains for Congress to devise some mode for its adjustment. Meanwhile I submit to Congress the question whether it would be expedient before such adjustment to establish a Territorial government, which by including the district so claimed would practically decide the question adversely to the State of Texas, or by excluding it would decide it in her favor. In my opinion such a course would not be expedient, especially as the people of this Territory still enjoy the benefit and protection of their municipal laws originally derived from Mexico and have a military force stationed there to protect them against the Indians. It is undoubtedly true that the property, lives, liberties, and religion of the people of New Mexico are better protected than they ever were before the treaty of cession.

Should Congress, when California shall present herself for incorporation into the Union, annex a condition to her admission as a State affecting her domestic institutions contrary to the wishes of her people, and even compel her temporarily to comply with it, yet the State could change her constitution at any time after admission when to her it should seem expedient. Any attempt to deny to the people of the State the

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right of self-government in a matter which peculiarly affects themselves will infallibly be regarded by them as an invasion of their rights, and, upon the principles laid down in our own Declaration of Independence, they will certainly be sustained by the great mass of the American people. To assert that they are a conquered people and must as a State submit to the will of their conquerors in this regard will meet with no cordial response among American freemen. Great numbers of them are native citizens of the United States, not inferior to the rest of our countrymen in intelligence and patriotism, and no language of menace to restrain them in the exercise of an undoubted right, substantially guaranteed to them by the treaty of cession itself, shall ever be uttered by me or encouraged and sustained by persons acting under my authority. It is to be expected that in the residue of the territory ceded to us by Mexico the people residing there will at the time of their incorporation into the Union as a State settle all questions of domestic policy to suit themselves.

No material inconvenience will result from the want for a short period of a government established by Congress over that part of the territory which lies eastward of the new State of California; and the reasons for my opinion that New Mexico will at no very distant period ask for admission into the Union are founded on unofficial information which, I suppose, is common to all who have cared to make inquiries on that subject.

Seeing, then, that the question which now excites such painful sensations in the country will in the end certainly be settled by the silent effect of causes independent of the action of Congress, I again submit to your wisdom the policy recommended in my annual message of awaiting the salutary operation of those causes, believing that we shall thus avoid the creation of geographical parties and secure the harmony of feeling so necessary to the beneficial action of our political system. Connected, as the Union is, with the remembrance of past happiness, the sense of present blessings, and the hope of future peace and prosperity, every dictate of wisdom, every feeling of duty, and every emotion of patriotism tend to inspire fidelity and devotion to it and admonish us cautiously to avoid any unnecessary controversy which can either endanger it or impair its strength, the chief element of which is to be found in the regard and affection of the people for each other.

Z. TAYLOR.

[A similar message, dated January 21, 1850, was sent to the House of Representatives, in answer to a resolution of that body.]

WASHINGTON, *January 23, 1850.*

*To the Senate of the United States:*

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I transmit to the Senate a copy of the convention between the United States and His Majesty the Emperor of Brazil, providing for the satisfaction of claims of citizens of the United States against the Brazilian Government, signed at Rio de Janeiro on the 27th of January last, and the ratifications of which were exchanged in this city on the 18th instant. It is desirable that Congress should prescribe the mode in which the claims referred to are to be adjusted and the money stipulated to be paid by Brazil shall be distributed amongst the claimants. Extracts from dispatches of the minister of the United States at Rio de Janeiro and a copy of a letter from an agent of claimants there are also herewith communicated, to which your attention is invited. I have authorized our minister to demand, receive, and give acquittances for the amount payable by Brazil, and have caused him to be instructed to remit the same to the Treasury of the United States.

Z. TAYLOR.

[The same message was sent to the House of Representatives.]

WASHINGTON, *January 30, 1850* .

*To the Senate of the United States:*

In reply to the resolution of the Senate of the 7th instant, requesting of me all the official correspondence since the 4th of March last between this Government and its military authorities at Santa Fe or with the authorities of the State of Texas relating to the boundary or occupation of Texas, and the reasons why the judicial authority of Texas has not been recognized by the military authority at Santa Fe, I herewith submit the accompanying reports, which contain the information called for by the resolution.

I have not been informed of any acts of interference by the military forces stationed at Santa Fe with the judicial authority of Texas established or sought to be established there. I have received no communication from the governor of Texas on any of the matters referred to in the resolution. And I concur in the opinion expressed by my predecessor in the letter addressed by the late Secretary of State to the governor of Texas on the 12th day of February, 1847, that the boundary between the State of Texas and the Territory of New Mexico "is a subject which more properly belongs to the legislative than to the executive branch of the Government."

Z. TAYLOR.

WASHINGTON, *February 6, 1850*.

*To the Senate of the United States:*

In reply to the resolution of the Senate of the 28th ultimo, I have to state that the resolution of the Senate of the 2d of March, 1849, respecting James W. Schaumburg,

was in April of that year submitted for the opinion of the Attorney-General upon questions arising in the case. No opinion had been given by him when it became necessary, prior to the meeting of the Senate, to prepare the nominations for promotions in the Army. The nomination of Lieutenant Ewell was then decided upon, after due consideration was given to the resolution of the Senate of the 2d of March, 1849.

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I herewith submit a report from the Secretary of War, showing the grounds upon which the decision above referred to was made.

Z. TAYLOR.

WASHINGTON, *February 13, 1850.*

*To the Senate of the United States:*

I have received a resolution of the Senate of the 28th ultimo, requesting the President of the United States "to cause to be laid before the Senate, in open session if in his opinion consistent with the public interest, otherwise in executive session, copies of all instructions and communications of the late Secretary of State to our late charge d'affaires to Guatemala and all dispatches and communications from said charge d'affaires to the Department of State, including any conventions or treaties he may have concluded with either of the States composing the late Republic of Central America; and also all correspondence between our said charge d'affaires and the Government or representatives of either of said States; and also all instructions and communications from the present Secretary of State to our late charge d'affaires or our present charge d'affaires to either of said States and all dispatches or communications from our charge d'affaires to the Department of State, including any conventions or treaties he may have concluded with either of said States; and also all correspondence between the Department of State and either of said charges d'affaires touching the so-called Kingdom of the Mosquitos and the right of way from the Atlantic to the Pacific through Lake Nicaragua."

The information called for by this resolution will be cheerfully communicated to the Senate as soon as it shall be found to be compatible with the public interest.

Z. TAYLOR.

WASHINGTON, *February 13, 1850.*

*To the House of Representatives of the United States:*

I have received a resolution of the House of Representatives of the 24th ultimo, requesting the President of the United States "to communicate to that body (provided the publication thereof be not prejudicial to the public interest) all such information as may be within the knowledge of the executive department relative to the alleged extraordinary proceedings of the English Government in the forcible seizure and occupation of the island of Tigre, in the State of Nicaragua, Central America; also all facts, circumstances, or communications within the knowledge of the Executive relative to any seizure, occupation, or attempted seizure or occupation, by the English Government of any port, river, town, territory, or island belonging to or claimed by any of

the States of Central America; also that he be requested to communicate to this House, if not incompatible with the public interest, all treaties not heretofore published which may have been negotiated with any of the States of Central America by any person acting by authority from the late Administration or under the auspices of the present Executive.” The information called for by this resolution will be cheerfully communicated to the House as soon as it shall be found compatible with the public interest.

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Z. TAYLOR.

WASHINGTON, *February 13, 1850.*

*To the House of Representatives of the United States:*

I transmit herewith to the House of Representatives, for the information of that body, an authenticated copy of the constitution of the State of California, received by me from General Riley.

Z. TAYLOR.

WASHINGTON, *February 13, 1850.*

*To the Senate of the United States:*

I transmit herewith to the Senate, for the information of that body, an authenticated copy of the constitution of California, received by me from the Hon. William M. Gwyn.

Z. TAYLOR.

WASHINGTON, *March 1, 1850.*

*To the Senate of the United States:*

In reply to the resolution of the Senate of the 12th ultimo, requesting the President of the United States "to inform the Senate of the amount of prize money paid into the Treasury in conformity with the eighteenth section of the act of March 3, 1849," etc., I transmit herewith a report from the Secretary of the Navy, with accompanying documents.

Z. TAYLOR.

WASHINGTON, *March 4, 1850.*

*To the Senate and House of Representatives of the United States:*

I herewith transmit to Congress copies of a recent correspondence between the Department of State and the British minister at Washington, relating to subjects[3a] which seem to require the consideration of the legislative rather than the executive branch of the Government.

[Footnote 3a: Navigation laws and tariff on British productions.]

Z. TAYLOR.

WASHINGTON, *March 6, 1850.*

*To the Senate of the United States:*

In answer to the inquiries contained in the resolution of the Senate of the 4th instant, in relation to the appointment of postmasters by the Postmaster-General, I send to the Senate herewith the letter of the Postmaster-General furnishing the desired information.

Z. TAYLOR.

## **MARCH 8, 1850.**

*To the Senate of the United States:*

The Postmaster-General has this day communicated to me the letter herewith transmitted, in addition to his communication by me sent to the Senate on the 6th instant, in relation to the inquiries contained in the resolution of the Senate as to the appointment of postmasters.

Z. TAYLOR.

WASHINGTON, *March 19, 1850.*

*To the Senate of the United States:*

I transmit herewith, for the consideration and constitutional action of the Senate, a communication from the Secretary of the Interior, covering two treaties with Indians of New Mexico, one negotiated with the Navajo tribe on the 9th of September last by Colonel John Washington, of the Army, and J.S. Calhoun, United States Indian agent at Santa Fe, and the other with the Utah tribe, negotiated by J.S. Calhoun on the 13th of December last.

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Z. TAYLOR.

WASHINGTON, *March 19, 1850.*

*To the Senate of the United States:*

I herewith transmit to the Senate, for their advice in regard to its ratification, "a general treaty of amity, navigation, and commerce" between the United States of America and the State of Nicaragua, concluded at Leon by E. George Squier, charge d'affaires of the United States, on their part, and Senor Zepeda, on the part of the Republic of Nicaragua.

I also transmit, for the advice of the Senate in regard to its ratification, "a general treaty of amity, navigation, and commerce" negotiated by Mr. Squier with the Republic of San Salvador.

I also transmit to the Senate a copy of the instructions to and correspondence with the said charge d'affaires relating to those treaties.

I also transmit, for the advice of the Senate in regard to its ratification, "a general treaty of peace, amity, commerce, and navigation" negotiated by Elijah Hise, our late charge d'affaires, with the State of Guatemala.

I also transmit, for the information of the Senate, a copy of a treaty negotiated by Mr. Hise with the Government of Nicaragua on the 21st of June last, accompanied by copies of his instructions from and correspondence with the Department of State.

On the 12th day of November, 1847, Senor Buetrago, secretary of state and of the affairs of war and foreign relations and domestic administration of the Supreme Government of the State of Nicaragua, addressed a letter from the Government House at Leon to Mr. Buchanan, then Secretary of State of the United States, asking the friendly offices of this Government to prevent an attack upon the town of San Juan de Nicaragua, then contemplated by the British authorities as the allies of the Mosquito King. That letter, a translation of which is herewith sent, distinctly charges that—

The object of the British in taking this key of the continent is not to protect the small tribe of the Mosquitos, but to establish their own empire over the Atlantic extremity of the line, by which a canal connecting the two oceans is most practicable, insuring to them the preponderance on the American continent, as well as their direct relations with Asia, the East Indies, and other important countries in the world.

No answer appears to have been returned to this letter.

A communication was received by my predecessor from Don Jose Guerrero, President and Supreme Director of the State of Nicaragua, dated the 15th day of December, 1847,

expressing his desire to establish relations of amity and commerce with the United States, a translation of which is herewith inclosed. In this the President of Nicaragua says:

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My desire was carried to the utmost on seeing in your message at the opening of the Twenty-ninth Congress of your Republic a sincere profession of political faith in all respects conformable with the principles professed by these States, determined, as they are, to sustain with firmness the continental cause, the rights of Americans in general, and the noninterference of European powers in their concerns.

This letter announces the critical situation in which Nicaragua was placed and charges upon the Court of St. James a "well-known design to establish colonies on the coast of Nicaragua and to render itself master of the interoceanic canal, for which so many facilities are presented by the isthmus in that State." No reply was made to this letter.

The British ships of war *Alarm* and *Vixen* arrived at San Juan de Nicaragua on the 8th day of February, 1848, and on the 12th of that month the British forces, consisting of 260 officers and men, attacked and captured the post of Serapaqui, garrisoned, according to the British statements, by about 200 soldiers, after a sharp action of one hour and forty minutes.

On the 7th day of March, 1848, articles of agreement were concluded by Captain Locke, on the part of Great Britain, with the commissioners of the State of Nicaragua in the island of Cuba, in the Lake of Nicaragua, a copy of which will be found in the correspondence relating to the Mosquito Territory presented to and published by the House of Commons of Great Britain on the 3d day of July, 1848, herewith submitted. A copy of the same document will also be found accompanying the note of the minister for foreign affairs of Nicaragua to the Secretary of State of the United States under date the 17th March, 1848.

By the third article of the agreement it is provided that Nicaragua "shall not disturb the inhabitants of San Juan, understanding that any such act will be considered by Great Britain as a declaration of open hostilities." By the sixth article it is provided that these articles of agreement will not "hinder Nicaragua from soliciting by means of a commissioner to Her Britannic Majesty a final arrangement of these affairs."

The communication from Senor Sebastian Salinas, the secretary of foreign affairs of the State of Nicaragua, to Mr. Buchanan, the Secretary of State of the United States, dated 17th March, 1848, a translation of which is herewith submitted, recites the aggressions of Great Britain and the seizure of a part of the Nicaraguan territory in the name of the Mosquito King. No answer appears to have been given to this letter.

On the 28th day of October, 1847, Joseph W. Livingston was appointed by this Government consul of the United States for the port of San Juan de Nicaragua. On the 16th day of December, 1847, after having received his exequatur from the Nicaraguan Government, he addressed a letter to Mr. Buchanan, Secretary of State, a copy of which is herewith submitted, representing that he had been informed that the English Government would take possession of San Juan de Nicaragua in January, 1848.

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In another letter, dated the 8th of April, 1848, Mr. Livingston states that “at the request of the minister for foreign affairs of Nicaragua he transmits a package of papers containing the correspondence relative to the occupation of the port of San Juan by British forces in the name of the Mosquito nation.”

On the 3d day of June, 1848, Elijah Hise, being appointed charge d'affaires of the United States to Guatemala, received his instructions, a copy of which is herewith submitted. In these instructions the following passages occur:

The independence as well as the interests of the nations on this continent require that they should maintain the American system of policy entirely distinct from that which prevails in Europe. To suffer any interference on the part of the European Governments with the domestic concerns of the American Republics and to permit them to establish new colonies upon this continent would be to jeopard their independence and to ruin their interests. These truths ought everywhere throughout this continent to be impressed on the public mind. But what can the United States do to resist such European interference whilst the Spanish American Republics continue to weaken themselves by division and civil war and deprive themselves of the ability of doing anything for their own protection?

This last significant inquiry seems plainly to intimate that the United States could do nothing to arrest British aggression while the Spanish American Republics continue to weaken themselves by division and civil war and deprive themselves of the ability of doing anything for their protection.

These instructions, which also state the dissolution of the Central American Republic, formerly composed of the five States of Nicaragua, Costa Rica, Honduras, San Salvador, and Guatemala, and their continued separation, authorize Mr. Hise to conclude treaties of commerce with the Republics of Guatemala and San Salvador, but conclude with saying that it was not deemed advisable to empower Mr. Hise to conclude a treaty with either Nicaragua, Honduras, or Costa Rica until more full and statistical information should have been communicated by him to the Department in regard to those States than that which it possesses.

The States of Nicaragua, Costa Rica, and Honduras are the only Central American States whose consent or cooperation would in any event be necessary for the construction of the ship canal contemplated between the Pacific and Atlantic oceans by the way of Lake Nicaragua.

In pursuance of the sixth article of the agreement of the 7th of March, 1848, between the forces of Great Britain and the authorities of Nicaragua, Senor Francisco Castillon was appointed commissioner from Nicaragua to Great Britain, and on the 5th day of November, 1848, while at Washington on his way to London, addressed a letter to the Secretary of State, a translation of which is herewith submitted, asking this Government

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to instruct its minister plenipotentiary residing in London to sustain the right of Nicaragua to her territory claimed by Mosquito, and especially to the port of San Juan, expressing the hope of Nicaragua “that the Government of the Union, firmly adhering to its principle of resisting all foreign intervention in America, would not hesitate to order such steps to be taken as might be effective before things reached a point in which the intervention of the United States would prove of no avail.”

To this letter also no answer appears to have been returned, and no instructions were given to our minister in London in pursuance of the request contained in it.

On the 3d day of March, 1847, Christopher Hempstead was appointed consul at Belize, and an application was then made for his exequatur through our minister in London, Mr. Bancroft. Lord Palmerston referred Mr. Bancroft’s application for an exequatur for Mr. Hempstead to the colonial office. The exequatur was granted, and Mr. Hempstead, in a letter to the Department of State bearing date the 12th day of February, 1848, a copy of which is herewith submitted, acknowledged the receipt of his exequatur from Her Britannic Majesty, by virtue of which he has discharged his consular functions. Thus far this Government has recognized the existence of a British colony at Belize, within the territory of Honduras. I have recalled the consul, and have appointed no one to supply his place.

On the 26th day of May, 1848, Mr. Hempstead represented in a letter to the Department of State that the Indians had “applied to Her Majesty’s superintendent at Belize for protection, and had desired him to take possession of the territory which they occupied and take them under his protection as British subjects;” and he added that in the event of the success of their application “the British Government would then have possession of the entire coast from Cape Conte to San Juan de Nicaragua.” In another letter, dated the 29th day of July, 1848, he wrote:

I have not a doubt but the designs of Her Majesty’s officers here and on the Mosquito shore are to obtain territory on this continent.

The receipt of this letter was regularly acknowledged on the 29th day of August, 1848.

When I came into office I found the British Government in possession of the port of San Juan, which it had taken by force of arms after we had taken possession of California and while we were engaged in the negotiation of a treaty for the cession of it, and that no official remonstrance had been made by this Government against the aggression, nor any attempt to resist it. Efforts were then being made by certain private citizens of the United States to procure from the State of Nicaragua by contract the right to cut the proposed ship canal by the way of the river San Juan and the lakes of Nicaragua and

Managua to Realejo, on the Pacific Ocean. A company of American citizens entered into such a contract with the State of Nicaragua.

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Viewing the canal as a matter of great importance to the people of the United States, I resolved to adopt the policy of protecting the work and binding the Government of Nicaragua, through whose territory it would pass, also to protect it. The instructions to E. George Squier, appointed by me charge d'affaires to Guatemala on the 2d day of April, 1849, are herewith submitted, as fully indicating the views which governed me in directing a treaty to be made with Nicaragua. I considered the interference of the British Government on this continent in seizing the port of San Juan, which commanded the route believed to be the most eligible for the canal across the Isthmus, and occupying it at the very moment when it was known, as I believe, to Great Britain that we were engaged in the negotiation for the purchase of California, as an unfortunate coincidence, and one calculated to lead to the inference that she entertained designs by no means in harmony with the interests of the United States.

Seeing that Mr. Hise had been positively instructed to make no treaty, not even a treaty of commerce, with Nicaragua, Costa Rica, or Honduras, I had no suspicion that he would attempt to act in opposition to his instructions, and in September last I was for the first time informed that he had actually negotiated two treaties with the State of Nicaragua, the one a treaty of commerce, the other a treaty for the construction of the proposed ship canal, which treaties he brought with him on his return home. He also negotiated a treaty of commerce with Honduras; and in each of these treaties it is recited that he had full powers for the purpose. He had no such powers, and the whole proceeding on his part with reference to those States was not only unauthorized by instructions, but in opposition to those he had received from my predecessor and after the date of his letter of recall and the appointment of his successor. But I have no evidence that Mr. Hise, whose letter of recall (a copy of which is herewith submitted) bears date the 2d day of May, 1849, had received that letter on the 21st day of June, when he negotiated the treaty with Nicaragua. The difficulty of communicating with him was so great that I have reason to believe he had not received it. He did not acknowledge it.

The twelfth article of the treaty negotiated by Mr. Hise in effect guarantees the perfect independence of the State of Nicaragua and her sovereignty over her alleged limits from the Caribbean Sea to the Pacific Ocean, pledging the naval and military power of the United States to support it. This treaty authorizes the chartering of a corporation by this Government to cut a canal outside of the limits of the United States, and gives to us the exclusive right to fortify and command it. I have not approved it, nor have I now submitted it for ratification; not merely because of the facts already mentioned, but because on the 31st day of December last Senor Edwardo Carcache, on

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being accredited to this Government as charge d'affaires from the State of Nicaragua, in a note to the Secretary of State, a translation of which is herewith sent, declared that he was "only empowered to exchange ratifications of the treaty concluded with Mr. Squier, and that the special convention concluded at Guatemala by Mr. Hise, the charge d'affaires of the United States, and Senor Selva, the commissioner of Nicaragua, had been, as was publicly and universally known, disapproved by his Government."

We have no precedent in our history to justify such a treaty as that negotiated by Mr. Hise since the guaranties we gave to France of her American possessions. The treaty negotiated with New Granada on the 12th day of December, 1846, did not guarantee the sovereignty of New Granada on the whole of her territory, but only over "the single Province of the Isthmus of Panama," immediately adjoining the line of the railroad, the neutrality of which was deemed necessary by the President and Senate to the construction and security of the work.

The thirty-fifth article of the treaty with Nicaragua, negotiated by Mr. Squier, which is submitted for your advice in regard to its ratification, distinctly recognizes the rights of sovereignty and property which the State of Nicaragua possesses in and over the line of the canal therein provided for. If the Senate doubt on that subject, it will be clearly wrong to involve us in a controversy with England by adopting the treaty; but after the best consideration which I have been able to give to the subject my own judgment is convinced that the claims of Nicaragua are just, and that as our commerce and intercourse with the Pacific require the opening of this communication from ocean to ocean it is our duty to ourselves to assert their justice.

This treaty is not intended to secure to the United States any monopoly or exclusive advantage in the use of the canal. Its object is to guarantee protection to American citizens and others who shall construct the canal, and to defend it when completed against unjust confiscations or obstructions, and to deny the advantages of navigation through it to those nations only which shall refuse to enter into the same guaranties. A copy of the contract of the canal company is herewith transmitted, from which, as well as from the treaty, it will be perceived that the same benefits are offered to all nations in the same terms.

The message of my predecessor to the Senate of the 10th February, 1847, transmitting for ratification the treaty with New Granada, contains in general the principles by which I have been actuated in directing the negotiation with Nicaragua. The only difference between the two cases consists in this: In that of Nicaragua the British Government has seized upon part of her territory and was in possession of it when we negotiated the treaty with her. But that possession was taken after our occupation of California, when

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the effect of it was to obstruct or control the most eligible route for a ship communication to the territories acquired by us on the Pacific. In the case of New Granada, her possession was undisturbed at the time of the treaty, though the British possession in the right of the Mosquito King was then extended into the territories claimed by New Granada as far as Boca del Toro. The professed objects of both the treaties are to open communications across the Isthmus to all nations and to invite their guaranties on the same terms. Neither of them proposes to guarantee territory to a foreign nation in which the United States will not have a common interest with that nation. Neither of them constitutes an alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest. Nicaragua, like New Granada, is a power which will not excite the jealousy of any nation.

As there is nothing narrow, selfish, illiberal, or exclusive in the views of the United States as set forth in this treaty, as it is indispensable to the successful completion of the contemplated canal to secure protection to it from the local authorities and this Government, and as I have no doubt that the British pretension to the port of San Juan in right of the Mosquito King is without just foundation in any public law ever before recognized in any other instance by Americans or Englishmen as applicable to Indian titles on this continent, I shall ratify this treaty in case the Senate shall advise that course. Its principal defect is taken from the treaty with New Granada, the negotiator having made it liable to be abrogated on notice after twenty years. Both treaties should have been perpetual or limited only by the duration of the improvements they were intended to protect. The instructions to our charge d'affaires, it will be seen, prescribe no limitation for the continuance of the treaty with Nicaragua. Should the Senate approve of principle of the treaty, an amendment in this respect is deemed advisable; and it will be well to invite by another amendment the protection of other nations, by expressly offering them in the treaty what is now offered by implication only—the same advantages which we propose for ourselves on the same conditions upon which we shall have acquired them. The policy of this treaty is not novel, nor does it originate from any suggestion either of my immediate predecessor or myself. On the 3d day of March, 1835, the following resolution, referred to by the late President in his message to the Senate relative to the treaty with New Granada, was adopted in executive session by the Senate without division:

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*Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of Central America and New Granada for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations the free and equal rights of navigating such a canal to all such nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

President Jackson accorded with the policy suggested in this resolution, and in pursuance of it sent Charles Biddle as agent to negotiate with the Governments of Central America and New Granada. The result is fully set forth in the report of a select committee of the House of Representatives of the 20th of February, 1849, upon a joint resolution of Congress to authorize the survey of certain routes for a canal or railroad between the Atlantic and Pacific oceans. The policy indicated in the resolution of the 3d March, 1835, then adopted by the President and Senate, is that now proposed for the consideration and sanction of the Senate. So far as my knowledge extends, such has ever been the liberal policy of the leading statesmen of this country, and by no one has it been more earnestly recommended than by my lamented predecessor.

Z. TAYLOR.

WASHINGTON, *March 26, 1850.*

*To the House of Representatives of the United States:*

I herewith transmit, for the information of Congress, a copy of the report<sup>[4a]</sup> of Thomas Butler King, esq., appointed bearer of dispatches and special agent to California, made in pursuance of instructions issued from the Department of State on the 3d day of April last.

[Footnote 4a: On California affairs.]

Z. TAYLOR.

WASHINGTON, *March 28, 1850.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 22d instant, requesting the President of the United States to communicate to that body a copy of the instructions given to the agent of the United States who was employed to visit Hungary during the recent war between that country and Austria, and of the correspondence by and with such agent, so far as the publication of the same may be consistent with the public

interest, I herewith transmit to the Senate a copy of the instructions to A. Dudley Mann, esq., relating to Hungary, he having been appointed by me special agent to that country on the 18th day of June last, together with a copy of the correspondence with our late charge d'affaires to Austria referred to in those instructions and of other papers disclosing the policy of this Government

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in reference to Hungary and her people. I also transmit, in compliance with the resolution of the Senate, but in a separate packet, a copy of the correspondence of Mr. Mann with the Department of State. The latter I have caused to be marked “*executive*”—the information contained in it being such as will be found on examination most appropriately to belong to the Senate in the exercise of its executive functions. The publication of this correspondence of the agent sent by me to Hungary is a matter referred entirely to the judgment and discretion of the Senate.

It will be seen by the documents now transmitted that no minister or agent was accredited by the Government of Hungary to this Government at any period since I came into office, nor was any communication ever received by this Government from the minister of foreign affairs of Hungary or any other executive officer authorized to act in her behalf.

My purpose, as freely avowed in this correspondence, was to have acknowledged the independence of Hungary had she succeeded in establishing a government *de facto* on a basis sufficiently permanent in its character to have justified me in doing so according to the usages and settled principles of this Government; and although she is now fallen and many of her gallant patriots are in exile or in chains, I am free still to declare that had she been successful in the maintenance of such a government as we could have recognized we should have been the first to welcome her into the family of nations.

Z. TAYLOR.

WASHINGTON, *April 3, 1850.*

*To the Senate and House of Representatives of the United States:*

I transmit a translation of a note, under date the 20th of last month, addressed to the Secretary of State by the minister of the Mexican Republic accredited to this Government, expressing the views of that Government with reference to the control of the wild Indians of the United States on the frontier of Mexico, as stipulated for in the eleventh article of the treaty of Guadalupe Hidalgo.

Z. TAYLOR.

WASHINGTON, *April 22, 1850.*

*To the Senate of the United States:*

I herewith transmit to the Senate, for their advice with regard to its ratification, a convention between the United States and Great Britain, concluded at Washington on

the 19th instant by John M. Clayton, Secretary of State, on the part of the United States, and by the Right Hon. Sir Henry Lytton Bulwer, on the part of Great Britain.

This treaty has been negotiated in accordance with the general views expressed in my message to Congress in December last. Its object is to establish a commercial alliance with all great maritime states for the protection of a contemplated ship canal through the territory of Nicaragua to connect the Atlantic and Pacific oceans, and at the same time to insure the same protection to the contemplated railways or canals by the Tehuantepec and Panama routes, as well as to every other interoceanic communication which may be adopted to shorten the transit to or from our territories on the Pacific.

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It will be seen that this treaty does not propose to take money from the public Treasury to effect any object contemplated by it. It yields protection to the capitalists who may undertake to construct any canal or railway across the Isthmus, commencing in the southern part of Mexico and terminating in the territory of New Granada. It gives no preference to any one route over another, but proposes the same measure of protection for all which ingenuity and enterprise can construct. Should this treaty be ratified, it will secure in future the liberation of all Central America from any kind of foreign aggression.

At the time negotiations were opened with Nicaragua for the construction of a canal through her territory I found Great Britain in possession of nearly half of Central America, as the ally and protector of the Mosquito King. It has been my object in negotiating this treaty not only to secure the passage across the Isthmus to the Government and citizens of the United States by the construction of a great highway dedicated to the use of all nations on equal terms, but to maintain the independence and sovereignty of all the Central American Republics. The Senate will judge how far these objects have been effected.

If there be any who would desire to seize and annex any portion of the territories of these weak sister republics to the American Union, or to extend our dominion over them, I do not concur in their policy; and I wish it to be understood in reference to that subject that I adopt the views entertained, so far as I know, by all my predecessors.

The principles by which I have been regulated in the negotiation of this treaty are in accordance with the sentiments well expressed by my immediate predecessor on the 10th of February, 1847, when he communicated to the Senate the treaty with New Granada for the protection of the railroad at Panama. It is in accordance with the whole spirit of the resolution of the Senate of the 3d of March, 1835, referred to by President Polk, and with the policy adopted by President Jackson immediately after the passage of that resolution, who dispatched an agent to Central America and New Granada "to open negotiations with those Governments for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as might undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as might be established to compensate the capitalists who should engage in such undertaking and complete the work."

I also communicate herewith a copy of the correspondence between the American Secretary of State and the British plenipotentiary at the time of concluding the treaty. Whatever honor may be due to the party first proposing such a treaty justly belongs to the United States. My predecessor, in his message of the 10th of February, 1847, referring to the treaty with New Granada for the protection of the Panama Railroad, observes that—

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Should the proposition thus tendered be rejected we may deprive the United States of the just influence which its acceptance might secure to them, and confer the glory and benefits of being the first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not be doubted, because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guaranty of great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

Should the Senate in its wisdom see fit to confirm this treaty, and the treaty heretofore submitted by me for their advice in regard to its ratification, negotiated with the State of Nicaragua on the 3d day of September last, it will be necessary to amend one or both of them, so that both treaties may stand in conformity with each other in their spirit and intention. The Senate will discover by examining them both that this is a task of no great difficulty.

I have good reason to believe that France and Russia stand ready to accede to this treaty, and that no other great maritime state will refuse its accession to an arrangement so well calculated to diffuse the blessings of peace, commerce, and civilization, and so honorable to all nations which may enter into the engagement.

Z. TAYLOR.

WASHINGTON, *May 6, 1850.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a consular convention between the United States and the Republic of New Granada, signed in this city on the 4th of this month by the Secretary of State on the part of the United States, and by Senor Don Rafael Rivas, charge d'affaires of New Granada, on the part of that Republic.

Z. TAYLOR.

WASHINGTON, *May 7, 1850.*

*To the House of Representatives of the United States:*

I herewith transmit to the House of Representatives copies of a correspondence between the Department of State and the British legation in this city, relative to the reciprocal admission of the natural products of the United States and Canada free of duty into the territories of both countries. It will be seen by the accompanying

documents that the late Secretary of the Treasury recommended, in his correspondence with the Committee on Commerce in the House of Representatives, reciprocal free trade in the natural products of the United States and Canada; that in March and June, 1849, a correspondence was opened between the British charge d'affaires then residing in Washington and the Secretary of State upon the subject of a commercial

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convention or treaty to carry out the views of Her Majesty's Government in relation thereto, and that the proposition for such a convention or treaty was declined on the part of the American Government for reasons which are fully set forth in the note of the Secretary of State to Mr. Crampton of the 26th of June last. During the negotiations connected with this correspondence, not considering the markets of Canada as an equivalent for those of the United States, I directed the Secretary of State to inquire what other benefits of trade and commerce would be yielded by the British authorities in connection with such a measure, and particularly whether the free navigation of the St. Lawrence would be conceded to us. That subject has accordingly been presented to the British Government, and the result was communicated by Her Majesty's minister in Washington on the 27th of March last in reply to a note from the Secretary of State of the 26th of that month. From these papers it will be perceived that the navigation of the St. Lawrence and of the canals connecting it with the Western lakes will be opened to the citizens of the United States in the event that the bill referred to in the correspondence, providing for the admission of their natural products, should become a law. The whole subject is now submitted to the consideration of Congress, and especially whether the concession proposed by Great Britain is an equivalent for the reciprocity desired by her.

Z. TAYLOR.

WASHINGTON, *May 8, 1850.*

*To the Senate of the United States:*

With reference to the convention between the United States and Her Britannic Majesty relative to interoceanic communication by the way of Nicaragua, recently submitted to the Senate, I transmit a copy of a note, under date the 29th ultimo, addressed to the Secretary of State by Sir Henry L. Bulwer, Her Britannic Majesty's minister here, and of Mr. Clayton's reply, under date the 30th ultimo. Intelligence received from the charge d'affaires of the United States in Central America and from other quarters having led to an apprehension that Mr. Chatfield, Her Britannic Majesty's minister in that country, had concluded a treaty with the Government of Costa Rica placing that State under the protection of the British Government, I deemed it my duty to cause inquiries upon the subject to be addressed to Her Majesty's Government through Sir Henry L. Bulwer. The note of that functionary communicates the answer to those inquiries, and may be deemed satisfactory, both from the denial of the fact that any such treaty has been concluded and from its positive disavowal on behalf of the British Government of the policy intended to be subserved by such treaties.

Z. TAYLOR.

WASHINGTON, *May 18, 1850.*

*To the House of Representatives of the United States:*

I herewith transmit to the House of Representatives a report of the Secretary of State, with accompanying papers,[5a] in answer to its resolution of the 28th of March last.

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Z. TAYLOR.

[Footnote 5a: Communications from the United States consul at Vienna.]

WASHINGTON, *May 20, 1850.*

*To the Senate of the United States:*

I transmit herewith reports from the Secretary of the Interior and Secretary of War, in reply to the resolution of the Senate of the 30th ultimo, calling for information in relation to the hostilities and outrages committed during the past year by the Seminole Indians in Florida, the steps taken for their removal west of the Mississippi, the area now occupied by them, etc.

Z. TAYLOR.

WASHINGTON, *May 22, 1850.*

*To the Senate of the United States:*

I herewith transmit to the Senate reports of the several heads of Departments, to whom were referred the resolutions of the Senate of the 9th instant, "requesting the President of the United States to furnish to the Senate copies of all correspondence between any of the Executive Departments and General Persifor F. Smith and Brigadier-General B. Riley, or either of them, relative to affairs in California, which had not been communicated to the Senate; and also all information existing in any of the Executive Departments respecting the transactions of the convention in California by which the project of a State government was prepared, and particularly a copy of the journals of said convention and of such of the ordinances adopted by it as may in any way have been communicated to any of the said Departments; and likewise to inform the Senate if the surrender of General Riley to the jurisdiction and civil authority of the government made by the aforesaid convention was by order of the Executive of the United States, and, if not, whether the proclamation of General Riley recognizing the said State government and submitting to its jurisdiction has received the sanction of the Executive; and also that he furnish to the Senate whatever intelligence may have been received in the executive department respecting the condition of civil affairs in the Oregon Territory."

The reports, with the official correspondence accompanying them, it is believed, embrace all the information in the Departments called for by the resolutions.

Z. TAYLOR.

WASHINGTON, *May 24, 1850.*

*To the Senate of the United States:*

In the month of January last I nominated Thomas Sewall to be consul of the United States for the port of Santiago de Cuba, to which office he had been appointed by me during the recess of the Senate. The Spanish Government having refused to recognize Mr. Sewall as consul for that port, I now withdraw that nomination and nominate William N. Adams to fill the vacancy thus occasioned.

Z. TAYLOR.

WASHINGTON, *May 29, 1850.*

*To the Senate of the United States:*

I transmit to the Senate a copy of a dispatch from the minister of the United States at London, together with the memorial and other documents addressed to the Senate and House of Representatives of the United States by Count de Bronno Bronski which accompanied it, relative to an improved breed of silkworms which he desires to have introduced into this country.

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Z. TAYLOR.

WASHINGTON, *June 3, 1850.*

*To the Senate of the United States:*

I transmit to the Senate herewith reports from the several heads of Departments, which contain all the information in possession of the Executive relative to the subject of the resolution of the 23d instant [ultimo].

No information has been received establishing the existence of any revolutionary movement in the island of Cuba among the inhabitants of that island. The correspondence submitted discloses, however, the fact that repeated attempts have been made under the direction of foreigners enjoying the hospitality of this country to get up armed expeditions in the United States for the purpose of invading Cuba. It will be seen by that correspondence that this Government has been faithful in the discharge of its treaty obligations with Spain and in the execution of the acts of Congress which have for their object the maintenance in this regard of the peace and honor of this country.

Z. TAYLOR.

WASHINGTON, *June 10, 1850.*

*To the Senate of the United States:*

I submit herewith, in reply to a resolution of the Senate of the 3d instant, calling for "copies of the instructions given and orders issued in relation to the assemblage of persons on Round Island, coast of Mississippi, during the summer of 1849, and of the correspondence between the President or heads of Departments and the governor of Mississippi and the officers, naval or military, of the United States in reference to the observation, investment, and dispersion of said assemblage upon said island," a report from the Secretary of the Navy and accompanying documents, which contain all the information on the subject not heretofore communicated to the Senate.

Z. TAYLOR.

WASHINGTON, *June 13, 1850.*

*To the House of Representatives of the United States:*

I transmit to the House of Representatives a copy of a dispatch addressed by the minister of the United States at Paris to the Secretary of State, with a translation of the documents which accompanied it, relative to the memorial of Pierre Piron, a citizen of the French Republic, who, it will be perceived, presents a just claim to pecuniary

remuneration from this Government on account of services rendered to citizens of the United States.

Z. TAYLOR.

WASHINGTON, *June 17, 1850.*

*To the Senate of the United States:*

I have received a copy of the resolution of the Senate of the 11th June instant, requesting me "to inform the Senate whether any orders have been issued to any military officer or officers at Santa Fe to hold possession against the authority of Texas, or in any way to embarrass or prevent the exercise of her jurisdiction over that country, and to furnish the Senate with copies of any correspondence which may have taken place between the War Department and the military stationed at Santa Fe since the date of my last communication to the Senate on that subject."

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In reply to that resolution I state that no such orders have been given.

I herewith present to the Senate copies of all the correspondence referred to in the resolution. All the other orders relating to the subject-matter of the resolution have been heretofore communicated to the Senate.

I have already, in a former message, referred to the fact that the boundary between Texas and New Mexico is disputed. I have now to state that information has been recently received that a certain Robert S. Neighbors, styling himself commissioner of the State of Texas, has proceeded to Santa Fe with a view of organizing counties in that district under the authority of Texas. While I have no power to decide the question of boundary, and no desire to interfere with it, as a question of title, I have to observe that the possession of the territory into which it appears that Mr. Neighbors has thus gone was actually acquired by the United States from Mexico, and has since been held by the United States, and, in my opinion, ought so to remain until the question of boundary shall have been determined by some competent authority. Meanwhile, I think there is no reason for seriously apprehending that Texas will practically interfere with the possession of the United States.

Z. TAYLOR.

WASHINGTON, *June 26, 1850.*

*To the House of Representatives of the United States:*

I herewith transmit a report of the Secretary of War, communicating the information, as far as it can be furnished, required by the resolution of the House of Representatives of the 17th instant, respecting the amount of money collected from customs in California from the conclusion of the war until the collector appointed under the act of March 3, 1849, entered upon his duties, the objects for which said money has been expended, and the authority under which the collections and disbursements were made.

Z. TAYLOR.

WASHINGTON, *June 27, 1850.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 3d instant, requesting information in regard to the indemnity stipulated to be paid by the Government of Peru to the Government of the United States pursuant to the modified convention of the 17th of March, 1841, I transmit a report from the Secretary of State and the documents by which it was accompanied. The sums paid by that Government under the convention are mentioned in the letters of Messrs. E. McCall & Co., of Lima, who were appointed by my predecessor the agents to receive the installments as they might fall due.



Z. TAYLOR.

WASHINGTON, *July 1, 1850.*

*To the House of Representatives of the United States:*

In reply to the resolution of the House of Representatives of the 17th ultimo, in regard to the number of vessels, guns, and men constituting the African squadron, the annual expenses of that squadron, *etc.*, I submit herewith a report from the Secretary of the Navy, with accompanying documents.

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Z. TAYLOR.

WASHINGTON, *July 1, 1850.*

*To the Senate of the United States:*

I herewith transmit a report from the Secretary of War, prepared in answer to a resolution of the Senate of the 27th ultimo, requesting information of the proceedings of the Executive in regard to the appointment of the officer now commanding in New Mexico, the orders and instructions given to and correspondence with him, and upon other subjects mentioned in the resolution.

Z. TAYLOR.

WASHINGTON, *July 2, 1850.*

*To the Senate of the United States:*

In the month of March last I nominated William McNeir to be a justice of the peace in and for the county of Washington, in the District of Columbia, and on the 24th day of June the Senate advised and consented to the nomination. Since then I have learned from the late mayor of the city of Washington, upon whose recommendation the nomination was made, that the person whom he intended to recommend for that office was George McNeir, whom I now nominate to be a justice of the peace in and for the county of Washington, in the District of Columbia.

In the month of February last I nominated Benjamin Riddells as consul of the United States for Chihuahua, and on the 10th day of June last the Senate advised and consented to that nomination. I have since learned that the persons recommending the appointment of Mr. Riddells by the praenomen of Benjamin intended to recommend Bennet Riddells, whom I now nominate to be consul of the United States for Chihuahua in order to correct the mistake thus inadvertently made.

Z. TAYLOR.

## PROCLAMATIONS.

**ZACHARY TAYLOR, PRESIDENT OF THE UNITED STATES OF AMERICA.**

*To all whom it may concern:*

An exequatur having been granted to Senor Carlos de Espana, bearing date the 29th October, 1846, recognizing him as the consul of Her Catholic Majesty at the port of New Orleans and declaring him free to exercise and enjoy such functions, powers, and

privileges as are allowed to the consuls of the most favored nations in the United States:

These are now to declare that I do no longer recognize the said Carlos de Espana as consul of Her Catholic Majesty in any part of the United States, nor permit him to exercise and enjoy any of the functions, powers, or privileges allowed to the consuls of Spain; and I do hereby wholly revoke and annul the said exequatur heretofore given, and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.]

Given under my hand this 4th day of January, A.D. 1850, and of the Independence of the United States the seventy-fourth.

Z. TAYLOR.

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By the President:  
JOHN M. CLAYTON,  
*Secretary of State.*

### **BY THE PRESIDENT OF THE UNITED STATES.**

#### A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 14th of August, 1848, entitled "An act to establish the Territorial government of Oregon," the President of the United States is authorized to establish such ports of delivery in the collection district created by that act, not exceeding two in number (one of which shall be located on Pugets Sound), as he may deem proper:

Now, therefore, I, Zachary Taylor, President of the United States of America, do hereby declare and proclaim the ports of Nesqually (on Pugets Sound) and Portland, in the collection district of Oregon, in the Territory of Oregon, to be constituted ports of delivery, with all the privileges authorized by law to such ports.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.]

Done at the city of Washington, this 10th day of January, A.D. 1850, and of the Independence of the United States the seventy-fourth.

Z. TAYLOR.

By the President:  
J.M. CLAYTON,  
*Secretary of State.*

### **DEATH OF PRESIDENT TAYLOR.**

#### ANNOUNCEMENT TO MR. FILLMORE.

[From official records in the State Department.]

DEPARTMENT OF STATE,

*Washington, July 9, 1850.*



MILLARD FILLMORE,

*President of the United States.*

SIR: The melancholy and most painful duty devolves on us to announce to you that Zachary Taylor, late President of the United States, is no more. He died at the President's mansion this evening at half-past 10 o'clock.

We have the honor to be, *etc.*,

JOHN M. CLAYTON,  
*Secretary of State.*

W.M. MEREDITH,  
*Secretary of the Treasury.*

T. EWING,  
*Secretary of the Interior.*

GEO. W. CRAWFORD,  
*Secretary of War.*

WM. BALLARD PRESTON,  
*Secretary of the Navy.*

J. COLLAMER,  
*Postmaster-General.*

[The announcement as published in the Daily National Intelligencer of July 11, 1850, contains also the signature of Reverdy Johnson, Attorney-General.]

## **REPLY OF MR. FILLMORE.**

[From official records in the State Department.]

WASHINGTON, *July 9, 1850.*

To the Hons. JOHN M. CLAYTON, Secretary of State; W.M. MEREDITH, Secretary of the Treasury; T. EWING, Secretary of the Interior; GEO. W. CRAWFORD, Secretary of War; WM. BALLARD PRESTON, Secretary of the Navy; J. COLLAMER, Postmaster-General; REVERDY JOHNSON, Attorney-General.

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GENTLEMEN: I have just received your note conveying the melancholy and painful intelligence of the decease of Zachary Taylor, late President of the United States. I have no language to express the emotions of my heart. The shock is so sudden and unexpected that I am overwhelmed with grief.

I shall avail myself of the earliest moment to communicate this sad intelligence to Congress, and shall appoint a time and place for taking the oath of office prescribed to the President of the United States. You are requested to be present and witness the ceremony.

I am, gentlemen, *etc.*,

MILLARD FILLMORE.

### **COMMUNICATION TO THE SENATE FROM MR. FILLMORE.**

[From Senate Journal, Thirty-first Congress, first session, p. 443.]

WASHINGTON, *July 10, 1850.*

*To the Senate of the United States:*

In consequence of the lamented death of Zachary Taylor, late President of the United States, I shall no longer occupy the chair of the Senate, and I have thought that a formal communication to the Senate to that effect, through your Secretary, might enable you the more promptly to proceed to the choice of a presiding officer.

### **MILLARD FILLMORE**

#### **ANNOUNCEMENT TO CONGRESS.**

[From Senate Journal, Thirty-first Congress, first session, p. 443.]

WASHINGTON, *July 10, 1850.*

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

I have to perform the melancholy duty of announcing to you that it has pleased Almighty God to remove from this life Zachary Taylor, late President of the United States. He deceased last evening at the hour of half-past 10 o'clock, in the midst of his family and surrounded by affectionate friends, calmly and in the full possession of all his faculties. Among his last words were these, which he uttered with emphatic distinctness:

I have always done my duty. I am ready to die. My only regret is for the friends I leave behind me.

Having announced to you, fellow-citizens, this most afflicting bereavement, and assuring you that it has penetrated no heart with deeper grief than mine, it remains for me to say that I propose this day at 12 o'clock, in the Hall of the House of Representatives, in the presence of both Houses of Congress, to take the oath prescribed by the Constitution, to enable me to enter on the execution of the office which this event has devolved on me.

MILLARD FILLMORE.

## **ANNOUNCEMENT TO REPRESENTATIVES OF THE UNITED STATES ABROAD.**

[From official records in the State Department]

CIRCULAR.

DEPARTMENT OF STATE,

*Washington, July 10, 1850.*

Sir: It has become my most painful duty to announce to you the decease of Zachary Taylor, late President of the United States.

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This afflicting event took place on the 9th instant at the Executive Mansion in this city, at thirty minutes after 10 o'clock in the evening.

I am, sir, respectfully, your obedient servant,

JOHN M. CLAYTON.

ANNOUNCEMENT TO REPRESENTATIVES OF FOREIGN GOVERNMENTS IN THE UNITED STATES.

[From official records in the State Department.]

CIRCULAR.

DEPARTMENT OF STATE,

*Washington, July 10, 1850.*

SIR: It is my great misfortune to be obliged to inform you of an event not less afflicting to the people of the United States than distressing to my own feelings and the feelings of all those connected with the Government.

The President, Zachary Taylor, departed this life yesterday at half-past 10 o'clock in the evening.

You are respectfully invited to attend the funeral ceremonies, which will take place on Saturday next, and with the particular arrangements for which you will be made acquainted in due time.

Not doubting your sympathy and condolence with the Government and people of the country on this bereavement, I have the honor to be, sir, with high consideration, your obedient servant,

JOHN M. CLAYTON.

## ANNOUNCEMENT TO THE ARMY.

[From official records in the War Department.]

GENERAL ORDERS, No. 21.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

*Washington July 11, 1850.*

I. The following order of the President of the United States announces to the Army the lamented death of the illustrious General Zachary Taylor, late President of the United States:

WAR DEPARTMENT, *July 11, 1850.*

The President of the United States with profound sorrow announces to the Army, the Navy, and Marine Corps the death of Zachary Taylor, late President of the United States. He died at the Executive Mansion on the night of the 9th instant at half-past 10 o'clock.

His last public appearance was in participating in the ceremonies of our national anniversary at the base of the monument now rearing to the memory of Washington. His last official act was to affix his signature to the convention recently concluded between the United States and Great Britain.

The vigor of a constitution strong by nature and confirmed by active and temperate habits had in later years become impaired by the arduous toils and exposures of his military life.

Solely engrossed in maintaining the honor and advancing the glory of his country, in a career of forty years in the Army of the United States he rendered himself signal and illustrious. An unbroken current of success and victory, terminated by an achievement unsurpassed in our annals, left nothing to be accomplished for his military fame.

His conduct and courage gave him this career of unexampled fortune, and with the crowning virtues of moderation and humanity under all circumstances, and especially in the moment of victory, revealed to his countrymen those great and good qualities which induced them unsolicited to call him from his high military command to the highest civil office of honor and trust in the Republic; not that he desired to be first, but that he was felt to be worthiest.

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The simplicity of his character, the singleness of his purpose, the elevation and patriotism of his principles, his moral courage, his justice, magnanimity and benevolence, his wisdom, moderation, and power of command, while they have endeared him to the heart of the nation, add to the deep sense of the national calamity in the loss of a Chief Magistrate whom death itself could not appall in the consciousness of "having always done his duty."

The officers of the Army, of the Navy, and Marine Corps will, as a manifestation of their respect for the exalted character and eminent public services of the illustrious dead, and of their sense of the calamity the country has sustained by this afflicting dispensation of Providence, wear crape on the left arm and upon the hilt of the sword for six months.

It is further directed that funeral honors be paid at each of the military posts according to general regulations, and at navy-yards and on board all public vessels in commission, by firing thirty minute guns, commencing at meridian, on the day after the receipt of this order, and by wearing their flags at half-mast.

By order of the President:

GEORGE W. CRAWFORD,

*Secretary of War.*

II. The day after the receipt of this general order at each military post the troops will be paraded at 10 o'clock a.m. and the order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty guns.

The officers of the Army will wear the badge of mourning on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of six months.

By order: R. JONES,

*Adjutant-General.*

[The Secretary of the Navy made the same announcement to the Navy as that portion of the above signed by the Secretary of War.]

## ORDER OF THE PRESIDENT.

[From the Daily National Intelligencer, July 12, 1850.]

WASHINGTON, *July 10, 1850.*

In consequence of the death of the President of the United States, I direct that the several Executive Departments be closed until after the funeral of the illustrious deceased, and that they, as well as the Executive Mansion, be placed in mourning, and that the several officers of the Government wear the usual badge of mourning for the term of six months.

MILLARD FILLMORE.

## ACTION OF CONGRESS.

[From Senate Journal, Thirty-first Congress, first session, p. 445.]

RESOLUTION OF THE SENATE.

Whereas it has pleased Divine Providence to remove from this life Zachary Taylor, late President of the United States, the Senate, sharing in the general sorrow which this melancholy event must produce, is desirous of manifesting its sensibility on this occasion: Therefore

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*Resolved*, That a committee consisting of Messrs. Webster, Cass, and King be appointed on the part of the Senate to meet such committee as may be appointed on the part of the House of Representatives to consider and report what measures it may be deemed proper to adopt to show the respect and affection of Congress for the memory of the illustrious deceased and to make the necessary arrangements for his funeral.

[From House Journal, Thirty-first Congress, first session, p. 1121.]

### RESOLUTION OF THE HOUSE OF REPRESENTATIVES.

Whereas it has pleased Divine Providence to remove from this life Zachary Taylor, late President of the United States, the House of Representatives, sharing in the general sorrow which this melancholy event must produce, is desirous of manifesting its sensibility on the occasion: Therefore

*Resolved*, That a committee consisting of thirteen members be appointed on the part of this House to meet such committee as may be appointed on the part of the Senate to consider and report what measures it may be deemed proper to adopt in order to show the respect and affection of Congress for the memory of the illustrious deceased and to make the necessary arrangements for his funeral.

[The committee consisted of Messrs. Conrad, of Louisiana; McDowell, of Virginia; Winthrop, of Massachusetts; Bissell, of Illinois; Duer, of New York; Orr, of South Carolina; Breck, of Kentucky; Strong, of Pennsylvania; Vinton, of Ohio; Cabell, of Florida; Kerr, of Maryland; Stanly, of North Carolina; Littlefield, of Maine.]

## OFFICIAL ARRANGEMENTS FOR THE FUNERAL.

[From the Daily National Intelligencer, July 13, 1850.]

WASHINGTON, *July 11, 1850.*

The Committee of Arrangements of the two Houses of Congress, having consulted with the family of the deceased, have concluded that the funeral of the late President be solemnized on Saturday, the 13th of July, at 12 o'clock; the religious services to be performed by the Rev. Dr. Pyne at the Executive Mansion, according to the usage of the Episcopal Church, in which church the deceased most usually worshiped; the body to be afterwards taken from the President's house to the Congress Burying Ground, accompanied by a military escort and civic procession, and deposited in the receiving tomb.

The military arrangements to be under the direction of Major-General Scott, the General Commanding in Chief of the Army of the United States, and Major-General Walter Jones, of the militia of the District of Columbia.

Commodore Warrington, the senior naval officer now in the city, to have the direction of the naval arrangements.

The marshal of the District of Columbia to have the direction of the civic procession.

All the members of the diplomatic corps, all officers of Government, the clergy of the District and elsewhere, all associations and fraternities, and citizens generally are invited to attend.

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And it is respectfully recommended to the officers of the Government that they wear the usual badge of mourning.

ORDER OF THE PROCESSION.

FUNERAL ESCORT.

(In column of march.)

Composed of such corps of the Army and the militia as may be ordered or as may report themselves for duty on the occasion.

CIVIC PROCESSION.

The United States marshal of the District of Columbia and his aids.

The mayors of Washington and Georgetown.

The Committee of Arrangements of the two Houses of Congress.

The chaplains of the two Houses of Congress and the officiating clergyman of the occasion.

Attending physicians to the late President.

*Pallbearers.*—Hon. Henry Clay, Hon. T.H. Benton, Hon. Lewis Cass, Hon. Daniel Webster, Hon. J.M. Berrien, Hon. Truman Smith, Hon. R.C. Winthrop, Hon. Linn Boyd, Hon. James McDowell, Hon. S.F. Vinton, Hon. Hugh White, Hon. Isaac E. Holmes, G.W.P. Custis, esq., Hon. R.J. Walker, Chief Justice Cranch, Joseph Gales, esq., Major-General Jesup, Major-General Gibson, Commodore Ballard, Brigadier-General Henderson.

The horse used by General Taylor in the late war.

Family and relatives of the late President.

The President of the United States and the heads of Departments.

The Sergeant-at-Arms of the Senate.

The Senate of the United States, preceded by the President *pro tempore* and Secretary.

The Sergeant-at-Arms of the House of Representatives.

The House of Representatives, preceded by their Speaker and Clerk.

The Chief Justice and associate justices of the Supreme Court of the United States and its officers.

The diplomatic corps.

Governors of States and Territories.

Ex-members of Congress.

Members of State legislatures.

District judges of the United States.

Judges of the circuit and criminal courts of the District of Columbia, with the members of the bar and officers of the courts.

The judges of the several States.

The Comptroller of the Treasury, Auditors, Treasurer, Register, Solicitor, and Commissioners of Land Office, Pensions, Indian Affairs, Patents, and Public Buildings.

The clerks, *etc.*, of the several Departments, preceded by their respective chief clerks, and all other civil officers of the Government.

Clergy of the District of Columbia and elsewhere.

Officers and soldiers of the Revolution.

Corporate authorities of Washington.

Corporate authorities of Georgetown.

Officers and soldiers who served in the War of 1812 and in the late war.

Presidents, professors, and students of the colleges of the District of Columbia.

Such societies and fraternities as may wish to join the procession, to report to the marshal of the District, who will assign them their respective positions.

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Citizens and strangers.

The procession will move from the President's house at 1 o'clock precisely, or on the conclusion of the religious services.

DANIEL WEBSTER,  
*Chairman of the Committee on the part of the Senate.*

CHAS. M. CONRAD,  
*Chairman of the Committee on the part of the House of Representatives.*

[From official records in the War Department.]

GENERAL ORDERS, No. 22.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
*Washington, July 11, 1850.*

The joint committees of the Congress of the United States having designated the General in Chief, Major-General Scott, to take charge of the military arrangements for the funeral ceremonies of the late President of the United States, the Secretary of War directs that the Commanding General of the Army give the necessary orders and instructions accordingly. The military arrangements will conform to the directions found in the reports of the special committees of the Senate and House of Representatives.

By order of the Secretary of War:

R. JONES,  
*Adjutant-General.*

### **GENERAL ORDERS.**

HEADQUARTERS OF THE ARMY,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, July 12, 1850.*

The Major-General Commanding the Army of the United States, having been charged by the joint committees of Congress with the military preparations for the funeral honors to be paid to the illustrious statesman, soldier, and citizen, Zachary Taylor, late President of the United States, directs the following order of arrangement:

ORDER OF THE MILITARY PROCESSION.

FUNERAL ESCORT.

(In column of march.)

*Infantry*.—Maryland volunteers; volunteer troops from other States; battalion of volunteers from the District of Columbia.

*Firing party* (to be commanded by an officer of the Army).—Two companies of volunteers from Washington; two companies of volunteers from Baltimore; battalion of United States marines; battalion of United States artillery, as infantry; troop of United States light artillery.

Dismounted officers of volunteers, Marine Corps, Navy, and Army, in the order named.

Mounted officers of volunteers, Marine Corps, Navy, and Army, in the order named.

Major-General Walter Jones, commanding the militia; aids-de-camp.

Major-General Winfield Scott, commanding the Army; aids-de-camp.

The troops will be formed in line in the Avenue, north of the President's mansion, precisely at 11 o'clock a.m., Saturday, the 13th instant, with the right (Brevet Major Sedgwick's troop of light artillery) resting opposite the War Department.

The procession will move at 1 o'clock p.m., when minute guns will be fired by detachments of artillery stationed near St. John's church, the City Hall, and the Capitol, respectively.

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On arriving on the north front of the Congressional Burial Ground the escort will be formed in two lines, the first consisting of the firing party, facing the cemetery and 30 paces from it; the second composed of the rest of the infantry, 20 paces in rear; the battery of artillery to take position on the rising ground 100 paces in rear of the second line.

At sunrise to-morrow (the 13th instant) a Federal salute will be fired from the military stations in the vicinity of Washington, minute guns between the hours of 1 and 3, and a national salute at the setting of the sun.

The usual badge of mourning will be worn on the left arm and on the hilt of the sword.

The Adjutant-General of the Army is charged with the details of the military arrangements of the day, aided by the Assistant Adjutants-General on duty at Washington, by Brevet Lieutenant-Colonel Swords, of the staff, and Lieutenant W.T. Sherman, Third Artillery.

The United States marshal of the District of Columbia having been charged with the direction of the civic procession, the military will cooperate in the general order of arrangements.

By command of Major-General Scott:

R. JONES,

*Adjutant-General.*

[From the Daily National Intelligencer, July 12, 1850.]

### GENERAL ORDER.

The major-general, zealous to execute the honorable commission in which the joint committees of Congress have associated him with the General in Chief of the Army, deems it proper and conducive to the end in view to make the best preparation in his power for carrying into effect the field arrangements of the military movements in the procession of the funeral of the late President, arrangements which must necessarily await the arrival of the General in Chief. For that purpose he thinks it expedient to appoint a general rendezvous where all the corps and companies of militia, including all who may march from any of the States with those of this District, may assemble at an early hour in the morning of Saturday, the 13th instant, and there receive final orders for being formed and posted. They are therefore requested to take notice that such rendezvous is in front of the City Hall. The corps and companies from the States are requested to repair to this general rendezvous immediately on arrival; those of the District not later than 9 o'clock a.m. The commandants of corps and companies are expected to report, immediately on arriving at the rendezvous, to the major-general or

such staff officer as may be detailed for the purpose, the strength of their respective commands.

All officers not on duty in their respective corps or companies are requested to appear in full uniform and mounted. The post intended for them is in the personal suite of the General in Chief. The major-general knows of no more honorable or more interesting post that he could assign them in time of peace than that of following the lead of the renowned Scott in the procession of the funeral of the renowned Taylor.

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WALTER JONES,  
*Major-General Militia District of Columbia.*

### RESOLUTION OF CONDOLENCE BY CONGRESS.

[From original in the State Department.]

A RESOLUTION expressing the condolence of Congress for Mrs. Margaret S. Taylor.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be requested to transmit a copy of the proceedings of the two Houses on the 10th instant in relation to the death of the late President of the United States to Mrs. Margaret S. Taylor, and to assure her of the profound respect of the two Houses of Congress for her person and character and of their sincere condolence on the late afflicting dispensation of Providence.

### Millard Fillmore

July 10, 1850, to March 4, 1853

### Millard Fillmore

Millard Fillmore was born February 7, 1800, in the township of Locke (now Summerhill), Cayuga County, N.Y. He was the second son of Nathaniel Fillmore and Phoebe Millard. His ancestors served with distinction in the French and Revolutionary wars. He attended the primitive schools in the neighborhood three months in the year, devoting the other nine to working on his father's farm. His father, having formed a distaste for farming, was desirous that his sons should follow other occupations. Accordingly, Millard, after serving an apprenticeship for a few months, began in 1815 the business of carding and dressing cloth. Was afterwards a school-teacher. In 1819 decided to become a lawyer, and in 1823, although he had not completed the usual course required, was admitted as an attorney by the court of common pleas of Erie County. February 5, 1826, was married to Miss Abigail Powers, daughter of a clergyman. In 1827 was admitted as an attorney and two years later as counselor before the supreme court. In 1830 removed to Buffalo and became a successful lawyer. His political career began and ended with the birth and extinction of the Whig party. Was elected to the legislature of his State in 1828, and served three terms; while there he was distinguished by his advocacy of the act to abolish imprisonment for debt, which passed in 1831. In 1832 was elected to Congress, and after serving one term retired till 1836, when he was reelected, and again returned in 1838 and 1840, declining a renomination

in 1842. Was the author of the tariff of 1842. He retired from Congress in 1843. Was an unsuccessful candidate for Vice-President before the Whig convention at Baltimore in 1844. Was nominated by acclamation for governor of New York in the following September, but was defeated by Silas Wright. In 1847 was elected comptroller of the State. In 1848 was nominated by the Whigs for Vice-President on the ticket with General Taylor

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and was elected in the following November. He presided as Vice-President with strict impartiality during exciting debates in the Senate. By the death of President Taylor became President July 10, 1850. Was a candidate for President at the Whig convention in 1852, but General Scott received the nomination. Three weeks after the close of his Administration his wife died. Afterwards married Caroline C. McIntosh, who survived him. In 1856, while in Rome, he was nominated for the Presidency by the American (Whig) party, but was defeated by Mr. Buchanan. After his retirement from office he resided in Buffalo the remainder of his life. He established the Buffalo Historical Society. Was called upon to welcome distinguished visitors to his city, and frequently presided over conventions and other public meetings, but held no office after retiring from the Presidency. He again visited Europe in 1866. Died at Buffalo, N.Y., March 8, 1874, and was buried in that city in Forest Lawn Cemetery.

### SPECIAL MESSAGES.

WASHINGTON, *July 10, 1850.*

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

A great man has fallen among us, and a whole country is called to an occasion of unexpected, deep, and general mourning.

I recommend to the two Houses of Congress to adopt such measures as in their discretion may seem proper to perform with due solemnities the funeral obsequies of Zachary Taylor, late President of the United States, and thereby to signify the great and affectionate regard of the American people for the memory of one whose life has been devoted to the public service, whose career in arms has not been surpassed in usefulness or brilliancy, who has been so recently raised by the unsolicited voice of the people to the highest civil authority in the Government, which he administered with so much honor and advantage to his country, and by whose sudden death so many hopes of future usefulness have been blighted forever.

To you, Senators and Representatives of a nation in tears, I can say nothing which can alleviate the sorrow with which you are oppressed. I appeal to you to aid me, under the trying circumstances which surround me, in the discharge of the duties from which, however much I may be oppressed by them, I dare not shrink; and I rely upon Him who holds in His hands the destinies of nations to endow me with the requisite strength for the task and to avert from our country the evils apprehended from the heavy calamity which has befallen us.

I shall most readily concur in whatever measures the wisdom of the two Houses may suggest as befitting this deeply melancholy occasion.

MILLARD FILLMORE.

WASHINGTON, *July 15, 1850.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and the Republic of Peru, signed in this city on the 13th instant by the plenipotentiaries of the parties. A report from the Secretary of State relative to the treaty, and the documents therein referred to, are also herewith transmitted.

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MILLARD FILLMORE.

WASHINGTON, *July 17, 1850.*

*To the Senate of the United States:*

In further answer to a resolution of the Senate of the 27th ultimo, in reference to a proclamation issued by the military officer commanding in New Mexico and other matters, I herewith transmit a report from the Secretary of War, communicating information not received at the Department until after the date of his report of the 1st instant on this subject.

MILLARD FILLMORE.

WASHINGTON, *July 17, 1850.*

*To the Senate of the United States:*

In answer to a resolution of the Senate of the 1st instant, requesting the President to furnish the Senate with "the report and map of Lieutenant J.D. Webster, Corps of Topographical Engineers, of a survey of the Gulf coast at the mouth of the Rio Grande and its vicinity," and in compliance therewith, I transmit herewith a report from the Secretary of War, accompanied by the report and map above referred to.

MILLARD FILLMORE.

WASHINGTON, *July 18, 1850.*

*To the House of Representatives of the United States:*

I herewith transmit to the House of Representatives, in compliance with the request contained in their resolution of the 24th day of January last, the information asked for by that resolution, relating to certain proceedings of the British Government in the forcible seizure and occupation of the island of Tigre; also all the "facts, circumstances, and communications within the knowledge of the Executive relative to any seizure or occupation, or attempted seizure or occupation, by the British Government of any port, river, town, territory, or island belonging to or claimed by any of the States of Central America."

The resolution of the House speaks of the island of Tigre, in the State of Nicaragua. I am not aware of the existence of any such island in that State, and presume that the resolution refers to the island of the same name in the Gulf of Fonseca, in the State of Honduras.

The concluding part of the resolution, requesting the President to communicate to the House all treaties not heretofore published which may have been negotiated with any of the States of Central America “by any person acting by authority of the late Administration or under the auspices of the present Administration,” so far as it has reference to treaties negotiated with any of those States by instructions from this Government, can not be complied with, inasmuch as those treaties have not been acted upon by the Senate of the United States, and are now in the possession of that body, to whom by the Constitution they are directed to be transmitted for advice in regard to their ratification.

But as its communication is not liable to the same objection, I transmit for the information of the House a copy of a treaty in regard to a ship canal across the Isthmus, negotiated by Elijah Hise, our late charge d'affaires in Guatemala, with the Government of Nicaragua on the 21st day of June, 1849, accompanied by copies of his instructions from and correspondence with the Department of State.

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I shall cheerfully comply with the request of the House of Representatives to lay before them the treaties negotiated with the States of Central America, now before the Senate, whenever it shall be compatible with the public interest to make the communication. For the present I communicate herewith a copy of the treaty with Great Britain and of the correspondence between the American Secretary of State and the British plenipotentiary at the time it was concluded. The ratifications of it were exchanged at Washington on the 4th day of July instant.

I also transmit the report of the Secretary of State, to whom the resolution of the House was referred, and who conducted the negotiations relative to Central America, under the direction of my lamented predecessor.

MILLARD FILLMORE.

WASHINGTON, *July 20, 1850.*

*To the Senate of the United States:*

I herewith transmit to the Senate, with a view to its ratification, a convention between the United States and the Mexican Republic for the extradition of fugitives from justice. This convention was negotiated under the directions of my predecessor, and was signed this day by John M. Clayton, Secretary of State, on the part of the United States, and by Senor Don Luis de la Rosa, envoy extraordinary and minister plenipotentiary of Mexico, on the part of that Republic. The length of the boundary line between the two countries, extending, as it does, from the Pacific to the Gulf, renders such a convention indispensable to the maintenance of good order and the amicable relations now so happily subsisting between the sister Republics.

MILLARD FILLMORE.

WASHINGTON, *July 23, 1850.*

*To the Senate of the United States:*

I lay before the Senate, for their consideration and advice as to its ratification, a treaty concluded in the city of Washington on the 1st day of April, 1850, by and between Ardavan S. Loughery, commissioner on the part of the United States, and delegates of the Wyandott tribe of Indians.

I also lay before the Senate a letter from the Secretary of the Interior and the papers therein referred to.

MILLARD FILLMORE.

WASHINGTON, *July 30, 1850.*

*To the Senate of the United States:*

I herewith transmit to the Senate, in answer to its resolution of the 5th instant, requesting the President to communicate to that body “any information, if any has been received by the Government, showing that an American vessel has been recently stopped upon the high seas and searched by a British ship of war,” the accompanying copies of papers. The Government has no knowledge of any alleged stopping or searching on the high seas of American vessels by British ships of war except in the cases therein mentioned. The circumstances of these cases will appear by the inclosed correspondence, taken from the files of the Navy Department. No remonstrance or complaint by the owners of these vessels has been presented to the Government of the United States.

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### MILLARD FILLMORE

WASHINGTON, *August 2, 1850.*

*To the Senate of the United States:*

I have the honor to transmit herewith a report of the Secretary of War, in answer to a resolution of the Senate passed on the 8th of July last, calling for information in relation to the removal of Fort Polk, *etc.* The documents accompanying the report contain all the information required by the resolution.

MILLARD FILLMORE.

WASHINGTON, *August 6, 1850.*

*To the Senate and House of Representatives:*

I herewith transmit to the two Houses of Congress a letter from his excellency the governor of Texas, dated on the 14th day of June last, addressed to the late President of the United States, which, not having been answered by him, came to my hands on his death; and I also transmit a copy of the answer which I have felt it to be my duty to cause to be made to that communication.

Congress will perceive that the governor of Texas officially states that by authority of the legislature of that State he dispatched a special commissioner with full power and instructions to extend the civil jurisdiction of the State over the unorganized counties of El Paso, Worth, Presidio, and Santa Fe, situated on its northwestern limits.

He proceeds to say that the commissioner had reported to him in an official form that the military officers employed in the service of the United States stationed at Santa Fe interposed adversely with the inhabitants to the fulfillment of his object in favor of the establishment of a separate State government east of the Rio Grande, and within the rightful limits of the State of Texas. These four counties, which Texas thus proposes to establish and organize as being within her own jurisdiction, extend over the whole of the territory east of the Rio Grande, which has heretofore been regarded as an essential and integral part of the department of New Mexico, and actually governed and possessed by her people until conquered and severed from the Republic of Mexico by the American arms.

The legislature of Texas has been called together by her governor for the purpose, as is understood, of maintaining her claim to the territory east of the Rio Grande and of establishing over it her own jurisdiction and her own laws by force.

These proceedings of Texas, may well arrest the attention of all branches of the Government of the United States, and I rejoice that they occur while the Congress is yet in session. It is, I fear, far from being impossible that, in consequence of these proceedings of Texas, a crisis may be brought on which shall summon the two Houses of Congress, and still more emphatically the executive government, to an immediate readiness for the performance of their respective duties.

By the Constitution of the United States the President is constituted Commander in Chief of the Army and Navy, and of the militia of the several States when called into the actual service of the United States. The Constitution declares also that he shall take care that the laws be faithfully executed and that he shall from time to time give to the Congress information of the state of the Union.

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Congress has power by the Constitution to provide for calling forth the militia to execute the laws of the Union, and suitable and appropriate acts of Congress have been passed as well for providing for calling forth the militia as for placing other suitable and efficient means in the hands of the President to enable him to discharge the constitutional functions of his office.

The second section of the act of the 28th of February, 1795, declares that whenever the laws of the United States shall be opposed or their execution obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or the power vested in the marshals, the President may call forth the militia, as far as may be necessary, to suppress such combinations and to cause the laws to be duly executed.

By the act of March 3, 1807, it is provided that in all cases of obstruction to the laws either of the United States or any individual State or Territory, where it is lawful for the President to call forth the militia for the purpose of causing the laws to be duly executed, it shall be lawful for him to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary.

These several enactments are now in full force, so that if the laws of the United States are opposed or obstructed in any State or Territory by combinations too powerful to be suppressed by the judicial or civil authorities it becomes a case in which it is the duty of the President either to call out the militia or to employ the military and naval force of the United States, or to do both if in his judgment the exigency of the occasion shall so require, for the purpose of suppressing such combinations. The constitutional duty of the President is plain and peremptory and the authority vested in him by law for its performance clear and ample.

Texas is a State, authorized to maintain her own laws so far as they are not repugnant to the Constitution, laws, and treaties of the United States; to suppress insurrections against her authority, and to punish those who may commit treason against the State according to the forms provided by her own constitution and her own laws.

But all this power is local and confined entirely within the limits of Texas herself. She can possibly confer no authority which can be lawfully exercised beyond her own boundaries.

All this is plain, and hardly needs argument or elucidation. If Texas militia, therefore, march into any one of the other States or into any Territory of the United States, there to execute or enforce any law of Texas, they become at that moment trespassers; they are no longer under the protection of any lawful authority, and are to be regarded merely as intruders; and if within such State or Territory they obstruct any law of the United States, either by power of arms or mere power of numbers, constituting such a combination as is too powerful to be suppressed by the civil authority, the President of the United States

has no option left to him, but is bound to obey the solemn injunction of the Constitution and exercise the high powers vested in him by that instrument and by the acts of Congress.

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Or if any civil posse, armed or unarmed, enter into any Territory of the United States, under the protection of the laws thereof, with intent to seize individuals, to be carried elsewhere for trial for alleged offenses, and this posse be too powerful to be resisted by the local civil authorities, such seizure or attempt to seize is to be prevented or resisted by the authority of the United States.

The grave and important question now arises whether there be in the Territory of New Mexico any existing law of the United States opposition to which or the obstruction of which would constitute a case calling for the interposition of the authority vested in the President.

The Constitution of the United States declares that—

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

If, therefore, New Mexico be a Territory of the United States, and if any treaty stipulation be in force therein, such treaty stipulation is the supreme law of the land, and is to be maintained and upheld accordingly.

In the letter to the governor of Texas my reasons are given for believing that New Mexico is now a Territory of the United States, with the same extent and the same boundaries which belonged to it while in the actual possession of the Republic of Mexico, and before the late war. In the early part of that war both California and New Mexico were conquered by the arms of the United States, and were in the military possession of the United States at the date of the treaty of peace.

By that treaty the title by conquest was confirmed and these territories, provinces, or departments separated from Mexico forever, and by the same treaty certain important rights and securities were solemnly guaranteed to the inhabitants residing therein.

By the fifth article of the treaty it is declared that—

The boundary line between the two Republics shall commence in the Gulf of Mexico 3 leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence northward along the western line of New Mexico until it intersects the first branch of the river Gila (or, if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the

same); thence down the middle of the said branch and of the said river until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The eighth article of the treaty is in the following terms:

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Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States as defined by the present treaty, shall be free to continue where they now reside or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please without their being subjected on this account to any contribution, tax, or charge whatever. Those who shall prefer to remain in the said territories may either retain the title, and rights of Mexican citizens or acquire those of citizens of the United States; but they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year without having declared their intention to retain the character of Mexicans shall be considered to have elected to become citizens of the United States. In the said territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

The ninth article of the treaty is in these words:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction.

It is plain, therefore, on the face of these treaty stipulations that all Mexicans established in territories north or east of the line of demarcation already mentioned come within the protection of the ninth article, and that the treaty, being a part of the supreme law of the land, does extend over all such Mexicans, and assures to them perfect security in the free enjoyment of their liberty and property, as well as in the free exercise of their religion; and this supreme law of the land, being thus in actual force over this territory, is to be maintained until it shall be displaced or superseded by other legal provisions; and if it be obstructed or resisted by combinations too powerful to be suppressed by the civil authority the case is one which comes within the provisions of law and which obliges the President to enforce those provisions. Neither the Constitution nor the laws nor my duty nor my oath of office leave me any alternative or any choice in my mode of action.



seems to be in its character and by position the first, or one of the first, of the questions growing out of the acquisition of California and New Mexico, and now requiring decision.













whatever than are levied on Chilean ships and their cargoes in the same ports and under like circumstances:



protect and enforce. Still, they are rights and duties, binding in morals, in conscience, and in honor, although there is no tribunal to which an injured party can appeal but the disinterested judgment of mankind, and ultimately the arbitrament of the sword.







On these points there is little doubt that the two Governments will come to an understanding.







competition with the foreign article, and the importer is thus compelled to reduce his price to that at which the domestic article









strongly to your sympathies that it would be superfluous in me to say anything more than barely to express my cordial approbation of the proposed object.



of the Pacific, propositions for which are now being considered and on which a special report may be expected early in your present session.



newspapers, pamphlets, periodicals, and other printed matter shall be modified and some reduction thereon made.









greater than have fallen to the lot of any other nation. And while deeply penetrated with gratitude for the past, let us hope that His all-wise providence will so guide our counsels as that they shall result in giving satisfaction to our constituents, securing the peace of the country, and adding new strength to the united Government under which we live.



authenticated transcript of a law passed by the legislature of Texas on the 25th day of November, agreeing to and accepting the propositions contained in the act of Congress, has been received. This law, after reciting the provisions of the act of Congress, proceeds to enact and declare as follows, viz:

Therefore, first. *Be it enacted by the legislature of the State of Texas*, That the State of Texas hereby agrees to and accepts said propositions; and it is hereby declared that the said State shall be bound by the terms thereof according to their true import and meaning. Second. That the governor of this State be, and is hereby, requested to cause a copy of this act, authenticated under the seal of the State, to be furnished to the President of the United States by mail as early as practicable, and also a copy thereof, certified in like manner, to be transmitted to each of the Senators and Representatives of Texas in Congress. And that this act take effect from and after its passage.

C. G. KEENAN,  
*Speaker of the House of Representatives.*



functions in emergencies to be enumerated and restraining them from usurping the powers of civil functionaries.

MILLARD FILLMORE.

WASHINGTON, *December 30, 1850.*

*To the Senate of the United States:*

I herewith transmit to the Senate, in reply to their resolution of the 26th instant, a report from the Secretary of State, with accompanying papers.[3]

MILLARD FILLMORE.

[Footnote 3: Correspondence with the Austrian charge d'affaires respecting the appointment or proceedings of the agent sent to examine and report upon the condition and prospects of the Hungarian people during their struggle for independence.]



officers in each branch of the service to consider the matters involved in said resolutions and to report their opinion for my advice and information.

Their reports have been made, and I have the honor herewith to submit copies of them, together with bills drafted substantially in accordance therewith, on the subject of rank in each branch of the service.

The subject is one of great interest, and it is highly important that it should be settled by legislative authority and with as little delay as possible consistently with its proper examination.



Confederation. I communicate at the same time a copy of the instructions under which Mr. Mann acted and his dispatch of the 30th November last, explanatory of the articles of the convention.

In submitting this convention to the consideration of the Senate I feel it my duty to invite its special attention to the first and fifth articles. These articles appear to contain provisions quite objectionable, if, indeed, they can be considered as properly embraced in the treaty-making power.

The second clause of the first article is in these words:

In the United States of America citizens of Switzerland shall be received and treated in each State upon the same footing and upon the same conditions as citizens of the United States born in or belonging to other States of the Union.

It is well known that according to the Constitution of the United States a citizen of one State may hold lands in any other State; and States have, sometimes by general, sometimes by special, laws, removed the



enough that an inequality would be sanctioned hostile to the institutions of the United States and inconsistent with the Constitution and the laws.



*To the Senate of the United States:*

In addition to the information heretofore communicated, I now transmit to the Senate a report from the Secretary of State, with accompanying papers,[7] in answer to their resolution of the 28th ultimo.

MILLARD FILLMORE.

[Footnote 7: Additional correspondence relative to the seizure of the British ship *Albion*.]

WASHINGTON, *February 15, 1851.*

*To the Senate of the United States:*

I herewith transmit to the Senate a report[8] from the Secretary of State, in answer to their resolution of the 10th instant.

MILLARD FILLMORE.

[Footnote 8: Relating to taxation by New Granada on United States citizens when *in transitu* across the Isthmus of Panama, and to the United States mail service at said Isthmus.]



American Liberty.” Such, undoubtedly, is not the fact. It violates without question the general sentiment of the people of Boston and of a vast majority of the whole people of Massachusetts, as much as it violates the law, defies the authority of the Government, and disgraces those concerned in it, their aiders and abettors.





States which declares that “no person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on







to him. It may be well that these papers should be returned to be deposited among the archives of the Department of State.









## **BY THE PRESIDENT OF THE UNITED STATES.**

### **A PROCLAMATION.**

Whereas information has been received that sundry lawless persons, principally persons of color, combined and confederated together for the purpose of opposing by force the execution of the laws of the United States, did, at Boston, in Massachusetts, on the 15th of this month, make a violent assault on the marshal or deputy marshals of the United States for the district of Massachusetts, in the court-house, and did overcome the said officers, and did by force rescue from their custody a person arrested as a fugitive slave, and then and there a prisoner lawfully holden by the said marshal or deputy marshals of the United States, and other scandalous outrages did commit in violation of law:



Sundry nominations having been made during the last session of the Senate which were not finally disposed of, I hereby nominate anew each person so nominated at the last session whose nomination was not finally acted on before the termination of that session to the same office for which he was nominated as aforesaid.

MILLARD FILLMORE.

WASHINGTON, *March 10, 1851.*

*To the Senate of the United States:*

I transmit herewith a report of the Secretary of State, with the accompanying documents,[12] in compliance with the resolution of the Senate of the 8th instant.

MILLARD FILLMORE.

[Footnote 12: Correspondence with the United States minister at Constantinople respecting the liberation of Kossuth and his companions.]

## **PROCLAMATIONS.**



MILLARD FILLMORE.

By the President:

W.S. DERRICK,

*Acting Secretary of State.*

**BY THE PRESIDENT OF THE UNITED STATES.**



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













installment of the amount to be paid by Portugal fell due on the 30th of September last and has been paid.



Oregon, and the policy heretofore adopted in regard to those islands will be steadily pursued.





The total expenditures for the same period were \$48,005,878.68. The total imports for the year ending June 30, 1851, were \$215,725,995, of which there were in specie \$4,967,901. The exports for the same period were \$217,517,130, of which there were of domestic products \$178,546,555; foreign goods reexported, \$9,738,695; specie, \$29,231,880.



increased value of our exports for the last fiscal year is to be found in the high price of cotton which prevailed during the first half of that year, which price has since declined about one-half.





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



authorities of Texas up to the present time have not authorized anyone to receive this stock, and it remains in the Treasury Department subject to the order of Texas.













neighboring States of Mexico may have suffered, as our own have, from depredations by the Indians.











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

































MILLARD FILLMORE.

WASHINGTON, *March 4, 1852.*

*To the Senate and House of Representatives of the United States:*

I transmit to Congress a dispatch addressed to the Secretary of State by the minister of the United States at Mexico, and the papers therein referred to, relative to the cemetery which has been constructed in the neighborhood of that city as a place of sepulture for the remains of the officers and soldiers of the United States who died or were killed in that vicinity during the late war, and for such citizens of the United States as may hereafter die there. A copy of the report of the agent who was sent for the purpose of superintending the work is also herewith transmitted. It will be seen that a sum of \$2,500 or \$3,000, in addition to the amount appropriated by the act of Congress approved September 28, 1850, is represented to be necessary to carry the objects of that appropriation into full effect. I accordingly recommend that provision therefor may be made.















*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, eighteen treaties negotiated with Indian tribes in California, as described in the accompanying letter of the Secretary of the Interior, dated the 22d ultimo, with a copy of the report of the superintendent of Indian affairs for the State of California and other correspondence in relation thereto.



taken. He, however, insists that the thirteenth article of the treaty of 1795 promises indemnity for such injuries sustained within one year after the commencement of war between the two nations, and although he admits this is not within the letter of the treaty, yet he conceives that, as between two friendly nations, it is within the spirit of it.















In answer to the resolution of the Senate of the 19th instant, requesting the correspondence between the Government of the United States and that of the Mexican Republic respecting a right of way across the Isthmus of Tehuantepec, I transmit a report from the Department of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *July 29, 1852.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 27th instant, I transmit the copy of the notes[24] of Mr. Luis de la Rosa and Mr. J.M. Gonzales de la Vega, which it requests.

MILLARD FILLMORE.

[Footnote 24: Upon the subject of the American and Mexican boundary commission.]



1850. It will be seen that the exchange was not effected until the 2d of June last, but that it was stipulated that the convention was not to be binding upon either of the parties thereto until the Senate of the United States should have duly sanctioned the exchange.

The Senate by its resolution of the 27th of September, 1850, authorized the exchange to take place at any time prior to the 1st of April, 1851.

Mr. Kerr, the charge d'affaires of the United States to Nicaragua, however, who was authorized to make the exchange on the part of this Government, was unavoidably detained in that Republic, in consequence of which the exchange could not be effected within the period referred to.

The expediency of sanctioning the exchange which has been made by Mr. Kerr, and of authorizing the convention to go into effect, is accordingly submitted to the consideration of the Senate.



In answer to the resolution of the Senate of the 9th instant, requesting information touching the Lobos Islands, I transmit a report from the Secretary of State and the documents by which it was accompanied. The instructions to the squadron of the United States called for by the resolution will be communicated on an early future occasion.

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 14th ultimo, requesting a copy of the correspondence of Mr. R.M. Walsh while he was employed as a special agent of this Government in the island of St. Domingo, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.*

*To the Senate of the United States:*





MILLARD FILLMORE.

## **EXECUTIVE ORDERS.**

**WASHINGTON CITY,**

*May 17, 1852.*

The SECRETARY OF WAR.

MY DEAR SIR: I have just issued an authority to Hugh Maxwell, collector at New York, under the eighth section of the act of April 20, 1818, to arrest any unlawful expedition that may be attempted to be fitted out within his district, and I have given him power to call upon any military and naval officers that may be there to aid him in the execution of this duty; and I will thank you to issue the necessary instructions to the proper military officer in that district.

I am, your obedient servant,

MILLARD FILLMORE.

## **WASHINGTON CITY,**

*Tuesday, June 29, 1852—12.30 o'clock p.m.*

SIR:[26] The tolling bells announce the death of the Hon. Henry Clay. Though this event has been long anticipated, yet the painful bereavement could never be fully realized. I am sure all hearts are too sad at this moment to attend to business, and I therefore respectfully suggest that your Department be closed for the remainder of the day.



concerns. In these his memory will endure as long as our country shall continue to be the home and guardian of freemen.

The people will share with the Executive Departments in the common grief which bewails his departure from amongst us.

In the expression of individual regret at this afflicting event the Executive Departments of the Government will be careful to manifest every observance of honor which custom has established as appropriate to the memory of one so eminent as a public functionary and so distinguished as a citizen.

The Acting Secretary of State will communicate this sad intelligence to the diplomatic corps near this Government and, through our ministers abroad, to foreign governments.

The members of the Cabinet are requested, as a further testimony of respect for the deceased, to wear the usual badges of mourning for thirty days.



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The unadjusted difference, however, between the two Governments as to the interpretation of the first article of the convention of 1818 is still a matter of importance. American fishing vessels, within nine or ten years, have been excluded from waters to which they had free access for twenty-five years after the negotiation of the treaty. In 1845 this exclusion was relaxed so far as concerns the Bay of Fundy, but the just and liberal intention of the home Government, in compliance with what we think the true construction of the convention, to open all the other outer bays to our fishermen was abandoned in consequence of the opposition of the colonies. Notwithstanding this, the United States have, since the Bay of Fundy was reopened to our fishermen in 1845, pursued the most liberal course toward the colonial fishing interests. By the revenue law of 1846 the duties on colonial fish entering our ports were very greatly reduced, and by the warehousing act it is allowed to be entered in bond without payment of duty. In this way colonial fish has acquired the monopoly of the export trade in our market and is entering to some extent into the home consumption. These facts were among those which increased the sensibility of our fishing interest at the movement in question.

These circumstances and the incidents above alluded to have led me to think the moment favorable for a reconsideration of the entire subject of the fisheries on the coasts of the British Provinces, with a view to place them upon a more liberal footing of reciprocal privilege. A willingness to meet us in some arrangement of this kind is understood to exist on the part of Great Britain, with a desire on her part to include in one comprehensive settlement as well this subject as the commercial intercourse between the United States and the British Provinces. I have thought that, whatever arrangements may be made on these two subjects, it is expedient that they should be embraced in separate conventions. The illness and death of the late Secretary of State prevented the commencement of the contemplated negotiation. Pains have been taken to collect the information required for the details of such an arrangement. The subject is attended with considerable difficulty. If it is found practicable to come to an agreement mutually acceptable to the two parties, conventions may be concluded in the course of the present winter. The control of Congress over all the provisions of such an arrangement affecting the revenue will of course be reserved.

The affairs of Cuba formed a prominent topic in my last annual message. They remain in an uneasy condition, and a feeling of alarm and irritation on the part of the Cuban authorities appears to exist. This feeling has interfered with the regular commercial intercourse between the United States and the island and led to some acts of which we have a right to complain. But the Captain-General of Cuba is clothed with no

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power to treat with foreign governments, nor is he in any degree under the control of the Spanish minister at Washington. Any communication which he may hold with an agent of a foreign power is informal and matter of courtesy. Anxious to put an end to the existing inconveniences (which seemed to rest on a misconception), I directed the newly appointed minister to Mexico to visit Havana on his way to Vera Cruz. He was respectfully received by the Captain-General, who conferred with him freely on the recent occurrences, but no permanent arrangement was effected.

In the meantime the refusal of the Captain-General to allow passengers and the mail to be landed in certain cases, for a reason which does not furnish, in the opinion of this Government, even a good presumptive ground for such prohibition, has been made the subject of a serious remonstrance at Madrid, and I have no reason to doubt that due respect will be paid by the Government of Her Catholic Majesty to the representations which our minister has been instructed to make on the subject.

It is but justice to the Captain-General to add that his conduct toward the steamers employed to carry the mails of the United States to Havana has, with the exceptions above alluded to, been marked with kindness and liberality, and indicates no general purpose of interfering with the commercial correspondence and intercourse between the island and this country.

Early in the present year official notes were received from the ministers of France and England inviting the Government of the United States to become a party with Great Britain and France to a tripartite convention, in virtue of which the three powers should severally and collectively disclaim now and for the future all intention to obtain possession of the island of Cuba, and should bind themselves to discountenance all attempts to that effect on the part of any power or individual whatever. This invitation has been respectfully declined, for reasons which it would occupy too much space in this communication to state in detail, but which led me to think that the proposed measure would be of doubtful constitutionality, impolitic, and unavailing. I have, however, in common with several of my predecessors, directed the ministers of France and England to be assured that the United States entertain no designs against Cuba, but that, on the contrary, I should regard its incorporation into the Union at the present time as fraught with serious peril.

Were this island comparatively destitute of inhabitants or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But under existing circumstances I should look upon its incorporation into our Union as a very hazardous measure. It would bring into the Confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with the other members. It would probably affect in a prejudicial manner the industrial interests of the South, and it might revive those conflicts of opinion between the different sections of the

country which lately shook the Union to its center, and which have been so happily compromised.

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The rejection by the Mexican Congress of the convention which had been concluded between that Republic and the United States for the protection of a transit way across the Isthmus of Tehuantepec and of the interests of those citizens of the United States who had become proprietors of the rights which Mexico had conferred on one of her own citizens in regard to that transit has thrown a serious obstacle in the way of the attainment of a very desirable national object. I am still willing to hope that the differences on the subject which exist, or may hereafter arise, between the Governments will be amicably adjusted. This subject, however, has already engaged the attention of the Senate of the United States, and requires no further comment in this communication.

The settlement of the question respecting the port of San Juan de Nicaragua and of the controversy between the Republics of Costa Rica and Nicaragua in regard to their boundaries was considered indispensable to the commencement of the ship canal between the two oceans, which was the subject of the convention between the United States and Great Britain of the 19th of April, 1850. Accordingly, a proposition for the same purposes, addressed to the two Governments in that quarter and to the Mosquito Indians, was agreed to in April last by the Secretary of State and the minister of Her Britannic Majesty. Besides the wish to aid in reconciling the differences of the two Republics, I engaged in the negotiation from a desire to place the great work of a ship canal between the two oceans under one jurisdiction and to establish the important port of San Juan de Nicaragua under the government of a civilized power. The proposition in question was assented to by Costa Rica and the Mosquito Indians. It has not proved equally acceptable to Nicaragua, but it is to be hoped that the further negotiations on the subject which are in train will be carried on in that spirit of conciliation and compromise which ought always to prevail on such occasions, and that they will lead to a satisfactory result.

I have the satisfaction to inform you that the executive government of Venezuela has acknowledged some claims of citizens of the United States which have for many years past been urged by our charge d'affaires at Caracas. It is hoped that the same sense of justice will actuate the Congress of that Republic in providing the means for their payment.

The recent revolution in Buenos Ayres and the Confederate States having opened the prospect of an improved state of things in that quarter, the Governments of Great Britain and France determined to negotiate with the chief of the new confederacy for the free access of their commerce to the extensive countries watered by the tributaries of the La Plata; and they gave a friendly notice of this purpose to the United States, that we might, if we thought proper, pursue the same course. In compliance with this invitation, our minister at Rio Janeiro and our charge d'affaires at Buenos Ayres have been fully authorized to conclude treaties with the newly organized confederation or the States composing it. The delays which have taken place in the formation of the new government have as yet prevented the execution of those instructions, but there is

every reason to hope that these vast countries will be eventually opened to our commerce.





that object whenever the stock can be procured within the limits as to price authorized by law.





country. They are therefore mere tenants at sufferance, and liable to be driven from place to place at the pleasure of the whites.



For internal improvements, railroads, *etc*..... 3,025,920

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Making an aggregate of..... 13,115,175

Being an increase of the amount sold and located under land warrants of 569,220 acres over the previous year.







Among the measures which seem to me of the greatest importance to its prosperity are the introduction of a copious supply of water into the city of Washington and the construction of suitable bridges across the Potomac to replace those which were destroyed by high water in the early part of the present year.



















WASHINGTON, *January 4, 1853.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 30th ultimo, requesting information in regard to the establishment of a new British colony in Central America, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *January 4, 1853.*

*To the Senate of the United States:*

In answer to the Senate's resolution of the 3d instant, calling for information relative to a proposed tripartite convention on the subject of the island of Cuba, I transmit to the Senate a report from the Secretary of State and the papers which accompanied it.



wish is expressed that a final settlement of this long-pending claim should be made. The tone of the letter of instructions from Mr. Manuel Bertran de Lis is somewhat more peremptory than could be wished, but this circumstance will not, probably, prevent Congress from giving his suggestions the attention to which they may be entitled.

The claim of the Spanish Government on behalf of its subjects interested in the *Amistad* was the subject of discussion during the Administration of President Tyler between the Spanish minister and Mr. Webster, then Secretary of State. In an elaborate letter of the latter, addressed to the Chevalier d'Argais on the 1st of September, 1841, the opinion is confidently maintained that the claim is unfounded. The Administration of President Polk took a different view of the matter. The justice of the claim was recognized in a letter from the Department of State to the Spanish minister of the 19th of March, 1847, and in his annual message of the same year the President recommended its payment.



survey the territory allotted to them some addition to it would be necessary, as the Government has but a small force available for that service. Additional appropriations for the support of the Army would also, in that event, be necessary.



In answer to the resolution of the Senate of the 14th instant, relative to the award of the Emperor Louis Napoleon, of France, in the case of the brig *General Armstrong*, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *January 27, 1853.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 13th instant, requesting a copy of correspondence and other documents relative to Nicaragua, Costa Rica, and the territory claimed by the Mosquito Indians, I transmit a report of the Secretary of State, to whom the resolution was referred.

MILLARD FILLMORE.

WASHINGTON, *January 27, 1853.*

*To the House of Representatives:*

Since my last message to your honorable body, communicating a report from the Treasury Department, in answer to your resolution of the 3d instant [27th ultimo?], in reference to the compensation of weighers and gangers, further communications on that subject have been received from New Orleans, which have just been reported to me by the Secretary of the Treasury and which I deem it my duty to communicate to the House.



In compliance with the resolution of the Senate of the 11th ultimo, asking for information with regard to the execution of the postal convention between the United States and Great Britain, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *February 7, 1853.*

*To the Senate and House of Representatives:*

Having in my message to Congress at the opening of the session adverted to the pending negotiations between this Government and that of Great Britain relative to the fisheries and commercial reciprocity with the British American Provinces, I transmit for the information of Congress the accompanying report from the Department of State on the present state of the negotiations, and I respectfully invite the attention of the two Houses to the suggestion in the latter part of the report.



measure seemed to require an exposition somewhat in detail of the grounds on which it is recommended.

MILLARD FILLMORE.

WASHINGTON, *February 18, 1853.*

*To the Senate of the United States:*

I transmit to the Senate, with the view to its ratification, a convention which was yesterday concluded between the United States and Great Britain for the establishment of international copyright.

MILLARD FILLMORE.

WASHINGTON, *February 19, 1853.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 14th instant, relative to the fisheries on the coasts of Florida, I transmit herewith a report from the Secretary of State and the documents which accompanied it.





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MILLARD FILLMORE.

## PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The attention of the President having been called to the proceedings of Congress at the close of its session on the 4th of March, 1851, from which it appears that the constitutional term of that body was held not to have expired until 12 o'clock at noon of that day, and a notice having been issued, agreeably to former usage, to convene the Senate at 11 o'clock a. m. on the 4th of March next, it is apparent that such call is in conflict with the decision aforesaid:

Now, therefore, as well for the purpose of removing all doubt as to the legality of such call as of establishing a precedent of what is deemed a proper mode of convening the Senate, I, Millard Fillmore, President of the United States, have considered it to be my duty to issue this my proclamation, revoking said call and hereby declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on Friday, the 4th day of March next, at 12 o'clock at noon of that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

[SEAL.]

Given under my hand and the seal of the United States, at Washington, this 25th day of February, A.D. 1853, and of the Independence Of the United States the seventy-seventh.

MILLARD FILLMORE.

By the President:  
EDWARD EVERETT,  
*Secretary of State.*