

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

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

The following sections of this BookRags Literature Study Guide is offprint from Gale's For Students Series: Presenting Analysis, Context, and Criticism on Commonly Studied Works: Introduction, Author Biography, Plot Summary, Characters, Themes, Style, Historical Context, Critical Overview, Criticism and Critical Essays, Media Adaptations, Topics for Further Study, Compare & Contrast, What Do I Read Next?, For Further Study, and Sources.

(c)1998-2002; (c)2002 by Gale. Gale is an imprint of The Gale Group, Inc., a division of Thomson Learning, Inc. Gale and Design and Thomson Learning are trademarks used herein under license.

The following sections, if they exist, are offprint from Beacham's Encyclopedia of Popular Fiction: "Social Concerns", "Thematic Overview", "Techniques", "Literary Precedents", "Key Questions", "Related Titles", "Adaptations", "Related Web Sites". (c)1994-2005, by Walton Beacham.

The following sections, if they exist, are offprint from Beacham's Guide to Literature for Young Adults: "About the Author", "Overview", "Setting", "Literary Qualities", "Social Sensitivity", "Topics for Discussion", "Ideas for Reports and Papers". (c)1994-2005, by Walton Beacham.

All other sections in this Literature Study Guide are owned and copyrighted by BookRags, Inc.



# Contents

<a href="#">A Compilation of the Messages and Papers of the Presidents eBook.....</a>	<a href="#">1</a>
<a href="#">Contents.....</a>	<a href="#">2</a>
<a href="#">Table of Contents.....</a>	<a href="#">11</a>
<a href="#">Page 1.....</a>	<a href="#">13</a>
<a href="#">Page 2.....</a>	<a href="#">15</a>
<a href="#">Page 3.....</a>	<a href="#">16</a>
<a href="#">Page 4.....</a>	<a href="#">17</a>
<a href="#">Page 5.....</a>	<a href="#">18</a>
<a href="#">Page 6.....</a>	<a href="#">19</a>
<a href="#">Page 7.....</a>	<a href="#">20</a>
<a href="#">Page 8.....</a>	<a href="#">21</a>
<a href="#">Page 9.....</a>	<a href="#">22</a>
<a href="#">Page 10.....</a>	<a href="#">24</a>
<a href="#">Page 11.....</a>	<a href="#">26</a>
<a href="#">Page 12.....</a>	<a href="#">28</a>
<a href="#">Page 13.....</a>	<a href="#">30</a>
<a href="#">Page 14.....</a>	<a href="#">32</a>
<a href="#">Page 15.....</a>	<a href="#">33</a>
<a href="#">Page 16.....</a>	<a href="#">34</a>
<a href="#">Page 17.....</a>	<a href="#">35</a>
<a href="#">Page 18.....</a>	<a href="#">36</a>
<a href="#">Page 19.....</a>	<a href="#">37</a>
<a href="#">Page 20.....</a>	<a href="#">39</a>
<a href="#">Page 21.....</a>	<a href="#">41</a>
<a href="#">Page 22.....</a>	<a href="#">43</a>



[Page 23..... 44](#)

[Page 24..... 45](#)

[Page 25..... 46](#)

[Page 26..... 47](#)

[Page 27..... 48](#)

[Page 28..... 49](#)

[Page 29..... 50](#)

[Page 30..... 51](#)

[Page 31..... 52](#)

[Page 32..... 54](#)

[Page 33..... 56](#)

[Page 34..... 58](#)

[Page 35..... 60](#)

[Page 36..... 62](#)

[Page 37..... 64](#)

[Page 38..... 66](#)

[Page 39..... 68](#)

[Page 40..... 70](#)

[Page 41..... 72](#)

[Page 42..... 74](#)

[Page 43..... 76](#)

[Page 44..... 78](#)

[Page 45..... 80](#)

[Page 46..... 82](#)

[Page 47..... 84](#)

[Page 48..... 86](#)



[Page 49..... 87](#)

[Page 50..... 89](#)

[Page 51..... 90](#)

[Page 52..... 91](#)

[Page 53..... 92](#)

[Page 54..... 93](#)

[Page 55..... 94](#)

[Page 56..... 95](#)

[Page 57..... 97](#)

[Page 58..... 98](#)

[Page 59..... 100](#)

[Page 60..... 102](#)

[Page 61..... 103](#)

[Page 62..... 104](#)

[Page 63..... 105](#)

[Page 64..... 106](#)

[Page 65..... 107](#)

[Page 66..... 108](#)

[Page 67..... 109](#)

[Page 68..... 110](#)

[Page 69..... 111](#)

[Page 70..... 112](#)

[Page 71..... 113](#)

[Page 72..... 114](#)

[Page 73..... 115](#)

[Page 74..... 116](#)



[Page 75..... 118](#)

[Page 76..... 120](#)

[Page 77..... 122](#)

[Page 78..... 123](#)

[Page 79..... 124](#)

[Page 80..... 125](#)

[Page 81..... 126](#)

[Page 82..... 127](#)

[Page 83..... 128](#)

[Page 84..... 129](#)

[Page 85..... 130](#)

[Page 86..... 131](#)

[Page 87..... 132](#)

[Page 88..... 133](#)

[Page 89..... 134](#)

[Page 90..... 135](#)

[Page 91..... 136](#)

[Page 92..... 137](#)

[Page 93..... 138](#)

[Page 94..... 139](#)

[Page 95..... 140](#)

[Page 96..... 141](#)

[Page 97..... 143](#)

[Page 98..... 145](#)

[Page 99..... 147](#)

[Page 100..... 149](#)



[Page 101..... 151](#)

[Page 102..... 153](#)

[Page 103..... 155](#)

[Page 104..... 157](#)

[Page 105..... 159](#)

[Page 106..... 161](#)

[Page 107..... 163](#)

[Page 108..... 165](#)

[Page 109..... 167](#)

[Page 110..... 168](#)

[Page 111..... 169](#)

[Page 112..... 170](#)

[Page 113..... 171](#)

[Page 114..... 172](#)

[Page 115..... 174](#)

[Page 116..... 175](#)

[Page 117..... 176](#)

[Page 118..... 177](#)

[Page 119..... 178](#)

[Page 120..... 180](#)

[Page 121..... 181](#)

[Page 122..... 182](#)

[Page 123..... 184](#)

[Page 124..... 186](#)

[Page 125..... 188](#)

[Page 126..... 189](#)



[Page 127..... 190](#)

[Page 128..... 192](#)

[Page 129..... 194](#)

[Page 130..... 196](#)

[Page 131..... 198](#)

[Page 132..... 199](#)

[Page 133..... 200](#)

[Page 134..... 201](#)

[Page 135..... 203](#)

[Page 136..... 205](#)

[Page 137..... 206](#)

[Page 138..... 208](#)

[Page 139..... 209](#)

[Page 140..... 210](#)

[Page 141..... 211](#)

[Page 142..... 213](#)

[Page 143..... 215](#)

[Page 144..... 216](#)

[Page 145..... 217](#)

[Page 146..... 218](#)

[Page 147..... 219](#)

[Page 148..... 220](#)

[Page 149..... 221](#)

[Page 150..... 223](#)

[Page 151..... 224](#)

[Page 152..... 225](#)



[Page 153..... 227](#)

[Page 154..... 229](#)

[Page 155..... 230](#)

[Page 156..... 231](#)

[Page 157..... 232](#)

[Page 158..... 233](#)

[Page 159..... 234](#)

[Page 160..... 235](#)

[Page 161..... 236](#)

[Page 162..... 238](#)

[Page 163..... 240](#)

[Page 164..... 242](#)

[Page 165..... 244](#)

[Page 166..... 246](#)

[Page 167..... 248](#)

[Page 168..... 250](#)

[Page 169..... 251](#)

[Page 170..... 252](#)

[Page 171..... 253](#)

[Page 172..... 254](#)

[Page 173..... 255](#)

[Page 174..... 257](#)

[Page 175..... 259](#)

[Page 176..... 261](#)

[Page 177..... 263](#)

[Page 178..... 265](#)



[Page 179.....](#) 267

[Page 180.....](#) 269

[Page 181.....](#) 271

[Page 182.....](#) 273

[Page 183.....](#) 275

[Page 184.....](#) 277

[Page 185.....](#) 279

[Page 186.....](#) 281

[Page 187.....](#) 283

[Page 188.....](#) 285

[Page 189.....](#) 287

[Page 190.....](#) 289

[Page 191.....](#) 291

[Page 192.....](#) 292

[Page 193.....](#) 294

[Page 194.....](#) 295

[Page 195.....](#) 296

[Page 196.....](#) 297

[Page 197.....](#) 298

[Page 198.....](#) 300

[Page 199.....](#) 301

[Page 200.....](#) 302

[Page 201.....](#) 303

[Page 202.....](#) 304

[Page 203.....](#) 305

[Page 204.....](#) 307



[Page 205..... 308](#)

[Page 206..... 310](#)

[Page 207..... 311](#)

[Page 208..... 312](#)

[Page 209..... 314](#)

[Page 210..... 315](#)

[Page 211..... 316](#)

[Page 212..... 317](#)

[Page 213..... 318](#)

[Page 214..... 319](#)

[Page 215..... 321](#)

[Page 216..... 323](#)

[Page 217..... 325](#)

[Page 218..... 327](#)

[Page 219..... 329](#)

[Page 220..... 331](#)



# Table of Contents

Section	Page
Start of eBook	1
	1
A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS	1
Franklin Pierce	1
Franklin Pierce	1
INAUGURAL ADDRESS.	3
SPECIAL MESSAGES.	9
EXECUTIVE ORDERS.	10
BY THE PRESIDENT OF THE UNITED STATES.	11
WAR DEPARTMENT,	11
WAR DEPARTMENT,	11
FIRST ANNUAL MESSAGE.	12
SPECIAL MESSAGES.	31
EXECUTIVE OFFICE,	39
EXECUTIVE OFFICE,	39
EXECUTIVE OFFICE,	39
VETO MESSAGES.	49
PROCLAMATIONS.	74
BY THE PRESIDENT OF THE UNITED STATES.	75
SECOND ANNUAL MESSAGE.	76
SPECIAL MESSAGES.	96
VETO MESSAGES.	108
PROCLAMATIONS.	127
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.	128
THIRD ANNUAL MESSAGE.	129
SPECIAL MESSAGES.	152
EXECUTIVE OFFICE,	165
EXECUTIVE OFFICE,	174
EXECUTIVE OFFICE,	177
EXECUTIVE OFFICE,	180
EXECUTIVE OFFICE,	180
EXECUTIVE OFFICE,	180
VETO MESSAGES.	183
PROCLAMATIONS.	185
BY THE PRESIDENT OF THE	186



UNITED STATES OF AMERICA. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.	187
FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA.	188
FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA.	188
FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA.	189
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.	189
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.	190
SPECIAL SESSION MESSAGE.	190
SPECIAL MESSAGE.	192
FOURTH ANNUAL MESSAGE.	192
SPECIAL MESSAGES.	214
PROCLAMATION.	220



# Page 1

Title: A Compilation of the Messages and Papers of the Presidents Section 3 (of 4) of Volume 5: Franklin Pierce

Author: James D. Richardson

Release Date: February 17, 2004 [EBook #11125]

Language: English

Character set encoding: ASCII

\*\*\* Start of this project gutenberG EBOOK Franklin Pierce \*\*\*

Produced by Juliet Sutherland, David Garcia and the Online Distributed Proofreading Team.

## A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS

BY JAMES D. RICHARDSON

### Franklin Pierce

March 4, 1853, to March 4, 1857

### Franklin Pierce

Franklin Pierce was born in Hillsboro, N.H., November 23, 1804. Was the fourth son of Benjamin and Anna Pierce. His father was a citizen of Massachusetts; was a soldier in the War of the Revolution, attaining the rank of captain and brevet major. After peace was declared he removed from Massachusetts to New Hampshire and located near what is now Hillsboro. His first wife was Elizabeth Andrews, who died at an early age. His second wife, the mother of Franklin Pierce, was Anna Kendrick, of Amherst, N.H. He was sheriff of his county, a member of the State legislature and of the governor's council, and was twice chosen governor of his State (as a Democrat), first in 1827 and again in 1829, For many years he was declared to be "the most influential man in New Hampshire," He died in 1839. Franklin was given an academic education in well-known institutions at Hancock, Frankestown, and Exeter, and in 1820 was sent to Bowdoin College, His college mates there were John P. Hale, his future political rival; Professor Calvin E. Stowe; Sergeant S. Prentiss, the distinguished orator; Henry W. Longfellow, and Nathaniel Hawthorne, his future biographer and lifelong friend. He graduated in 1824, being third in his class. After taking his degree he began the study of law at



Portsmouth in the office of Levi Woodbury, where he remained about a year. Afterwards spent two years in the law school at Northampton, Mass., and in the office of Judge Edmund Parker, at Amherst, N.H. In 1827 was admitted to the bar and began practice in his native town. Espoused the cause of Andrew Jackson with ardor, and in 1829 was elected to represent his native town in the legislature, where by three subsequent elections he served four years, the last two as speaker. In 1833 was elected to represent his native district in the lower House of Congress, where he remained four years; served on the Judiciary and other important committees. His first important speech in the House was delivered in 1834 upon the necessity of economy and of watchfulness against frauds in the payment of Revolutionary claims.



## Page 2

In 1834 married Miss Jane Means Appleton, daughter of Rev. Jesse Appleton, president of Bowdoin College. In 1837 was elected to the United States Senate. On account of ill health of his wife, deeming it best for her to return to New Hampshire, on June 28, 1842, resigned his seat, and returning to his home resumed the practice of the law. In 1838 he changed his residence from Hillsboro to Concord. In 1845 declined an appointment to the United States Senate to fill a vacancy. Also declined the nomination for governor, tendered by the Democratic State convention, and in 1845 an appointment to the office of Attorney-General of the United States, tendered by President Polk. In 1846, when the war with Mexico began, he enlisted as a private in a volunteer company organized at Concord; was soon afterwards commissioned colonel of the Ninth Regiment of Infantry; March 3, 1847, was commissioned brigadier-general in the Volunteer Army, and on March 27 embarked for Mexico, arriving at Vera Cruz June 28. August 6, 1847, joined General Scott with his brigade at Puebla, and soon set out for the capture of the City of Mexico. Took part in the battle of Contreras September 19, 1847, in which engagement he was severely injured by being thrown from his horse. The next day, not having recovered, he undertook to accompany his brigade in action against the enemy, when he fainted. He persisted in remaining on duty in the subsequent operations of the Army. His conduct and services were spoken of in high terms by his superior officers, Generals Scott, Worth, and Pillow. Before the battle of Molino del Rey was appointed one of the American commissioners in the effort for peace, a truce being declared for that purpose. The effort failed and the fighting was renewed. Participated in the battle of Molino del Rey and continued on duty till peace was declared. Resigned his commission in March, 1848, and returned to his home. The same month the legislature of his State voted him a sword of honor in appreciation of his services in the war. Resumed his law practice and was highly successful. In 1850 was a member of the constitutional convention which met at Concord to amend the constitution of New Hampshire, and was chosen to preside over its deliberations; he favored the removal of the religious-test clause in the old constitution, by which Roman Catholics were disqualified from holding office in the State, and also the abolition of any "property qualification;" he carried these amendments through the convention, but the people defeated them at the election. In January, 1852, the Democratic State convention of New Hampshire declared for him for President, but in a letter January 12 he positively refused to permit the delegation to present his name. The national convention of the party met at Baltimore June 1, 1852. On the fourth day he was nominated for President, and was elected in November, receiving 254 electoral votes, while his opponent, General Scott, received only 42. Was inaugurated March 4, 1853. In 1856 he was voted for by his friends in the national Democratic convention for renomination, but was unsuccessful. Upon the expiration of his term as President he retired to his home at Concord, where he resided the remainder of his life. Died October 8, 1869, and was buried at Concord.



## Page 3

### INAUGURAL ADDRESS.

My Countrymen: It is a relief to feel that no heart but my own can know the personal regret and bitter sorrow over which I have been borne to a position so suitable for others rather than desirable for myself.

The circumstances under which I have been called for a limited period to preside over the destinies of the Republic fill me with a profound sense of responsibility, but with nothing like shrinking apprehension. I repair to the post assigned me not as to one sought, but in obedience to the unsolicited expression of your will, answerable only for a fearless, faithful, and diligent exercise of my best powers. I ought to be, and am, truly grateful for the rare manifestation of the nation's confidence; but this, so far from lightening my obligations, only adds to their weight. You have summoned me in my weakness; you must sustain me by your strength. When looking for the fulfillment of reasonable requirements, you will not be unmindful of the great changes which have occurred, even within the last quarter of a century, and the consequent augmentation and complexity of duties imposed in the administration both of your home and foreign affairs.

Whether the elements of inherent force in the Republic have kept pace with its unparalleled progression in territory, population, and wealth has been the subject of earnest thought and discussion on both sides of the ocean. Less than sixty-four years ago the Father of his Country made "the" then "recent accession of the important State of North Carolina to the Constitution of the United States" one of the subjects of his special congratulation. At that moment, however, when the agitation consequent upon the Revolutionary struggle had hardly subsided, when we were just emerging from the weakness and embarrassments of the Confederation, there was an evident consciousness of vigor equal to the great mission so wisely and bravely fulfilled by our fathers. It was not a presumptuous assurance, but a calm faith, springing from a clear view of the sources of power in a government constituted like ours. It is no paradox to say that although comparatively weak the new-born nation was intrinsically strong. Inconsiderable in population and apparent resources, it was upheld by a broad and intelligent comprehension of rights and an all-pervading purpose to maintain them, stronger than armaments. It came from the furnace of the Revolution, tempered to the necessities of the times. The thoughts of the men of that day were as practical as their sentiments were patriotic. They wasted no portion of their energies upon idle and delusive speculations, but with a firm and fearless step advanced beyond the governmental landmarks which had hitherto circumscribed the limits of human freedom and planted their standard, where it has stood against dangers which have threatened from abroad, and internal agitation, which has at

## Page 4

times fearfully menaced at home. They proved themselves equal to the solution of the great problem, to understand which their minds had been illuminated by the dawning lights of the Revolution. The object sought was not a thing dreamed of; it was a thing realized. They had exhibited not only the power to achieve, but, what all history affirms to be so much more unusual, the capacity to maintain. The oppressed throughout the world from that day to the present have turned their eyes hitherward, not to find those lights extinguished or to fear lest they should wane, but to be constantly cheered by their steady and increasing radiance.

In this our country has, in my judgment, thus far fulfilled its highest duty to suffering humanity. It has spoken and will continue to speak, not only by its words, but by its acts, the language of sympathy, encouragement, and hope to those who earnestly listen to tones which pronounce for the largest rational liberty. But after all, the most animating encouragement and potent appeal for freedom will be its own history—its trials and its triumphs. Preeminently, the power of our advocacy reposes in our example; but no example, be it remembered, can be powerful for lasting good, whatever apparent advantages may be gained, which is not based upon eternal principles of right and justice. Our fathers decided for themselves, both upon the hour to declare and the hour to strike. They were their own judges of the circumstances under which it became them to pledge to each other “their lives, their fortunes, and their sacred honor” for the acquisition of the priceless inheritance transmitted to us. The energy with which that great conflict was opened and, under the guidance of a manifest and beneficent Providence, the uncomplaining endurance with which it was prosecuted to its consummation were only surpassed by the wisdom and patriotic spirit of concession which characterized all the counsels of the early fathers.

One of the most impressive evidences of that wisdom is to be found in the fact that the actual working of our system has dispelled a degree of solicitude which at the outset disturbed bold hearts and far-reaching intellects. The apprehension of dangers from extended territory, multiplied States, accumulated wealth, and augmented population has proved to be unfounded. The stars upon your banner have become nearly threefold their original number; your densely populated possessions skirt the shores of the two great oceans; and yet this vast increase of people and territory has not only shown itself compatible with the harmonious action of the States and Federal Government in their respective constitutional spheres, but has afforded an additional guaranty of the strength and integrity of both.

## Page 5

With an experience thus suggestive and cheering, the policy of my Administration will not be controlled by any timid forebodings of evil from expansion. Indeed, it is not to be disguised that our attitude as a nation and our position on the globe render the acquisition of certain possessions not within our jurisdiction eminently important for our protection, if not in the future essential for the preservation of the rights of commerce and the peace of the world. Should they be obtained, it will be through no grasping spirit, but with a view to obvious national interest and security, and in a manner entirely consistent with the strictest observance of national faith. We have nothing in our history or position to invite aggression; we have everything to beckon us to the cultivation of relations of peace and amity with all nations. Purposes, therefore, at once just and pacific will be significantly marked in the conduct of our foreign affairs. I intend that my Administration shall leave no blot upon our fair record, and trust I may safely give the assurance that no act within the legitimate scope of my constitutional control will be tolerated on the part of any portion of our citizens which can not challenge a ready justification before the tribunal of the civilized world. An Administration would be unworthy of confidence at home or respect abroad should it cease to be influenced by the conviction that no apparent advantage can be purchased at a price so dear as that of national wrong or dishonor. It is not your privilege as a nation to speak of a distant past. The striking incidents of your history, replete with instruction and furnishing abundant grounds for hopeful confidence, are comprised in a period comparatively brief. But if your past is limited, your future is boundless. Its obligations through the unexplored pathway of advancement, and will be limitless as duration. Hence a sound and comprehensive policy should embrace not less the distant future than the urgent present.

The great objects of our pursuit as a people are best to be attained by peace, and are entirely consistent with the tranquillity and interests of the rest of mankind. With the neighboring nations upon our continent we should cultivate kindly and fraternal relations. We can desire nothing in regard to them so much as to see them consolidate their strength and pursue the paths of prosperity and happiness. If in the course of their growth we should open new channels of trade and create additional facilities for friendly intercourse, the benefits realized will be equal and mutual. Of the complicated European systems of national polity we have heretofore been independent. From their wars, their tumults, and anxieties we have been, happily, almost entirely exempt. Whilst these are confined to the nations which gave them existence, and within their legitimate jurisdiction, they can not affect us except as they appeal to our Sympathies in the cause of human freedom and universal advancement. But the vast interests of commerce are common to all mankind, and the advantages of trade and international intercourse must always present a noble field for the moral influence of a great people.

## Page 6

With these views firmly and honestly carried out, we have a right to expect, and shall under all circumstances require, prompt reciprocity. The rights which belong to us as a nation are not alone to be regarded, but those which pertain to every citizen in his individual capacity, at home and abroad, must be sacredly maintained. So long as he can discern every star in its place upon that ensign, without wealth to purchase for him preferment or title to secure for him place, it will be his privilege, and must be his acknowledged right, to stand unabashed even in the presence of princes, with a proud consciousness that he is himself one of a nation of sovereigns and that he can not in legitimate pursuit wander so far from home that the agent whom he shall leave behind in the place which I now occupy will not see that no rude hand of power or tyrannical passion is laid upon him with impunity. He must realize that upon every sea and on every soil where our enterprise may rightfully seek the protection of our flag American citizenship is an inviolable panoply for the security of American rights. And in this connection it can hardly be necessary to reaffirm a principle which should now be regarded as fundamental. The rights, security, and repose of this Confederacy reject the idea of interference or colonization on this side of the ocean by any foreign power beyond present jurisdiction as utterly inadmissible.

The opportunities of observation furnished by my brief experience as a soldier confirmed in my own mind the opinion, entertained and acted upon by others from the formation of the Government, that the maintenance of large standing armies in our country would be not only dangerous, but unnecessary. They also illustrated the importance—I might well say the absolute necessity—of the military science and practical skill furnished in such an eminent degree by the institution which has made your Army what it is, under the discipline and instruction of officers not more distinguished for their solid attainments, gallantry, and devotion to the public service than for unobtrusive bearing and high moral tone. The Army as organized must be the nucleus around which in every time of need the strength of your military power, the sure bulwark of your defense—a national militia—may be readily formed into a well-disciplined and efficient organization. And the skill and self-devotion of the Navy assure you that you may take the performance of the past as a pledge for the future, and may confidently expect that the flag which has waved its untarnished folds over every sea will still float in undiminished honor. But these, like many other subjects, will be appropriately brought at a future time to the attention of the coordinate branches of the Government, to which I shall always look with profound respect and with trustful confidence that they will accord to me the aid and support which I shall so much need and which their experience and wisdom will readily suggest.

## Page 7

In the administration of domestic affairs you expect a devoted integrity in the public service and an observance of rigid economy in all departments, so marked as never justly to be questioned. If this reasonable expectation be not realized, I frankly confess that one of your leading hopes is doomed to disappointment, and that my efforts in a very important particular must result in a humiliating failure. Offices can be properly regarded only in the light of aids for the accomplishment of these objects, and as occupancy can confer no prerogative nor importunate desire for preferment any claim, the public interest imperatively demands that they be considered with sole reference to the duties to be performed. Good citizens may well claim the protection of good laws and the benign influence of good government, but a claim for office is what the people of a republic should never recognize. No reasonable man of any party will expect the Administration to be so regardless of its responsibility and of the obvious elements of success as to retain persons known to be under the influence of political hostility and partisan prejudice in positions which will require not only severe labor, but cordial cooperation. Having no implied engagements to ratify, no rewards to bestow, no resentments to remember, and no personal wishes to consult in selections for official station, I shall fulfill this difficult and delicate trust, admitting no motive as worthy either of my character or position which does not contemplate an efficient discharge of duty and the best interests of my country. I acknowledge my obligations to the masses of my countrymen, and to them alone. Higher objects than personal aggrandizement gave direction and energy to their exertions in the late canvass, and they shall not be disappointed. They require at my hands diligence, integrity, and capacity wherever there are duties to be performed. Without these qualities in their public servants, more stringent laws for the prevention or punishment of fraud, negligence, and peculation will be vain. With them they will be unnecessary.

But these are not the only points to which you look for vigilant watchfulness. The dangers of a concentration of all power in the general government of a confederacy so vast as ours are too obvious to be disregarded. You have a right, therefore, to expect your agents in every department to regard strictly the limits imposed upon them by the Constitution of the United States. The great scheme of our constitutional liberty rests upon a proper distribution of power between the State and Federal authorities, and experience has shown that the harmony and happiness of our people must depend upon a just discrimination between the separate rights and responsibilities of the States and your common rights and obligations under the General Government; and here, in my opinion, are the considerations which should form the true basis of future concord in regard to the questions which have most seriously disturbed public tranquillity. If the Federal Government will confine itself to the exercise of powers clearly granted by the Constitution, it can hardly happen that its action upon any question should endanger the institutions of the States or interfere with their right to manage matters strictly domestic according to the will of their own people.

## Page 8

In expressing briefly my views upon an important subject which has recently agitated the nation to almost a fearful degree, I am moved by no other impulse than a most earnest desire for the perpetuation of that Union which has made us what we are, showering upon us blessings and conferring a power and influence which our fathers could hardly have anticipated, even with their most sanguine hopes directed to a far-off future. The sentiments I now announce were not unknown before the expression of the voice which called me here. My own position upon this subject was clear and unequivocal, upon the record of my words and my acts, and it is only recurred to at this time because silence might perhaps be misconstrued. With the Union my best and dearest earthly hopes are entwined. Without it what are we individually or collectively? What becomes of the noblest field ever opened for the advancement of our race in religion, in government, in the arts, and in all that dignifies and adorns mankind? From that radiant constellation which both illumines our own way and points out to struggling nations their course, let but a single star be lost, and, if there be not utter darkness, the luster of the whole is dimmed. Do my countrymen need any assurance that such a catastrophe is not to overtake them while I possess the power to stay it? It is with me an earnest and vital belief that as the Union has been the source, under Providence, of our prosperity to this time, so it is the surest pledge of a continuance of the blessings we have enjoyed, and which we are sacredly bound to transmit undiminished to our children. The field of calm and free discussion in our country is open, and will always be so, but never has been and never can be traversed for good in a spirit of sectionalism and uncharitableness. The founders of the Republic dealt with things as they were presented to them, in a spirit of self-sacrificing patriotism, and, as time has proved, with a comprehensive wisdom which it will always be safe for us to consult. Every measure tending to strengthen the fraternal feelings of all the members of our Union has had my heartfelt approbation. To every theory of society or government, whether the offspring of feverish ambition or of morbid enthusiasm, calculated to dissolve the bonds of law and affection which unite us, I shall interpose a ready and stern resistance. I believe that involuntary servitude, as it exists in different States of this Confederacy, is recognized by the Constitution. I believe that it stands like any other admitted right, and that the States where it exists are entitled to efficient remedies to enforce the constitutional provisions. I hold that the laws of 1850, commonly called the "compromise measures," are strictly constitutional and to be unhesitatingly carried into effect. I believe that the constituted authorities of this Republic are bound to regard the rights of the South in this respect as they would view any other legal

## Page 9

and constitutional right, and that the laws to enforce them should be respected and obeyed, not with a reluctance encouraged by abstract opinions as to their propriety in a different state of society, but cheerfully and according to the decisions of the tribunal to which their exposition belongs. Such have been, and are, my convictions, and upon them I shall act. I fervently hope that the question is at rest, and that no sectional or ambitious or fanatical excitement may again threaten the durability of our institutions or obscure the light of our prosperity.

But let not the foundation of our hope rest upon man's wisdom. It will not be sufficient that sectional prejudices find no place in the public deliberations. It will not be sufficient that the rash counsels of human passion are rejected. It must be felt that there is no national security but in the nation's humble, acknowledged dependence upon God and His overruling providence.

We have been carried in safety through a perilous crisis. Wise counsels, like those which gave us the Constitution, prevailed to uphold it. Let the period be remembered as an admonition, and not as an encouragement, in any section of the Union, to make experiments where experiments are fraught with such fearful hazard. Let it be impressed upon all hearts that, beautiful as our fabric is, no earthly power or wisdom could ever reunite its broken fragments. Standing, as I do, almost within view of the green slopes of Monticello, and, as it were, within reach of the tomb of Washington, with all the cherished memories of the past gathering around me like so many eloquent voices of exhortation from heaven, I can express no better hope for my country than that the kind Providence which smiled upon our fathers may enable their children to preserve the blessings they have inherited.

*March 4, 1853.*

### **SPECIAL MESSAGES.**

Washington, *March 21, 1853.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 17th instant, respecting certain propositions to Nicaragua and Costa Rica relative to the settlement of the territorial controversies between the States and Governments bordering on the river San Juan, I transmit a report from the Secretary of State and the documents by which it was accompanied.

*Franklin Pierce.*

*Washington, March 21, 1853.*

*To the Senate:*

The eleventh article of the treaty with the Chickasaw Indians of the 20th October, 1832, provides that certain moneys arising from the sales of the lands ceded by that treaty shall be laid out under the direction of the President of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve of, for the benefit of the Chickasaw Nation.

## Page 10

The report of the Secretary of the Treasury of the 15th instant, herewith transmitted, shows that the sum of \$58,100 5 per cent stock, created under the act of 3d March, 1843, now stands on the books of the Treasury in the name of the Secretary of the Treasury, as trustee for the Chickasaw national fund. This stock, by the terms of its issue, is redeemable on the 1st July next, when interest thereon will cease. It therefore becomes my duty to lay before the Senate the subject of reinvesting this amount under the same trust.

The second section of the act of 11th September, 1841 (the first section of which repeals the provisions of the act of 7th July, 1838, directing the investment of the Smithsonian fund in the stocks of the States), enacts that "all other funds held in trust by the United States, and the annual interest accruing thereon, when not otherwise required by treaty, shall in like manner be invested in stocks of the United States bearing a like rate of interest."

I submit to the Senate whether it will advise and consent that the Secretary of the Treasury be authorized, under my direction, to reinvest the above-mentioned sum of \$58,100 in stocks of the United States under the same trust.

*Franklin Pierce.*

*Washington, March 21, 1853.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 18th of January last, calling for further correspondence touching the revolution in France of December, 1851, I transmit a report from the Secretary of State and the documents by which it was accompanied.

*Franklin Pierce.*

*Executive Chamber, March 25, 1853.*

*To the Senate of the United States:*

I nominate Mrs. Mary Berard to be deputy postmaster at "West Point," N.Y., the commissions for said office having exceeded \$1,000 for the year ending the 30th June, 1852. Mrs. B. has held said office since the 12th of May, 1848, under an appointment of the Post-Office Department.

*Franklin Pierce.*



## EXECUTIVE ORDERS.

Executive office, *March 23, 1853.*

Believing that the public interests involved in the erection of the wings of the United States Capitol will be promoted by the exercise of a general supervision and control of the whole work by a skillful and competent officer of the Corps of Engineers or of the Topographical Corps, and as the officers of those corps are more immediately amenable to the Secretary of War, I hereby direct that the jurisdiction heretofore exercised over the said work by the Department of the Interior be transferred to the War Department, and request that the Secretary of War will designate to the President a suitable officer to take charge of the same.

*Franklin Pierce.*



## Page 11

### BY THE PRESIDENT OF THE UNITED STATES.

*Washington, April 20, 1853.*

The President has, with deep sorrow, received information that the Vice-President of the United States, William R. King, died on the 18th instant at his residence in Alabama.

In testimony of respect for eminent station, exalted character, and, higher and above all station, for a career of public service and devotion to this Union which for duration and usefulness is almost without a parallel in the history of the Republic, the labors of the various Departments will be suspended.

The Secretaries of War and Navy will issue orders that appropriate military and naval honors be rendered to the memory of one to whom such a tribute will not be formal, but heartfelt from a people the deceased has so faithfully served.

The public offices will be closed to-morrow and badges of mourning be placed on the Executive Mansion and all the Executive Departments at Washington.

*Franklin Pierce.*

*General orders, No. II.*

### WAR DEPARTMENT,

*Adjutant-general's office,*

*Washington, April 20, 1853.*

I. The following order announces to the Army the death of William Rufus King, late Vice-President of the United States:

### WAR DEPARTMENT,

*Washington, April 20, 1853.*

With deep sorrow the President announces to the Army the death of William Rufus King, Vice-President of the United States, who died on the evening of Monday, the 18th instant, at his residence in Dallas County, Ala.

Called into the service of his country at a period in life when but few are prepared to enter upon its realities, his long career of public usefulness at home and abroad has



always been honored by the public confidence, and was closed in the second office within the gift of the people.

From sympathy with his relatives and the American people for their loss and from respect for his distinguished public services, the President directs that appropriate honors to his memory be paid by the Army.

JEFFERSON DAVIS,

*Secretary of War.*

II. On the day next succeeding the receipt of this order at each military post the troops will be paraded at 10 o'clock a.m. and this order read to them.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired. Commencing at 12 o'clock m. seventeen minute guns will be fired and at the close of the day the national salute of thirty-one guns.

The usual badge of mourning will be worn by officers of the Army and the colors of the several regiments will be put in mourning for the period of three months.



## Page 12

By order:

S. COOPER,

*Adjutant-General.*

[From the Daily National Intelligencer, April 21, 1853.]

GENERAL ORDER.

NAVY DEPARTMENT,

*April 20, 1853.*

With deep sorrow the President announces to the officers of the Navy and Marine Corps the death of William Rufus King, Vice-President of the United States, who died on the evening of Monday, the 18th instant, at his residence in Alabama.

Called into the service of his country at a period of life when but few are prepared to enter upon its realities, his long career of public usefulness at home and abroad has always been honored by the public confidence, and was closed in the second office within the gift of the people.

From sympathy with his relatives and the American people for their loss and from respect for his distinguished public services, the President directs that appropriate honors be paid to his memory at each of the navy-yards and naval stations and on board all the public vessels in commission on the day after this order is received by firing at dawn of day thirteen guns, at 12 o'clock m. seventeen minute guns, and at the close of the day the national salute, by carrying their flags at half-mast one day, and by the officers wearing crape on the left arm for three months.

J.C. DOBBIN,

*Secretary of the Navy.*

## FIRST ANNUAL MESSAGE.

WASHINGTON, D.C., *December 5, 1853.*

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

The interest with which the people of the Republic anticipate the assembling of Congress and the fulfillment on that occasion of the duty imposed upon a new President is one of the best evidences of their capacity to realize the hopes of the founders of a



political system at once complex and symmetrical. While the different branches of the Government are to a certain extent independent of each other, the duties of all alike have direct reference to the source of power. Fortunately, under this system no man is so high and none so humble in the scale of public station as to escape from the scrutiny or to be exempt from the responsibility which all official functions imply.

Upon the justice and intelligence of the masses, in a government thus organized, is the sole reliance of the confederacy and the only security for honest and earnest devotion to its interests against the usurpations and encroachments of power on the one hand and the assaults of personal ambition on the other.

The interest of which I have spoken is inseparable from an inquiring, self-governing community, but stimulated, doubtless, at the present time by the unsettled condition of our relations with several foreign powers, by the new obligations resulting from a sudden extension of the field of enterprise, by the spirit with which that field has been entered and the amazing energy with which its resources for meeting the demands of humanity have been developed.

## Page 13

Although disease, assuming at one time the characteristics of a widespread and devastating pestilence, has left its sad traces upon some portions of our country, we have still the most abundant cause for reverent thankfulness to God for an accumulation of signal mercies showered upon us as a nation. It is well that a consciousness of rapid advancement and increasing strength be habitually associated with an abiding sense of dependence upon Him who holds in His hands the destiny of men and of nations.

Recognizing the wisdom of the broad principle of absolute religious toleration proclaimed in our fundamental law, and rejoicing in the benign influence which it has exerted upon our social and political condition, I should shrink from a clear duty did I fail to express my deepest conviction that we can place no secure reliance upon any apparent progress if it be not sustained by national integrity, resting upon the great truths affirmed and illustrated by divine revelation. In the midst of our sorrow for the afflicted and suffering, it has been consoling to see how promptly disaster made true neighbors of districts and cities separated widely from each other, and cheering to watch the strength of that common bond of brotherhood which unites all hearts, in all parts of this Union, when danger threatens from abroad or calamity impends over us at home.

Our diplomatic relations with foreign powers have undergone no essential change since the adjournment of the last Congress. With some of them questions of a disturbing character are still pending, but there are good reasons to believe that these may all be amicably adjusted.

For some years past Great Britain has so construed the first article of the convention of the 20th of April, 1818, in regard to the fisheries on the northeastern coast, as to exclude our citizens from some of the fishing grounds to which they freely resorted for nearly a quarter of a century subsequent to the date of that treaty. The United States have never acquiesced in this construction, but have always claimed for their fishermen all the rights which they had so long enjoyed without molestation. With a view to remove all difficulties on the subject, to extend the rights of our fishermen beyond the limits fixed by the convention of 1818, and to regulate trade between the United States and the British North American Provinces, a negotiation has been opened with a fair prospect of a favorable result. To protect our fishermen in the enjoyment of their rights and prevent collision between them and British fishermen, I deemed it expedient to station a naval force in that quarter during the fishing season.

Embarrassing questions have also arisen between the two Governments in regard to Central America. Great Britain has proposed to settle them by an amicable arrangement, and our minister at London is instructed to enter into negotiations on that subject.

A commission for adjusting the claims of our citizens against Great Britain and those of British subjects against the United States, organized under the convention of the 8th of February last, is now sitting in London for the transaction of business.

## Page 14

It is in many respects desirable that the boundary line between the United States and the British Provinces in the northwest, as designated in the convention of the 15th of June, 1846, and especially that part which separates the Territory of Washington from the British possessions on the north, should be traced and marked. I therefore present the subject to your notice.

With France our relations continue on the most friendly footing. The extensive commerce between the United States and that country might, it is conceived, be released from some unnecessary restrictions to the mutual advantage of both parties. With a view to this object, some progress has been made in negotiating a treaty of commerce and navigation.

Independently of our valuable trade with Spain, we have important political relations with her growing out of our neighborhood to the islands of Cuba and Porto Rico. I am happy to announce that since the last Congress no attempts have been made by unauthorized expeditions within the United States against either of those colonies. Should any movement be manifested within our limits, all the means at my command will be vigorously exerted to repress it. Several annoying occurrences have taken place at Havana, or in the vicinity of the island of Cuba, between our citizens and the Spanish authorities. Considering the proximity of that island to our shores, lying, as it does, in the track of trade between some of our principal cities, and the suspicious vigilance with which foreign intercourse, particularly that with the United States, is there guarded, a repetition of such occurrences may well be apprehended.

As no diplomatic intercourse is allowed between our consul at Havana and the Captain-General of Cuba, ready explanations can not be made or prompt redress afforded where injury has resulted. All complaint on the part of our citizens under the present arrangement must be, in the first place, presented to this Government and then referred to Spain. Spain again refers it to her local authorities in Cuba for investigation, and postpones an answer till she has heard from those authorities. To avoid these irritating and vexatious delays, a proposition has been made to provide for a direct appeal for redress to the Captain-General by our consul in behalf of our injured fellow-citizens. Hitherto the Government of Spain has declined to enter into any such arrangement. This course on her part is deeply regretted, for without some arrangement of this kind the good understanding between the two countries may be exposed to occasional interruption. Our minister at Madrid is instructed to renew the proposition and to press it again upon the consideration of Her Catholic Majesty's Government.

## Page 15

For several years Spain has been calling the attention of this Government to a claim for losses by some of her subjects in the case of the schooner *Amistad*. This claim is believed to rest on the obligations imposed by our existing treaty with that country. Its justice was admitted in our diplomatic correspondence with the Spanish Government as early as March, 1847, and one of my predecessors, in his annual message of that year, recommended that provision should be made for its payment. In January last it was again submitted to Congress by the Executive. It has received a favorable consideration by committees of both branches, but as yet there has been no final action upon it. I conceive that good faith requires its prompt adjustment, and I present it to your early and favorable consideration.

Martin Koszta, a Hungarian by birth, came to this country in 1850, and declared his intention in due form of law to become a citizen of the United States. After remaining here nearly two years he visited Turkey. While at Smyrna he was forcibly seized, taken on board an Austrian brig of war then lying in the harbor of that place, and there confined in irons, with the avowed design to take him into the dominions of Austria. Our consul at Smyrna and legation at Constantinople interposed for his release, but their efforts were ineffectual. While thus in prison Commander Ingraham, with the United States ship of war *St. Louis*, arrived at Smyrna, and after inquiring into the circumstances of the case came to the conclusion that Koszta was entitled to the protection of this Government, and took energetic and prompt measures for his release. Under an arrangement between the agents of the United States and of Austria, he was transferred to the custody of the French consul-general at Smyrna, there to remain until he should be disposed of by the mutual agreement of the consuls of the respective Governments at that place. Pursuant to that agreement, he has been released, and is now in the United States. The Emperor of Austria has made the conduct of our officers who took part in this transaction a subject of grave complaint. Regarding Koszta as still his subject, and claiming a right to seize him within the limits of the Turkish Empire, he has demanded of this Government its consent to the surrender of the prisoner, a disavowal of the acts of its agents, and satisfaction for the alleged outrage. After a careful consideration of the case I came to the conclusion that Koszta was seized without legal authority at Smyrna; that he was wrongfully detained on board of the Austrian brig of war; that at the time of his seizure he was clothed with the nationality of the United States, and that the acts of our officers, under the circumstances of the case, were justifiable, and their conduct has been fully approved by me, and a compliance with the several demands of the Emperor of Austria has been declined.

For a more full account of this transaction and my views in regard to it I refer to the correspondence between the charge d'affaires of Austria and the Secretary of State, which is herewith transmitted. The principles and policy therein maintained on the part of the United States will, whenever a proper occasion occurs, be applied and enforced.

## Page 16

The condition of China at this time renders it probable that some important changes will occur in that vast Empire which will lead to a more unrestricted intercourse with it. The commissioner to that country who has been recently appointed is instructed to avail himself of all occasions to open and extend our commercial relations, not only with the Empire of China, but with other Asiatic nations.

In 1852 an expedition was sent to Japan, under the command of Commodore Perry, for the purpose of opening commercial intercourse with that Empire. Intelligence has been received of his arrival there and of his having made known to the Emperor of Japan the object of his visit. But it is not yet ascertained how far the Emperor will be disposed to abandon his restrictive policy and open that populous country to a commercial intercourse with the United States.

It has been my earnest desire to maintain friendly intercourse with the Governments upon this continent and to aid them in preserving good understanding among themselves. With Mexico a dispute has arisen as to the true boundary line between our Territory of New Mexico and the Mexican State of Chihuahua. A former commissioner of the United States, employed in running that line pursuant to the treaty of Guadalupe Hidalgo, made a serious mistake in determining the initial point on the Rio Grande; but inasmuch as his decision was clearly a departure from the directions for tracing the boundary contained in that treaty, and was not concurred in by the surveyor appointed on the part of the United States, whose concurrence was necessary to give validity to that decision, this Government is not concluded thereby; but that of Mexico takes a different view of the subject.

There are also other questions of considerable magnitude pending between the two Republics. Our minister in Mexico has ample instructions to adjust them. Negotiations have been opened, but sufficient progress has not been made therein to enable me to speak of the probable result. Impressed with the importance of maintaining amicable relations with that Republic and of yielding with liberality to all her just claims, it is reasonable to expect that an arrangement mutually satisfactory to both countries may be concluded and a lasting friendship between them confirmed and perpetuated.

Congress having provided for a full mission to the States of Central America, a minister was sent thither in July last. As yet he has had time to visit only one of these States (Nicaragua), where he was received in the most friendly manner. It is hoped that his presence and good offices will have a benign effect in composing the dissensions which prevail among them, and in establishing still more intimate and friendly relations between them respectively and between each of them and the United States.

## Page 17

Considering the vast regions of this continent and the number of states which would be made accessible by the free navigation of the river Amazon, particular attention has been given to this subject. Brazil, through whose territories it passes into the ocean, has hitherto persisted in a policy so restricted in regard to the use of this river as to obstruct and nearly exclude foreign commercial intercourse with the States which lie upon its tributaries and upper branches. Our minister to that country is instructed to obtain a relaxation of that policy and to use his efforts to induce the Brazilian Government to open to common use, under proper safeguards, this great natural highway for international trade. Several of the South American States are deeply interested in this attempt to secure the free navigation of the Amazon, and it is reasonable to expect their cooperation in the measure. As the advantages of free commercial intercourse among nations are better understood, more liberal views are generally entertained as to the common rights of all to the free use of those means which nature has provided for international communication. To these more liberal and enlightened views it is hoped that Brazil will conform her policy and remove all unnecessary restrictions upon the free use of a river which traverses so many states and so large a part of the continent. I am happy to inform you that the Republic of Paraguay and the Argentine Confederation have yielded to the liberal policy still resisted by Brazil in regard to the navigable rivers within their respective territories. Treaties embracing this subject, among others, have been negotiated with these Governments, which will be submitted to the Senate at the present session.

A new branch of commerce, important to the agricultural interests of the United States, has within a few years past been opened with Peru. Notwithstanding the inexhaustible deposits of guano upon the islands of that country, considerable difficulties are experienced in obtaining the requisite supply. Measures have been taken to remove these difficulties and to secure a more abundant importation of the article. Unfortunately, there has been a serious collision between our citizens who have resorted to the Chincha Islands for it and the Peruvian authorities stationed there. Redress for the outrages committed by the latter was promptly demanded by our minister at Lima. This subject is now under consideration, and there is reason to believe that Peru is disposed to offer adequate indemnity to the aggrieved parties.

We are thus not only at peace with all foreign countries, but, in regard to political affairs, are exempt from any cause of serious inquietude in our domestic relations.

The controversies which have agitated the country heretofore are passing away with the causes which produced them and the passions which they had awakened; or, if any trace of them remains, it may be reasonably hoped that it will only be perceived in the zealous rivalry of all good citizens to testify their respect for the rights of the States, their devotion to the Union, and their common determination that each one of the States, its institutions, its welfare, and its domestic peace, shall be held alike secure under the sacred aegis of the Constitution.

## Page 18

This new league of amity and of mutual confidence and support into which the people of the Republic have entered happily affords inducement and opportunity for the adoption of a more comprehensive and unembarrassed line of policy and action as to the great material interests of the country, whether regarded in themselves or in connection with the powers of the civilized world.

The United States have continued gradually and steadily to expand through acquisitions of territory, which, how much soever some of them may have been questioned, are now universally seen and admitted to have been wise in policy, just in character, and a great element in the advancement of our country, and with it of the human race, in freedom, in prosperity, and in happiness. The thirteen States have grown to be thirty-one, with relations reaching to Europe on the one side and on the other to the distant realms of Asia.

I am deeply sensible of the immense responsibility which the present magnitude of the Republic and the diversity and multiplicity of its interests devolves upon me, the alleviation of which, so far as relates to the immediate conduct of the public business, is, first, in my reliance on the wisdom and patriotism of the two Houses of Congress, and, secondly, in the directions afforded me by the principles of public polity affirmed by our fathers of the epoch of 1798, sanctioned by long experience, and consecrated anew by the overwhelming voice of the people of the United States.

Recurring to these principles, which constitute the organic basis of union, we perceive that vast as are the functions and the duties of the Federal Government, vested in or intrusted to its three great departments—the legislative, executive, and judicial—yet the substantive power, the popular force, and the large capacities for social and material development exist in the respective States, which, all being of themselves well-constituted republics, as they preceded so they alone are capable of maintaining and perpetuating the American Union. The Federal Government has its appropriate line of action in the specific and limited powers conferred on it by the Constitution, chiefly as to those things in which the States have a common interest in their relations to one another and to foreign governments, while the great mass of interests which belong to cultivated men—the ordinary business of life, the springs of industry, all the diversified personal and domestic affairs of society—rest securely upon the general reserved powers of the people of the several States. There is the effective democracy of the nation, and there the vital essence of its being and its greatness.

Of the practical consequences which flow from the nature of the Federal Government, the primary one is the duty of administering with integrity and fidelity the high trust reposed in it by the Constitution, especially in the application of the public funds as drawn by taxation from the people and appropriated to specific objects by Congress.

## Page 19

Happily, I have no occasion to suggest any radical changes in the financial policy of the Government. Ours is almost, if not absolutely, the solitary power of Christendom having a surplus revenue drawn immediately from imposts on commerce, and therefore measured by the spontaneous enterprise and national prosperity of the country, with such indirect relation to agriculture, manufactures, and the products of the earth and sea as to violate no constitutional doctrine and yet vigorously promote the general welfare. Neither as to the sources of the public treasure nor as to the manner of keeping and managing it does any grave controversy now prevail, there being a general acquiescence in the wisdom of the present system.

The report of the Secretary of the Treasury will exhibit in detail the state of the public finances and the condition of the various branches of the public service administered by that Department of the Government.

The revenue of the country, levied almost insensibly to the taxpayer, goes on from year to year, increasing beyond either the interests or the prospective wants of the Government.

At the close of the fiscal year ending June 30, 1852, there remained in the Treasury a balance of \$14,632,136. The public revenue for the fiscal year ending June 30, 1853, amounted to \$58,931,865 from customs and to \$2,405,708 from public lands and other miscellaneous sources, amounting together to \$61,337,574, while the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to \$43,554,262, leaving a balance of \$32,425,447 of receipts above expenditures.

This fact of increasing surplus in the Treasury became the subject of anxious consideration at a very early period of my Administration, and the path of duty in regard to it seemed to me obvious and clear, namely: First, to apply the surplus revenue to the discharge of the public debt so far as it could judiciously be done, and, secondly, to devise means for the gradual reduction of the revenue to the standard of the public exigencies.

Of these objects the first has been in the course of accomplishment in a manner and to a degree highly satisfactory. The amount of the public debt of all classes was on the 4th of March, 1853, \$69,190,037, payments on account of which have been made since that period to the amount of \$12,703,329, leaving unpaid and in continuous course of liquidation the sum of \$56,486,708. These payments, although made at the market price of the respective classes of stocks, have been effected readily and to the general advantage of the Treasury, and have at the same time proved of signal utility in the relief they have incidentally afforded to the money market and to the industrial and commercial pursuits of the country.



The second of the above-mentioned objects, that of the reduction of the tariff, is of great importance, and the plan suggested by the Secretary of the Treasury, which is to reduce the duties on certain articles and to add to the free list many articles now taxed, and especially such as enter into manufactures and are not largely, or at all, produced in the country, is commended to your candid and careful consideration.



## Page 20

You will find in the report of the Secretary of the Treasury, also, abundant proof of the entire adequacy of the present fiscal system to meet all the requirements of the public service, and that, while properly administered, it operates to the advantage of the community in ordinary business relations.

I respectfully ask your attention to sundry suggestions of improvements in the settlement of accounts, especially as regards the large sums of outstanding arrears due to the Government, and of other reforms in the administrative action of his Department which are indicated by the Secretary; as also to the progress made in the construction of marine hospitals, custom-houses, and of a new mint in California and assay office in the city of New York, heretofore provided for by Congress, and also to the eminently successful progress of the Coast Survey and of the Light-House Board.

Among the objects meriting your attention will be important recommendations from the Secretaries of War and Navy. I am fully satisfied that the Navy of the United States is not in a condition of strength and efficiency commensurate with the magnitude of our commercial and other interests, and commend to your especial attention the suggestions on this subject made by the Secretary of the Navy. I respectfully submit that the Army, which under our system must always be regarded with the highest interest as a nucleus around which the volunteer forces of the nation gather in the hour of danger, requires augmentation, or modification, to adapt it to the present extended limits and frontier relations of the country and the condition of the Indian tribes in the interior of the continent, the necessity of which will appear in the communications of the Secretaries of War and the Interior.

In the administration of the Post-Office Department for the fiscal year ending June 30, 1853, the gross expenditure was \$7,982,756, and the gross receipts during the same period \$5,942,734, showing that the current revenue failed to meet the current expenses of the Department by the sum of \$2,042,032. The causes which, under the present postal system and laws, led inevitably to this result are fully explained by the report of the Postmaster-General, one great cause being the enormous rates the Department has been compelled to pay for mail service rendered by railroad companies.

The exhibit in the report of the Postmaster-General of the income and expenditures by mail steamers will be found peculiarly interesting and of a character to demand the immediate action of Congress.

Numerous and flagrant frauds upon the Pension Bureau have been brought to light within the last year, and in some instances merited punishments inflicted; but, unfortunately, in others guilty parties have escaped, not through the want of sufficient evidence to warrant a conviction, but in consequence of the provisions of limitation in the existing laws.



From the nature of these claims, the remoteness of the tribunals to pass upon them, and the mode in which the proof is of necessity furnished, temptations to crime have been greatly stimulated by the obvious difficulties of detection. The defects in the law upon this subject are so apparent and so fatal to the ends of justice that your early action relating to it is most desirable.

## Page 21

During the last fiscal year 9,819,411 acres of the public lands have been surveyed and 10,363,891 acres brought into market. Within the same period the sales by public purchase and private entry amounted to 1,083,495 acres; located under military bounty-land warrants, 6,142,360 acres; located under other certificates, 9,427 acres; ceded to the States as swamp lands, 16,684,253 acres; selected for railroad and other objects under acts of Congress, 1,427,457 acres; total amount of lands disposed of within the fiscal year, 25,346,992 acres, which is an increase in quantity sold and located under land warrants and grants of 12,231,818 acres over the fiscal year immediately preceding. The quantity of land sold during the second and third quarters of 1852 was 334,451 acres; the amount received therefor was \$623,687. The quantity sold the second and third quarters of the year 1853 was 1,609,919 acres, and the amount received therefor \$2,226,876.

The whole number of land warrants issued under existing laws prior to the 30th of September last was 266,042, of which there were outstanding at that date 66,947. The quantity of land required to satisfy these outstanding warrants is 4,778,120 acres.

Warrants have been issued to 30th of September last under the act of 11th February, 1847, calling for 12,879,280 acres, under acts of September 28, 1850, and March 22, 1852, calling for 12,505,360 acres, making a total of 25,384,640 acres.

It is believed that experience has verified the wisdom and justice of the present system with regard to the public domain in most essential particulars.

You will perceive from the report of the Secretary of the Interior that opinions which have often been expressed in relation to the operation of the land system as not being a source of revenue to the Federal Treasury were erroneous. The net profits from the sale of the public lands to June 30, 1853, amounted to the sum of \$53,289,465.

I recommend the extension of the land system over the Territories of Utah and New Mexico, with such modifications as their peculiarities may require.

Regarding our public domain as chiefly valuable to provide homes for the industrious and enterprising, I am not prepared to recommend any essential change in the land system, except by modifications in favor of the actual settler and an extension of the preemption principle in certain cases, for reasons and on grounds which will be fully developed in the reports to be laid before you.

Congress, representing the proprietors of the territorial domain and charged especially with power to dispose of territory belonging to the United States, has for a long course of years, beginning with the Administration of Mr. Jefferson, exercised the power to construct roads within the Territories, and there are so many and obvious distinctions between this exercise of power and that of making roads within the States that the former has never been considered subject to such objections as apply to the latter; and

such may now be considered the settled construction of the power of the Federal Government upon the subject.

## Page 22

Numerous applications have been and no doubt will continue to be made for grants of land in aid of the construction of railways. It is not believed to be within the intent and meaning of the Constitution that the power to dispose of the public domain should be used otherwise than might be expected from a prudent proprietor, and therefore that grants of land to aid in the construction of roads should be restricted to cases where it would be for the interest of a proprietor under like circumstances thus to contribute to the construction of these works. For the practical operation of such grants thus far in advancing the interests of the States in which the works are located, and at the same time the substantial interests of all the other States, by enhancing the value and promoting the rapid sale of the public domain, I refer you to the report of the Secretary of the Interior. A careful examination, however, will show that this experience is the result of a just discrimination and will be far from affording encouragement to a reckless or indiscriminate extension of the principle.

I commend to your favorable consideration the men of genius of our country who by their inventions and discoveries in science and arts have contributed largely to the improvements of the age without, in many instances, securing for themselves anything like an adequate reward. For many interesting details upon this subject I refer you to the appropriate reports, and especially urge upon your early attention the apparently slight, but really important, modifications of existing laws therein suggested.

The liberal spirit which has so long marked the action of Congress in relation to the District of Columbia will, I have no doubt, continue to be manifested.

The erection of an asylum for the insane of the District of Columbia and of the Army and Navy of the United States has been somewhat retarded by the great demand for materials and labor during the past summer, but full preparation for the reception of patients before the return of another winter is anticipated; and there is the best reason to believe, from the plan and contemplated arrangements which have been devised, with the large experience furnished within the last few years in relation to the nature and treatment of the disease, that it will prove an asylum indeed to this most helpless and afflicted class of sufferers and stand as a noble monument of wisdom and mercy.

Under the acts of Congress of August 31, 1852, and of March 3, 1853, designed to secure for the cities of Washington and Georgetown an abundant supply of good and wholesome water, it became my duty to examine the report and plans of the engineer who had charge of the surveys under the act first named. The best, if not the only, plan calculated to secure permanently the object sought was that which contemplates taking the water from the Great Falls of the Potomac, and consequently I gave to it my approval.

## Page 23

For the progress and present condition of this important work and for its demands so far as appropriations are concerned I refer you to the report of the Secretary of War.

The present judicial system of the United States has now been in operation for so long a period of time and has in its general theory and much of its details become so familiar to the country and acquired so entirely the public confidence that if modified in any respect it should only be in those particulars which may adapt it to the increased extent, population, and legal business of the United States. In this relation the organization of the courts is now confessedly inadequate to the duties to be performed by them, in consequence of which the States of Florida, Wisconsin, Iowa, Texas, and California, and districts of other States, are in effect excluded from the full benefits of the general system by the functions of the circuit court being devolved on the district judges in all those States or parts of States.

The spirit of the Constitution and a due regard to justice require that all the States of the Union should be placed on the same footing in regard to the judicial tribunals. I therefore commend to your consideration this important subject, which in my judgment demands the speedy action of Congress. I will present to you, if deemed desirable, a plan which I am prepared to recommend for the enlargement and modification of the present judicial system.

The act of Congress establishing the Smithsonian Institution provided that the President of the United States and other persons therein designated should constitute an "establishment" by that name, and that the members should hold stated and special meetings for the supervision of the affairs of the Institution. The organization not having taken place, it seemed to me proper that it should be effected without delay. This has been done; and an occasion was thereby presented for inspecting the condition of the Institution and appreciating its successful progress thus far and its high promise of great and general usefulness.

I have omitted to ask your favorable consideration for the estimates of works of a local character in twenty-seven of the thirty-one States, amounting to \$1,754,500, because, independently of the grounds which have so often been urged against the application of the Federal revenue for works of this character, inequality, with consequent injustice, is inherent in the nature of the proposition, and because the plan has proved entirely inadequate to the accomplishment of the objects sought.

## Page 24

The subject of internal improvements, claiming alike the interest and good will of all, has, nevertheless, been the basis of much political discussion and has stood as a deep-graven line of division between statesmen of eminent ability and patriotism. The rule of strict construction of all powers delegated by the States to the General Government has arrayed itself from time to time against the rapid progress of expenditures from the National Treasury on works of a local character within the States. Memorable as an epoch in the history of this subject is the message of President Jackson of the 27th of May, 1830, which met the system of internal improvements in its comparative infancy; but so rapid had been its growth that the projected appropriations in that year for works of this character had risen to the alarming amount of more than \$100,000,000.

In that message the President admitted the difficulty of bringing back the operations of the Government to the construction of the Constitution set up in 1798, and marked it as an admonitory proof of the necessity of guarding that instrument with sleepless vigilance against the authority of precedents which had not the sanction of its most plainly defined powers.

Our Government exists under a written compact between sovereign States, uniting for specific objects and with specific grants to their general agent. If, then, in the progress of its administration there have been departures from the terms and intent of the compact, it is and will ever be proper to refer back to the fixed standard which our fathers left us and to make a stern effort to conform our action to it. It would seem that the fact of a principle having been resisted from the first by many of the wisest and most patriotic men of the Republic, and a policy having provoked constant strife without arriving at a conclusion which can be regarded as satisfactory to its most earnest advocates, should suggest the inquiry whether there may not be a plan likely to be crowned by happier results. Without perceiving any sound distinction or intending to assert any principle as opposed to improvements needed for the protection of internal commerce which does not equally apply to improvements upon the seaboard for the protection of foreign commerce, I submit to you whether it may not be safely anticipated that if the policy were once settled against appropriations by the General Government for local improvements for the benefit of commerce, localities requiring expenditures would not, by modes and means clearly legitimate and proper, raise the fund necessary for such constructions as the safety or other interests of their commerce might require.

If that can be regarded as a system which in the experience of more than thirty years has at no time so commanded the public judgment as to give it the character of a settled policy; which, though it has produced some works of conceded importance, has been attended with an expenditure quite disproportionate to their value and has resulted in squandering large sums upon objects which have answered no valuable purpose, the interests of all the States require it to be abandoned unless hopes may be indulged for the future which find no warrant in the past.

## Page 25

With an anxious desire for the completion of the works which are regarded by all good citizens with sincere interest, I have deemed it my duty to ask at your hands a deliberate reconsideration of the question, with a hope that, animated by a desire to promote the permanent and substantial interests of the country, your wisdom may prove equal to the task of devising and maturing a plan which, applied to this subject, may promise something better than constant strife, the suspension of the powers of local enterprise, the exciting of vain hopes, and the disappointment of cherished expectations.

In expending the appropriations made by the last Congress several cases have arisen in relation to works for the improvement of harbors which involve questions as to the right of soil and jurisdiction, and have threatened conflict between the authority of the State and General Governments. The right to construct a breakwater, jetty, or dam would seem necessarily to carry with it the power to protect and preserve such constructions. This can only be effectually done by having jurisdiction over the soil. But no clause of the Constitution is found on which to rest the claim of the United States to exercise jurisdiction over the soil of a State except that conferred by the eighth section of the first article of the Constitution. It is, then, submitted whether, in all cases where constructions are to be erected by the General Government, the right of soil should not first be obtained and legislative provision be made to cover all such cases.

For the progress made in the construction of roads within the Territories, as provided for in the appropriations of the last Congress, I refer you to the report of the Secretary of War.

There is one subject of a domestic nature which, from its intrinsic importance and the many interesting questions of future policy which it involves, can not fail to receive your early attention. I allude to the means of communication by which different parts of the wide expanse of our country are to be placed in closer connection for purposes both of defense and commercial intercourse, and more especially such as appertain to the communication of those great divisions of the Union which lie on the opposite sides of the Rocky Mountains.

That the Government has not been unmindful of this heretofore is apparent from the aid it has afforded through appropriations for mail facilities and other purposes. But the general subject will now present itself under aspects more imposing and more purely national by reason of the surveys ordered by Congress, and now in the process of completion, for communication by railway across the continent, and wholly within the limits of the United States.

## Page 26

The power to declare war, to raise and support armies, to provide and maintain a navy, and to call forth the militia to execute the laws, suppress insurrections, and repel invasions was conferred upon Congress as means to provide for the common defense and to protect a territory and a population now widespread and vastly multiplied. As incidental to and indispensable for the exercise of this power, it must sometimes be necessary to construct military roads and protect harbors of refuge. To appropriations by Congress for such objects no sound objection can be raised. Happily for our country, its peaceful policy and rapidly increasing population impose upon us no urgent necessity for preparation, and leave but few trackless deserts between assailable points and a patriotic people ever ready and generally able to protect them. These necessary links the enterprise and energy of our people are steadily and boldly struggling to supply. All experience affirms that wherever private enterprise will avail it is most wise for the General Government to leave to that and individual watchfulness the location and execution of all means of communication.

The surveys before alluded to were designed to ascertain the most practicable and economical route for a railroad from the river Mississippi to the Pacific Ocean. Parties are now in the field making explorations, where previous examinations had not supplied sufficient data and where there was the best reason to hope the object sought might be found. The means and time being both limited, it is not to be expected that all the accurate knowledge desired will be obtained, but it is hoped that much and important information will be added to the stock previously possessed, and that partial, if not full, reports of the surveys ordered will be received in time for transmission to the two Houses of Congress on or before the first Monday in February next, as required by the act of appropriation. The magnitude of the enterprise contemplated has aroused and will doubtless continue to excite a very general interest throughout the country. In its political, its commercial, and its military bearings it has varied, great, and increasing claims to consideration. The heavy expense, the great delay, and, at times, fatality attending travel by either of the Isthmus routes have demonstrated the advantage which would result from interterritorial communication by such safe and rapid means as a railroad would supply.

These difficulties, which have been encountered in a period of peace, would be magnified and still further increased in time of war. But whilst the embarrassments already encountered and others under new contingencies to be anticipated may serve strikingly to exhibit the importance of such a work, neither these nor all considerations combined can have an appreciable value when weighed against the obligation strictly to adhere to the Constitution and faithfully to execute the powers it confers.

## Page 27

Within this limit and to the extent of the interest of the Government involved it would seem both expedient and proper if an economical and practicable route shall be found to aid by all constitutional means in the construction of a road which will unite by speedy transit the populations of the Pacific and Atlantic States. To guard against misconception, it should be remarked that although the power to construct or aid in the construction of a road within the limits of a Territory is not embarrassed by that question of jurisdiction which would arise within the limits of a State, it is, nevertheless, held to be of doubtful power and more than doubtful propriety, even within the limits of a Territory, for the General Government to undertake to administer the affairs of a railroad, a canal, or other similar construction, and therefore that its connection with a work of this character should be incidental rather than primary. I will only add at present that, fully appreciating the magnitude of the subject and solicitous that the Atlantic and Pacific shores of the Republic may be bound together by inseparable ties of common interest, as well as of common fealty and attachment to the Union, I shall be disposed, so far as my own action is concerned, to follow the lights of the Constitution as expounded and illustrated by those whose opinions and expositions constitute the standard of my political faith in regard to the powers of the Federal Government. It is, I trust, not necessary to say that no grandeur of enterprise and no present urgent inducement promising popular favor will lead me to disregard those lights or to depart from that path which experience has proved to be safe, and which is now radiant with the glow of prosperity and legitimate constitutional progress. We can afford to wait, but we can not afford to overlook the ark of our security.

It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfill the object of a wise design. When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose bearing upon the domestic institutions of one portion of the Confederacy and involving the constitutional rights of the States. But notwithstanding differences of opinion and sentiment which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, has given renewed vigor to our

## Page 28

institutions and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured. The wisdom of men who knew what independence cost, who had put all at stake upon the issue of the Revolutionary struggle, disposed of the subject to which I refer in the only way consistent with the Union of these States and with the march of power and prosperity which has made us what we are. It is a significant fact that from the adoption of the Constitution until the officers and soldiers of the Revolution had passed to their graves, or, through the infirmities of age and wounds, had ceased to participate actively in public affairs, there was not merely a quiet acquiescence in, but a prompt vindication of, the constitutional rights of the States. The reserved powers were scrupulously respected. No statesman put forth the narrow views of casuists to justify interference and agitation, but the spirit of the compact was regarded as sacred in the eye of honor and indispensable for the great experiment of civil liberty, which, environed by inherent difficulties, was yet borne forward in apparent weakness by a power superior to all obstacles. There is no condemnation which the voice of freedom will not pronounce upon us should we prove faithless to this great trust. While men inhabiting different parts of this vast continent can no more be expected to hold the same opinions or entertain the same sentiments than every variety of climate or soil can be expected to furnish the same agricultural products, they can unite in a common object and sustain common principles essential to the maintenance of that object. The gallant men of the South and the North could stand together during the struggle of the Revolution; they could stand together in the more trying period which succeeded the clangor of arms. As their united valor was adequate to all the trials of the camp and dangers of the field, so their united wisdom proved equal to the greater task of founding upon a deep and broad basis institutions which it has been our privilege to enjoy and will ever be our most sacred duty to sustain. It is but the feeble expression of a faith strong and universal to say that their sons, whose blood mingled so often upon the same field during the War of 1812 and who have more recently borne in triumph the flag of the country upon a foreign soil, will never permit alienation of feeling to weaken the power of their united efforts nor internal dissensions to paralyze the great arm of freedom, uplifted for the vindication of self-government.

I have thus briefly presented such suggestions as seem to me especially worthy of your consideration. In providing for the present you can hardly fail to avail yourselves of the light which the experience of the past casts upon the future.

The growth of our population has now brought us, in the destined career of our national history, to a point at which it well behooves us to expand our vision over the vast prospective.



## Page 29

The successive decennial returns of the census since the adoption of the Constitution have revealed a law of steady, progressive development, which may be stated in general terms as a duplication every quarter century. Carried forward from the point already reached for only a short period of time, as applicable to the existence of a nation, this law of progress, if unchecked, will bring us to almost incredible results. A large allowance for a diminished proportional effect of emigration would not very materially reduce the estimate, while the increased average duration of human life known to have already resulted from the scientific and hygienic improvements of the past fifty years will tend to keep up through the next fifty, or perhaps hundred, the same ratio of growth which has been thus revealed in our past progress; and to the influence of these causes may be added the influx of laboring masses from eastern Asia to the Pacific side of our possessions, together with the probable accession of the populations already existing in other parts of our hemisphere, which within the period in question will feel with yearly increasing force the natural attraction of so vast, powerful, and prosperous a confederation of self-governing republics and will seek the privilege of being admitted within its safe and happy bosom, transferring with themselves, by a peaceful and healthy process of incorporation, spacious regions of virgin and exuberant soil, which are destined to swarm with the fast-growing and fast-spreading millions of our race.

These considerations seem fully to justify the presumption that the law of population above stated will continue to act with undiminished effect through at least the next half century, and that thousands of persons who have already arrived at maturity and are now exercising the rights of freemen will close their eyes on the spectacle of more than 100,000,000 of population embraced within the majestic proportions of the American Union. It is not merely as an interesting topic of speculation that I present these views for your consideration. They have important practical bearings upon all the political duties we are called upon to perform. Heretofore our system of government has worked on what may be termed a miniature scale in comparison with the development which it must thus assume within a future so near at hand as scarcely to be beyond the present of the existing generation.

It is evident that a confederation so vast and so varied, both in numbers and in territorial extent, in habits and in interests, could only be kept in national cohesion by the strictest fidelity to the principles of the Constitution as understood by those who have adhered to the most restricted construction of the powers granted by the people and the States. Interpreted and applied according to those principles, the great compact adapts itself with healthy ease and freedom to an unlimited extension of that benign system of federative self-government of which it is our glorious and, I trust, immortal charter. Let us, then, with redoubled vigilance, be on our guard against yielding to the temptation of the exercise of doubtful powers, even under the pressure of the motives of conceded temporary advantage and apparent temporary expediency.

## Page 30

The minimum of Federal government compatible with the maintenance of national unity and efficient action in our relations with the rest of the world should afford the rule and measure of construction of our powers under the general clauses of the Constitution. A spirit of strict deference to the sovereign rights and dignity of every State, rather than a disposition to subordinate the States into a provincial relation to the central authority, should characterize all our exercise of the respective powers temporarily vested in us as a sacred trust from the generous confidence of our constituents.

In like manner, as a manifestly indispensable condition of the perpetuation of the Union and of the realization of that magnificent national future adverted to, does the duty become yearly stronger and clearer upon us, as citizens of the several States, to cultivate a fraternal and affectionate spirit, language, and conduct in regard to other States and in relation to the varied interests, institutions, and habits of sentiment and opinion which may respectively characterize them. Mutual forbearance, respect, and noninterference in our personal action as citizens and an enlarged exercise of the most liberal principles of comity in the public dealings of State with State, whether in legislation or in the execution of laws, are the means to perpetuate that confidence and fraternity the decay of which a mere political union, on so vast a scale, could not long survive.

In still another point of view is an important practical duty suggested by this consideration of the magnitude of dimensions to which our political system, with its corresponding machinery of government, is so rapidly expanding. With increased vigilance does it require us to cultivate the cardinal virtues of public frugality and official integrity and purity. Public affairs ought to be so conducted that a settled conviction shall pervade the entire Union that nothing short of the highest tone and standard of public morality marks every part of the administration and legislation of the General Government. Thus will the federal system, whatever expansion time and progress may give it, continue more and more deeply rooted in the love and confidence of the people.

That wise economy which is as far removed from parsimony as from corrupt and corrupting extravagance; that single regard for the public good which will frown upon all attempts to approach the Treasury with insidious projects of private interest cloaked under public pretexts; that sound fiscal administration which, in the legislative department, guards against the dangerous temptations incident to overflowing revenue, and, in the executive, maintains an unsleeping watchfulness against the tendency of all national expenditure to extravagance, while they are admitted elementary political duties, may, I trust, be deemed as properly adverted to and urged in view of the more impressive sense of that necessity which is directly suggested by the considerations now presented.



## Page 31

Since the adjournment of Congress the Vice-President of the United States has passed from the scenes of earth, without having entered upon the duties of the station to which he had been called by the voice of his countrymen. Having occupied almost continuously for more than thirty years a seat in one or the other of the two Houses of Congress, and having by his singular purity and wisdom secured unbounded confidence and universal respect, his failing health was watched by the nation with painful solicitude. His loss to the country, under all the circumstances, has been justly regarded as irreparable.

In compliance with the act of Congress of March 2, 1853, the oath of office was administered to him on the 24th of that month at Ariadne estate, near Matanzas, in the island of Cuba; but his strength gradually declined, and was hardly sufficient to enable him to return to his home in Alabama, where, on the 18th day of April, in the most calm and peaceful way, his long and eminently useful career was terminated.

Entertaining unlimited confidence in your intelligent and patriotic devotion to the public interest, and being conscious of no motives on my part which are not inseparable from the honor and advancement of my country, I hope it may be my privilege to deserve and secure not only your cordial cooperation in great public measures, but also those relations of mutual confidence and regard which it is always so desirable to cultivate between members of coordinate branches of the Government.

FRANKLIN PIERCE.

### **SPECIAL MESSAGES.**

WASHINGTON, *December 12, 1853.*

*To the Senate of the United States:*

In answer to the resolutions of the Senate of the 17th of August, 1852, and 23d of February last, requesting a copy of correspondence relative to the claim on the Government of Portugal in the case of the brig *General Armstrong*, I transmit a report from the Secretary of State, to whose Department the resolutions were referred.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1853.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and Paraguay, concluded on the 4th of March last.



FRANKLIN PIERCE.

WASHINGTON, *December 12, 1853.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty for the free navigation of the rivers Parana and Uruguay between the United States and the Argentine Confederation, concluded on the 10th of July last.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1853.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and the Argentine Confederation, concluded on the 27th of July last.



## Page 32

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1853.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention for the mutual extradition of fugitives from justice in certain cases, concluded at London on the 12th day of September last between the Government of the United States and the Kingdom of Bavaria.

FRANKLIN PIERCE.

WASHINGTON, *December 19, 1853.*

*To the Senate of the United States:*

I transmit certain documents in answer to the resolution of the Senate of the 6th of April ultimo, requesting information in regard to transactions between Captain Hollins, of the *Cyane*, and the authorities at San Juan de Nicaragua.

FRANKLIN PIERCE.

WASHINGTON, *December 23, 1853.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 18th January, 1853, in regard to the claims of American citizens against Hayti and to the correspondence of the special agent sent to Hayti and St. Domingo in 1849, I transmit a report from the Secretary of State and the documents by which it is accompanied.

FRANKLIN PIERCE.

WASHINGTON, *December 31, 1853.*

*To the Senate of the United States:*

I transmit to the Senate a report from the Secretary of State, with accompanying papers, [1] in answer to their resolution of the 12th instant.

FRANKLIN PIERCE.

[Footnote 1: Correspondence relative to the treaty of Wathington of July 4, 1850, between Great Britain and the United States]



WASHINGTON CITY, *January 9, 1854.*

*To the Senate of the United States:*

I herewith communicate to the Senate a letter from the Secretary of the Interior, accompanied by a report of the result of an investigation of the charge of fraud and misconduct in office alleged against Alexander Ramsey, superintendent of Indian affairs in Minnesota, which I have caused to be made in compliance with the Senate's resolution of the 5th of April last.

FRANKLIN PIERCE.

WASHINGTON, *January 9, 1854.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 3d of January, 1854, I have the honor to transmit herewith a letter of the Secretary of the Navy and the papers[2] accompanying it.

FRANKLIN PIERCE.

[Footnote 2: Correspondence with and orders to commanders of vessels or squadrons on the Atlantic coast of British North America relative to protecting the rights of fishing and navigation secured to citizens of the United States under treaties with Great Britain.]

WASHINGTON, *January 19, 1854.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of State, with accompanying documents, [3] in compliance with the resolution of the House of Representatives of the 3d instant.



## Page 33

FRANKLIN PIERCE.

[Footnote 3: Relating to seizure and imprisonment by Spanish authorities at Puerto Rico of officers and crew of schooner *North Carolina*.]

WASHINGTON, *January 23, 1854.*

*To the Senate and House of Representatives:*

I transmit to Congress a report of the Secretary of State, together with the set of works illustrative of the exhibition in London of 1851 to which it refers, in order that such disposal may be made of them as may be deemed advisable.

FRANKLIN PIERCE.

WASHINGTON, *January 25, 1854.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, with accompanying documents, [4] in compliance with a resolution of the Senate of the 23d instant.

FRANKLIN PIERCE.

[Footnote 4: Relating to a complimentary mission to the United States of Archbishop Gaetano Bedini, apostolic nuncio to the Empire of Brazil, for the purpose of conveying, in the name of Pope Pius IX, sentiments of regard for the President of the United States.]

WASHINGTON, *February 2, 1854.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of State, with accompanying documents, [5] in compliance with the resolution of the House of Representatives of the 30th ultimo.

FRANKLIN PIERCE.

[Footnote 5: Correspondence with the American charge to Austria relative to the claim of Simon Tousig to the protection of the United States.]

EXECUTIVE OFFICE, *February 4, 1854.*

*To the Senate of the United States:*



I submit to the Senate herewith, for their constitutional action thereon, a treaty negotiated on the 27th of July, 1853, by Agent Thomas Fitzpatrick, on behalf of the United States, with the Comanche, Kiowa, and Apache Indians inhabiting the territory on the Arkansas River.

FRANKLIN PIERCE.

EXECUTIVE OFFICE, *February 4, 1854.*

*To the Senate of the United States:*

I submit to the Senate herewith, for their constitutional action thereon, two treaties, one negotiated on the 10th day of September, 1853, by Superintendent Joel Palmer and Agent Samuel H. Culver, on the part of the United States, and the chiefs and headmen of the bands of the Rogue River tribe of Indians in Oregon; the other negotiated on the 19th of the same month, on behalf of the Government by the said superintendent, with the chiefs of the Crow Creek band of Umpqua Indians in said Territory.

FRANKLIN PIERCE.

WASHINGTON, *February 6, 1854.*

*To the House of Representatives:*

I transmit a report from the Secretary of State upon the subject of the resolution[6] of the House of Representatives of the 14th of December last, and recommend that the appropriation therein suggested as being necessary to enable him to comply with the resolution be made.



## Page 34

FRANKLIN PIERCE.

[Footnote 6: Requesting a statement of the privileges and restrictions of the commercial intercourse of the United States with foreign nations and a comparative statement between the tariff of the United States and other nations.]

WASHINGTON, *February 10, 1854.*

*To the Senate and House of Representatives:*

I herewith transmit a communication from the Secretary of the Navy, accompanied by the second part of Lieutenant Herndon's report of the exploration of the valley of the Amazon and its tributaries, made by him in connection with Lieutenant Lardner Gibbon under instructions from the Navy Department.

FRANKLIN PIERCE.

WASHINGTON, *February 10th, 1854.*

*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 Mexican Republic, signed by the plenipotentiaries of the parties in the City of Mexico on the 30th of December last. Certain amendments are proposed to the instrument, as hereinafter specified, viz:

In order to make the duties and obligations stipulated in the second article reciprocal, it is proposed to add to that article the following:

And the Government of Mexico agrees that the stipulations contained in this article to be performed by the United States shall be reciprocal, and Mexico shall be under like obligations to the United States and the citizens thereof as those hereinabove imposed on the latter in favor of the Republic of Mexico and Mexican citizens.

It is also recommended that for the third article of the original treaty the following shall be adopted as a substitute:

In consideration of the grants received by the United States and the obligations relinquished by the Mexican Republic pursuant to this treaty, the former agree to pay to the latter the sum of \$15,000,000 in gold or silver coin at the Treasury at Washington, one-fifth of the amount on the exchange of ratifications of the present treaty at Washington and the remaining four-fifths in monthly installments of three millions each, with interest at the rate of 6 per cent per annum until the whole be paid, the Government of the United States reserving the right to pay up the whole sum of fifteen millions at an earlier date, as may be to it convenient. The United States also agree to assume all the

claims of their citizens against the Mexican Republic which may have arisen under treaty or the law of nations since the date of the signature of the treaty of Guadalupe, and the Mexican Republic agrees to exonerate the United States of America from all claims of Mexico or Mexican citizens which may have arisen under treaty or the law of nations since the date of the treaty of Guadalupe, so that each Government, in the most formal and effective manner, shall be exempted and exonerated of all such obligations to each other respectively.

I also recommend that the eighth article be modified by striking out all after the word "attempts" in the twenty-third line of that article. The part to be omitted is as follows:



## Page 35

They mutually and especially obligate themselves, in all cases of such lawless enterprises which may not have been prevented through the civil authorities before formation, to aid with the naval and military forces, on due notice being given by the aggrieved party of the aggressions of the citizens and subjects of the other, so that the lawless adventurers may be pursued and overtaken on the high seas, their elements of war destroyed, and the deluded captives held responsible in their persons and meet with the merited retribution inflicted by the laws of nations against all such disturbers of the peace and happiness of contiguous and friendly powers. It being understood that in all cases of successful pursuit and capture the delinquents so captured shall be judged and punished by the government of that nation to which the vessel capturing them may belong, conformably to the laws of each nation.

At the close of the instrument it will also be advisable to substitute "seventy-eighth" for "seventy-seventh" year of the Independence of the United States.

FRANKLIN PIERCE.

WASHINGTON, *February 13, 1854.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, an additional article to the convention for the establishment of international copyright, which was concluded at Washington on the 17th of February, 1853, between the United States of America and Her Britannic Majesty, extending the time limited in that convention for the exchange of the ratifications of the same.

FRANKLIN PIERCE.

WASHINGTON, *February 23, 1854.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of State and the documents<sup>[7]</sup> therein referred to, in compliance with the resolution of the Senate of the 13th instant.

FRANKLIN PIERCE.

[Footnote 7: Relating to the repair of the United States frigate *Susquehanna* at Rio de Janeiro.]

WASHINGTON, *March 1, 1854.*

*To the Senate of the United States:*



I transmit to the Senate a report from the Secretary of State, with accompanying documents,[8] in compliance with their resolution of the 2d ultimo.

FRANKLIN PIERCE.

[Footnote 8: Communications from the American legation at Constantinople respecting the seizure of Martin Koszta by Austrian authorities at Smyrna.]

WASHINGTON, *March 1, 1854.*

*To the House of Representatives:*

In accordance with the resolution of the House of Representatives of the 13th instant, requesting information respecting negotiations with Peru for the removal of restrictions upon the exportation of guano, I transmit herewith a report from the Secretary of State, with the correspondence therein referred to.

FRANKLIN PIERCE.



## Page 36

WASHINGTON, *March 1, 1854.*

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

In compliance with the resolution of the House of Representatives of the 23d January last, "that the President of the United States be respectfully requested to furnish this House with copies of all contracts made by and correspondence subsequently with the Chief of the Bureau of Topographical Engineers for furnishing materials of wood and stone for improving the harbors and rivers on Lake Michigan, under and by virtue of the act making appropriations for the improvement of certain harbors and rivers," approved August 30, 1852, I transmit a letter of the Secretary of War submitting a report of the Colonel of Topographical Engineers inclosing copies of the contracts and correspondence called for.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1854.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 7th of December last, requesting me to present to the Senate the plan referred to in my annual message to Congress, and recommended therein, for the enlargement and modification of the present judicial system of the United States, I transmit a report from the Attorney-General, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1854.*

*To the House of Representatives:*

I transmit herewith a report of the Attorney-General, in answer to the resolutions of the House of the 22d of December, requesting me to communicate to the House the plan for the modification and enlargement of the judicial system of the United States, recommended in my annual message to Congress.

FRANKLIN PIERCE.

WASHINGTON, *March 7, 1854.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State and the documents[9] therein referred to, in answer to the resolution of the Senate of the 26th March, 1853.



FRANKLIN PIERCE.

[Footnote 9: Correspondence with R.C. Schenck, United States minister to Brazil, relative to the African slave trade.]

WASHINGTON, *March 7, 1854.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State and the documents[10] therein referred to, in answer to the resolution of the Senate in executive session of the 3d January, 1854.

FRANKLIN PIERCE.

[Footnote 10: Correspondence with the Mexican Republic touching the eleventh article of the treaty of Guadalupe Hidalgo, and copies of instructions on that subject to the United States minister to Mexico.]

WASHINGTON, *March 11, 1854.*

*To the Senate of the United States:*

I transmit herewith to the Senate a report of the Secretary of State, with accompanying documents,[11] in compliance with their resolution of the 9th of March, 1853.



## Page 37

FRANKLIN PIERCE.

[Footnote 11: Correspondence relative to the imprisonment, *etc.*, of James H. West in the island of Cuba.]

WASHINGTON, *March 14, 1854.*

*To the Senate of the United States:*

In transmitting to the Senate the report of the Secretary of State, together with the documents therein referred to, being the correspondence called for by the resolution of that body of the 9th of January last, I deem it proper to state briefly the reasons which have deterred me from sending to the Senate for ratification the proposed convention between the United States of America and the United Mexican States, concluded by the respective plenipotentiaries of the two Governments on the 21st day of March, 1853, on the subject of a transit way across the Isthmus of Tehuantepec.

Without adverting to the want of authority on the part of the American minister to conclude any such convention, or to the action of this Government in relation to the rights of certain of its citizens under the grant for a like object originally made to Jose Garay, the objections to it upon its face are numerous, and should, in my judgment, be regarded as conclusive.

Prominent among these objections is the fact that the convention binds us to a foreign Government, to guarantee the contract of a private company with that Government for the construction of the contemplated transit way, "to protect the persons engaged and property employed in the construction of the said work from the commencement thereof to its completion against all confiscation, spoliation, or violence of whatsoever nature," and to guarantee the entire security of the capital invested therein during the continuance of the contract. Such is the substance of the second and third articles.

Hence it will be perceived that the obligations which this Government is asked to assume are not to terminate in a few years, or even with the present generation.

And again: "If the regulations which may be prescribed concerning the traffic on said transit way shall be clearly contrary to the spirit and intention of this convention," even then this Government is not to be at liberty to withdraw its "protection and guaranty" without first giving one year's notice to the Mexican Government.

When the fact is duly considered that the responsibility of this Government is thus pledged for a long series of years to the interests of a private company established for purposes of internal improvement, in a foreign country, and that country peculiarly subject to civil wars and other public vicissitudes, it will be seen how comprehensive

and embarrassing would be those engagements to the Government of the United States.

Not less important than this objection is the consideration that the United States can not agree to the terms of this convention without disregarding the provisions of the eighth article of the convention which this Government entered into with Great Britain on April 19, 1850, which expressly includes any interoceanic communication whatever by the Isthmus of Tehuantepec. However inconvenient may be the conditions of that convention, still they exist, and the obligations of good faith rest alike upon the United States and Great Britain.



## Page 38

Without enlarging upon these and other questionable features of the proposed convention which will suggest themselves to your minds, I will only add that after the most careful consideration I have deemed it my duty not to ask for its ratification by the Senate.

FRANKLIN PIERCE.

WASHINGTON, *March 15, 1854.*

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 10th instant, I herewith transmit a report of the Secretary of State, containing all the information received at the Department in relation to the seizure of the *Black Warrior* at Havana on the 28th ultimo.

There have been in the course of a few years past many other instances of aggression upon our commerce, violations of the rights of American citizens, and insults to the national flag by the Spanish authorities in Cuba, and all attempts to obtain redress have led to protracted, and as yet fruitless, negotiations.

The documents in these cases are voluminous, and when prepared will be sent to Congress.

Those now transmitted relate exclusively to the seizure of the *Black Warrior*, and present so clear a case of wrong that it would be reasonable to expect full indemnity therefor as soon as this unjustifiable and offensive conduct shall be made known to Her Catholic Majesty's Government; but similar expectations in other cases have not been realized.

The offending party is at our doors with large powers for aggression, but none, it is alleged, for reparation. The source of redress is in another hemisphere, and the answers to our just complaints made to the home Government are but the repetition of excuses rendered by inferior officials to their superiors in reply to representations of misconduct. The peculiar situation of the parties has undoubtedly much aggravated the annoyances and injuries which our citizens have suffered from the Cuban authorities, and Spain does not seem to appreciate to its full extent her responsibility for the conduct of these authorities. In giving very extraordinary powers to them she owes it to justice and to her friendly relations with this Government to guard with great vigilance against the exorbitant exercise of these powers, and in case of injuries to provide for prompt redress.



I have already taken measures to present to the Government of Spain the wanton injury of the Cuban authorities in the detention and seizure of the *Black Warrior*, and to demand immediate indemnity for the injury which has thereby resulted to our citizens.

In view of the position of the island of Cuba, its proximity to our coast, the relations which it must ever bear to our commercial and other interests, it is vain to expect that a series of unfriendly acts infringing our commercial rights and the adoption of a policy threatening the honor and security of these States can long consist with peaceful relations.



## Page 39

In case the measures taken for amicable adjustment of our difficulties with Spain should, unfortunately, fail, I shall not hesitate to use the authority and means which Congress may grant to insure the observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag.

In anticipation of that contingency, which I earnestly hope may not arise, I suggest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand.

FRANKLIN PIERCE.

### **EXECUTIVE OFFICE,**

*Washington, March 17, 1854.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action, two treaties recently negotiated by the Commissioner of Indian Affairs, as commissioner on the part of the United States, with the delegates now at the seat of Government representing the confederated tribes of Otoes and Missouriias and the Omaha Indians, for the extinguishment of their titles to lands west of the Missouri River.

FRANKLIN PIERCE.

### **EXECUTIVE OFFICE,**

*Washington, March 18. 1854.*

Hon. LINN BOYD,

*Speaker of the House of Representatives.*

SIR: I transmit to you herewith a report of the present date from the Secretary of the Interior, accompanied by a tabular statement containing the information<sup>[12]</sup> called for by resolution of the House of Representatives adopted the 13th ultimo.

FRANKLIN PIERCE.

[Footnote 12: Area of each State and Territory; extent of the public domain remaining in each State and Territory, and the extent alienated by sales, grants, etc.]

WASHINGTON, *March 21, 1854.*



*To the Senate of the United States:*

In answer to the resolution of the Senate of the 15th instant, adopted in executive session, I transmit confidentially a report from the Secretary of State and the documents<sup>[13]</sup> by which it was accompanied. Pursuant to the suggestion in the report, it is desirable that such of the papers as may be originals should be returned to the Department of State.

FRANKLIN PIERCE.

[Footnote 13: Instructions and correspondence relative to the negotiation of the treaty with Mexico of December 30, 1853, *etc.*]

## **EXECUTIVE OFFICE,**

*March 25, 1854.*

Hon. LENN BOYD,

*Speaker of the House of Representatives:*

I communicate to the House of Representatives herewith a report from the Secretary of the Interior, dated the 24th instant, containing so much of the information called for by the resolution of the 17th instant as it is practicable or compatible with the public interest to furnish at the present time, respecting the proceedings which have been had and negotiations entered into for the extinguishment of the Indian titles to lands west of the States of Missouri and Iowa.



## Page 40

FRANKLIN PIERCE.

WASHINGTON, *March 29, 1854.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 21st instant, adopted in executive session, relative to the claims of the Mexican Government and of citizens of the Mexican Republic on this Government, and of citizens of the United States on the Government of that Republic, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *March 31, 1854.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 13th instant, requesting a confidential communication of information touching the expedition under the authority of this Government for the purpose of opening trade with Japan, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, D.C., *April 1, 1854.*

*To the Senate of the United States:*

I transmit herewith the report of the Secretary of State in reply to the resolution of the Senate of the 27th ultimo.

That part of the document which purports to recite my official instructions is strictly correct; that which is avowedly unofficial and unauthorized, it can hardly be necessary for me to say, in view of the documents already before the Senate, does not convey a correct impression of my "views and wishes."

At no time after an intention was entertained of sending Mr. Ward as special agent to Mexico was either the Garay grant or the convention entered into by Mr. Conkling alluded to otherwise than as subjects which might embarrass the negotiation of the treaty, and were consequently not included in the instructions.

While the departure of Mr. Ward, under any circumstances or in any respect, from the instructions committed to him is a matter of regret, it is just to say that, although he failed to convey in his letter to General Gadsden the correct import of remarks made by



me anterior to his appointment as special agent, I impute to him no design of misrepresentation.

FRANKLIN PIERCE.

WASHINGTON, *April 5, 1854.*

*To the Senate of the United States:*

I transmit to the Senate a report of the Secretary of State, with accompanying documents,[14] in compliance with their resolution of the 14th ultimo.

FRANKLIN PIERCE.

[Footnote 14: Correspondence relative to the seizure of Martin Koszta by Austrian authorities at Smyrna.]

WASHINGTON, *April 5, 1854.*

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

I transmit herewith to the House of Representatives a report of the Secretary of State, with accompanying documents,[15] in further compliance with their resolution of the 10th of March, 1854.



## Page 41

FRANKLIN PIERCE.

[Footnote 15: Relating to violations of the rights of American citizens by Spanish authorities and their refusal to allow United States vessels to enter ports of Cuba, etc.]

WASHINGTON, *April 5, 1854.*

*To the Senate of the United States:*

I transmit herewith a report[16] from the Secretary of State, in answer to the resolution of the Senate in executive session of the 3d instant.

FRANKLIN PIERCE.

[Footnote 16: Relating to expeditions organized in California for the invasion of Sonora, Mexico.]

WASHINGTON, *April 8, 1854.*

*To the House of Representatives:*

I transmit herewith to the House of Representatives a report[17] of the Secretary of State, in answer to their resolution of the 3d instant.

FRANKLIN PIERCE.

[Footnote 17: Stating that the correspondence relative to the refusal by the authorities of Cuba to permit the United States mail steamer *Crescent City* to land mail and passengers at Havana had been transmitted with the message to the House of April 5, 1854.]

WASHINGTON, *April 10, 1854*

*To the Senate of the United States:*

I communicate to the Senate herewith a communication from the Secretary of the Interior, accompanied by the articles of a convention recently entered into for an exchange of country for the future residence of the Winnebago Indians, and recommend their ratification with the amendment suggested by the Secretary of the Interior.

FRANKLIN PIERCE.

WASHINGTON, *April 11, 1854.*

*To the Senate of the United States:*



I transmit herewith a report[18] from the Secretary of State, in reply to the Senate's resolution of yesterday passed in executive session.

FRANKLIN PIERCE.

[Footnote 18: Relating to claims growing out of the eleventh article of the treaty of Guadalupe Hidalgo.]

WASHINGTON, *April 12, 1854.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of State, with accompanying documents, [19] in compliance with the resolution of the House of Representatives of the 4th instant.

FRANKLIN PIERCE.

[Footnote 19: Correspondence relative to the seizure of Martin Koszta by Austrian authorities at Smyrna.]

WASHINGTON, *April 13, 1854.*

*To the Senate of the United States:*

I transmit herewith a report[20] from the Secretary of State, in reply to the resolution of the Senate adopted in executive session yesterday.

FRANKLIN PIERCE.

[Footnote 20: Relating to the abrogation of the eleventh article of the treaty of Guadalupe Hidalgo, *etc.*]

WASHINGTON, *April 24, 1854.*

*To the Senate of the United States:*



## Page 42

I have the honor to transmit herewith a report of the Attorney-General, suggesting modifications in the manner of conducting the legal business of the Government, which are respectfully commended to your favorable consideration.

FRANKLIN PIERCE.

[The same message was also addressed to the Speaker of the House of Representatives.]

WASHINGTON, *April 27, 1834.*

*To the Senate and House of Representatives:*

I transmit to Congress a copy of a correspondence between the Secretary of State and Her Britannic Majesty's minister accredited to this Government, and between the Secretary of State and the Secretary of the Treasury, relative to the expediency of further measures for the safety, health, and comfort of immigrants to the United States by sea. As it is probable that further legislation may be necessary for the purpose of securing those desirable objects, I commend the subject to the consideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *May 2, 1854.*

*To the House of Representatives:*

I transmit the report<sup>[21]</sup> of the Secretary of State in compliance with a resolution of the House of Representatives of the 5th ultimo.

It is presumed that the omission from the resolution of the usual clause giving the Executive a discretion in its answer was accidental, and as there does not appear to be anything in the accompanying papers which upon public considerations should require them to be withheld, they are communicated accordingly.

FRANKLIN PIERCE.

[Footnote 21: Relating to the application of Rev. James Cook Richmond for redress of wrongs alleged to have been committed by Austrian authorities in Pest, and to the refusal to grant an exequatur upon the commission of the United States consul appointed for Trieste.]

WASHINGTON, *May 5, 1854.*

*To the Senate of the United States:*



I transmit herewith a report from the Secretary of State, with accompanying documents, [22] in compliance with the resolution of the Senate of the 12th ultimo.

FRANKLIN PIERCE.

[Footnote 22: Correspondence relative to the arrest and detention at Bremen of Conrad Schmidt, and arrest and maltreatment at Heidelberg of E.T. Dana, W.B. Dingle, and David Ramsay, all citizens of the United States; correspondence with the King of Prussia relative to religious toleration.]

WASHINGTON, *May 5, 1854.*

*To the Senate of the United States:*

I transmit herewith a report[23] from the Secretary of State, together with the documents therein referred to, in compliance with the resolution of the Senate of the 12th January last.

FRANKLIN PIERCE.

[Footnote 23: Relating to the impressment of seamen from the United States whale ship *Addison* at Valparaiso, and imprisonment of William A. Stewart, an American citizen, at Valparaiso on the charge of murder, and on conviction released by Chilean authorities.]



## Page 43

WASHINGTON, *May 11, 1854.*

*To the House of Representatives:*

I transmit a report from the Secretary of State, with accompanying papers,[24] in answer to the resolution of the House of Representatives of the 1st instant.

FRANKLIN PIERCE.

[Footnote 24: Relating to the rights accorded to neutrals and the rights claimed by belligerents in the war between certain European powers.]

WASHINGTON, *May 20, 1854.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, with accompanying documents, [25] in compliance with the Senate's resolution of the 30th of January last.

FRANKLIN PIERCE.

[Footnote 25: Correspondence relative to the difficulties between Rev. Jonas King and the Government of Greece.]

WASHINGTON, *May 23, 1854.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State, on the subject of documents[26] called for by the resolution of the Senate of the 9th instant.

FRANKLIN PIERCE.

[Footnote 26: Researches of H.S. Sanford, late charge d'affaires at Paris, on the condition of penal law in continental Europe, etc.; also a "Memoir on the Administrative Changes in France since the Revolution of 1848," by H.S. Sanford.]

WASHINGTON, *May 25, 1854.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, four several treaties recently negotiated in this city by George W. Manypenny, as commissioner on the part of the United States, with the delegates of the Delaware, Ioway, Kickapoo, and Sac and Fox tribes of Indians.



FRANKLIN PIERCE.

WASHINGTON, *May 29, 1854.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, a treaty negotiated on the 12th instant at the Falls of Wolf River, in Wisconsin, by Francis Huebschmann, superintendent of Indian affairs for the northern superintendency, and the Menomonee Indians, by the chiefs, headmen, and warriors of that tribe.

FRANKLIN PIERCE.

WASHINGTON, *May 30, 1854.*

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

I transmit herewith a report from the Secretary of State, with accompanying documents, [27] in compliance with the resolution of the House of Representatives of the 20th December last.

FRANKLIN PIERCE.

[Footnote 27: Correspondence relative to the imposition of Sound dues, *etc.*, upon United States commerce to the Baltic.]

WASHINGTON, *June 12, 1854.*

*To the House of Representatives:*

I transmit a report from the Secretary of State, with accompanying papers,[28] in answer to the resolution of the House of Representatives of the 24th of April last.



## Page 44

FRANKLIN PIERCE.

[Footnote 28: Relating to the instructions referred to by President Monroe in his annual message of December 2, 1823, on the subject of the issue of commissions to private armed vessels.]

WASHINGTON, *June 19, 1854.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of State, with accompanying documents, [29] in compliance with the resolution of the House of Representatives of the 30th ultimo.

FRANKLIN PIERCE.

[Footnote 29: Correspondence of the American minister to Turkey relative to the expulsion of the Greeks from Constantinople.]

WASHINGTON, *June 20, 1854.*

*To the House of Representatives:*

I have received information that the Government of Mexico has agreed to the several amendments proposed by the Senate to the treaty between the United States and the Republic of Mexico signed on the 30th of December last, and has authorized its envoy extraordinary to this Government to exchange the ratifications thereof. The time within which the ratifications can be exchanged will expire on the 30th instant.

There is a provision in the treaty for the payment by the United States to Mexico of the sum of \$7,000,000 on the exchange of ratifications and the further sum of \$3,000,000 when the boundaries of the ceded territory shall be settled.

To be enabled to comply with the stipulation according to the terms of the treaty relative to the payments therein mentioned, it will be necessary that Congress should make an appropriation of \$7,000,000 for that purpose before the 30th instant, and also the further sum of \$3,000,000, to be paid when the boundaries shall be established.

I therefore respectfully request that these sums may be put at the disposal of the Executive.

I herewith transmit to the House of Representatives a copy of the said treaty.

FRANKLIN PIERCE.



WASHINGTON, *June 20, 1854.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty extending the right of fishing and regulating the commerce and navigation between Her Britannic Majesty's possessions in North America and the United States, concluded in this city on the 5th instant between the United States and Her Britannic Majesty.

FRANKLIN PIERCE.

WASHINGTON, *June 24, 1854.*

*To the Senate and House of Representatives:*

I transmit to Congress the copy of two communications of the 26th ultimo and 4th instant, respectively, from Her Britannic Majesty's minister accredited to this Government to the Secretary of State, relative to the health on shipboard of immigrants from foreign countries to the United States. This was the subject of my message to Congress of the 27th of April last.



## Page 45

FRANKLIN PIERCE.

WASHINGTON CITY, *June 29, 1854.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its constitutional action thereon, three treaties recently negotiated in this city by George W. Manypenny, as commissioner on the part of the United States; one concluded on the 19th ultimo with the delegates of the Shawnee Indians, one on the 5th instant with the Miami Indians, and the other on the 30th ultimo with the united tribes of Kaskaskia and Peoria and Wea and Piankeshaw Indians.

FRANKLIN PIERCE.

WASHINGTON, *July 3, 1854.*

*To the Senate of the United States:*

I transmit herewith to the Senate, for its constitutional action thereon, an article of agreement made on the 13th day of June, 1854, by William H. Garrett, agent on the part of the United States, and a delegation of Creek Indians, supplementary to the Creek treaty of 1838.

FRANKLIN PIERCE.

WASHINGTON, *July 5, 1854.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 1st instant, I herewith return the articles of convention made and concluded with the Winnebago Indians on the 6th of August, 1853, together with the Senate resolution of the 9th ultimo, advising and consenting to the ratification of the same with amendments.

FRANKLIN PIERCE.

WASHINGTON, *July 12, 1854.*

*To the House of Representatives:*

I transmit herewith the inclosed communication from the Secretary of the Navy, respecting the observations of Lieutenant James M. Gillis, of the United States Navy, and the accompanying documents.[30]



FRANKLIN PIERCE.

[Footnote 30: Report of the United States naval astronomical expedition to the Southern Hemisphere.]

WASHINGTON, *July 12, 1854.*

*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 Empire of Japan, signed at Kanagawa on the 31st day of March last by the plenipotentiaries of the two Governments. The Chinese and Dutch translations of the instrument and the chart and sketch to which it refers are also herewith communicated.

FRANKLIN PIERCE.

WASHINGTON, *July 17, 1854.*

*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 Her Britannic Majesty for the extension of the period limited for the duration of the mixed commission under convention between the United States and Great Britain of the 8th of February, 1853.

FRANKLIN PIERCE.

WASHINGTON, *July 19, 1854.*

*To the House of Representatives:*



## Page 46

I transmit a report from the Secretary of State, with accompanying papers,[31] in answer to the resolution of the House of Representatives of the 6th of February last.

FRANKLIN PIERCE.

[Footnote 31: Correspondence of Humphrey Marshall, commissioner to China.]

WASHINGTON, *July 22, 1854.*

*To the Senate of the United States:*

I have this day given my signature to the "Act making further appropriations for the improvement of the Cape Fear River, in North Carolina."

The occasion seems to render it proper for me to deviate from the ordinary course of announcing the approval of bills by an oral statement only, and, for the purpose of preventing any misapprehension which might otherwise arise from the phraseology of this act, to communicate in writing that my approval is given to it on the ground that the obstructions which the proposed appropriation is intended to remove are the result of acts of the General Government.

FRANKLIN PIERCE.

WASHINGTON, *July 24, 1854.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention concerning the rights of neutrals, concluded in this city on the 22d instant between the United States and His Majesty the Emperor of all the Russias.

FRANKLIN PIERCE.

WASHINGTON, *July 26, 1854.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State, in answer to the resolution of the Senate of the 23d of May last, relative to the slave trade in the island of Cuba.

The information contained in the papers accompanying the report will, it is believed, be considered important, and perhaps necessary to enable the Senate to form an opinion upon the subjects to which they relate; but doubts may be entertained in regard to the expediency of publishing some of the documents at this juncture.



This communication is accordingly addressed to the Senate in executive session, in order that a discretion may be exercised in regard to its publication.

FRANKLIN PIERCE.

WASHINGTON, *July 27, 1854.*

The PRESIDENT OF THE SENATE:

In compliance with the resolution of the Senate of the 24th instant, requesting me to cause to be transmitted to the Senate the Fourth Meteorological Report of Professor Espy, the accompanying papers and charts are respectfully submitted.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1854.*

*To the Senate of the United States:*



## Page 47

In compliance with the Senate resolution of the 10th July instant, requesting that I would “cause to be communicated to the Senate copies of all the correspondence and other official documents on file in the Department of the Interior respecting the claims of persons for services performed and supplies and subsistence furnished to Indians in California under contracts with Indian agents in the year 1851, and embracing the names of claimants, the amount, respectively, of their claims, on what account created and by what authority, if any,” I transmit herewith a communication from the Secretary of the Interior, accompanied by copies of all the papers called for which have not heretofore been furnished. As it appears that most of the papers called for were communicated to the Senate at its first and special sessions of the Thirty-second Congress, I have not supposed that it was the intention of the Senate to have them again sent, and I have therefore not directed them to be copied.

FRANKLIN PIERCE.

WASHINGTON, *July 31, 1854.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 28th instant, requesting information in respect to the bombardment of San Juan de Nicaragua, I transmit reports from the Secretaries of State and of the Navy, with the documents which accompanied them.

FRANKLIN PIERCE.

WASHINGTON, *July 31, 1854.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 28th instant, requesting information in regard to the destruction of San Juan de Nicaragua, I transmit reports from the Secretaries of State and of the Navy, with the documents accompanying them.

FRANKLIN PIERCE.

WASHINGTON, *August 1, 1854.*

*To the Senate of the United States:*

I hasten to respond briefly to the resolution of the Senate of this date, “requesting the President to inform the Senate, if in his opinion it be not incompatible with the public interest, whether anything has arisen since the date of his message to the House of Representatives of the 15th of March last concerning our relations with the Government of Spain which in his opinion may dispense with the suggestions therein contained



touching the propriety of 'provisional measures' by Congress to meet any exigency that may arise in the recess of Congress affecting those relations."

In the message to the House of Representatives referred to I availed myself of the occasion to present the following reflections and suggestions:

## Page 48

In view of the position of the island of Cuba, its proximity to our coast, the relations which it must ever bear to our commercial and other interests, it is vain to expect that a series of unfriendly acts infringing our commercial rights and the adoption of a policy threatening the honor and security of these States can long consist with peaceful relations. In case the measures taken for amicable adjustment of our difficulties with Spain should, unfortunately, fail, I shall not hesitate to use the authority and means which Congress may grant to insure the observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag.

In anticipation of that contingency, which I earnestly hope may not arise, I suggest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand.

The two Houses of Congress may have anticipated that the hope then expressed would be realized before the period of its adjournment, and that our relations with Spain would have assumed a satisfactory condition, so as to remove past causes of complaint and afford better security for tranquillity and justice in the future. But I am constrained to say that such is not the fact. The formal demand for immediate reparation in the case of the *Black Warrior*, instead of having been met on the part of Spain by prompt satisfaction, has only served to call forth a justification of the local authorities of Cuba, and thus to transfer the responsibility for their acts to the Spanish Government itself.

Meanwhile information, not only reliable in its nature, but of an official character, was received to the effect that preparation was making within the limits of the United States by private individuals under military organization for a descent upon the island of Cuba with a view to wrest that colony from the dominion of Spain. International comity, the obligations of treaties, and the express provisions of law alike required, in my judgment, that all the constitutional power of the Executive should be exerted to prevent the consummation of such a violation of positive law and of that good faith on which mainly the amicable relations of neighboring nations must depend. In conformity with these convictions of public duty, a proclamation was issued to warn all persons not to participate in the contemplated enterprise and to invoke the interposition in this behalf of the proper officers of the Government. No provocation whatever can justify private expeditions of hostility against a country at peace with the United States. The power to declare war is vested by the Constitution in Congress, and the experience of our past history leaves no room to doubt that the wisdom of this arrangement of constitutional power will continue to be verified whenever the national interest and honor shall demand a resort to ultimate measures of redress. Pending negotiations by the Executive, and before the action of Congress, individuals could not be permitted to embarrass the operations of the one and usurp the powers of the other of these depositaries of the functions of Government.



## Page 49

I have only to add that nothing has arisen since the date of my former message to “dispense with the suggestions therein contained touching the propriety of provisional measures by Congress.”

FRANKLIN PIERCE.

WASHINGTON, *August 2, 1854.*

*To the Senate of the United States:*

I transmit herewith a report of the Secretary of State, with the accompanying documents,[32] in answer to the resolution of the Senate of the 5th ultimo.

FRANKLIN PIERCE.

[Footnote 32: Correspondence relative to the imprisonment of George Marsden and to the seizure of the cargo of the American bark *Griffon* by the authorities of Brazil.]

WASHINGTON, *August 2, 1854.*

*To the House of Representatives:*

I herewith transmit to you a copy of a treaty between the United States and Great Britain, negotiated at Washington on the 5th of June last. It has been concurred in by the Senate, and I have no doubt that the ratifications of it will be soon exchanged. It will be observed that by the provision of the fifth article the treaty does not go into operation until after legislation thereon by the respective parties.

Should Congress at its present session pass the requisite law on the part of the United States to give effect to its stipulations, the fishing grounds on the coasts of the British North American Provinces, from which our fishermen have been heretofore excluded, may be opened to them during the present season, and apprehended collisions between them and British fishermen avoided.

For this reason and for the purpose of securing to the citizens of the United States at the earliest practicable period other advantages which it is believed they will derive from this treaty, I recommend the passage by Congress at the present session of such a law as is necessary on the part of the United States to give effect to its provisions.

FRANKLIN PIERCE.

## VETO MESSAGES.

WASHINGTON, *May 3, 1854.*



*To the Senate of the United States:*

The bill entitled "An act making a grant of public lands to the several States for the benefit of indigent insane persons," which was presented to me on the 27th ultimo, has been maturely considered, and is returned to the Senate, the House in which it originated, with a statement of the objections which have required me to withhold from it my approval.

In the performance of this duty, prescribed by the Constitution, I have been compelled to resist the deep sympathies of my own heart in favor of the humane purpose sought to be accomplished and to overcome the reluctance with which I dissent from the conclusions of the two Houses of Congress, and present my own opinions in opposition to the action of a coordinate branch of the Government which possesses so fully my confidence and respect.

## Page 50

If in presenting my objections to this bill I should say more than strictly belongs to the measure or is required for the discharge of my official obligation, let it be attributed to a sincere desire to justify my act before those whose good opinion I so highly value and to that earnestness which springs from my deliberate conviction that a strict adherence to the terms and purposes of the federal compact offers the best, if not the only, security for the preservation of our blessed inheritance of representative liberty.

The bill provides in substance:

First. That 10,000,000 acres of land be granted to the several States, to be apportioned among them in the compound ratio of the geographical area and representation of said States in the House of Representatives.

Second. That wherever there are public lands in a State subject to sale at the regular price of private entry, the proportion of said 10,000,000 acres falling to such State shall be selected from such lands within it, and that to the States in which there are no such public lands land scrip shall be issued to the amount of their distributive shares, respectively, said scrip not to be entered by said States, but to be sold by them and subject to entry by their assignees: *Provided*, That none of it shall be sold at less than \$1 per acre, under penalty of forfeiture of the same to the United States.

Third. That the expenses of the management and superintendence of said lands and of the moneys received therefrom shall be paid by the States to which they may belong out of the treasury of said States.

Fourth. That the gross proceeds of the sales of such lands or land scrip so granted shall be invested by the several States in safe stocks, to constitute a perpetual fund, the principal of which shall remain forever undiminished, and the interest to be appropriated to the maintenance of the indigent insane within the several States.

Fifth. That annual returns of lands or scrip sold shall be made by the States to the Secretary of the Interior, and the whole grant be subject to certain conditions and limitations prescribed in the bill, to be assented to by legislative acts of said States.

This bill therefore proposes that the Federal Government shall make provision to the amount of the value of 10,000,000 acres of land for an eleemosynary object within the several States, to be administered by the political authority of the same; and it presents at the threshold the question whether any such act on the part of the Federal Government is warranted and sanctioned by the Constitution, the provisions and principles of which are to be protected and sustained as a first and paramount duty.

## Page 51

It can not be questioned that if Congress has power to make provision for the indigent insane without the limits of this District it has the same power to provide for the indigent who are not insane, and thus to transfer to the Federal Government the charge of all the poor in all the States. It has the same power to provide hospitals and other local establishments for the care and cure of every species of human infirmity, and thus to assume all that duty of either public philanthropy or public necessity to the dependent, the orphan, the sick, or the needy which is now discharged by the States themselves or by corporate institutions or private endowments existing under the legislation of the States. The whole field of public beneficence is thrown open to the care and culture of the Federal Government. Generous impulses no longer encounter the limitations and control of our imperious fundamental law; for however worthy may be the present object in itself, it is only one of a class. It is not exclusively worthy of benevolent regard. Whatever considerations dictate sympathy for this particular object apply in like manner, if not in the same degree, to idiocy, to physical disease, to extreme destitution. If Congress may and ought to provide for any one of these objects, it may and ought to provide for them all. And if it be done in this case, what answer shall be given when Congress shall be called upon, as it doubtless will be, to pursue a similar course of legislation in the others? It will obviously be vain to reply that the object is worthy, but that the application has taken a wrong direction. The power will have been deliberately assumed, the general obligation will by this act have been acknowledged, and the question of means and expediency will alone be left for consideration. The decision upon the principle in any one case determines it for the whole class. The question presented, therefore, clearly is upon the constitutionality and propriety of the Federal Government assuming to enter into a novel and vast field of legislation, namely, that of providing for the care and support of all those among the people of the United States who by any form of calamity become fit objects of public philanthropy.

I readily and, I trust, feelingly acknowledge the duty incumbent on us all as men and citizens, and as among the highest and holiest of our duties, to provide for those who, in the mysterious order of Providence, are subject to want and to disease of body or mind; but I can not find any authority in the Constitution for making the Federal Government the great almoner of public charity throughout the United States. To do so would, in my judgment, be contrary to the letter and spirit of the Constitution and subversive of the whole theory upon which the Union of these States is founded. And if it were admissible to contemplate the exercise of this power for any object whatever, I can not avoid the belief that it would in the end be prejudicial rather than beneficial in

## Page 52

the noble offices of charity to have the charge of them transferred from the States to the Federal Government. Are we not too prone to forget that the Federal Union is the creature of the States, not they of the Federal Union? We were the inhabitants of colonies distinct in local government one from the other before the Revolution. By that Revolution the colonies each became an independent State. They achieved that independence and secured its recognition by the agency of a consulting body, which, from being an assembly of the ministers of distinct sovereignties instructed to agree to no form of government which did not leave the domestic concerns of each State to itself, was appropriately denominated a Congress. When, having tried the experiment of the Confederation, they resolved to change that for the present Federal Union, and thus to confer on the Federal Government more ample authority, they scrupulously measured such of the functions of their cherished sovereignty as they chose to delegate to the General Government. With this aim and to this end the fathers of the Republic framed the Constitution, in and by which the independent and sovereign States united themselves for certain specified objects and purposes, and for those only, leaving all powers not therein set forth as conferred on one or another of the three great departments—the legislative, the executive, and the judicial—indubitably with the States. And when the people of the several States had in their State conventions, and thus alone, given effect and force to the Constitution, not content that any doubt should in future arise as to the scope and character of this act, they ingrafted thereon the explicit declaration that “the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.” Can it be controverted that the great mass of the business of Government—that involved in the social relations, the internal arrangements of the body politic, the mental and moral culture of men, the development of local resources of wealth, the punishment of crimes in general, the preservation of order, the relief of the needy or otherwise unfortunate members of society—did in practice remain with the States; that none of these objects of local concern are by the Constitution expressly or impliedly prohibited to the States, and that none of them are by any express language of the Constitution transferred to the United States? Can it be claimed that any of these functions of local administration and legislation are vested in the Federal Government by any implication? I have never found anything in the Constitution which is susceptible of such a construction. No one of the enumerated powers touches the subject or has even a remote analogy to it. The powers conferred upon the United States have reference to federal relations, or to the means of accomplishing or executing things of federal relation.



## Page 53

So also of the same character are the powers taken away from the States by enumeration. In either case the powers granted and the powers restricted were so granted or so restricted only where it was requisite for the maintenance of peace and harmony between the States or for the purpose of protecting their common interests and defending their common sovereignty against aggression from abroad or insurrection at home.

I shall not discuss at length the question of power sometimes claimed for the General Government under the clause of the eighth section of the Constitution, which gives Congress the power "to lay and collect taxes, duties, imposts, and excises, to pay debts and provide for the common defense and general welfare of the United States," because if it has not already been settled upon sound reason and authority it never will be. I take the received and just construction of that article, as if written to lay and collect taxes, duties, imposts, and excises *in order* to pay the debts and *in order* to provide for the common defense and general welfare. It is not a substantive general power to provide for the welfare of the United States, but is a limitation on the grant of power to raise money by taxes, duties, and imposts. If it were otherwise, all the rest of the Constitution, consisting of carefully enumerated and cautiously guarded grants of specific powers, would have been useless, if not delusive. It would be impossible in that view to escape from the conclusion that these were inserted only to mislead for the present, and, instead of enlightening and defining the pathway of the future, to involve its action in the mazes of doubtful construction. Such a conclusion the character of the men who framed that sacred instrument will never permit us to form. Indeed, to suppose it susceptible of any other construction would be to consign all the rights of the States and of the people of the States to the mere discretion of Congress, and thus to clothe the Federal Government with authority to control the sovereign States, by which they would have been dwarfed into provinces or departments and all sovereignty vested in an absolute consolidated central power, against which the spirit of liberty has so often and in so many countries struggled in vain. In my judgment you can not by tributes to humanity make any adequate compensation for the wrong you would inflict by removing the sources of power and political action from those who are to be thereby affected. If the time shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of the States shall bow to the dictation of Congress by conforming their legislation thereto, when the power and majesty and honor of those who created shall become subordinate to the thing of their creation, I but feebly utter my apprehensions when I express my firm conviction that we shall see "the beginning of the end."



## Page 54

Fortunately, we are not left in doubt as to the purpose of the Constitution any more than as to its express language, for although the history of its formation, as recorded in the Madison Papers, shows that the Federal Government in its present form emerged from the conflict of opposing influences which have continued to divide statesmen from that day to this, yet the rule of clearly defined powers and of strict construction presided over the actual conclusion and subsequent adoption of the Constitution. President Madison, in the *Federalist*, says:

The powers delegated by the proposed Constitution are few and defined. Those which are to remain in the State governments are numerous and indefinite. ... Its [the General Government's] jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects.

In the same spirit President Jefferson invokes "the support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies;" and President Jackson said that our true strength and wisdom are not promoted by invasions of the rights and powers of the several States, but that, on the contrary, they consist "not in binding the States more closely to the center, but in leaving each more unobstructed in its proper orbit."

The framers of the Constitution, in refusing to confer on the Federal Government any jurisdiction over these purely local objects, in my judgment manifested a wise forecast and broad comprehension of the true interests of these objects themselves. It is clear that public charities within the States can be efficiently administered only by their authority. The bill before me concedes this, for it does not commit the funds it provides to the administration of any other authority.

I can not but repeat what I have before expressed, that if the several States, many of which have already laid the foundation of munificent establishments of local beneficence, and nearly all of which are proceeding to establish them, shall be led to suppose, as, should this bill become a law, they will be, that Congress is to make provision for such objects, the fountains of charity will be dried up at home, and the several States, instead of bestowing their own means on the social wants of their own people, may themselves, through the strong temptation which appeals to states as to individuals, become humble suppliants for the bounty of the Federal Government, reversing their true relations to this Union.

Having stated my views of the limitation of the powers conferred by the eighth section of the first article of the Constitution, I deem it proper to call attention to the third section of the fourth article and to the provisions of the sixth article bearing directly upon the question under consideration, which, instead of aiding the claim to power exercised in this case, tend, it is believed, strongly to illustrate and explain positions which, even without such support, I can not regard as questionable. The third section of the fourth article of the Constitution is in the following terms:

## Page 55

The Congress shall have power to *dispose* of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

The sixth article is as follows, to wit, that—

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

For a correct understanding of the terms used in the third section of the fourth article, above quoted, reference should be had to the history of the times in which the Constitution was formed and adopted. It was decided upon in convention on the 17th September, 1787, and by it Congress was empowered “to dispose of,” *etc.*, “the territory or other property belonging to the United States.” The only territory then belonging to the United States was that then recently ceded by the several States, to wit: By New York in 1781, by Virginia in 1784, by Massachusetts in 1785, and by South Carolina in August, 1787, only the month before the formation of the Constitution. The cession from Virginia contained the following provision:

That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes or disposed of in bounties to the officers and soldiers of the American Army, shall be considered a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal Alliance of the said States, Virginia included, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide disposed of* for that purpose and for no other use or purpose whatsoever.

Here the object for which these lands are to be disposed of is clearly set forth, and the power to dispose of them granted by the third section of the fourth article of the Constitution clearly contemplates such disposition only. If such be the fact, and in my mind there can be no doubt of it, then you have again not only no implication in favor of the contemplated grant, but the strongest authority against it. Furthermore, this bill is in violation of the faith of the Government pledged in the act of January 28, 1847. The nineteenth section of that act declares:

That for the payment of the stock which may be created under the provisions of this act the sales of the public lands are hereby pledged; and it is hereby made the duty of the Secretary of the Treasury to use and apply all moneys which may be received into the Treasury for the sales of the public lands after the 1st day of January, 1848, first, to pay the interest on all stocks issued by virtue

## Page 56

of this act, and, secondly, to use the balance of said receipts, after paying the interest aforesaid, in the purchase of said stocks at their market value, *etc.*

The debts then contracted have not been liquidated, and the language of this section and the obligations of the United States under it are too plain to need comment.

I have been unable to discover any distinction on constitutional grounds or grounds of expediency between an appropriation of \$10,000,000 directly from the money in the Treasury for the object contemplated and the appropriation of lands presented for my sanction, and yet I can not doubt that if the bill proposed \$10,000,000 from the Treasury of the United States for the support of the indigent insane in the several States that the constitutional question involved in the act would have attracted forcibly the attention of Congress.

I respectfully submit that in a constitutional point of view it is wholly immaterial whether the appropriation be in money or in land.

The public domain is the common property of the Union just as much as the surplus proceeds of that and of duties on imports remaining unexpended in the Treasury. As such it has been pledged, is now pledged, and may need to be so pledged again for public indebtedness.

As property it is distinguished from actual money chiefly in this respect, that its profitable management sometimes requires that portions of it be appropriated to local objects in the States wherein it may happen to lie, as would be done by any prudent proprietor to enhance the sale value of his private domain. All such grants of land are in fact a disposal of it for value received, but they afford no precedent or constitutional reason for giving away the public lands. Still less do they give sanction to appropriations for objects which have not been intrusted to the Federal Government, and therefore belong exclusively to the States.

To assume that the public lands are applicable to ordinary State objects, whether of public structures, police, charity, or expenses of State administration, would be to disregard to the amount of the value of the public lands all the limitations of the Constitution and confound to that extent all distinctions between the rights and powers of the States and those of the United States; for if the public lands may be applied to the support of the poor, whether sane or insane, if the disposal of them and their proceeds be not subject to the ordinary limitations of the Constitution, then Congress possesses unqualified power to provide for expenditures in the States by means of the public lands, even to the degree of defraying the salaries of governors, judges, and all other expenses of the government and internal administration within the several States.



The conclusion from the general survey of the whole subject is to my mind irresistible, and closes the question both of right and of expediency so far as regards the principle of the appropriation proposed in this bill. Would not the admission of such power in Congress to dispose of the public domain work the practical abrogation of some of the most important provisions of the Constitution?

## Page 57

If the systematic reservation of a definite portion of the public lands (the sixteenth sections) in the States for the purposes of education and occasional grants for similar purposes be cited as contradicting these conclusions, the answer as it appears to me is obvious and satisfactory. Such reservations and grants, besides being a part of the conditions on which the proprietary right of the United States is maintained, along with the eminent domain of a particular State, and by which the public land remains free from taxation in the State in which it lies as long as it remains the property of the United States, are the acts of a mere landowner disposing of a small share of his property in a way to augment the value of the residue and in this mode to encourage the early occupation of it by the industrious and intelligent pioneer.

The great example of apparent donation of lands to the States likely to be relied upon as sustaining the principles of this bill is the relinquishment of swamp lands to the States in which they are situated, but this also, like other grants already referred to, was based expressly upon grounds clearly distinguishable in principle from any which can be assumed for the bill herewith returned, viz, upon the interest and duty of the proprietor. They were charged, and not without reason, to be a nuisance to the inhabitants of the surrounding country. The measure was predicated not only upon the ground of the disease inflicted upon the people of the States, which the United States could not justify as a just and honest proprietor, but also upon an express limitation of the application of the proceeds in the first instance to purposes of levees and drains, thus protecting the health of the inhabitants and at the same time enhancing the value of the remaining lands belonging to the General Government.

It is not to be denied that Congress, while administering the public lands as a proprietor within the principle distinctly announced in my annual message, may sometimes have failed to distinguish accurately between objects which are and which are not within its constitutional powers.

After the most careful examination I find but two examples in the acts of Congress which furnish any precedent for the present bill, and those examples will, in my opinion, serve rather as a warning than as an inducement to tread in the same path.

The first is the act of March 3, 1819, granting a township of land to the Connecticut asylum for the education of the deaf and dumb; the second, that of April 5, 1826, making a similar grant of land to the Kentucky asylum for teaching the deaf and dumb—the first more than thirty years after the adoption of the Constitution and the second more than a quarter of a century ago. These acts were unimportant as to the amount appropriated, and so far as I can ascertain were passed on two grounds: First, that the object was a charitable one, and, secondly, that it was national. To say that it was a charitable



## Page 58

object is only to say that it was an object of expenditure proper for the competent authority; but it no more tended to show that it was a proper object of expenditure by the United States than is any other purely local object appealing to the best sympathies of the human heart in any of the States. And the suggestion that a school for the mental culture of the deaf and dumb in Connecticut or Kentucky is a national object only shows how loosely this expression has been used when the purpose was to procure appropriations by Congress. It is not perceived how a school of this character is otherwise national than is any establishment of religious or moral instruction. All the pursuits of industry, everything which promotes the material or intellectual well-being of the race, every ear of corn or boll of cotton which grows, is national in the same sense, for each one of these things goes to swell the aggregate of national prosperity and happiness of the United States; but it confounds all meaning of language to say that these things are "national," as equivalent to "Federal," so as to come within any of the classes of appropriation for which Congress is authorized by the Constitution to legislate.

It is a marked point of the history of the Constitution that when it was proposed to empower Congress to establish a university the proposition was confined to the District intended for the future seat of Government of the United States, and that even that proposed clause was omitted in consideration of the exclusive powers conferred on Congress to legislate for that District. Could a more decisive indication of the true construction and the spirit of the Constitution in regard to all matters of this nature have been given? It proves that such objects were considered by the Convention as appertaining to local legislation only; that they were not comprehended, either expressly or by implication, in the grant of general power to Congress, and that consequently they remained with the several States.

The general result at which I have arrived is the necessary consequence of those views of the relative rights, powers, and duties of the States and of the Federal Government which I have long entertained and often expressed and in reference to which my convictions do but increase in force with time and experience.

I have thus discharged the unwelcome duty of respectfully stating my objections to this bill, with which I cheerfully submit the whole subject to the wisdom of Congress.

FRANKLIN PIERCE.

WASHINGTON, *August 4, 1854.*

*To the House of Representatives:*



I have received the bill entitled “An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law.” It reaches me in the expiring hours of the session, and time does not allow full opportunity for examining and considering its provisions or of stating at length the reasons which forbid me to give it my signature.

## Page 59

It belongs to that class of measures which are commonly known as internal improvements by the General Government, and which from a very early period have been deemed of doubtful constitutionality and expediency, and have thus failed to obtain the approbation of successive Chief Magistrates.

On such an examination of this bill as it has been in my power to make, I recognize in it certain provisions national in their character, and which, if they stood alone, it would be compatible with my convictions of public duty to assent to; but at the same time, it embraces others which are merely local, and not, in my judgment, warranted by any safe or true construction of the Constitution.

To make proper and sound discriminations between these different provisions would require a deliberate discussion of general principles, as well as a careful scrutiny of details for the purpose of rightfully applying those principles to each separate item of appropriation.

Public opinion with regard to the value and importance of internal improvements in the country is undivided. There is a disposition on all hands to have them prosecuted with energy and to see the benefits sought to be attained by them fully realized.

The prominent point of difference between those who have been regarded as the friends of a system of internal improvements by the General Government and those adverse to such a system has been one of constitutional power, though more or less connected with considerations of expediency.

My own judgment, it is well known, has on both grounds been opposed to "a general system of internal improvements" by the Federal Government. I have entertained the most serious doubts from the inherent difficulties of its application, as well as from past unsatisfactory experience, whether the power could be so exercised by the General Government as to render its use advantageous either to the country at large or effectual for the accomplishment of the object contemplated.

I shall consider it incumbent on me to present to Congress at its next session a matured view of the whole subject, and to endeavor to define, approximately at least, and according to my own convictions, what appropriations of this nature by the General Government the great interests of the United States require and the Constitution will admit and sanction, in case no substitute should be devised capable of reconciling differences both of constitutionality and expediency.

In the absence of the requisite means and time for duly considering the whole subject at present and discussing such possible substitute, it becomes necessary to return this bill to the House of Representatives, in which it originated, and for the reasons thus briefly submitted to the consideration of Congress to withhold from it my approval.

FRANKLIN PIERCE.

[The following message is inserted here because it is an exposition of the reasons of the President for the veto of August 4, 1854, immediately preceding.]

## Page 60

WASHINGTON, *December 30, 1854.*

*To the Senate and House of Representatives:*

In returning to the House of Representatives, in which it originated, a bill entitled "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law," it became necessary for me, owing to the late day at which the bill was passed, to state my objections to it very briefly, announcing at the same time a purpose to resume the subject for more deliberate discussion at the present session of Congress; for, while by no means insensible of the arduousness of the task thus undertaken by me, I conceived that the two Houses were entitled to an exposition of the considerations which had induced dissent on my part from their conclusions in this instance.

The great constitutional question of the power of the General Government in relation to internal improvements has been the subject of earnest difference of opinion at every period of the history of the United States. Annual and special messages of successive Presidents have been occupied with it, sometimes in remarks on the general topic and frequently in objection to particular bills. The conflicting sentiments of eminent statesmen, expressed in Congress or in conventions called expressly to devise, if possible, some plan calculated to relieve the subject of the embarrassments with which it is environed, while they have directed public attention strongly to the magnitude of the interests involved, have yet left unsettled the limits, not merely of expediency, but of constitutional power, in relation to works of this class by the General Government.

What is intended by the phrase "internal improvements"? What does it embrace and what exclude? No such language is found in the Constitution. Not only is it not an expression of ascertainable constitutional power, but it has no sufficient exactness of meaning to be of any value as the basis of a safe conclusion either of constitutional law or of practical statesmanship.

President John Quincy Adams, in claiming on one occasion, after his retirement from office, the authorship of the idea of introducing into the administration of the affairs of the General Government "a permanent and regular system" of internal improvements, speaks of it as a system by which "the whole Union would have been checkered over with railroads and canals," affording "high wages and constant employment to hundreds of thousands of laborers;" and he places it in express contrast with the construction of such works by the legislation of the States and by private enterprise.



## Page 61

It is quite obvious that if there be any constitutional power which authorizes the construction of "railroads and canals" by Congress, the same power must comprehend turnpikes and ordinary carriage roads; nay, it must extend to the construction of bridges, to the draining of marshes, to the erection of levees, to the construction of canals of irrigation; in a word, to all the possible means of the material improvement of the earth, by developing its natural resources anywhere and everywhere, even within the proper jurisdiction of the several States. But if there be any constitutional power thus comprehensive in its nature, must not the same power embrace within its scope other kinds of improvement of equal utility in themselves and equally important to the welfare of the whole country? President Jefferson, while intimating the expediency of so amending the Constitution as to comprise objects of physical progress and well-being, does not fail to perceive that "other objects of public improvement," including "public education" by name, belong to the same class of powers. In fact, not only public instruction, but hospitals, establishments of science and art, libraries, and, indeed, everything appertaining to the internal welfare of the country, are just as much objects of internal improvement, or, in other words, of internal utility, as canals and railways.

The admission of the power in either of its senses implies its existence in the other; and since if it exists at all it involves dangerous augmentation of the political functions and of the patronage of the Federal Government, we ought to see clearly by what clause or clauses of the Constitution it is conferred.

I have had occasion more than once to express, and deem it proper now to repeat, that it is, in my judgment, to be taken for granted, as a fundamental proposition not requiring elucidation, that the Federal Government is the creature of the individual States and of the people of the States severally; that the sovereign power was in them alone; that all the powers of the Federal Government are derivative ones, the enumeration and limitations of which are contained in the instrument which organized it; and by express terms "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people."

Starting from this foundation of our constitutional faith and proceeding to inquire in what part of the Constitution the power of making appropriations for internal improvements is found, it is necessary to reject all idea of there being any grant of power in the preamble. When that instrument says, "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," it only declares the inducements and the anticipated results of the

## Page 62

things ordained and established by it. To assume that anything more can be designed by the language of the preamble would be to convert all the body of the Constitution, with its carefully weighed enumerations and limitations, into mere surplusage. The same may be said of the phrase in the grant of the power to Congress “to pay the debts and provide for the common defense and general welfare of the United States;” or, to construe the words more exactly, they are not significant of grant or concession, but of restriction of the specific grants, having the effect of saying that in laying and collecting taxes for each of the precise objects of power granted to the General Government Congress must exercise any such definite and undoubted power in strict subordination to the purpose of the common defense and general welfare of all the States.

There being no specific grant in the Constitution of a power to sanction appropriations for internal improvements, and no general provision broad enough to cover any such indefinite object, it becomes necessary to look for particular powers to which one or another of the things included in the phrase “internal improvements” may be referred.

In the discussions of this question by the advocates of the organization of a “general system of internal improvements” under the auspices of the Federal Government, reliance is had for the justification of the measure on several of the powers expressly granted to Congress, such as to establish post-offices and post-roads, to declare war, to provide and maintain a navy, to raise and support armies, to regulate commerce, and to dispose of the territory and other public property of the United States,

As to the last of these sources of power, that of disposing of the territory and other public property of the United States, it may be conceded that it authorizes Congress, in the management of the public property, to make improvements essential to the successful execution of the trust; but this must be the primary object of any such improvement, and it would be an abuse of the trust to sacrifice the interest of the property to incidental purposes.

As to the other assumed sources of a general power over internal improvements, they being specific powers of which this is supposed to be the incident, if the framers of the Constitution, wise and thoughtful men as they were, intended to confer on Congress the power over a subject so wide as the whole field of internal improvements, it is remarkable that they did not use language clearly to express it, or, in other words, that they did not give it as a distinct and substantive power instead of making it the implied incident of some other one; for such is the magnitude of the supposed incidental power and its capacity of expansion that any system established under it would exceed each of the others in the amount of expenditure and number of the persons employed, which would thus be thrown upon the General Government.



## Page 63

This position may be illustrated by taking as a single example one of the many things comprehended clearly in the idea of “a general system of internal improvements,” namely, roads. Let it be supposed that the power to construct roads over the whole Union, according to the suggestion of President J.Q. Adams in 1807, whilst a member of the Senate of the United States, had been conceded. Congress would have begun, in pursuance of the state of knowledge at the time, by constructing turnpikes; then, as knowledge advanced, it would have constructed canals, and at the present time it would have been embarked in an almost limitless scheme of railroads.

Now there are in the United States, the results of State or private enterprise, upward of 17,000 miles of railroads and 5,000 miles of canals; in all, 22,000 miles, the total cost of which may be estimated at little short of \$600,000,000; and if the same works had been constructed by the Federal Government, supposing the thing to have been practicable, the cost would have probably been not less than \$900,000,000. The number of persons employed in superintending, managing, and keeping up these canals and railroads may be stated at 126,000 or thereabouts, to which are to be added 70,000 or 80,000 employed on the railroads in construction, making a total of at least 200,000 persons, representing in families nearly 1,000,000 souls, employed on or maintained by this one class of public works in the United States.

In view of all this, it is not easy to estimate the disastrous consequences which must have resulted from such extended local improvements being undertaken by the General Government. State legislation upon this subject would have been suspended and private enterprise paralyzed, while applications for appropriations would have perverted the legislation of Congress, exhausted the National Treasury, and left the people burdened with a heavy public debt, beyond the capacity of generations to discharge.

Is it conceivable that the framers of the Constitution intended that authority drawing after it such immense consequences should be inferred by implication as the incident of enumerated powers? I can not think this, and the impossibility of supposing it would be still more glaring if similar calculations were carried out in regard to the numerous objects of material, moral, and political usefulness of which the idea of internal improvement admits. It may be safely inferred that if the framers of the Constitution had intended to confer the power to make appropriations for the objects indicated, it would have been enumerated among the grants expressly made to Congress.. When, therefore, any one of the powers actually enumerated is adduced or referred to as the ground of an assumption to warrant the incidental or implied power of “internal improvement,” that hypothesis must be rejected, or at least can be no further admitted than as the particular act of internal improvement may happen

## Page 64

to be necessary to the exercise of the granted power. Thus, when the object of a given road, the clearing of a particular channel, or the construction of a particular harbor of refuge is manifestly required by the exigencies of the naval or military service of the country, then it seems to me undeniable that it may be constitutionally comprehended in the powers to declare war, to provide and maintain a navy, and to raise and support armies. At the same time, it would be a misuse of these powers and a violation of the Constitution to undertake to build upon them a great system of internal improvements. And similar reasoning applies to the assumption of any such power as is involved in that to establish post-roads and to regulate commerce. If the particular improvement, whether by land or sea, be necessary to the execution of the enumerated powers, then, but not otherwise, it falls within the jurisdiction of Congress. To this extent only can the power be claimed as the incident of any express grant to the Federal Government.

But there is one clause of the Constitution in which it has been suggested that express authority to construct works of internal improvement has been conferred on Congress, namely, that which empowers it “to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and *other needful buildings*...” But any such supposition will be seen to be groundless when this provision is carefully examined and compared with other parts of the Constitution.

It is undoubtedly true that “like authority” refers back to “exclusive legislation in all cases whatsoever” as applied to the District of Columbia, and there is in the District no division of powers as between the General and the State Governments.

In those places which the United States has purchased or retains within any of the States—sites for dockyards or forts, for example—legal process of the given State is still permitted to run for some purposes, and therefore the jurisdiction of the United States is not absolutely perfect. But let us assume for the argument’s sake that the jurisdiction of the United States in a tract of land ceded to it for the purpose of a dockyard or fort by Virginia or Maryland is as complete as in that ceded by them for the seat of Government, and then proceed to analyze this clause of the Constitution.



## Page 65

It provides that Congress shall have certain legislative authority over all places purchased by the United States for certain purposes. It implies that Congress has otherwise the power to purchase. But where does Congress get the power to purchase? Manifestly it must be from some other clause of the Constitution, for it is not conferred by this one. Now, as it is a fundamental principle that the Constitution is one of limited powers, the authority to purchase must be conferred in one of the enumerations of legislative power; so that the power to purchase is itself not an unlimited one, but is limited by the objects in regard to which legislative authority is directly conferred.

The other expressions of the clause in question confirm this conclusion, since the jurisdiction is given as to places purchased for certain enumerated objects or purposes. Of these the first great division—forts, magazines, arsenals, and dockyards—is obviously referable to recognized heads of specific constitutional power. There remains only the phrase “and other *needful* buildings.” Wherefore needful? Needful for any possible purpose within the whole range of the business of society and of Government? Clearly not; but only such “buildings” as are “needful” to the United States in the exercise of any of the powers conferred on Congress.

Thus the United States need, in the exercise of admitted powers, not only forts, magazines, arsenals, and dockyards, but also court-houses, prisons, custom-houses, and post-offices within the respective States. Places for the erection of such buildings the General Government may constitutionally purchase, and, having purchased them, the jurisdiction over them belongs to the United States. So if the General Government has the power to build a light-house or a beacon, it may purchase a place for that object; and having purchased it, then this clause of the Constitution gives jurisdiction over it. Still, the power to purchase for the purpose of erecting a light-house or beacon must depend on the existence of the power to erect, and if that power exists it must be sought after in some other clause of the Constitution.

From whatever point of view, therefore, the subject is regarded, whether as a question of express or implied power, the conclusion is the same, that Congress has no constitutional authority to carry on a system of internal improvements; and in this conviction the system has been steadily opposed by the soundest expositors of the functions of the Government.

It is not to be supposed that in no conceivable case shall there be doubt as to whether a given object be or not a necessary incident of the military, naval, or any other power. As man is imperfect, so are his methods of uttering his thoughts. Human language, save in expressions for the exact sciences, must always fail to preclude all possibility of controversy. Hence it is that in one branch of the subject—the question of the power of Congress to make appropriations in aid of navigation—there is less of positive conviction than in regard to the general subject; and it therefore seems proper in this respect to revert to the history of the practice of the Government.

## Page 66

Among the very earliest acts of the first session of Congress was that for the establishment and support of light-houses, approved by President Washington on the 7th of August, 1789, which contains the following provisions:

That all expenses which shall accrue from and after the 15th day of August, 1789, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers erected, placed, or sunk before the passing of this act at the entrance of or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the Treasury of the United States: *Provided, nevertheless,* That none of the said expenses shall continue to be so defrayed after the expiration of one year from the day aforesaid unless such light-houses, beacons, buoys, and public piers shall in the meantime be ceded to and vested in the United States by the State or States, respectively, in which the same may be, together with the lands and tenements thereunto belonging and together with the jurisdiction of the same.

Acts containing appropriations for this class of public works were passed in 1791, 1792, 1793, and so on from year to year down to the present time; and the tenor of these acts, when examined with reference to other parts of the subject, is worthy of special consideration.

It is a remarkable fact that for a period of more than thirty years after the adoption of the Constitution all appropriations of this class were confined, with scarcely an apparent exception, to the construction of light-houses, beacons, buoys, and public piers and the staking of channels; to render navigation "safe and easy," it is true, but only by indicating to the navigator obstacles in his way, not by removing those obstacles nor in any other respect changing, artificially, the preexisting natural condition of the earth and sea. It is obvious, however, that works of art for the removal of natural impediments to navigation, or to prevent their formation, or for supplying harbors where these do not exist, are also means of rendering navigation safe and easy, and may in supposable cases be the most efficient, as well as the most economical, of such means. Nevertheless, it is not until the year 1824 that in an act to improve the navigation of the rivers Ohio and Mississippi and in another act making appropriations for deepening the channel leading into the harbor of Presque Isle, on Lake Erie, and for repairing Plymouth Beach, in Massachusetts Bay, we have any example of an appropriation for the improvement of harbors in the nature of those provided for in the bill returned by me to the House of Representatives.

It appears not probable that the abstinence of Congress in this respect is attributable altogether to considerations of economy or to any failure to perceive that the removal of an obstacle to navigation might be not less useful than the indication of it for avoidance, and it may be well assumed that the course of legislation so long pursued was induced, in whole or in part, by solicitous consideration in regard to the constitutional power over such matters vested in Congress.

## Page 67

One other peculiarity in this course of legislation is not less remarkable. It is that when the General Government first took charge of lighthouses and beacons it required the works themselves and the lands on which they were situated to be ceded to the United States. And although for a time this precaution was neglected in the case of new works, in the sequel it was provided by general laws that no light-house should be constructed on any site previous to the jurisdiction over the same being ceded to the United States.

Constitutional authority for the construction and support of many of the public works of this nature, it is certain, may be found in the power of Congress to maintain a navy and provide for the general defense; but their number, and in many instances their location, preclude the idea of their being fully justified as necessary and proper incidents of that power. And they do not seem susceptible of being referred to any other of the specific powers vested in Congress by the Constitution, unless it be that to raise revenue in so far as this relates to navigation. The practice under all my predecessors in office, the express admissions of some of them, and absence of denial by any sufficiently manifest their belief that the power to erect light-houses, beacons, and piers is possessed by the General Government. In the acts of Congress, as we have already seen, the inducement and object of the appropriations are expressly declared, those appropriations being for "light-houses, beacons, buoys, and public piers" erected or placed "within any bay, inlet, harbor, or port of the United States for rendering the navigation thereof easy and safe."

If it be contended that this review of the history of appropriations of this class leads to the inference that, beyond the purposes of national defense and maintenance of a navy, there is authority in the Constitution to construct certain works in aid of navigation, it is at the same time to be remembered that the conclusions thus deduced from cotemporaneous construction and long-continued acquiescence are themselves directly suggestive of limitations of constitutionality, as well as expediency, regarding the nature and the description of those aids to navigation which Congress may provide as incident to the revenue power; for at this point controversy begins, not so much as to the principle as to its application.

In accordance with long-established legislative usage, Congress may construct light-houses and beacons and provide, as it does, other means to prevent shipwrecks on the coasts of the United States. But the General Government can not go beyond this and make improvements of rivers and harbors of the nature and to the degree of all the provisions of the bill of the last session of Congress.



## Page 68

To justify such extended power, it has been urged that if it be constitutional to appropriate money for the purpose of pointing out, by the construction of light-houses or beacons, where an obstacle to navigation exists, it is equally so to remove such obstacle or to avoid it by the creation of an artificial channel; that if the object be lawful, then the means adopted solely with reference to the end must be lawful, and that therefore it is not material, constitutionally speaking, whether a given obstruction to navigation be indicated for avoidance or be actually avoided by excavating a new channel; that if it be a legitimate object of expenditure to preserve a ship from wreck by means of a beacon or of revenue cutters, it must be not less so to provide places of safety by the improvement of harbors, or, where none exist, by their artificial construction; and thence the argument naturally passes to the propriety of improving rivers for the benefit of internal navigation, because all these objects are of more or less importance to the commercial as well as the naval interests of the United States.

The answer to all this is that the question of opening speedy and easy communication to and through all parts of the country is substantially the same, whether done by land or water; that the uses of roads and canals in facilitating commercial intercourse and uniting by community of interests the most remote quarters of the country by land communication are the same in their nature as the uses of navigable waters; and that therefore the question of the facilities and aids to be provided to navigation, by whatsoever means, is but a subdivision of the great question of the constitutionality and expediency of internal improvements by the General Government. In confirmation of this it is to be remarked that one of the most important acts of appropriation of this class, that of the year 1833, under the Administration of President Jackson, by including together and providing for in one bill as well river and harbor works as road works, impliedly recognizes the fact that they are alike branches of the same great subject of internal improvements.

As the population, territory, and wealth of the country increased and settlements extended into remote regions, the necessity for additional means of communication impressed itself upon all minds with a force which had not been experienced at the date of the formation of the Constitution, and more and more embarrassed those who were most anxious to abstain scrupulously from any exercise of doubtful power. Hence the recognition in the messages of Presidents Jefferson, Madison, and Monroe of the eminent desirableness of such works, with admission that some of them could lawfully and should be conducted by the General Government, but with obvious uncertainty of opinion as to the line between such as are constitutional and such as are not, such as ought to receive appropriations from Congress and such as ought to be consigned to private enterprise or the legislation of the several States.



## Page 69

This uncertainty has not been removed by the practical working of our institutions in later times; for although the acquisition of additional territory and the application of steam to the propulsion of vessels have greatly magnified the importance of internal commerce, this fact has at the same time complicated the question of the power of the General Government over the present subject.

In fine, a careful review of the opinions of all my predecessors and of the legislative history of the country does not indicate any fixed rule by which to decide what, of the infinite variety of possible river and harbor improvements, are within the scope of the power delegated by the Constitution; and the question still remains unsettled. President Jackson conceded the constitutionality, under suitable circumstances, of the improvement of rivers and harbors through the agency of Congress, and President Polk admitted the propriety of the establishment and support by appropriations from the Treasury of light-houses, beacons, buoys, and other improvements within the bays, inlets, and harbors of the ocean and lake coasts immediately connected with foreign commerce.

But if the distinction thus made rests upon the differences between foreign and domestic commerce it can not be restricted thereby to the bays, inlets, and harbors of the oceans and lakes, because foreign commerce has already penetrated thousands of miles into the interior of the continent by means of our great rivers, and will continue so to extend itself with the progress of settlement until it reaches the limit of navigability.

At the time of the adoption of the Constitution the vast Valley of the Mississippi, now teeming with population and supplying almost boundless resources, was literally an unexplored wilderness. Our advancement has outstripped even the most sanguine anticipations of the fathers of the Republic, and it illustrates the fact that no rule is admissible which undertakes to discriminate, so far as regards river and harbor improvements, between the Atlantic or Pacific coasts and the great lakes and rivers of the interior regions of North America. Indeed, it is quite erroneous to suppose that any such discrimination has ever existed in the practice of the Government. To the contrary of which is the significant fact, before stated, that when, after abstaining from all such appropriations for more than thirty years, Congress entered upon the policy of improving the navigation of rivers and harbors, it commenced with the rivers Mississippi and Ohio.

The Congress of the Union, adopting in this respect one of the ideas of that of the Confederation, has taken heed to declare from time to time, as occasion required, either in acts for disposing of the public lands in the Territories or in acts for admitting new States, that all navigable rivers within the same "shall be deemed to be and remain public highways."

## Page 70

Out of this condition of things arose a question which at successive periods of our public annals has occupied the attention of the best minds in the Union. This question is, What waters are public navigable waters, so as not to be of State character and jurisdiction, but of Federal jurisdiction and character, in the intent of the Constitution and of Congress? A proximate, but imperfect, answer to this important question is furnished by the acts of Congress and the decisions of the Supreme Court of the United States defining the constitutional limits of the maritime jurisdiction of the General Government. That jurisdiction is entirely independent of the revenue power. It is not derived from that, nor is it measured thereby.

In that act of Congress which, in the first year of the Government, organized our judicial system, and which, whether we look to the subject, the comprehensive wisdom with which it was treated, or the deference with which its provisions have come to be regarded, is only second to the Constitution itself, there is a section in which the statesmen who framed the Constitution have placed on record their construction of it in this matter. It enacts that the district courts of the United States “shall have exclusive cognizance of all civil cases of admiralty and maritime jurisdiction, including all seizures under the law of impost, navigation, or trade of the United States, when the seizures are made on waters which are navigable from the sea by vessels of 10 or more tons burden, within their respective districts, as well as upon the high seas.” In this cotemporaneous exposition of the Constitution there is no trace or suggestion that nationality of jurisdiction is limited to the sea, or even to tide waters. The law is marked by a sagacious apprehension of the fact that the Great Lakes and the Mississippi were navigable waters of the United States even then, before the acquisition of Louisiana had made wholly our own the territorial greatness of the West. It repudiates unequivocally the rule of the common law, according to which the question of whether a water is public navigable water or not depends on whether it is salt or not, and therefore, in a river, confines that quality to tide water—a rule resulting from the geographical condition of England and applicable to an island, with small and narrow streams, the only navigable portion of which, for ships, is in immediate contact with the ocean, but wholly inapplicable to the great inland fresh-water seas of America and its mighty rivers, with secondary branches exceeding in magnitude the largest rivers of Great Britain.

## Page 71

At a later period it is true that, in disregard of the more comprehensive definition of navigability afforded by that act of Congress, it was for a time held by many that the rule established for England was to be received in the United States, the effect of which was to exclude from the jurisdiction of the General Government not only the waters of the Mississippi, but also those of the Great Lakes. To this construction it was with truth objected that, in so far as concerns the lakes, they are in fact seas, although of freshwater; that they are the natural marine communications between a series of populous States and between them and the possessions of a foreign nation; that they are actually navigated by ships of commerce of the largest capacity; that they had once been and might again be the scene of foreign war; and that therefore it was doing violence to all reason to undertake by means of an arbitrary doctrine of technical foreign law to exclude such waters from the jurisdiction of the General Government. In regard to the river Mississippi, it was objected that to draw a line across that river at the point of ebb and flood of tide, and say that the part below was public navigable water and the part above not, while in the latter the water was at least equally deep and navigable and its commerce as rich as in the former, with numerous ports of foreign entry and delivery, was to sanction a distinction artificial and unjust, because regardless of the real fact of navigability.

We may conceive that some such considerations led to the enactment in the year 1845 of an act in addition to that of 1789, declaring that—

The district courts of the United States shall have, possess, and exercise the same jurisdiction in matters of contract and tort arising in, upon, or concerning steamboats and other vessels of 20 tons burden and upward, enrolled and licensed for the coasting trade and at the time employed in business of commerce and navigation between ports and places in different States and Territories upon the lakes and navigable waters connecting said lakes, as is now possessed and exercised by the said courts in cases of the like steamboats and other vessels employed in navigation and commerce upon the high seas or tide waters within the admiralty and maritime jurisdiction of the United States.

It is observable that the act of 1789 applies the jurisdiction of the United States to all “waters which are navigable from the sea” for vessels of 10 tons burden, and that of 1845 extends the jurisdiction to enrolled vessels of 20 tons burden, on the lakes and navigable waters connecting said lakes, though not waters navigable from the sea, provided such vessels be employed between places in different States and Territories.

## Page 72

Thus it appears that these provisions of law in effect prescribe conditions by which to determine whether any waters are public navigable waters, subject to the authority of the Federal Government. The conditions include all waters, whether salt or fresh, and whether of sea, lake, or river, provided they be capable of navigation by vessels of a certain tonnage, and for commerce either between the United States and foreign countries or between any two or more of the States or Territories of the Union. This excludes water wholly within any particular State, and not used as the means of commercial communication with any other State, and subject to be improved or obstructed at will by the State within which it may happen to be.

The constitutionality of these provisions of statute has been called in question. Their constitutionality has been maintained, however, by repeated decisions of the Supreme Court of the United States, and they are therefore the law of the land by the concurrent act of the legislative, the executive, and the judicial departments of the Government. Regarded as affording a criterion of what is navigable water, and as such subject to the maritime jurisdiction of the Supreme Court and of Congress, these acts are objectionable in this, that the rule of navigability is an arbitrary one, that Congress may repeal the present rule and adopt a new one, and that thus a legislative definition will be able to restrict or enlarge the limits of constitutional power. Yet this variableness of standard seems inherent in the nature of things. At any rate, neither the First Congress, composed of the statesmen of the era when the Constitution was adopted, nor any subsequent Congress has afforded us the means of attaining greater precision of construction as to this part of the Constitution.

This reflection may serve to relieve from undeserved reproach an idea of one of the greatest men of the Republic—President Jackson. He, seeking amid all the difficulties of the subject for some practical rule of action in regard to appropriations for the improvement of rivers and harbors, prescribed for his own official conduct the rule of confining such appropriations to “places below the ports of entry or delivery established by law.” He saw clearly, as the authors of the above-mentioned acts of 1789 and 1845 did, that there is no inflexible natural line of discrimination between what is national and what local by means of which to determine absolutely and unerringly at what point on a river the jurisdiction of the United States shall end. He perceived, and of course admitted, that the Constitution, while conferring on the General Government some power of action to render navigation safe and easy, had of necessity left to Congress much of discretion in this matter. He confided in the patriotism of Congress to exercise that discretion wisely, not permitting himself to suppose it possible that a port of entry or delivery would ever be established by law for the express and only purpose of evading the Constitution.

## Page 73

It remains, therefore, to consider the question of the measure of discretion in the exercise by Congress of the power to provide for the improvement of rivers and harbors, and also that of the legitimate responsibility of the Executive in the same relation.

In matters of legislation of the most unquestionable constitutionality it is always material to consider what amount of public money shall be appropriated for any particular object. The same consideration applies with augmented force to a class of appropriations which are in their nature peculiarly prone to run to excess, and which, being made in the exercise of incidental powers, have intrinsic tendency to overstep the bounds of constitutionality.

If an appropriation for improving the navigability of a river or deepening or protecting a harbor have reference to military or naval purposes, then its rightfulness, whether in amount or in the objects to which it is applied, depends, manifestly, on the military or naval exigency; and the subject-matter affords its own measure of legislative discretion. But if the appropriation for such an object have no distinct relation to the military or naval wants of the country, and is wholly, or even mainly, intended to promote the revenue from commerce, then the very vagueness of the proposed purpose of the expenditure constitutes a perpetual admonition of reserve and caution. Through disregard of this it is undeniable that in many cases appropriations of this nature have been made unwisely, without accomplishing beneficial results commensurate with the cost, and sometimes for evil rather than good, independently of their dubious relation to the Constitution.

Among the radical changes of the course of legislation in these matters which, in my judgment, the public interest demands, one is a return to the primitive idea of Congress, which required in this class of public works, as in all others, a conveyance of the soil and a cession of the jurisdiction to the United States. I think this condition ought never to have been waived in the case of any harbor improvement of a permanent nature, as where piers, jetties, sea walls, and other like works are to be constructed and maintained. It would powerfully tend to counteract endeavors to obtain appropriations of a local character and chiefly calculated to promote individual interests. The want of such a provision is the occasion of abuses in regard to existing works, exposing them to private encroachment without sufficient means of redress by law. Indeed, the absence in such cases of a cession of jurisdiction has constituted one of the constitutional objections to appropriations of this class. It is not easy to perceive any sufficient reason for requiring it in the case of arsenals or forts which does not equally apply to all other public works. If to be constructed and maintained by Congress in the exercise of a constitutional power of appropriation, they should be brought within the jurisdiction of the United States.

## Page 74

There is another measure of precaution in regard to such appropriations which seems to me to be worthy of the consideration of Congress. It is to make appropriation for every work in a separate bill, so that each one shall stand on its own independent merits, and if it pass shall do so under circumstances of legislative scrutiny entitling it to be regarded as of general interest and a proper subject of charge on the Treasury of the Union.

During that period of time in which the country had not come to look to Congress for appropriations of this nature several of the States whose productions or geographical position invited foreign commerce had entered upon plans for the improvement of their harbors by themselves and through means of support drawn directly from that commerce, in virtue of an express constitutional power, needing for its exercise only the permission of Congress. Harbor improvements thus constructed and maintained, the expenditures upon them being defrayed by the very facilities they afford, are a voluntary charge on those only who see fit to avail themselves of such facilities, and can be justly complained of by none. On the other hand, so long as these improvements are carried on by appropriations from the Treasury the benefits will continue to inure to those alone who enjoy the facilities afforded, while the expenditure will be a burden upon the whole country and the discrimination a double injury to places equally requiring improvement, but not equally favored by appropriations.

These considerations, added to the embarrassments of the whole question, amply suffice to suggest the policy of confining appropriations by the General Government to works necessary to the execution of its undoubted powers and of leaving all others to individual enterprise or to the separate States, to be provided for out of their own resources or by recurrence to the provision of the Constitution which authorizes the States to lay duties of tonnage with the consent of Congress.

FRANKLIN PIERCE.

## **PROCLAMATIONS.**

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas information has been received by me that an unlawful expedition has been fitted out in the State of California with a view to invade Mexico, a nation maintaining friendly relations with the United States, and that other expeditions are organizing within the United States for the same unlawful purpose; and

Whereas certain citizens and inhabitants of this country, unmindful of their obligations and duties and of the rights of a friendly power, have participated and are about to

participate in these enterprises, so derogatory to our national character and so threatening to our tranquillity, and are thereby incurring the severe penalties imposed by law against such offenders:



## Page 75

Now, therefore, I, Franklin Pierce, President of the United States, have issued this my proclamation, warning all persons who shall connect themselves with any such enterprise or expedition that the penalties of the law denounced against such criminal conduct will be rigidly enforced; and I exhort all good citizens, as they regard our national character, as they respect our laws or the law of nations, as they value the blessings of peace and the welfare of their country, to discountenance and by all lawful means prevent such criminal enterprises; and I call upon all officers of this Government, civil and military, to use any efforts which may be in their power to arrest for trial and punishment every such offender.

[SEAL.]

Given under my hand and the seal of the United States, at Washington, this 18th day of January, A.D. 1854, and the seventy-eighth of the Independence of the United States.

FRANKLIN PIERCE.

By the President:

W.L. MARCY,

*Secretary of State.*

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

A PROCLAMATION.

Whereas information has been received that sundry persons, citizens of the United States and others residing therein, are engaged in organizing and fitting out a military expedition for the invasion of the island of Cuba; and

Whereas the said undertaking is contrary to the spirit and express stipulations of treaties between the United States and Spain, derogatory to the character of this nation, and in violation of the obvious duties and obligations of faithful and patriotic citizens; and

Whereas it is the duty of the constituted authorities of the United States to hold and maintain the control of the great question of peace or war, and not suffer the same to be lawlessly complicated under any pretense whatever; and

Whereas to that end all private enterprises of a hostile character within the United States against any foreign power with which the United States are at peace are forbidden and declared to be a high misdemeanor by an express act of Congress:

Now, therefore, in virtue of the authority vested by the Constitution in the President of the United States, I do issue this proclamation to warn all persons that the General

Government claims it as a right and duty to interpose itself for the honor of its flag, the rights of its citizens, the national security, and the preservation of the public tranquillity, from whatever quarter menaced, and it will not fail to prosecute with due energy all those who, unmindful of their own and their country's fame, presume thus to disregard the laws of the land and our treaty obligations.

I earnestly exhort all good citizens to discountenance and prevent any movement in conflict with law and national faith, especially charging the several district attorneys, collectors, and other officers of the United States, civil or military, having lawful power in the premises, to exert the same for the purpose of maintaining the authority and preserving the peace of the United States.



## Page 76

[SEAL.]

Given under my hand and the seal of the United States, at Washington, the 31st day of May, A.D. 1854, and the seventy-eighth of the Independence Of the United States.

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*

### **SECOND ANNUAL MESSAGE.**

WASHINGTON, *December 4, 1854.*

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

The past has been an eventful year, and will be hereafter referred to as a marked epoch in the history of the world. While we have been happily preserved from the calamities of war, our domestic prosperity has not been entirely uninterrupted. The crops in portions of the country have been nearly cut off. Disease has prevailed to a greater extent than usual, and the sacrifice of human life through casualties by sea and land is without parallel. But the pestilence has swept by, and restored salubrity invites the absent to their homes and the return of business to its ordinary channels. If the earth has rewarded the labor of the husbandman less bountifully than in preceding seasons, it has left him with abundance for domestic wants and a large surplus for exportation. In the present, therefore, as in the past, we find ample grounds for reverent thankfulness to the God of grace and providence for His protecting care and merciful dealings with us as a people.

Although our attention has been arrested by painful interest in passing events, yet our country feels no more than the slight vibrations of the convulsions which have shaken Europe. As individuals we can not repress sympathy with human suffering nor regret for the causes which produce it; as a nation we are reminded that whatever interrupts the peace or checks the prosperity of any part of Christendom tends more or less to involve our own. The condition of States is not unlike that of individuals; they are mutually dependent upon each other. Amicable relations between them and reciprocal good will are essential for the promotion of whatever is desirable in their moral, social, and political condition. Hence it has been my earnest endeavor to maintain peace and friendly intercourse with all nations.

The wise theory of this Government, so early adopted and steadily pursued, of avoiding all entangling alliances has hitherto exempted it from many complications in which it would otherwise have become involved. Notwithstanding this our clearly defined and



well-sustained course of action and our geographical position, so remote from Europe, increasing disposition has been manifested by some of its Governments to supervise and in certain respects to direct our foreign policy. In plans for adjusting the balance of power among themselves they have assumed to take us into account, and would constrain us to conform our conduct to their views. One or another of the powers of Europe

## Page 77

has from time to time undertaken to enforce arbitrary regulations contrary in many respects to established principles of international law. That law the United States have in their foreign intercourse uniformly respected and observed, and they can not recognize any such interpolations therein as the temporary interests of others may suggest. They do not admit that the sovereigns of one continent or of a particular community of states can legislate for all others.

Leaving the transatlantic nations to adjust their political system in the way they may think best for their common welfare, the independent powers of this continent may well assert the right to be exempt from all annoying interference on their part. Systematic abstinence from intimate political connection with distant foreign nations does not conflict with giving the widest range to our foreign commerce. This distinction, so clearly marked in history, seems to have been overlooked or disregarded by some leading foreign states. Our refusal to be brought within and subjected to their peculiar system has, I fear, created a jealous distrust of our conduct and induced on their part occasional acts of disturbing effect upon our foreign relations. Our present attitude and past course give assurances, which should not be questioned, that our purposes are not aggressive nor threatening to the safety and welfare of other nations. Our military establishment in time of peace is adapted to maintain exterior defenses and to preserve order among the aboriginal tribes within the limits of the Union. Our naval force is intended only for the protection of our citizens abroad and of our commerce, diffused, as it is, over all the seas of the globe. The Government of the United States, being essentially pacific in policy, stands prepared to repel invasion by the voluntary service of a patriotic people, and provides no permanent means of foreign aggression. These considerations should allay all apprehension that we are disposed to encroach on the rights or endanger the security of other states.

Some European powers have regarded with disquieting concern the territorial expansion of the United States. This rapid growth has resulted from the legitimate exercise of sovereign rights belonging alike to all nations, and by many liberally exercised. Under such circumstances it could hardly have been expected that those among them which have within a comparatively recent period subdued and absorbed ancient kingdoms, planted their standards on every continent, and now possess or claim the control of the islands of every ocean as their appropriate domain would look with unfriendly sentiments upon the acquisitions of this country, in every instance honorably obtained, or would feel themselves justified in imputing our advancement to a spirit of aggression or to a passion for political predominance.

## Page 78

Our foreign commerce has reached a magnitude and extent nearly equal to that of the first maritime power of the earth, and exceeding that of any other. Over this great interest, in which not only our merchants, but all classes of citizens, at least indirectly, are concerned, it is the duty of the executive and legislative branches of the Government to exercise a careful supervision and adopt proper measures for its protection. The policy which I had in view in regard to this interest embraces its future as well as its present security. Long experience has shown that, in general, when the principal powers of Europe are engaged in war the rights of neutral nations are endangered. This consideration led, in the progress of the War of our Independence, to the formation of the celebrated confederacy of armed neutrality, a primary object of which was to assert the doctrine that free ships make free goods, except in the case of articles contraband of war—a doctrine which from the very commencement of our national being has been a cherished idea of the statesmen of this country. At one period or another every maritime power has by some solemn treaty stipulation recognized that principle, and it might have been hoped that it would come to be universally received and respected as a rule of international law. But the refusal of one power prevented this, and in the next great war which ensued—that of the French Revolution—it failed to be respected among the belligerent States of Europe. Notwithstanding this, the principle is generally admitted to be a sound and salutary one, so much so that at the commencement of the existing war in Europe Great Britain and France announced their purpose to observe it for the present; not, however, as a recognized international right, but as a mere concession for the time being. The cooperation, however, of these two powerful maritime nations in the interest of neutral rights appeared to me to afford an occasion inviting and justifying on the part of the United States a renewed effort to make the doctrine in question a principle of international law, by means of special conventions between the several powers of Europe and America. Accordingly, a proposition embracing not only the rule that free ships make free goods, except contraband articles, but also the less contested one that neutral property other than contraband, though on board enemy's ships, shall be exempt from confiscation, has been submitted by this Government to those of Europe and America.

Russia acted promptly in this matter, and a convention was concluded between that country and the United States providing for the observance of the principles announced, not only as between themselves, but also as between them and all other nations which shall enter into like stipulations. None of the other powers have as yet taken final action on the subject. I am not aware, however, that any objection to the proposed stipulations has been made, but, on the contrary, they are acknowledged to be essential to the security of neutral commerce, and the only apparent obstacle to their general adoption is in the possibility that it may be encumbered by inadmissible conditions.

## Page 79

The King of the Two Sicilies has expressed to our minister at Naples his readiness to concur in our proposition relative to neutral rights and to enter into a convention on that subject.

The King of Prussia entirely approves of the project of a treaty to the same effect submitted to him, but proposes an additional article providing for the renunciation of privateering. Such an article, for most obvious reasons, is much desired by nations having naval establishments large in proportion to their foreign commerce. If it were adopted as an international rule, the commerce of a nation having comparatively a small naval force would be very much at the mercy of its enemy in case of war with a power of decided naval superiority. The bare statement of the condition in which the United States would be placed, after having surrendered the right to resort to privateers, in the event of war with a belligerent of naval supremacy will show that this Government could never listen to such a proposition. The navy of the first maritime power in Europe is at least ten times as large as that of the United States. The foreign commerce of the two countries is nearly equal, and about equally exposed to hostile depredations. In war between that power and the United States, without resort on our part to our mercantile marine the means of our enemy to inflict injury upon our commerce would be tenfold greater than ours to retaliate. We could not extricate our country from this unequal condition, with such an enemy, unless we at once departed from our present peaceful policy and became a great naval power. Nor would this country be better situated in war with one of the secondary naval powers. Though the naval disparity would be less, the greater extent and more exposed condition of our widespread commerce would give any of them a like advantage over us.

The proposition to enter into engagements to forego a resort to privateers in case this country should be forced into war with a great naval power is not entitled to more favorable consideration than would be a proposition to agree not to accept the services of volunteers for operations on land. When the honor or the rights of our country require it to assume a hostile attitude, it confidently relies upon the patriotism of its citizens, not ordinarily devoted to the military profession, to augment the Army and the Navy so as to make them fully adequate to the emergency which calls them into action. The proposal to surrender the right to employ privateers is professedly founded upon the principle that private property of unoffending noncombatants, though enemies, should be exempt from the ravages of war; but the proposed surrender goes but little way in carrying out that principle, which equally requires that such private property should not be seized or molested by national ships of war. Should the leading powers of Europe concur in proposing as a rule of international law to exempt private property upon the ocean from seizure by public armed cruisers as well as by privateers, the United States will readily meet them upon that broad ground.



## Page 80

Since the adjournment of Congress the ratifications of the treaty between the United States and Great Britain relative to coast fisheries and to reciprocal trade with the British North American Provinces have been exchanged, and some of its anticipated advantages are already enjoyed by us, although its full execution was to abide certain acts of legislation not yet fully performed. So soon as it was ratified Great Britain opened to our commerce the free navigation of the river St. Lawrence and to our fishermen unmolested access to the shores and bays, from which they had been previously excluded, on the coasts of her North American Provinces; in return for which she asked for the introduction free of duty into the ports of the United States of the fish caught on the same coast by British fishermen. This being the compensation stipulated in the treaty for privileges of the highest importance and value to the United States, which were thus voluntarily yielded before it became effective, the request seemed to me to be a reasonable one; but it could not be acceded to from want of authority to suspend our laws imposing duties upon all foreign fish. In the meantime the Treasury Department issued a regulation for ascertaining the duties paid or secured by bonds on fish caught on the coasts of the British Provinces and brought to our markets by British subjects after the fishing grounds had been made fully accessible to the citizens of the United States. I recommend to your favorable consideration a proposition, which will be submitted to you, for authority to refund the duties and cancel the bonds thus received. The Provinces of Canada and New Brunswick have also anticipated the full operation of the treaty by legislative arrangements, respectively, to admit free of duty the products of the United States mentioned in the free list of the treaty; and an arrangement similar to that regarding British fish has been made for duties now chargeable on the products of those Provinces enumerated in the same free list and introduced therefrom into the United States, a proposition for refunding which will, in my judgment, be in like manner entitled to your favorable consideration.

There is difference of opinion between the United States and Great Britain as to the boundary line of the Territory of Washington adjoining the British possessions on the Pacific, which has already led to difficulties on the part of the citizens and local authorities of the two Governments. I recommend that provision be made for a commission, to be joined by one on the part of Her Britannic Majesty, for the purpose of running and establishing the line in controversy. Certain stipulations of the third and fourth articles of the treaty concluded by the United States and Great Britain in 1846, regarding possessory rights of the Hudsons Bay Company and property of the Pugets Sound Agricultural Company, have given rise to serious disputes, and it is important to all concerned that summary means of settling them amicably should be devised. I have reason to believe that an arrangement can be made on just terms for the extinguishment of the rights in question, embracing also the right of the Hudsons Bay Company to the navigation of the river Columbia; and I therefore suggest to your consideration the expediency of making a contingent appropriation for that purpose.

## Page 81

France was the early and efficient ally of the United States in their struggle for independence. From that time to the present, with occasional slight interruptions, cordial relations of friendship have existed between the Governments and people of the two countries. The kindly sentiments cherished alike by both nations have led to extensive social and commercial intercourse, which I trust will not be interrupted or checked by any casual event of an apparently unsatisfactory character. The French consul at San Francisco was not long since brought into the United States district court at that place by compulsory process as a witness in favor of another foreign consul, in violation, as the French Government conceives, of his privileges under our consular convention with France. There being nothing in the transaction which could imply any disrespect to France or its consul, such explanation has been made as, I hope, will be satisfactory. Subsequently misunderstanding arose on the subject of the French Government having, as it appeared, abruptly excluded the American minister to Spain from passing through France on his way from London to Madrid. But that Government has unequivocally disavowed any design to deny the right of transit to the minister of the United States, and after explanations to this effect he has resumed his journey and actually returned through France to Spain. I herewith lay before Congress the correspondence on this subject between our envoy at Paris and the minister of foreign relations of the French Government.

The position of our affairs with Spain remains as at the close of the last session. Internal agitation, assuming very nearly the character of political revolution, has recently convulsed that country. The late ministers were violently expelled from power, and men of very different views in relation to its internal affairs have succeeded. Since this change there has been no propitious opportunity to resume and press on negotiations for the adjustment of serious questions of difficulty between the Spanish Government and the United States. There is reason to believe that our minister will find the present Government more favorably inclined than the preceding to comply with our just demands and to make suitable arrangements for restoring harmony and preserving peace between the two countries.

Negotiations are pending with Denmark to discontinue the practice of levying tolls on our vessels and their cargoes passing through the Sound. I do not doubt that we can claim exemption therefrom as a matter of right. It is admitted on all hands that this exaction is sanctioned, not by the general principles of the law of nations, but only by special conventions which most of the commercial nations have entered into with Denmark. The fifth article of our treaty of 1826 with Denmark provides that there shall not be paid on the vessels of the United States and their cargoes when passing through the Sound higher duties



## Page 82

than those of the most favored nations. This may be regarded as an implied agreement to submit to the tolls during the continuance of the treaty, and consequently may embarrass the assertion of our right to be released therefrom. There are also other provisions in the treaty which ought to be modified. It was to remain in force for ten years and until one year after either party should give notice to the other of intention to terminate it. I deem it expedient that the contemplated notice should be given to the Government of Denmark.

The naval expedition dispatched about two years since for the purpose of establishing relations with the Empire of Japan has been ably and skillfully conducted to a successful termination by the officer to whom it was intrusted. A treaty opening certain of the ports of that populous country has been negotiated, and in order to give full effect thereto it only remains to exchange ratifications and adopt requisite commercial regulations.

The treaty lately concluded between the United States and Mexico settled some of our most embarrassing difficulties with that country, but numerous claims upon it for wrongs and injuries to our citizens remained unadjusted, and many new cases have been recently added to the former list of grievances. Our legation has been earnest in its endeavors to obtain from the Mexican Government a favorable consideration of these claims, but hitherto without success. This failure is probably in some measure to be ascribed to the disturbed condition of that country. It has been my anxious desire to maintain friendly relations with the Mexican Republic and to cause its rights and territories to be respected, not only by our citizens, but by foreigners who have resorted to the United States for the purpose of organizing hostile expeditions against some of the States of that Republic. The defenseless condition in which its frontiers have been left has stimulated lawless adventurers to embark in these enterprises and greatly increased the difficulty of enforcing our obligations of neutrality. Regarding it as my solemn duty to fulfill efficiently these obligations, not only toward Mexico, but other foreign nations, I have exerted all the powers with which I am invested to defeat such proceedings and bring to punishment those who by taking a part therein violated our laws. The energy and activity of our civil and military authorities have frustrated the designs of those who meditated expeditions of this character except in two instances. One of these, composed of foreigners, was at first countenanced and aided by the Mexican Government itself, it having been deceived as to their real object. The other, small in number, eluded the vigilance of the magistrates at San Francisco and succeeded in reaching the Mexican territories; but the effective measures taken by this Government compelled the abandonment of the undertaking.

The commission to establish the new line between the United States and Mexico, according to the provisions of the treaty of the 30th of December last, has been organized, and the work is already commenced.

## Page 83

Our treaties with the Argentine Confederation and with the Republics of Uruguay and Paraguay secure to us the free navigation of the river La Plata and some of its larger tributaries, but the same success has not attended our endeavors to open the Amazon. The reasons in favor of the free use of that river I had occasion to present fully in a former message, and, considering the cordial relations which have long existed between this Government and Brazil, it may be expected that pending negotiations will eventually reach a favorable result.

Convenient means of transit between the several parts of a country are not only desirable for the objects of commercial and personal communication, but essential to its existence under one government. Separated, as are the Atlantic and Pacific coasts of the United States, by the whole breadth of the continent, still the inhabitants of each are closely bound together by community of origin and institutions and by strong attachment to the Union. Hence the constant and increasing intercourse and vast interchange of commercial productions between these remote divisions of the Republic. At the present time the most practicable and only commodious routes for communication between them are by the way of the isthmus of Central America. It is the duty of the Government to secure these avenues against all danger of interruption.

In relation to Central America, perplexing questions existed between the United States and Great Britain at the time of the cession of California. These, as well as questions which subsequently arose concerning interoceanic communication across the Isthmus, were, as it was supposed, adjusted by the treaty of April 19, 1850, but, unfortunately, they have been reopened by serious misunderstanding as to the import of some of its provisions, a readjustment of which is now under consideration. Our minister at London has made strenuous efforts to accomplish this desirable object, but has not yet found it possible to bring the negotiations to a termination.

As incidental to these questions, I deem it proper to notice an occurrence which happened in Central America near the close of the last session of Congress. So soon as the necessity was perceived of establishing interoceanic communications across the Isthmus a company was organized, under the authority of the State of Nicaragua, but composed for the most part of citizens of the United States, for the purpose of opening such a transit way by the river San Juan and Lake Nicaragua, which soon became an eligible and much used route in the transportation of our citizens and their property between the Atlantic and Pacific. Meanwhile, and in anticipation of the completion and importance of this transit way, a number of adventurers had taken possession of the old Spanish port at the mouth of the river San Juan in open defiance of the State or States of Central America, which upon their becoming independent had rightfully succeeded to the local



## Page 84

sovereignty and jurisdiction of Spain. These adventurers undertook to change the name of the place from San Juan del Norte to Greytown, and though at first pretending to act as the subjects of the fictitious sovereign of the Mosquito Indians, they subsequently repudiated the control of any power whatever, assumed to adopt a distinct political organization, and declared themselves an independent sovereign state. If at some time a faint hope was entertained that they might become a stable and respectable community, that hope soon vanished. They proceeded to assert unfounded claims to civil jurisdiction over Punta Arenas, a position on the opposite side of the river San Juan, which was in possession, under a title wholly independent of them, of citizens of the United States interested in the Nicaragua Transit Company, and which was indispensably necessary to the prosperous operation of that route across the Isthmus. The company resisted their groundless claims, whereupon they proceeded to destroy some of its buildings and attempted violently to dispossess it.

At a later period they organized a strong force for the purpose of demolishing the establishment at Punta Arenas, but this mischievous design was defeated by the interposition of one of our ships of war at that time in the harbor of San Juan. Subsequently to this, in May last, a body of men from Greytown crossed over to Punta Arenas, arrogating authority to arrest on the charge of murder a captain of one of the steamboats of the Transit Company. Being well aware that the claim to exercise jurisdiction there would be resisted then, as it had been on previous occasions, they went prepared to assert it by force of arms. Our minister to Central America happened to be present on that occasion. Believing that the captain of the steamboat was innocent (for he witnessed the transaction on which the charge was founded), and believing also that the intruding party, having no jurisdiction over the place where they proposed to make the arrest, would encounter desperate resistance if they persisted in their purpose, he interposed, effectually, to prevent violence and bloodshed. The American minister afterwards visited Greytown, and whilst he was there a mob, including certain of the so-called public functionaries of the place, surrounded the house in which he was, avowing that they had come to arrest him by order of some person exercising the chief authority. While parleying with them he was wounded by a missile from the crowd. A boat dispatched from the American steamer *Northern Light* to release him from the perilous situation in which he was understood to be was fired into by the town guard and compelled to return. These incidents, together with the known character of the population of Greytown and their excited state, induced just apprehensions that the lives and property of our citizens at Punta Arenas would be in imminent danger after the departure of the steamer, with her passengers, for New York, unless a guard was left for their protection. For this purpose, and in order to insure the safety of passengers and property passing over the route, a temporary force was organized, at considerable expense to the United States, for which provision was made at the last session of Congress.

## Page 85

This pretended community, a heterogeneous assemblage gathered from various countries, and composed for the most part of blacks and persons of mixed blood, had previously given other indications of mischievous and dangerous propensities. Early in the same month property was clandestinely abstracted from the depot of the Transit Company and taken to Greytown. The plunderers obtained shelter there and their pursuers were driven back by its people, who not only protected the wrongdoers and shared the plunder, but treated with rudeness and violence those who sought to recover their property.

Such, in substance, are the facts submitted to my consideration, and proved by trustworthy evidence. I could not doubt that the case demanded the interposition of this Government. Justice required that reparation should be made for so many and such gross wrongs, and that a course of insolence and plunder, tending directly to the insecurity of the lives of numerous travelers and of the rich treasure belonging to our citizens passing over this transit way, should be peremptorily arrested. Whatever it might be in other respects, the community in question, in power to do mischief, was not despicable. It was well provided with ordnance, small arms, and ammunition, and might easily seize on the unarmed boats, freighted with millions of property, which passed almost daily within its reach. It did not profess to belong to any regular government, and had, in fact, no recognized dependence on or connection with anyone to which the United States or their injured citizens might apply for redress or which could be held responsible in any way for the outrages committed. Not standing before the world in the attitude of an organized political society, being neither competent to exercise the rights nor to discharge the obligations of a government, it was, in fact, a marauding establishment too dangerous to be disregarded and too guilty to pass unpunished, and yet incapable of being treated in any other way than as a piratical resort of outlaws or a camp of savages depredating on emigrant trains or caravans and the frontier settlements of civilized states.

Reasonable notice was given to the people of Greytown that this Government required them to repair the injuries they had done to our citizens and to make suitable apology for their insult of our minister, and that a ship of war would be dispatched thither to enforce compliance with these demands. But the notice passed unheeded. Thereupon a commander of the Navy, in charge of the sloop of war *Cyane*, was ordered to repeat the demands and to insist upon a compliance therewith. Finding that neither the populace nor those assuming to have authority over them manifested any disposition to make the required reparation, or even to offer excuse for their conduct, he warned them by a public proclamation that if they did not give satisfaction within a time specified he would bombard the town. By this procedure he



## Page 86

afforded them opportunity to provide for their personal safety. To those also who desired to avoid loss of property in the punishment about to be inflicted on the offending town he furnished the means of removing their effects by the boats of his own ship and of a steamer which he procured and tendered to them for that purpose. At length, perceiving no disposition on the part of the town to comply with his requisitions, he appealed to the commander of Her Britannic Majesty's schooner *Bermuda*, who was seen to have intercourse and apparently much influence with the leaders among them, to interpose and persuade them to take some course calculated to save the necessity of resorting to the extreme measure indicated in his proclamation; but that officer, instead of acceding to the request, did nothing more than to protest against the contemplated bombardment. No steps of any sort were taken by the people to give the satisfaction required. No individuals, if any there were, who regarded themselves as not responsible for the misconduct of the community adopted any means to separate themselves from the fate of the guilty. The several charges on which the demands for redress were founded had been publicly known to all for some time, and were again announced to them. They did not deny any of these charges; they offered no explanation, nothing in extenuation of their conduct, but contumaciously refused to hold any intercourse with the commander of the *Cyane*. By their obstinate silence they seemed rather desirous to provoke chastisement than to escape it. There is ample reason to believe that this conduct of wanton defiance on their part is imputable chiefly to the delusive idea that the American Government would be deterred from punishing them through fear of displeasing a formidable foreign power, which they presumed to think looked with complacency upon their aggressive and insulting deportment toward the United States. The *Cyane* at length fired upon the town. Before much injury had been done the fire was twice suspended in order to afford opportunity for an arrangement, but this was declined. Most of the buildings of the place, of little value generally, were in the sequel destroyed, but, owing to the considerate precautions taken by our naval commander, there was no destruction of life.

When the *Cyane* was ordered to Central America, it was confidently hoped and expected that no occasion would arise for "a resort to violence and destruction of property and loss of life." Instructions to that effect were given to her commander; and no extreme act would have been requisite had not the people themselves, by their extraordinary conduct in the affair, frustrated all the possible mild measures for obtaining satisfaction. A withdrawal from the place, the object of his visit entirely defeated, would under the circumstances in which the commander of the *Cyane* found himself have been absolute abandonment of all claim of our citizens for indemnification



## Page 87

and submissive acquiescence in national indignity. It would have encouraged in these lawless men a spirit of insolence and rapine most dangerous to the lives and property of our citizens at Punta Arenas, and probably emboldened them to grasp at the treasures and valuable merchandise continually passing over the Nicaragua route. It certainly would have been most satisfactory to me if the objects of the *Cyane's* mission could have been consummated without any act of public force, but the arrogant contumacy of the offenders rendered it impossible to avoid the alternative either to break up their establishment or to leave them impressed with the idea that they might persevere with impunity in a career of insolence and plunder.

This transaction has been the subject of complaint on the part of some foreign powers, and has been characterized with more of harshness than of justice. If comparisons were to be instituted, it would not be difficult to present repeated instances in the history of states standing in the very front of modern civilization where communities far less offending and more defenseless than Greytown have been chastised with much greater severity, and where not cities only have been laid in ruins, but human life has been recklessly sacrificed and the blood of the innocent made profusely to mingle with that of the guilty.

Passing from foreign to domestic affairs, your attention is naturally directed to the financial condition of the country, always a subject of general interest. For complete and exact information regarding the finances and the various branches of the public service connected therewith I refer you to the report of the Secretary of the Treasury, from which it will appear that the amount of revenue during the last fiscal year from all sources was \$73,549,705, and that the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to \$51,018,249. During the same period the payments made in redemption of the public debt, including interest and premium, amounted to \$24,336,380. To the sum total of the receipts of that year is to be added a balance remaining in the Treasury at the commencement thereof, amounting to \$21,942,892; and at the close of the same year a corresponding balance, amounting to \$20,137,967, of receipts above expenditures also remained in the Treasury. Although, in the opinion of the Secretary of the Treasury, the receipts of the current fiscal year are not likely to equal in amount those of the last, yet they will undoubtedly exceed the amount of expenditures by at least \$15,000,000. I shall therefore continue to direct that the surplus revenue be applied, so far as it can be judiciously and economically done, to the reduction of the public debt, the amount of which at the commencement of the last fiscal year was \$67,340,628; of which there had been paid on the 20th day of November, 1854, the sum of \$22,365,172, leaving a balance of outstanding public debt of only



## Page 88

\$44,975,456, redeemable at different periods within fourteen years. There are also remnants of other Government stocks, most of which are already due, and on which the interest has ceased, but which have not yet been presented for payment, amounting to \$233,179. This statement exhibits the fact that the annual income of the Government greatly exceeds the amount of its public debt, which latter remains unpaid only because the time of payment has not yet matured, and it can not be discharged at once except at the option of public creditors, who prefer to retain the securities of the United States; and the other fact, not less striking, that the annual revenue from all sources exceeds by many millions of dollars the amount needed for a prudent and economical administration of the Government.

The estimates presented to Congress from the different Executive Departments at the last session amounted to \$38,406,581 and the appropriations made to the sum of \$58,116,958. Of this excess of appropriations over estimates, however, more than twenty millions was applicable to extraordinary objects, having no reference to the usual annual expenditures. Among these objects was embraced ten millions to meet the third article of the treaty between the United States and Mexico; so that, in fact, for objects of ordinary expenditure the appropriations were limited to considerably less than \$40,000,000. I therefore renew my recommendation for a reduction of the duties on imports. The report of the Secretary of the Treasury presents a series of tables showing the operation of the revenue system for several successive years; and as the general principle of reduction of duties with a view to revenue, and not protection, may now be regarded as the settled policy of the country, I trust that little difficulty will be encountered in settling the details of a measure to that effect.

In connection with this subject I recommend a change in the laws, which recent experience has shown to be essential to the protection of the Government. There is no express provision of law requiring the records and papers of a public character of the several officers of the Government to be left in their offices for the use of their successors, nor any provision declaring it felony on their part to make false entries in the books or return false accounts. In the absence of such express provision by law, the outgoing officers in many instances have claimed and exercised the right to take into their own possession important books and papers, on the ground that these were their private property, and have placed them beyond the reach of the Government. Conduct of this character, brought in several instances to the notice of the present Secretary of the Treasury, naturally awakened his suspicion, and resulted in the disclosure that at four ports—namely, Oswego, Toledo, Sandusky, and Milwaukee—the Treasury had, by false entries, been defrauded within the four years next



## Page 89

preceding March, 1853, of the sum of \$198,000. The great difficulty with which the detection of these frauds has been attended, in consequence of the abstraction of books and papers by the retiring officers, and the facility with which similar frauds in the public service may be perpetrated render the necessity of new legal enactments in the respects above referred to quite obvious. For other material modifications of the revenue laws which seem to me desirable, I refer you to the report of the Secretary of the Treasury. That report and the tables which accompany it furnish ample proofs of the solid foundation on which the financial security of the country rests and of the salutary influence of the independent-treasury system upon commerce and all monetary operations.

The experience of the last year furnishes additional reasons, I regret to say, of a painful character, for the recommendation heretofore made to provide for increasing the military force employed in the Territory inhabited by the Indians. The settlers on the frontier have suffered much from the incursions of predatory bands, and large parties of emigrants to our Pacific possessions have been massacred with impunity. The recurrence of such scenes can only be prevented by teaching these wild tribes the power of and their responsibility to the United States. From the garrisons of our frontier posts it is only possible to detach troops in small bodies; and though these have on all occasions displayed a gallantry and a stern devotion to duty which on a larger field would have commanded universal admiration, they have usually suffered severely in these conflicts with superior numbers, and have sometimes been entirely sacrificed. All the disposable force of the Army is already employed on this service, and is known to be wholly inadequate to the protection which should be afforded. The public mind of the country has been recently shocked by savage atrocities committed upon defenseless emigrants and border settlements, and hardly less by the unnecessary destruction of valuable lives where inadequate detachments of troops have undertaken to furnish the needed aid. Without increase of the military force these scenes will be repeated, it is to be feared, on a larger scale and with more disastrous consequences. Congress, I am sure, will perceive that the plainest duties and responsibilities of Government are involved in this question, and I doubt not that prompt action may be confidently anticipated when delay must be attended by such fearful hazards.

The bill of the last session providing for an increase of the pay of the rank and file of the Army has had beneficial results, not only in facilitating enlistments, but in obvious improvement in the class of men who enter the service. I regret that corresponding consideration was not bestowed on the officers, who, in view of their character and services and the expenses to which they are necessarily subject, receive at present what is, in my judgment, inadequate compensation.



## Page 90

The valuable services constantly rendered by the Army and its inestimable importance as the nucleus around which the volunteer forces of the nation can promptly gather in the hour of danger, sufficiently attest the wisdom of maintaining a military peace establishment; but the theory of our system and the wise practice under it require that any proposed augmentation in time of peace be only commensurate with our extended limits and frontier relations. While scrupulously adhering to this principle, I find in existing circumstances a necessity for increase of our military force, and it is believed that four new regiments, two of infantry and two of mounted men, will be sufficient to meet the present exigency. If it were necessary carefully to weigh the cost in a case of such urgency, it would be shown that the additional expense would be comparatively light.

With the increase of the numerical force of the Army should, I think, be combined certain measures of reform in its organic arrangement and administration. The present organization is the result of partial legislation often directed to special objects and interests; and the laws regulating rank and command, having been adopted many years ago from the British code, are not always applicable to our service. It is not surprising, therefore, that the system should be deficient in the symmetry and simplicity essential to the harmonious working of its several parts, and require a careful revision.

The present organization, by maintaining large staff corps or departments, separates many officers from that close connection with troops and those active duties in the field which are deemed requisite to qualify them for the varied responsibilities of high command. Were the duties of the Army staff mainly discharged by officers detached from their regiments, it is believed that the special service would be equally well performed and the discipline and instruction of the Army be improved. While due regard to the security of the rights of officers and to the nice sense of honor which should be cultivated among them would seem to exact compliance with the established rule of promotion in ordinary cases, still it can hardly be doubted that the range of promotion by selection, which is now practically confined to the grade of general officers, might be somewhat extended with benefit to the public service. Observance of the rule of seniority sometimes leads, especially in time of peace, to the promotion of officers who, after meritorious and even distinguished service, may have been rendered by age or infirmity incapable of performing active duty, and whose advancement, therefore, would tend to impair the efficiency of the Army. Suitable provision for this class of officers, by the creation of a retired list, would remedy the evil without wounding the just pride of men who by past services have established a claim to high consideration. In again commending this measure to the favorable consideration of Congress

## Page 91

I would suggest that the power of placing officers on the retired list be limited to one year. The practical operation of the measure would thus be tested, and if after the lapse of years there should be occasion to renew the provision it can be reproduced with any improvements which experience may indicate. The present organization of the artillery into regiments is liable to obvious objections. The service of artillery is that of batteries, and an organization of batteries into a corps of artillery would be more consistent with the nature of their duties. A large part of the troops now called artillery are, and have been, on duty as infantry, the distinction between the two arms being merely nominal. This nominal artillery in our service is disproportionate to the whole force and greater than the wants of the country demand. I therefore commend the discontinuance of a distinction which has no foundation in either the arms used or the character of the service expected to be performed.

In connection with the proposition for the increase of the Army, I have presented these suggestions with regard to certain measures of reform as the complement of a system which would produce the happiest results from a given expenditure, and which, I hope, may attract the early attention and be deemed worthy of the approval of Congress.

The recommendation of the Secretary of the Navy having reference to more ample provisions for the discipline and general improvement in the character of seamen and for the reorganization and gradual increase of the Navy I deem eminently worthy of your favorable consideration. The principles which have controlled our policy in relation to the permanent military force by sea and land are sound, consistent with the theory of our system, and should by no means be disregarded. But, limiting the force to the objects particularly set forth in the preceding part of this message, we should not overlook the present magnitude and prospective extension of our commercial marine, nor fail to give due weight to the fact that besides the 2,000 miles of Atlantic seaboard we have now a Pacific coast stretching from Mexico to the British possessions in the north, teeming with wealth and enterprise and demanding the constant presence of ships of war. The augmentation of the Navy has not kept pace with the duties properly and profitably assigned to it in time of peace, and it is inadequate for the large field of its operations, not merely in the present, but still more in the progressively increasing exigencies of the commerce of the United States. I cordially approve of the proposed apprentice system for our national vessels recommended by the Secretary of the Navy.

## Page 92

The occurrence during the last few months of marine disasters of the most tragic nature, involving great loss of human life, has produced intense emotions of sympathy and sorrow throughout the country. It may well be doubted whether all these calamitous events are wholly attributable to the necessary and inevitable dangers of the sea. The merchants, mariners, and shipbuilders of the United States are, it is true, unsurpassed in far-reaching enterprise, skill, intelligence, and courage by any others in the world. But with the increasing amount of our commercial tonnage in the aggregate and the larger size and improved equipment of the ships now constructed a deficiency in the supply of reliable seamen begins to be very seriously felt. The inconvenience may perhaps be met in part by due regulation for the introduction into our merchant ships of indented apprentices, which, while it would afford useful and eligible occupation to numerous young men, would have a tendency to raise the character of seamen as a class. And it is deserving of serious reflection whether it may not be desirable to revise the existing laws for the maintenance of discipline at sea, upon which the security of life and property on the ocean must to so great an extent depend. Although much attention has already been given by Congress to the proper construction and arrangement of steam vessels and all passenger ships, still it is believed that the resources of science and mechanical skill in this direction have not been exhausted. No good reason exists for the marked distinction which appears upon our statutes between the laws for protecting life and property at sea and those for protecting them on land. In most of the States severe penalties are provided to punish conductors of trains, engineers, and others employed in the transportation of persons by railway or by steamboats on rivers. Why should not the same principle be applied to acts of insubordination, cowardice, or other misconduct on the part of masters and mariners producing injury or death to passengers on the high seas, beyond the jurisdiction of any of the States, and where such delinquencies can be reached only by the power of Congress? The whole subject is earnestly commended to your consideration.

The report of the Postmaster-General, to which you are referred for many interesting details in relation to this important and rapidly extending branch of the public service, shows that the expenditure of the year ending June 30, 1854, including \$133,483 of balance due to foreign offices, amounted to \$8,710,907. The gross receipts during the same period amounted to \$6,955,586, exhibiting an expenditure over income of \$1,755,321 and a diminution of deficiency as compared with the last year of \$361,756. The increase of the revenue of the Department for the year ending June 30, 1854, over the preceding year was \$970,399. No proportionate increase, however, can be anticipated for the current year, in consequence of the act of

## Page 93

Congress of June 23, 1854, providing for increased compensation to all postmasters. From these statements it is apparent that the Post-Office Department, instead of defraying its expenses according to the design at the time of its creation, is now, and under existing laws must continue to be, to no small extent a charge upon the general Treasury. The cost of mail transportation during the year ending June 30, 1854, exceeds the cost of the preceding year by \$495,074. I again call your attention to the subject of mail transportation by ocean steamers, and commend the suggestions of the Postmaster-General to your early attention.

During the last fiscal year 11,070,935 acres of the public lands have been surveyed and 8,190,017 acres brought into market. The number of acres sold is 7,035,735 and the amount received therefor \$9,285,533. The aggregate amount of lands sold, located under military scrip and land warrants, selected as swamp lands by States, and by locating under grants for roads is upward of 23,000,000 acres. The increase of lands sold over the previous year is about 6,000,000 acres, and the sales during the first two quarters of the current year present the extraordinary result of five and a half millions sold, exceeding by nearly 4,000,000 acres the sales of the corresponding quarters of the last year.

The commendable policy of the Government in relation to setting apart public domain for those who have served their country in time of war is illustrated by the fact that since 1790 no less than 30,000,000 acres have been applied to this object.

The suggestions which I submitted in my annual message of last year in reference to grants of land in aid of the construction of railways were less full and explicit than the magnitude of the subject and subsequent developments would seem to render proper and desirable. Of the soundness of the principle then asserted with regard to the limitation of the power of Congress I entertain no doubt, but in its application it is not enough that the value of lands in a particular locality may be enhanced; that, in fact, a larger amount of money may probably be received in a given time for alternate sections than could have been realized for all the sections without the impulse and influence of the proposed improvements. A prudent proprietor looks beyond limited sections of his domain, beyond present results to the ultimate effect which a particular line of policy is likely to produce upon all his possessions and interests. The Government, which is trustee in this matter for the people of the States, is bound to take the same wise and comprehensive view. Prior to and during the last session of Congress upward of 30,000,000 acres of land were withdrawn from public sale with a view to applications for grants of this character pending before Congress. A careful review of the whole subject led me to direct that all such orders be abrogated and the lands restored to market, and instructions were immediately given to

## Page 94

that effect. The applications at the last session contemplated the construction of more than 5,000 miles of road and grants to the amount of nearly 20,000,000 acres of the public domain. Even admitting the right on the part of Congress to be unquestionable, is it quite clear that the proposed grants would be productive of good, and not evil? The different projects are confined for the present to eleven States of this Union and one Territory. The reasons assigned for the grants show that it is proposed to put the works speedily in process of construction. When we reflect that since the commencement of the construction of railways in the United States, stimulated, as they have been, by the large dividends realized from the earlier works over the great thoroughfares and between the most important points of commerce and population, encouraged by State legislation, and pressed forward by the amazing energy of private enterprise, only 17,000 miles have been completed in all the States in a quarter of a century; when we see the crippled condition of many works commenced and prosecuted upon what were deemed to be sound principles and safe calculations; when we contemplate the enormous absorption of capital withdrawn from the ordinary channels of business, the extravagant rates of interest at this moment paid to continue operations, the bankruptcies, not merely in money but in character, and the inevitable effect upon finances generally, can it be doubted that the tendency is to run to excess in this matter? Is it wise to augment this excess by encouraging hopes of sudden wealth expected to flow from magnificent schemes dependent upon the action of Congress? Does the spirit which has produced such results need to be stimulated or checked? Is it not the better rule to leave all these works to private enterprise, regulated and, when expedient, aided by the cooperation of States? If constructed by private capital the stimulant and the check go together and furnish a salutary restraint against speculative schemes and extravagance. But it is manifest that with the most effective guards there is danger of going too fast and too far.

We may well pause before a proposition contemplating a simultaneous movement for the construction of railroads which in extent will equal, exclusive of the great Pacific road and all its branches, nearly one-third of the entire length of such works now completed in the United States, and which can not cost with equipments less than \$150,000,000. The dangers likely to result from combinations of interests of this character can hardly be overestimated. But independently of these considerations, where is the accurate knowledge, the comprehensive intelligence, which shall discriminate between the relative claims of these twenty-eight proposed roads in eleven States and one Territory? Where will you begin and where end? If to enable these companies to execute their proposed works it is necessary that the aid of the General Government be primarily given, the policy will present a problem so comprehensive in its bearings and so important to our political and social well-being as to claim in anticipation the severest analysis. Entertaining these views, I recur with satisfaction to the experience and action of the last session of Congress as furnishing assurance that the subject will not fail to elicit a careful reexamination and rigid scrutiny.



## Page 95

It was my intention to present on this occasion some suggestions regarding internal improvements by the General Government, which want of time at the close of the last session prevented my submitting on the return to the House of Representatives with objections of the bill entitled "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law;" but the space in this communication already occupied with other matter of immediate public exigency constrains me to reserve that subject for a special message, which will be transmitted to the two Houses of Congress at an early day.

The judicial establishment of the United States requires modification, and certain reforms in the manner of conducting the legal business of the Government are also much needed; but as I have addressed you upon both of these subjects at length before, I have only to call your attention to the suggestions then made.

My former recommendations in relation to suitable provision for various objects of deep interest to the inhabitants of the District of Columbia are renewed. Many of these objects partake largely of a national character, and are important independently of their relation to the prosperity of the only considerable organized community in the Union entirely unrepresented in Congress.

I have thus presented suggestions on such subjects as appear to me to be of particular interest or importance, and therefore most worthy of consideration during the short remaining period allotted to the labors of the present Congress.

Our forefathers of the thirteen united colonies, in acquiring their independence and in founding this Republic of the United States of America, have devolved upon us, their descendants, the greatest and the most noble trust ever committed to the hands of man, imposing upon all, and especially such as the public will may have invested for the time being with political functions, the most sacred obligations. We have to maintain inviolate the great doctrine of the inherent right of popular self-government; to reconcile the largest liberty of the individual citizen with complete security of the public order; to render cheerful obedience to the laws of the land, to unite in enforcing their execution, and to frown indignantly on all combinations to resist them; to harmonize a sincere and ardent devotion to the institutions of religious faith with the most universal religious toleration; to preserve the rights of all by causing each to respect those of the other; to carry forward every social improvement to the uttermost limit of human perfectibility, by the free action of mind upon mind, not by the obtrusive intervention of misapplied force; to uphold the integrity and guard the limitations of our organic law; to preserve sacred from all touch of usurpation, as the very palladium of our political salvation, the reserved rights and



## Page 96

powers of the several States and of the people; to cherish with loyal fealty and devoted affection this Union, as the only sure foundation on which the hopes of civil liberty rest; to administer government with vigilant integrity and rigid economy; to cultivate peace and friendship with foreign nations, and to demand and exact equal justice from all, but to do wrong to none; to eschew intermeddling with the national policy and the domestic repose of other governments, and to repel it from our own; never to shrink from war when the rights and the honor of the country call us to arms, but to cultivate in preference the arts of peace, seek enlargement of the rights of neutrality, and elevate and liberalize the intercourse of nations; and by such just and honorable means, and such only, whilst exalting the condition of the Republic, to assure to it the legitimate influence and the benign authority of a great example amongst all the powers of Christendom.

Under the solemnity of these convictions the blessing of Almighty God is earnestly invoked to attend upon your deliberations and upon all the counsels and acts of the Government, to the end that, with common zeal and common efforts, we may, in humble submission to the divine will, cooperate for the promotion of the supreme good of these United States.

FRANKLIN PIERCE.

### **SPECIAL MESSAGES.**

WASHINGTON, *December 5, 1854.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to approval, a compact between the United States and the royal Government of Lew Chew, entered into at Napa on the 11th day of July last, for securing certain privileges to vessels of the United States resorting to the Lew Chew Islands.

A copy of the instructions of the Secretary of State upon the subject is also herewith transmitted.

FRANKLIN PIERCE.

WASHINGTON, *December 5, 1894.*

*To the Senate of the United States:*



I transmit to the Senate, for its consideration with a view to ratification, a convention for regulating the right of inheriting and acquiring property, concluded in this city on the 21st day of August last between the United States and His Highness the Duke of Brunswick and Luneburg.

FRANKLIN PIERCE.

WASHINGTON, *December 11, 1854.*

*To the Senate and House of Representatives:*

An act for the relief of the legal representatives of Samuel Prioleau, deceased, which provided for the payment of the sum of \$6,928.60 to the legal representatives of said Prioleau by the proper accounting officer of the Treasury, was approved by me July 27, 1854. It having been ascertained that the identical claim provided for in this act was liquidated and paid under the provisions of the general act of August 4, 1790, and of the special act of January 24, 1795, the First Comptroller of the Treasury declined to give effect to the law first above referred to without communicating the facts for my consideration. This refusal I regard as fully justified by the facts upon which it was predicated.

## Page 97

In view of the destruction of valuable papers by fire in the building occupied by the Treasury Department in 1814 and again in 1833, it is not surprising that cases like this should, more than seventy years after the transaction with which they were connected, be involved in much doubt. The report of the Comptroller, however, shows conclusively by record evidence still preserved in the Department and elsewhere that the sum of \$6,122.44, with \$3,918.36 interest thereon from the date of the destruction of the property, making the sum of \$10,040.80, was allowed to Samuel Prioleau under the act for his relief passed in 1795.

That amount was reported by the Auditor to the Comptroller on the 4th day of February, 1795, to be funded as follows, to wit.

Two thirds of \$6,122.44 called 6 per cent stock \$4,081.63  
One third called deferred stock 2,040.81  
Interest on the principal, called 3 per cent stock 3,918.36

Total 10,040.80

On the books of the loan office of South Carolina, under date of April 27, 1795 is an entry showing that there was issued of the funded 6 per cent stock to

Samuel Prioleau	4,081.63
Of the deferred stock	2,040.81
Of the 3 per cent stock	3,918.36

Total 10,040.80

On the ledger of said loan office an account was opened with Samuel Prioleau, in which he was credited with the three items of stock and deputed by the transfer of each certificate to certain persons named, under dates of May 20, 1795, August 24, 1795, and April 19, 1796.

These records show that the account of Samuel Prioleau, required to be settled by the act of January 28, 1795, was settled; that the value of the property destroyed was allowed; that the amount so found due was funded by said Prioleau and entered by his order on the loan-office books of South Carolina, and soon thereafter by him sold and transferred. That the entire funded debt of the United States was long since paid is matter of history.

It is apparent that the claim has been prosecuted under a misapprehension on the part of the present claimants.



I present the evidence in the case collected by the First Comptroller and embodied in his report for your consideration, together with a copy of a letter just received by that officer from the executor of P.G. Prioleau, and respectfully recommend the repeal of the act of July 27, 1854.

FRANKLIN PIERCE.

WASHINGTON, *December 11, 1854.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of State, with accompanying documents, [33] in compliance with the resolution of the House of Representatives of the 27th of July last.



## Page 98

FRANKLIN PIERCE.

[Footnote 33: Correspondence of the American consul-general at Cairo relative to the expulsion of the Greeks from Egypt.]

WASHINGTON, *December 11, 1854.*

*To the Senate:*

I herewith transmit a communication from the Secretary of the Treasury, requesting authority to invest the sum of \$6,561.80, received from the sales of lands in the Chickasaw cession, in stocks for the benefit of the Chickasaw national fund, as required by the eleventh article of the treaty with the Chickasaws of the 20th October, 1832, and the act of Congress of 11th September, 1841.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1854.*

*To the Senate of the United States:*

Herewith I transmit a report of the Secretary of State, with accompanying papers,[34] in answer to the resolution of the Senate of the 3d of August last.

FRANKLIN PIERCE.

[Footnote 34: Correspondence relative to difficulties between Rev. Jonas King and the Government of Greece.]

WASHINGTON, *December 16, 1854.*

*To the House of Representatives:*

I transmit a report from the Secretary of State, with accompanying papers,[35] in answer to the resolution of the House of Representatives of the 27th of July last.

FRANKLIN PIERCE.

[Footnote 35: Relating to the case of Walter M. Gibson, held in duress by the Dutch authorities at Batavia, island of Java, on a charge of having attempted to excite the native chiefs of Sumatra to throw off their allegiance to the Dutch Government.]

WASHINGTON, *December 19, 1854.*

*To the House of Representatives:*



I transmit a report from the Secretary of War, with accompanying papers, in answer to the resolution of the House of Representatives of the 2d of August last, requesting such information as may be in the possession of the War Department touching the cause of any difficulties which may have arisen between the Creek and Seminole Indians since their removal west of the Mississippi and other matters concerning the tribes.

FRANKLIN PIERCE.

WASHINGTON, *December 20, 1854.*

*To the Senate of the United States:*

I herewith transmit to the Senate, for its constitutional action thereon, a treaty made at the Neosho Agency on the 12th August, 1854, by Andrew J. Dorn, commissioner on the part of the United States, and the chiefs and warriors of the Quapaw tribe of Indians.

FRANKLIN PIERCE.

WASHINGTON, *December 20, 1854.*

*To the Senate of the United States:*

I herewith transmit to the Senate, for its constitutional action thereon, a treaty made by Andrew J. Dorn, commissioner on the part of the United States, on the 23d of August, 1854, and the chiefs and warriors of the Senecas of Sandusky and the Senecas and Shawnees of Lewistown, designated by the treaty of 1832 as the United Nation of Seneca and Shawnee Indians.



## Page 99

FRANKLIN PIERCE.

WASHINGTON, *December 20, 1854.*

*To the Senate of the United States:*

I herewith transmit to the Senate, for its constitutional action thereon, a treaty made at La Pointe, Wis., on the 30th of September, 1854, by Henry C. Gilbert and David B. Harriman, commissioners on the part of the United States, and the chiefs and headmen of the Chippewas of Lake Superior and the Mississippi.

FRANKLIN PIERCE.

WASHINGTON, *December 26, 1854.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 5th instant, requesting me, if not incompatible with the public interests, to communicate to that body "copies of all instructions and correspondence between the different Departments of the Government and Major-General Wool, commanding the Pacific division of the Army, in regard to his operations on that coast," I transmit the accompanying documents.

FRANKLIN PIERCE.

[For message of December 30, 1854, giving an exposition of the reasons of the President for vetoing "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law," see pp. 257-271.]

WASHINGTON, D.C., *January 1, 1855.*

*To the House of Representatives:*

In response to the resolution of the House of Representatives of the 11th ultimo, requesting the President "to communicate to this House any proposition which may have been made to the Government by the city authorities of Memphis relative to the navy-yard property recently ceded to that city, together with his views and those of the Navy Department as to the propriety of accepting the proposed re-cession and of reestablishing a naval depot and yard of construction at Memphis," I transmit herewith a report of the Secretary of the Navy, and have only to add my concurrence in the views by him presented.

FRANKLIN PIERCE.



WASHINGTON, *January 9, 1855.*

*To the Senate of the United States:*

I transmit herewith to the Senate, for its constitutional action thereon, an article of agreement and convention made and concluded on the 9th day of December, 1854, between the United States, by George Hepner, United States Indian agent, and the chiefs and headmen of the confederate tribes of Otoe and Missouri Indians, being a supplement to the treaty made between the United States and said confederate tribes on the 15th day of March, 1854.

FRANKLIN PIERCE.

WASHINGTON, *January 10, 1855.*

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

I transmit herewith a report of the Attorney-General, with the accompanying documents, communicating the information required by the following resolution of the House of Representatives, of the 28th ultimo:



## Page 100

*Resolved*, That the President of the United States be requested to communicate to this House any information possessed by him regarding a suit instituted in the Territory of Minnesota by or in the name of the United States against the Minnesota and Northwestern Railroad Company.

FRANKLIN PIERCE.

WASHINGTON, *January 11, 1855.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 3d instant, requesting "a statement of the names of the ministers, charges d'affaires, and the secretaries of legation of the United States appointed since the 4th of March, 1849, together with the dates of their commissions, the time of the commencement of their compensation, of their departure for their posts, and of their entering upon their official duties thereat," I transmit the accompanying report from the Secretary of State.

FRANKLIN PIERCE.

WASHINGTON, *January 16, 1855.*

*To the Senate and House of Representatives:*

I transmit herewith a letter of the Secretary of War upon the subject of Indian hostilities. The employment of volunteer troops, as suggested by the Secretary, seems to afford the only practicable means of providing for the present emergency.

There is much reason to believe that other cases similar in character to those particularly referred to in the accompanying papers will at an early day require vigorous measures and the exhibition of a strong military force. The proposed temporary provision to meet a special demand, so far from obviating, in my judgment only serves to illustrate the urgent necessity of an increase of the Regular Army, at least to the extent recommended in my late annual message. Unless by the plan proposed, or some other equally effective, a force can be early brought into the field adequate to the suppression of existing hostilities, the combination of predatory bands will be extended and the difficulty of restoring order and security greatly magnified. On the other hand, without a permanent military force of sufficient strength to control the unfriendly Indians, it may be expected that hostilities will soon be renewed and that years of border warfare will afflict the country, retarding the progress of settlement, exposing emigrant trains to savage barbarities and consuming millions of the public money.

The state of things made known in various letters recently received at the War Department, extracts from a portion of which are herewith inclosed, is calculated to augment the deep solicitude which this matter has for some time past awakened, and



which has been earnestly expressed in previous messages and in the annual reports of the Secretary of War.

I respectfully submit that the facts now communicated urgently call for immediate action on the part of Congress.

FRANKLIN PIERCE.

WASHINGTON, *January 17, 1855.*



## Page 101

*To the Senate of the United States:*

In further compliance with the resolution of the Senate of the 5th of December last, requesting copies of correspondence[36] between Major-General Wool and the different Departments of the Government, I transmit a report from the Secretary of State and the documents by which it was accompanied.

FRANKLIN PIERCE.

[Footnote 36: Relating to affairs on the Pacific Coast.]

WASHINGTON, *January 19, 1855.*

*To the House of Representatives:*

In further compliance with the resolution of the House of Representatives of the 27th of July last, upon the subject of the case of Walter M. Gibson, I transmit a report from the Secretary of State.

FRANKLIN PIERCE.

WASHINGTON, *January 19, 1855.*

*To the Senate of the United States:*

I communicate to the Senate herewith a letter from the Secretary of the Interior, dated the 18th instant, covering a communication from the Commissioner of Indian Affairs, with accompanying papers, and asking that certain appropriations be made for the service of the Indian Department.

FRANKLIN PIERCE.

WASHINGTON, *January 22, 1855.*

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

I communicate to Congress herewith a communication of this date from the Secretary of the Interior, with accompanying papers, and recommend that the appropriation[37] therein asked for be made.

FRANKLIN PIERCE.

[Footnote 37: For payment of interest due the Cherokee Indians.]

WASHINGTON, *January 24, 1855.*



*To the Senate and House of Representatives:*

I transmit herewith a report of the Secretary of the Interior and the Postmaster-General, together with accompanying documents, communicating what has been done in execution of the act of Congress of August 2, 1854, entitled "An act to provide for the accommodation of the courts of the United States in the cities of New York and Philadelphia."

I have deemed it best under the circumstances not to enter into contracts for the purchase of sites, but to submit all proposals made, in response to public advertisement for several weeks in the principal newspapers in each of the cities designated, to Congress, for such action as it may deem proper to take in fulfillment of the original design of the before-mentioned act.

FRANKLIN PIERCE.

WASHINGTON, *January 29, 1855.*

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

I transmit to Congress herewith a communication of this date from the Secretary of the Interior, with accompanying papers, and recommend that the appropriations therein asked for be made.

I avail myself of the occasion to suggest a modification of existing laws, with a view to enable me more effectually to carry into execution the treaties with the different Indian tribes in Kansas Territory.



## Page 102

With an earnest desire to promote the early settlement of the ceded lands, as well as those held in trust and to be sold for the benefit of the Indians, I shall exercise all the power intrusted to me to maintain strictly and in good faith our treaty obligations.

I respectfully recommend that provisions be made by law requiring the lands which are to be sold on account of the Indians by the Government to be appraised and classified; a minimum price to be fixed, for a less sum than which no sales shall be made without further provision of law; and authorizing the sale of the lands in such quantities and at such times and places as the obligations of the Government, the rights of the Indian tribes, and the public interest, with reference to speedy settlement, may render expedient.

FRANKLIN PIERCE.

WASHINGTON, *January 30, 1855.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 6th of December last, requesting the President "to communicate to the Senate, if in his opinion not incompatible with the public interest, the instructions, correspondence, and other documents relating to the naval expedition to Japan, and the proceedings and negotiations resulting in a treaty with the Government thereof," I transmit the inclosed report from the Secretary of the Navy, with the accompanying documents.

FRANKLIN PIERCE.

WASHINGTON, *February 1, 1855.*

*To the Senate of the United States:*

I transmit to the Senate, with a view to ratification, a convention which was concluded between the United States and Mexico at the City of Mexico on the 8th day of January last.

FRANKLIN PIERCE.

WASHINGTON, *February 4, 1855.*

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

I communicate to Congress herewith, for its consideration, the accompanying papers from the Secretary of the Interior, on the subject of the proviso of the act of July 31, 1854, in relation to the removal of the California Indians.



FRANKLIN PIERCE.

WASHINGTON, *February 4, 1855.*

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

I communicate to Congress the accompanying papers<sup>[38]</sup> from the Secretary of the Interior, and recommend that the appropriations therein asked for may be made.

FRANKLIN PIERCE.

[Footnote 38: Relating to the expenses necessary to be incurred in colonizing the Texas Indians.]

WASHINGTON, *February 5, 1855.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, articles of agreement and convention made and concluded at the city of Washington on the 31st day of January, 1855, by George W. Many penny, as commissioner on the part of the United States, and the chiefs and delegates of the Wyandott tribe of Indians.



## Page 103

FRANKLIN PIERCE.

WASHINGTON, *February 6, 1855.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 11th ultimo, in relation to the case of Francis W. Rice,[39] late United States consul at Acapulco, I transmit a report from the Secretary of State, with the accompanying documents.

FRANKLIN PIERCE.

[Footnote 39: Arrested and imprisoned at Acapulco, Mexico.]

WASHINGTON, *February 6, 1855.*

*To the House of Representatives:*

I transmit herewith a report[40] from the Secretary of State, in answer to the resolution of the House of Representatives of the 27th ultimo.

FRANKLIN PIERCE.

[Footnote 40: Stating that the information relative to the applicability to the Spanish colonies of the treaty of 1795 with Spain, and whether American citizens residing in said colonies are entitled to the benefits of its provisions, had been already transmitted.]

WASHINGTON, *February 7, 1855.*

*To the Senate of the United States:*

I transmit to the Senate, for its advice with regard to ratification, a convention for the mutual extradition of fugitives from justice in certain cases between the United States and His Majesty the King of Hanover, signed by the plenipotentiaries of the two Governments at London on the 18th of January last. An extract from a dispatch of Mr. Buchanan to the Secretary of State relative to the convention is also herewith communicated.

FRANKLIN PIERCE.

WASHINGTON, *February 7, 1855.*

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

I communicate to Congress herewith a letter and accompanying papers from the Secretary of the Interior, of the 5th instant, on the subject of the colonization of the



Indians in the State of California, and recommend that the appropriation therein asked for may be made.

FRANKLIN PIERCE.

WASHINGTON, *February 7, 1855.*

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

I communicate to Congress the accompanying letter from the Secretary of the Interior, with its inclosure, on the subject of a treaty between the United States and the Chippewa Indians of Lake Superior, and recommend that the appropriation therein asked for may be made.

FRANKLIN PIERCE.

WASHINGTON, *February 9, 1855.*

*To the Senate of the United States:*

I communicate to the Senate herewith a report from the Secretary of the Treasury, and also one from the Secretary of the Interior, with accompanying papers, containing information called for by the resolution adopted by the Senate on the 30th ultimo, respecting the advance of public moneys to the marshal of the United States for the western district of Arkansas.



## Page 104

FRANKLIN PIERCE.

WASHINGTON, *February 9, 1855.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its constitutional action thereon, the articles of convention and agreement between the Choctaw and Chickasaw tribes of Indians made on the 4th day of November, 1854, at Doaksville, near Fort Towson, Choctaw Nation.

FRANKLIN PIERCE.

WASHINGTON, *February 12, 1855.*

*To the Senate of the United States:*

The resolution of the Senate of the 11th of December last, requesting a copy of the official correspondence relative to the late difficulties between the consul of France at San Francisco and the authorities of the United States in California, has been under consideration, and it was hoped that the negotiations on the subject might have been brought to a close, so as to have obviated any objection to a compliance with the resolution at this session of Congress. Those negotiations, however, are still pending, but I entertain a confident expectation that the affair will be definitely and satisfactorily adjusted prior to the next session.

FRANKLIN PIERCE.

WASHINGTON, *February 14, 1855.*

*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 King of the Netherlands, upon the subject of the admission of the United States consuls into the ports of the Dutch colonies.

FRANKLIN PIERCE.

WASHINGTON, *February 14, 1855.*

*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 King of the Kingdom of the Two Sicilies, relative to the rights of neutrals during war.

FRANKLIN PIERCE.

WASHINGTON, *February 17, 1855.*

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

I communicate herewith a letter<sup>[41]</sup> of the Secretary of the Interior and accompanying paper, for the consideration of Congress.

FRANKLIN PIERCE.

[Footnote 41: Recommending an appropriation to supply a deficit in the amount held on Indian account, caused by the failure of Selden, Withers & Co., with whom it was deposited.]

WASHINGTON, *February 19, 1855.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, a treaty made on the 15th day of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River Indians in Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, *February 19, 1855.*

*To the Senate of the United States:*



## Page 105

I transmit herewith, for the constitutional action of the Senate, a treaty made by Isaac I. Stevens, governor and superintendent of Indian affairs in Washington Territory, on the part of the United States, and the chiefs, headmen, and delegates of the Nesqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Ste'h-chass, F'peeksin, Squi-aitl, and Sa-heh-wamish tribes and bands of Indians occupying the lands lying around the head of Pugets Sound and the adjacent inlets in Washington Territory.

FRANKLIN PIERCE.

WASHINGTON, *February 19, 1855.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, two treaties, one made on the 18th day of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Quil-si-eton and Na-hel-ta bands of the Chasta tribe of Indians, the Cow-non-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotans, and the Grave Creek band of Umpqua Indians in Oregon Territory; the other, made on the 29th of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the confederated bands of the Umpqua tribe of Indians and the Calaponas, residing in Umpqua Valley, Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, *February 21, 1855.*

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

I communicate to Congress a communication of this date from the Secretary of the Interior, with the accompanying paper, and recommend that the appropriation[42] therein asked for be made.

FRANKLIN PIERCE.

[Footnote 42: For extending and improving the culvert running from the United States Capitol Grounds down the center of South Capitol street toward the canal.]

WASHINGTON, *February 22, 1855.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 21st instant, I transmit a report from the Secretary of State, inclosing a copy of the letter[43] addressed to the



Department of State on the 17th November, 1852, by Mr. Joaquin J. de Osma, envoy extraordinary and minister plenipotentiary of the Republic of Peru.

FRANKLIN PIERCE.

[Footnote 43: Proposing a settlement of the Lobos Islands controversy.]

WASHINGTON, *February 23, 1855.*

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

I communicate to Congress herewith a communication of this date from the Secretary of the Interior, with accompanying estimates, and recommend that the appropriation<sup>[44]</sup> therein asked for be made.

FRANKLIN PIERCE.

[Footnote 44: To fulfill treaty stipulations with the Wyandotte Indians.]

WASHINGTON, *February 24, 1855.*

*To the Senate of the United States:*



## Page 106

In compliance with the resolution of the Senate of the 22d instant, I transmit a report from the Secretary of State, together with the copy of a communication from Francis W. Rice,[45] therein referred to.

FRANKLIN PIERCE.

[Footnote 45: Late United States consul at Acapulco, relative to outrages committed upon him by authorities of Mexico.]

WASHINGTON, *February 26, 1855.*

*To the Senate of the United States:*

I transmit herewith a report of the Secretary of the Navy, in compliance with a resolution of the Senate of the 20th instant, requesting the President "to communicate to the Senate a copy of the order issued by the Navy Department to the officer in command of the Home Squadron in pursuance of which the United States sloop of war *Albany* was ordered on her last cruise to Carthagena and Aspinwall, *etc.*; also of the orders given by such officer to Commander Gerry to proceed upon such cruise, and also of any reports or letters from the captain of the *Albany* on the necessity of repairs to said vessel."

FRANKLIN PIERCE.

WASHINGTON, *February 27, 1855.*

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

I transmit to Congress herewith a communication of this date from the Secretary of the Interior, and recommend that the appropriation[46] therein asked for be made.

FRANKLIN PIERCE.

[Footnote 46: For surveying public lands in the northern part of Minnesota Territory acquired from the Chippewa Indians.]

WASHINGTON, *February 27, 1855.*

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

I communicate herewith, for the consideration of Congress, a letter of this date from the Secretary of the Interior, and accompanying paper, recommending certain appropriations[47] on account of the Indian service.

FRANKLIN PIERCE.



[Footnote 47: For running the boundary line between the Chickasaw and Choctaw nations of Indians and for negotiations with the Menominee Indians.]

WASHINGTON, *February 27, 1855.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, a treaty made in this city on the 22d instant between the United States and the Mississippi, the Pillager, and the Lake Winnibigoshish bands of Chippewa Indians.

FRANKLIN PIERCE.

WASHINGTON, *February 28, 1855.*

*To the Senate of the United States:*

For eminent services in the late war with Mexico, I nominate Major-General Winfield Scott, of the Army of the United States, to be lieutenant-general by brevet in the same, to take rank as such from March 29, 1847, the day on which the United States forces under his command captured Vera Cruz and the castle of San Juan de Ulua.



## Page 107

FRANKLIN PIERCE.

WASHINGTON, *February 28, 1855.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, a treaty made and concluded in this city on the 27th day of February, 1855, between George W. Manypenny, commissioner on the part of the United States, and the chiefs and delegates of the Winnebago tribe of Indians.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1855.*

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

I communicate to Congress herewith a copy of an act of the legislature of the State of Texas, approved the 11th of February, 1854, making partial provision for running and marking the boundary line between the said State and the territories of the United States from the point where the said line leaves the Red River to its intersection with the Rio Grande, and appropriating \$10,000 toward carrying the same into effect, when the United States shall have made provision by the enactment of a law for the appointment of the necessary officers to join in the execution of said survey.

It will be perceived from the accompanying papers that the early demarcation of said boundary line is urgently desired on the part of Texas, and, acquiescing in the importance thereof, I recommend that provision be made by law for the appointment of officers to act in conjunction with those to be appointed by the State of Texas, and that the sum of \$10,000 at least be appropriated for the payment of their salaries and necessary incidental expenses.

FRANKLIN PIERCE.

WASHINGTON, *March 2, 1855.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, the articles of a treaty negotiated on the 4th of January, 1855, between Joel Palmer, superintendent of Indian affairs in Oregon, and the chiefs of certain confederated tribes of Indians residing in the Willamette Valley of Oregon.

FRANKLIN PIERCE.



EXECUTIVE MANSION, *March 2, 1855.*

*To the Senate of the United States:*

I herewith submit a report of the Secretary of War, containing all the information that can now be furnished in reply to the resolution of the Senate of the 28th ultimo, requesting "a statement of the number of muskets, rifles, and other arms and equipments delivered to the State arsenals, respectively, the number remaining on hand, and the number sold and accounted for; also, the date and amount of such sales."

FRANKLIN PIERCE.

WASHINGTON, *March 2, 1855.*

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

I transmit to Congress herewith a communication of this date from the Secretary of the Interior, with accompanying papers,[48] and recommend that the appropriations therein asked for be made.



## Page 108

FRANKLIN PIERCE.

[Footnote 48: Estimates of appropriations necessary for carrying out the bounty-land law.]

WASHINGTON, *March 2, 1855.*

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

I transmit to Congress herewith a communication of this date from the Secretary of the Interior, with its inclosure,[49] and recommend that the appropriations therein asked for be made.

FRANKLIN PIERCE.

[Footnote 49: Additional estimate of appropriations necessary for pay of Indian agents.]

WASHINGTON, *March 3, 1855.*

*To the House of Representatives:*

I transmit herewith to the House of Representatives a report from the Secretary of State, with accompanying documents,[50] in answer to their resolutions of the 30th of January and 23d February last.

FRANKLIN PIERCE.

[Footnote 50: Correspondence relative to the causes disturbing the friendly relations between Spain and the United States and instructions to United States diplomatic agents relative to the same; correspondence relative to Cuba, *etc.*]

## VETO MESSAGES.

WASHINGTON, *February 17, 1855.*

*To the House of Representatives:*

I have received and carefully considered the bill entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801," and in the discharge of a duty imperatively enjoined on me by the Constitution I return the same with my objections to the House of Representatives, in which it originated.



In the organization of the Government of the United States the legislative and executive functions were separated and placed in distinct hands. Although the President is required from time to time to recommend to the consideration of Congress such measures as he shall judge necessary and expedient, his participation in the formal business of legislation is limited to the single duty, in a certain contingency, of demanding for a bill a particular form of vote prescribed by the Constitution before it can become a law. He is not invested with power to defeat legislation by an absolute veto, but only to restrain it, and is charged with the duty, in case he disapproves a measure, of invoking a second and a more deliberate and solemn consideration of it on the part of Congress. It is not incumbent on the President to sign a bill as a matter of course, and thus merely to authenticate the action of Congress, for he must exercise intelligent judgment or be faithless to the trust reposed in him. If he approve a bill, he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated for such further action as the Constitution demands, which is its enactment, if at all, not by a bare numerical majority, as in the first instance, but by a constitutional majority of two-thirds of both Houses.



## Page 109

While the Constitution thus confers on the legislative bodies the complete power of legislation in all cases, it proceeds, in the spirit of justice, to provide for the protection of the responsibility of the President. It does not compel him to affix the signature of approval to any bill unless it actually have his approbation; for while it requires him to sign if he approve, it, in my judgment, imposes upon him the duty of withholding his signature if he do not approve. In the execution of his official duty in this respect he is not to perform a mere mechanical part, but is to decide and act according to conscientious convictions of the rightfulness or wrongfulness of the proposed law. In a matter as to which he is doubtful in his own mind he may well defer to the majority of the two Houses. Individual members of the respective Houses, owing to the nature, variety, and amount of business pending, must necessarily rely for their guidance in many, perhaps most, cases, when the matters involved are not of popular interest, upon the investigation of appropriate committees, or, it may be, that of a single member, whose attention has been particularly directed to the subject. For similar reasons, but even to a greater extent, from the number and variety of subjects daily urged upon his attention, the President naturally relies much upon the investigation had and the results arrived at by the two Houses, and hence those results, in large classes of cases, constitute the basis upon which his approval rests. The President's responsibility is to the whole people of the United States, as that of a Senator is to the people of a particular State, that of a Representative to the people of a State or district; and it may be safely assumed that he will not resort to the clearly defined and limited power of arresting legislation and calling for reconsideration of any measure except in obedience to requirements of duty. When, however, he entertains a decisive and fixed conclusion, not merely of the unconstitutionality, but of the impropriety, or injustice in other respects, of any measure, if he declare that he approves it he is false to his oath, and he deliberately disregards his constitutional obligations.

I cheerfully recognize the weight of authority which attaches to the action of a majority of the two Houses. But in this case, as in some others, the framers of our Constitution, for wise considerations of public good, provided that nothing less than a two-thirds vote of one or both of the Houses of Congress shall become effective to bind the coordinate departments of the Government, the people, and the several States. If there be anything of seeming invidiousness in the official right thus conferred on the President, it is in appearance only, for the same right of approving or disapproving a bill, according to each one's own judgment, is conferred on every member of the Senate and of the House of Representatives.

## Page 110

It is apparent, therefore, that the circumstances must be extraordinary which would induce the President to withhold approval from a bill involving no violation of the Constitution. The amount of the claims proposed to be discharged by the bill before me, the nature of the transactions in which those claims are alleged to have originated, the length of time during which they have occupied the attention of Congress and the country, present such an exigency. Their history renders it impossible that a President who has participated to any considerable degree in public affairs could have failed to form respecting them a decided opinion upon what he would deem satisfactory grounds. Nevertheless, instead of resting on former opinions, it has seemed to me proper to review and more carefully examine the whole subject, so as satisfactorily to determine the nature and extent of my obligations in the premises.

I feel called upon at the threshold to notice an assertion, often repeated, that the refusal of the United States to satisfy these claims in the manner provided by the present bill rests as a stain on the justice of our country. If it be so, the imputation on the public honor is aggravated by the consideration that the claims are coeval with the present century, and it has been a persistent wrong during that whole period of time. The allegation is that private property has been taken for public use without just compensation, in violation of express provision of the Constitution, and that reparation has been withheld and justice denied until the injured parties have for the most part descended to the grave. But it is not to be forgotten or overlooked that those who represented the people in different capacities at the time when the alleged obligations were incurred, and to whom the charge of injustice attaches in the first instance, have also passed away and borne with them the special information which controlled their decision and, it may be well presumed, constituted the justification of their acts.

If, however, the charge in question be well founded, although its admission would inscribe on our history a page which we might desire most of all to obliterate, and although, if true, it must painfully disturb our confidence in the justice and the high sense of moral and political responsibility of those whose memories we have been taught to cherish with so much reverence and respect, still we have only one course of action left to us, and that is to make the most prompt and ample reparation in our power and consign the wrong as far as may be to forgetfulness.

But no such heavy sentence of condemnation should be lightly passed upon the sagacious and patriotic men who participated in the transactions out of which these claims are supposed to have arisen, and who, from their ample means of knowledge of the general subject in its minute details and from their official position, are peculiarly responsible for whatever there is of wrong or injustice in the decisions of the Government.



## Page 111

Their justification consists in that which constitutes the objection to the present bill, namely, the absence of any indebtedness on the part of the United States. The charge of denial of justice in this case, and consequent stain upon our national character, has not yet been indorsed by the American people. But if it were otherwise, this bill, so far from relieving the past, would only stamp on the present a more deep and indelible stigma. It admits the justice of the claims, concedes that payment has been wrongfully withheld for fifty years, and then proposes not to pay them, but to compound with the public creditors by providing that, whether the claims shall be presented or not, whether the sum appropriated shall pay much or little of what shall be found due, the law itself shall constitute a perpetual bar to all future demands. This is not, in my judgment, the way to atone for wrongs if they exist, nor to meet subsisting obligations.

If new facts, not known or not accessible during the Administration of Mr. Jefferson, Mr. Madison, or Mr. Monroe, had since been brought to light, or new sources of information discovered, this would greatly relieve the subject of embarrassment. But nothing of this nature has occurred.

That those eminent statesmen had the best means of arriving at a correct conclusion no one will deny. That they never recognized the alleged obligation on the part of the Government is shown by the history of their respective Administrations. Indeed, it stands not as a matter of controlling authority, but as a fact of history, that these claims have never since our existence as a nation been deemed by any President worthy of recommendation to Congress.

Claims to payment can rest only on the plea of indebtedness on the part of the Government. This requires that it should be shown that the United States have incurred liability to the claimants, either by such acts as deprived them of their property or by having actually taken it for public use without making just compensation for it.

The first branch of the proposition—that on which an equitable claim to be indemnified by the United States for losses sustained might rest—requires at least a cursory examination of the history of the transactions on which the claims depend. The first link which in the chain of events arrests attention is the treaties of alliance and of amity and commerce between the United States and France negotiated in 1778. By those treaties peculiar privileges were secured to the armed vessels of each of the contracting parties in the ports of the other, the freedom of trade was greatly enlarged, and mutual obligations were incurred by each to guarantee to the other their territorial possessions in America.



## Page 112

In 1792-93, when war broke out between France and Great Britain, the former claimed privileges in American ports which our Government did not admit as deducible from the treaties of 1778, and which it was held were in conflict with obligations to the other belligerent powers. The liberal principle of one of the treaties referred to—that free ships make free goods, and that subsistence and supplies were not contraband of war unless destined to a blockaded port—was found, in a commercial view, to operate disadvantageously to France as compared with her enemy, Great Britain, the latter asserting, under the law of nations, the right to capture as contraband supplies when bound for an enemy's port.

Induced mainly, it is believed, by these considerations, the Government of France decreed on the 9th of May, 1793, the first year of the war, that “the French people are no longer permitted to fulfill toward the neutral powers in general the vows they have so often manifested, and which they constantly make for the full and entire liberty of commerce and navigation,” and, as a counter measure to the course of Great Britain, authorized the seizure of neutral vessels bound to an enemy's port in like manner as that was done by her great maritime rival. This decree was made to act retrospectively, and to continue until the enemies of France should desist from depredations on the neutral vessels bound to the ports of France. Then followed the embargo, by which our vessels were detained in Bordeaux; the seizure of British goods on board of our ships, and of the property of American citizens under the pretense that it belonged to English subjects, and the imprisonment of American citizens captured on the high seas.

Against these infractions of existing treaties and violations of our rights as a neutral power we complained and remonstrated. For the property of our injured citizens we demanded that due compensation should be made, and from 1793 to 1797 used every means, ordinary and extraordinary, to obtain redress by negotiation. In the last-mentioned year these efforts were met by a refusal to receive a minister sent by our Government with special instructions to represent the amicable disposition of the Government and people of the United States and their desire to remove jealousies and to restore confidence by showing that the complaints against them were groundless. Failing in this, another attempt to adjust all differences between the two Republics was made in the form of an extraordinary mission, composed of three distinguished citizens, but the refusal to receive was offensively repeated, and thus terminated this last effort to preserve peace and restore kind relations with our early friend and ally, to whom a debt of gratitude was due which the American people have never been willing to depreciate or to forget. Years of negotiation had not only failed to secure indemnity for our citizens and exemption from further depredation, but these long-continued



## Page 113

efforts had brought upon the Government the suspension of diplomatic intercourse with France and such indignities as to induce President Adams, in his message of May 16, 1797, to Congress, convened in special session, to present it as the particular matter for their consideration and to speak of it in terms of the highest indignation. Thenceforward the action of our Government assumed a character which clearly indicates that hope was no longer entertained from the amicable feeling or justice of the Government of France, and hence the subsequent measures were those of force.

On the 28th of May, 1798, an act was passed for the employment of the Navy of the United States against "armed vessels of the Republic of France," and authorized their capture if "found hovering on the coast of the United States for the purpose of committing depredations on the vessels belonging to the citizens thereof;" on the 18th of June, 1798, an act was passed prohibiting commercial intercourse with France under the penalty of the forfeiture of the vessels so employed; on the 25th of June, the same year, an act to arm the merchant marine to oppose searches, capture aggressors, and recapture American vessels taken by the French; on the 28th of June, same year, an act for the condemnation and sale of French vessels captured by authority of the act of 28th of May preceding; on the 27th of July, same year, an act abrogating the treaties and the convention which had been concluded between the United States and France, and declaring "that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States;" on the 9th of the same month an act was passed which enlarged the limits of the hostilities then existing by authorizing our public vessels to capture armed vessels of France wherever found upon the high seas, and conferred power on the President to issue commissions to private armed vessels to engage in like service.

These acts, though short of a declaration of war, which would put all the citizens of each country in hostility with those of the other, were, nevertheless, actual war, partial in its application, maritime in its character, but which required the expenditure of much of our public treasure and much of the blood of our patriotic citizens, who, in vessels but little suited to the purposes of war, went forth to battle on the high seas for the rights and security of their fellow-citizens and to repel indignities offered to the national honor.

It is not, then, because of any failure to use all available means, diplomatic and military, to obtain reparation that liability for private claims can have been incurred by the United States, and if there is any pretense for such liability it must flow from the action, not from the neglect, of the United States. The first complaint on the part of France was against the proclamation of President Washington of April 22, 1793. At that early period in the war which involved

## Page 114

Austria, Prussia, Sardinia, the United Netherlands, and Great Britain on the one part and France on the other, the great and wise man who was the Chief Executive, as he was and had been the guardian of our then infant Republic, proclaimed that "the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers." This attitude of neutrality, it was pretended, was in disregard of the obligations of alliance between the United States and France. And this, together with the often-renewed complaint that the stipulations of the treaties of 1778 had not been observed and executed by the United States, formed the pretext for the series of outrages upon our Government and its citizens which finally drove us to seek redress and safety by an appeal to force. The treaties of 1778, so long the subject of French complaints, are now understood to be the foundation upon which are laid these claims of indemnity from the United States for spoliations committed by the French prior to 1800. The act of our Government which abrogated not only the treaties of 1778, but also the subsequent consular convention of 1788, has already been referred to, and it may be well here to inquire what the course of France was in relation thereto. By the decrees of 9th of May, 1793, 7th of July, 1796, and 2d of March, 1797, the stipulations which were then and subsequently most important to the United States were rendered wholly inoperative. The highly injurious effects which these decrees are known to have produced show how vital were the provisions of treaty which they violated, and make manifest the incontrovertible right of the United States to declare, as the consequence of these acts of the other contracting party, the treaties at an end.

The next step in this inquiry is whether the act declaring the treaties null and void was ever repealed, or whether by any other means the treaties were ever revived so as to be either the subject or the source of national obligation. The war which has been described was terminated by the treaty of Paris of 1800, and to that instrument it is necessary to turn to find how much of preexisting obligations between the two Governments outlived the hostilities in which they had been engaged. By the second article of the treaty of 1800 it was declared that the ministers plenipotentiary of the two parties not being able to agree respecting the treaties of alliance, amity, and commerce of 1778 and the convention of 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and until they shall have agreed upon these points the said treaties and convention shall have no operation.

When the treaty was submitted to the Senate of the United States, the second article was disagreed to and the treaty amended by striking it out and inserting a provision that the convention then made should continue in force eight years from the date of ratification, which convention, thus amended, was accepted by the First Consul of France, with the addition of a note explanatory of his construction of the convention, to

the effect that by the retrenchment of the second article the two States renounce the respective pretensions which were the object of the said article.



## Page 115

It will be perceived by the language of the second article, as originally framed by the negotiators, that they had found themselves unable to adjust the controversies on which years of diplomacy and of hostilities had been expended, and that they were at last compelled to postpone the discussion of those questions to that most indefinite period, a "convenient time." All, then, of these subjects which was revived by the convention was the right to renew, when it should be convenient to the parties, a discussion which had already exhausted negotiation, involved the two countries in a maritime war, and on which the parties had approached no nearer to concurrence than they were when the controversy began.

The obligations of the treaties of 1778 and the convention of 1788 were mutual, and estimated to be equal. But however onerous they may have been to the United States, they had been abrogated, and were not revived by the convention of 1800, but expressly spoken of as suspended until an event which could only occur by the pleasure of the United States. It seems clear, then, that the United States were relieved of no obligation to France by the retrenchment of the second article of the convention, and if thereby France was relieved of any valid claims against her the United States received no consideration in return, and that if private property was taken by the United States from their own citizens it was not for public use. But it is here proper to inquire whether the United States did relieve France from valid claims against her on the part of citizens of the United States, and did thus deprive them of their property.

The complaints and counter complaints of the two Governments had been that treaties were violated and that both public and individual rights and interests had been sacrificed. The correspondence of our ministers engaged in negotiations, both before and after the convention of 1800, sufficiently proves how hopeless was the effort to obtain full indemnity from France for injuries inflicted on our commerce from 1793 to 1800, unless it should be by an account in which the rival pretensions of the two Governments should each be acknowledged and the balance struck between them.

It is supposable, and may be inferred from the contemporaneous history as probable, that had the United States agreed in 1800 to revive the treaties of 1778 and 1788 with the construction which France had placed upon them, that the latter Government would, on the other hand, have agreed to make indemnity for those spoliations which were committed under the pretext that the United States were faithless to the obligations of the alliance between the two countries.

Hence the conclusion that the United States did not sacrifice private rights or property to get rid of public obligations, but only refused to reassume public obligations for the purpose of obtaining the recognition of the claims of American citizens on the part of France.



## Page 116

All those claims which the French Government was willing to admit were carefully provided for elsewhere in the convention, and the declaration of the First Consul, which was appended in his additional note, had no other application than to the claims which had been mutually made by the Governments, but on which they had never approximated to an adjustment. In confirmation of the fact that our Government did not intend to cease from the prosecution of the just claims of our citizens against France, reference is here made to the annual message of President Jefferson of December 8, 1801, which opens with expressions of his gratification at the restoration of peace among sister nations; and, after speaking of the assurances received from all nations with whom we had principal relations and of the confidence thus inspired that our peace with them would not have been disturbed if they had continued at war with each other, he proceeds to say:

But a cessation of irregularities which had affected the commerce of neutral nations, and of the irritations and injuries produced by them, can not but add to this confidence, and strengthens at the same time the hope that wrongs committed on unoffending friends under a pressure of circumstances will now be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurance for the future.

The zeal and diligence with which the claims of our citizens against France were prosecuted appear in the diplomatic correspondence of the three years next succeeding the convention of 1800, and the effect of these efforts is made manifest in the convention of 1803, in which provision was made for payment of a class of cases the consideration of which France had at all previous periods refused to entertain, and which are of that very class which it has been often assumed were released by striking out the second article of the convention of 1800. This is shown by reference to the preamble and to the fourth and fifth articles of the convention of 1803, by which were admitted among the debts due by France to citizens of the United States the amounts chargeable for "prizes made at sea in which the appeal has been properly lodged within the time mentioned in the said convention of the 30th of September, 1800;" and this class was further defined to be only "captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant can not have recourse to the United States otherwise than he might have had to the French Republic, and only in case of the insufficiency of the captors."



## Page 117

If, as was affirmed on all hands, the convention of 1803 was intended to close all questions between the Governments of France and the United States, and 20,000,000 francs were set apart as a sum which might exceed, but could not fall short of, the debts due by France to the citizens of the United States, how are we to reconcile the claim now presented with the estimates made by those who were of the time and immediately connected with the events, and whose intelligence and integrity have in no small degree contributed to the character and prosperity of the country in which we live? Is it rational to assume that the claimants who now present themselves for indemnity by the United States represent debts which would have been admitted and paid by France but for the intervention of the United States? And is it possible to escape from the effect of the voluminous evidence tending to establish the fact that France resisted all these claims; that it was only after long and skillful negotiation that the agents of the United States obtained the recognition of such of the claims as were provided for in the conventions of 1800 and 1803? And is it not conclusive against any pretensions of possible success on the part of the claimants, if left unaided to make their applications to France, that the only debts due to American citizens which have been paid by France are those which were assumed by the United States as part of the consideration in the purchase of Louisiana?

There is little which is creditable either to the judgment or patriotism of those of our fellow-citizens who at this day arraign the justice, the fidelity, or love of country of the men who founded the Republic in representing them as having bartered away the property of individuals to escape from public obligations, and then to have withheld from them just compensation. It has been gratifying to me in tracing the history of these claims to find that ample evidence exists to refute an accusation which would impeach the purity, the justice, and the magnanimity of the illustrious men who guided and controlled the early destinies of the Republic.

I pass from this review of the history of the subject, and, omitting many substantial objections to these claims, proceed to examine somewhat more closely the only grounds upon which they can by possibility be maintained.

Before entering on this it may be proper to state distinctly certain propositions which it is admitted on all hands are essential to prove the obligations of the Government.

First. That at the date of the treaty of September 30, 1800, these claims were valid and subsisting as against France.

Second. That they were released or extinguished by the United States in that treaty and by the manner of its ratification.

Third. That they were so released or extinguished for a consideration valuable to the Government, but in which the claimants had no more interest than any other citizens.

## Page 118

The convention between the French Republic and the United States of America signed at Paris on the 30th day of September, 1800, purports in the preamble to be founded on the equal desire of the First Consul (Napoleon Bonaparte) and the President of the United States to terminate the differences which have arisen between the two States. It declares, in the first place, that there shall be firm, inviolable, and universal peace and a true and sincere friendship between the French Republic and the United States. Next it proceeds, in the second, third, fourth, and fifth articles, to make provision in sundry respects, having reference to past differences and the transition from the state of war between the two countries to that of general and permanent peace. Finally, in the residue of the twenty-seventh article, it stipulates anew the conditions of amity and intercourse, commercial and political, thereafter to exist, and, of course, to be substituted in place of the previous conditions of the treaties of alliance and of commerce and the consular convention, which are thus tacitly but unequivocally recognized as no longer in force, but in effect abrogated, either by the state of war or by the political action of the two Republics.

Except in so far as the whole convention goes to establish the fact that the previous treaties were admitted on both sides to be at an end, none of the articles are directly material to the present question save the following:

ART. II. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

\* \* \* \* \*

ART. V. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted, in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

On this convention being submitted to the Senate of the United States, they consented and advised to its ratification with the following proviso:

## Page 119

*Provided*, That the second article be expunged, and that the following article be added or inserted: It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications.

The spirit and purpose of this change are apparent and unmistakable. The convention as signed by the respective plenipotentiaries did not adjust all the points of controversy. Both nations, however, desired the restoration of peace. Accordingly, as to those matters in the relations of the two countries concerning which they could agree, they did agree for the time being; and as to the rest, concerning which they could not agree, they suspended and postponed further negotiation.

They abandoned no pretensions, they relinquished no right on either side, but simply adjourned the question until “a convenient time.” Meanwhile, and until the arrival of such convenient time, the relations of the two countries were to be regulated by the stipulations of the convention.

Of course the convention was on its face a temporary and provisional one, but in the worst possible form of prospective termination. It was to cease at a convenient time. But how should that convenient time be ascertained? It is plain that such a stipulation, while professedly not disposing of the present controversy, had within itself the germ of a fresh one, for the two Governments might at any moment fall into dispute on the question whether that convenient time had or had not arrived. The Senate of the United States anticipated and prevented this question by the only possible expedient; that is, the designation of a precise date. This being done, the remaining parts of the second article became superfluous and useless, for as all the provisions of the convention would expire in eight years, it would necessarily follow that negotiations must be renewed within that period, more especially as the operation of the amendment which covered the whole convention was that even the stipulation of peace in the first article became temporary and expired in eight years, whereas that article, and that article alone, was permanent according to the original tenor of the convention.

The convention thus amended, being submitted to the First Consul, was ratified by him, his act of acceptance being accompanied with the following declaratory note:

The Government of the United States having added in its ratification that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention with the addition importing that the convention shall be in force for the space of eight years and with the retrenchment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretensions which are the object of the said article.

The convention, as thus ratified by the First Consul, having been again submitted to the Senate of the United States, that body resolved that “they considered the convention as

fully ratified,” and returned the same to the President for promulgation, and it was accordingly promulgated in the usual form by President Jefferson.



## Page 120

Now it is clear that in simply resolving that “they considered the convention as fully ratified” the Senate did in fact abstain from any express declaration of dissent or assent to the construction put by the First Consul on the retrenchment of the second article. If any inference beyond this can be drawn from their resolution, it is that they regarded the proviso annexed by the First Consul to his declaration of acceptance as foreign to the subject, as nugatory, or as without consequence or effect. Notwithstanding this proviso, they considered the ratification as full. If the new proviso made any change in the previous import of the convention, then it was not full; and in considering it a full ratification they in substance deny that the proviso did in any respect change the tenor of the convention.

By the second article, as it originally stood, neither Republic had relinquished its existing rights or pretensions, either as to other previous treaties or the indemnities mutually due or claimed, but only deferred the consideration of them to a convenient time. By the amendment of the Senate of the United States that convenient time, instead of being left indefinite, was fixed at eight years; but no right or pretension of either party was surrendered or abandoned.

If the Senate erred in assuming that the proviso added by the First Consul did not affect the question, then the transaction would amount to nothing more than to have raised a new question, to be disposed of on resuming the negotiations, namely, the question whether the proviso of the First Consul did or not modify or impair the effect of the convention as it had been ratified by the Senate.

That such, and such only, was the true meaning and effect of the transaction; that it was not, and was not intended to be, a relinquishment by the United States of any existing claim on France, and especially that it was not an abandonment of any claims of individual citizens, nor the set off of these against any conceded national obligations to France, is shown by the fact that President Jefferson did at once resume and prosecute to successful conclusion negotiations to obtain from France indemnification for the claims of citizens of the United States existing at the date of that convention; for on the 30th of April, 1803, three treaties were concluded at Paris between the United States of America and the French Republic, one of which embraced the cession of Louisiana; another stipulated for the payment of 60,000,000 francs by the United States to France; and a third provided that, for the satisfaction of sums due by France to citizens of the United States at the conclusion of the convention of September 30, 1800, and in express compliance with the second and fifth articles thereof, a further sum of 20,000,000 francs should be appropriated and paid by the United States. In the preamble to the first of these treaties, which ceded Louisiana, it is set forth that—

## Page 121

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendemiaire, an 9 (30th September, 1800), relative to the rights claimed by the United States in virtue of the treaty concluded at Madrid the 27th of October, 1795, between His Catholic Majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily reestablished between the two nations, have respectively named their plenipotentiaries, ... who ... have agreed to the following articles.

Here is the most distinct and categorical declaration of the two Governments that the matters of claim in the second article of the convention of 1800 had not been ceded away, relinquished, or set off, but they were still subsisting subjects of demand against France. The same declaration appears in equally emphatic language in the third of these treaties, bearing the same date, the preamble of which recites that—

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the 8th Vendemiaire, ninth year of the French Republic (30th September, 1800), to secure the payment of the sums due by France to the citizens of the United States, have appointed plenipotentiaries—

who agreed to the following among other articles:

ART. I. The debts due by France to citizens of the United States, contracted before the 8th of Vendemiaire, ninth year of the French Republic (30th September, 1800), shall be paid according to the following regulations, with interest at 6 per cent, to commence from the periods when the accounts and vouchers were presented to the French Government. ART. II. The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, can not exceed the sum of 20,000,000 francs. The claims comprised in the said note which fall within the exceptions of the following articles shall not be admitted to the benefit of this provision.

\* \* \* \* \*



## Page 122

ART. IV. It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States who have been and are yet creditors of France for supplies, for embargoes, and prizes made at sea in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendemiaire, ninth year (30th September, 1800).ART. V. The preceding articles shall apply only, first, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant can not have recourse to the United States otherwise than he might have had to the Government of the French Republic, and only in case of insufficiency of the captors; second, the debts mentioned in the said fifth article of the convention, contracted before the 8th Vendemiaire, an 9 (30th September, 1800), the payment of which has been heretofore claimed of the actual Government of France and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed. It is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise which shall not be the property of American citizens are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

\* \* \* \* \*

ART. XII. In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendemiaire, ninth year (30th September, 1800), not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

Other articles of the treaty provide for the appointment of agents to liquidate the claims intended to be secured, and for the payment of them as allowed at the Treasury of the United States. The following is the concluding clause of the tenth article:

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

Now, from the provisions of the treaties thus collated the following deductions undeniably follow, namely:

First. Neither the second article of the convention of 1800, as it originally stood, nor the retrenchment of that article, nor the proviso in the ratification by the First Consul, nor the

action of the Senate of the United States thereon, was regarded by either France or the United States as the renouncement of any claims of American citizens against France.



## Page 123

Second. On the contrary, in the treaties of 1803 the two Governments took up the question precisely where it was left on the day of the signature of that of 1800, without suggestion on the part of France that the claims of our citizens were excluded by the retrenchment of the second article or the note of the First Consul, and proceeded to make ample provision for such as France could be induced to admit were justly due, and they were accordingly discharged in full, with interest, by the United States in the stead and behalf of France.

Third. The United States, not having admitted in the convention of 1800 that they were under any obligations to France by reason of the abrogation of the treaties of 1778 and 1788, persevered in this view of the question by the tenor of the treaties of 1803, and therefore had no such national obligation to discharge, and did not, either in purpose or in fact, at any time undertake to discharge themselves from any such obligation at the expense and with the property of individual citizens of the United States.

Fourth. By the treaties of 1803 the United States obtained from France the acknowledgment and payment, as part of the indemnity for the cession of Louisiana, of claims of citizens of the United States for spoliations, so far as France would admit her liability in the premises; but even then the United States did not relinquish any claim of American citizens not provided for by those treaties; so far from it, to the honor of France be it remembered, she expressly reserved to herself the right to reconsider any rejected claims of citizens of the United States.

Fifth. As to claims of citizens of the United States against France, which had been the subject of controversy between the two countries prior to the signature of the convention of 1800, and the further consideration of which was reserved for a more convenient time by the second article of that convention, for these claims, and these only, provision was made in the treaties of 1803, all other claims being expressly excluded by them from their scope and purview.

It is not to be overlooked, though not necessary to the conclusion, that by the convention between France and the United States of the 4th of July, 1831, complete provision was made for the liquidation, discharge, and payment on both sides of all claims of citizens of either against the other for unlawful seizures, captures, sequestrations, or destructions of the vessels, cargoes, or other property, without any limitation of time, so as in terms to run back to the date of the last preceding settlement, at least to that of 1803, if not to the commencement of our national relations with France.

This review of the successive treaties between France and the United States has brought my mind to the undoubting conviction that while the United States have in the most ample and the completest manner discharged their duty toward such of their citizens as may have been at any time aggrieved by acts of the French Government, so also France has honorably discharged herself of all obligations in the premises toward

the United States. To concede what this bill assumes would be to impute undeserved reproach both to France and to the United States.



## Page 124

I am, of course, aware that the bill proposes only to provide indemnification for such valid claims of citizens of the United States against France as shall not have been stipulated for and embraced in any of the treaties enumerated. But in excluding all such claims it excludes all, in fact, for which, during the negotiations, France could be persuaded to agree that she was in any wise liable to the United States or our citizens. What remains? And for what is five millions appropriated? In view of what has been said there would seem to be no ground on which to raise a liability of the United States, unless it be the assumption that the United States are to be considered the insurer and the guarantor of all claims, of whatever nature, which any individual citizen may have against a foreign nation.

FRANKLIN PIERCE.

WASHINGTON, *March 3, [1855.]*

*To the House of Representatives:*

I return herewith to the House of Representatives, in which it originated, the bill entitled "An act making appropriations for the transportation of the United States mail, by ocean steamers and otherwise, during the fiscal years ending the 30th of June, 1855, and the 30th of June, 1856," with a brief statement of the reasons which prevent its receiving my approval. The bill provides, among other things, that—

The following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the 30th of June, 1856:

For transportation of the mails from New York to Liverpool and back, \$858,000; and that the proviso contained in the first section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," approved the 21st of July, 1852, be, and the same is hereby, repealed: *Provided*, That Edward K. Collins and his associates shall proceed with all due diligence to build another steamship, in accordance with the terms of their contract, and have the same ready for the mail service in two years from and after the passage of this act; and if the said steamship is not ready within the time above mentioned, by reason of any neglect or want of diligence on their part, then the said Edward K. Collins and his associates shall carry the United States mails between New York and Liverpool from the expiration of the said two years, every fortnight, free of any charge to the Government, until the new steamship shall have commenced the said mail service.

The original contract was predicated upon the proposition of E.K. Collins of March 6, 1846, made with abundant means of knowledge as to the advantages and disadvantages of the terms which he then submitted for the acceptance of the Government. The proposition was in the following terms:

WASHINGTON, *March 6, 1846.*



## Page 125

E.K. Collins and his associates propose to carry the United States mail between New York and Liverpool twice each month during eight months of the year and once a month during the other four months for the sum of \$385,000 per annum, payable quarterly. For this purpose they will agree to build five steamships of not less than 2,000 tons measurement and of 1,000 horsepower each, which vessels shall be built for great speed and sufficiently strong for war purposes. Four of said vessels to be ready for service in eighteen months from the signing of the contract. The fifth vessel to be built as early as possibly practicable, and when not employed in the mail service to be subject to the orders of the Government for carrying dispatches, for which service a fair compensation is to be paid. Contract to be for the term of ten years. It is also proposed to secure to the United States the privilege of purchasing said steamships whenever they may be required for public purposes, at a fair valuation, to be ascertained by appraisers appointed by the United States and by the owners.

EDWARD K. COLLINS.

The act of March 3, 1847, provides—

That from and immediately after the passage of this act it shall be the duty of the Secretary of the Navy to accept, on the part of the Government of the United States, the proposals of E.K. Collins and his associates, of the city of New York, submitted to the Postmaster-General, and dated at Washington, March 6, 1846, for the transportation of the United States mail between New York and Liverpool, and to contract with the said E.K. Collins and his associates for the faithful fulfillment of the stipulations therein contained, and in accordance with the provisions of this act.

And under this proposition and enactment the original contract was made.

According to the terms of that contract the parties were to receive from the United States for twenty round trips each year the sum of \$19,250 the trip, or \$385,000 per annum; and they were to construct and provide five ships of a stipulated size and quality for the performance of this or other service for the Government.

Of the ships contracted for, only four have been furnished—the *Atlantic*, *Pacific*, *Arctic*, and *Baltic*—and the present bill proposes to dispense entirely with the original condition of a fifth ship, by only requiring the construction of one, which would but supply the place of the *Arctic*, recently lost by peril of the sea. Certain minor conditions involving expense to the contractors, among which was one for the accommodation and subsistence of a certain number of passed midshipmen on each vessel, had previously been dispensed with on the part of the United States.



## Page 126

By act of Congress of July 21, 1852, the amount of compensation to the contractors was increased from \$19,250 to \$33,000 a trip and the number of trips from twenty to twenty-six each year, making the whole compensation \$858,000 per annum. During the period of time from the commencement of the service of these contractors, on the 27th of April, 1850, to the end of the last fiscal year, June 30, 1854, the sum paid to them by the United States amounted to \$2,620,906, without reckoning public money advanced on loan to aid them in the construction of the ships; while the whole amount of postages derived to the Department has been only \$734,056, showing an excess of expenditure above receipts of \$1,886,440 to the charge of the Government. In the meantime, in addition to the payments from the Treasury, the parties have been in the enjoyment of large receipts from the transportation of passengers and merchandise, the profits of which are in addition to the amount allowed by the United States.

It does not appear that the liberal conditions heretofore enjoyed by the parties were less than a proper compensation for the service to be performed, including whatever there may have been of hazard in a new undertaking, nor that any hardship can be justly alleged calling for relief on the part of the Government.

On the other hand, the construction of five ships of great speed, and sufficiently strong for war purposes, and the services of passed midshipmen on board of them, so as thus to augment the contingent force and the actual efficiency of the Navy, were among the inducements of the Government to enter into the contract.

The act of July 21, 1852, provides "that it shall be in the power of Congress at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for upon giving six months' notice;" and it will be seen that, with the exception of the six additional trips required by the act of July 21, 1852, there has been no departure from the original engagement but to relieve the contractors from obligation, and yet by the act last named the compensation was increased from \$385,000 to \$858,000, with no other protection to the public interests provided than the right which Congress reserved to itself to terminate the contract, so far as this increased compensation was concerned, after six months' notice. This last provision, certainly a primary consideration for the more generous action of the Government, the present bill proposes to repeal, so as to leave Congress no power to terminate the new arrangement.

To this repeal the objections are, in my mind, insuperable, because in terms it deprives the United States of all future discretion as to the increased service and compensation, whatever changes may occur in the art of navigation, its expenses, or the policy and political condition of the country. The gravity of this objection is enhanced by other considerations. While the contractors are to be paid a compensation nearly double the rate of the original contract, they are exempted from several of its conditions, which has the effect of adding still more to that rate; while the further advantage is conceded to them of placing their new privileges beyond the control even of Congress.



## Page 127

It will be regarded as a less serious objection than that already stated, but one which should not be overlooked, that the privileges bestowed upon the contractors are without corresponding advantages to the Government, which receives no sufficient pecuniary or other return for the immense outlay involved, which could obtain the same service of other parties at less cost, and which, if the bill becomes a law, will pay them a large amount of public money without adequate consideration; that is, will in effect confer a gratuity whilst nominally making provision for the transportation of the mails of the United States.

To provide for making a donation of such magnitude and to give to the arrangement the character of permanence which this bill proposes would be to deprive commercial enterprise of the benefits of free competition and to establish a monopoly in violation of the soundest principles of public policy and of doubtful compatibility with the Constitution.

I am, of course, not unmindful of the fact that the bill comprises various other appropriations which are more or less important to the public interests, for which reason my objections to it are communicated at the first meeting of the House following its presentation to me, in the hope that by amendment to bills now pending or otherwise suitable provision for all the objects in question may be made before the adjournment of Congress.

FRANKLIN PIERCE.

## **PROCLAMATIONS.**

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

A PROCLAMATION.

Whereas by an act of the Congress of the United States approved the 5th day of August, 1854, entitled "An act to carry into effect a treaty between the United States and Great Britain signed on the 5th day of June, 1854," it is provided that whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain and the Provincial Parliaments of Canada, New Brunswick, Nova Scotia, and Prince Edwards Island have passed laws on their part to give full effect to the provisions of the said treaty, he is authorized to issue his proclamation declaring that he has such evidence; and

Whereas satisfactory information has been received by me that the Imperial Parliament of Great Britain and the Provincial Parliaments of Canada, New Brunswick, Nova Scotia, and Prince Edwards Island have passed laws on their part to give full effect to the provisions of the treaty aforesaid:



Now, therefore, I, Franklin Pierce, President of the United States of America, do hereby declare and proclaim that from this date the following articles, being the growth and produce of the said Provinces of Canada, New Brunswick, Nova Scotia, and Prince Edwards Island, to wit: Grain, flour, and breadstuffs of all kinds; animals of all kinds; fresh, smoked, and salted meats; cotton wool, seeds and vegetables, undried



## Page 128

fruits, dried fruits, fish of all kinds, products of fish and all other creatures living in the water, poultry, eggs; hides, furs, skins, or tails, undressed; stone or marble in its crude or unwrought state, slate, butter, cheese, tallow, lard, horns, manures, ores of metals of all kinds, coal, pitch, tar, turpentine, ashes; timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; firewood; plants, shrubs, and trees; pelts, wool, fish oil, rice, broom corn, and bark; gypsum, ground or unground; hewn or wrought or unwrought burr or grind stones; dyestuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco, rags—shall be introduced into the United States free of duty so long as the said treaty shall remain in force, subject, however, to be suspended in relation to the trade with Canada on the condition mentioned in the fourth article of the said treaty, and that all the other provisions of the said treaty shall go into effect and be observed on the part of the United States.

Given under my hand, at the city of Washington, the 16th day of March, A.D. 1855, and of the Independence of the United States the seventy-ninth.

[SEAL.]

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*

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

A PROCLAMATION.

Whereas the act of Congress of the 28th of September, 1850, entitled “An act to create additional collection districts in the State of California and to change the existing district therein, and to modify the existing collection districts in the United States,” extends to merchandise warehoused under bond the privilege of being exported to the British North American Provinces adjoining the United States in the manner prescribed in the act of Congress of the 3d of March, 1845, which designates certain frontier ports through which merchandise may be exported, and further provides “that such other ports situated on the frontiers of the United States adjoining the British North American Provinces as may hereafter be found expedient may have extended to them the like privileges on the recommendation of the Secretary of the Treasury and proclamation duly made by the President of the United States specially designating the ports to which the aforesaid privileges are to be extended:”



Now, therefore, I, Franklin Pierce, President of the United States of America, in accordance with the recommendation of the Secretary of the Treasury, do hereby declare and proclaim that the ports of Rouses Point, Cape Vincent, Suspension Bridge, and Dunkirk, in the State of New York; Swanton, Alburg, and Island Pond, in the State of Vermont; Toledo, in the State of Ohio; Chicago, in the State of Illinois; Milwaukee, in the State of Wisconsin; Michilimackinac, in the State of Michigan; Eastport, in the State of Maine; and Pembina, in the Territory of Minnesota, are and shall be entitled to all the privileges in regard to the exportation of merchandise in bond to the British North American Provinces adjoining the United States which are extended to the ports enumerated in the seventh section of the act of Congress of the 3d of March, 1845, aforesaid, from and after the date of this proclamation.



## Page 129

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

Done at the city of Washington, this 2d day of July, A.D. 1855, and of the Independence of the United States of America the seventy-ninth.

[SEAL]

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*

### THIRD ANNUAL MESSAGE.

WASHINGTON, *December 31, 1855.*

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

The Constitution of the United States provides that Congress shall assemble annually on the first Monday of December, and it has been usual for the President to make no communication of a public character to the Senate and House of Representatives until advised of their readiness to receive it. I have deferred to this usage until the close of the first month of the session, but my convictions of duty will not permit me longer to postpone the discharge of the obligation enjoined by the Constitution upon the President "to give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient."

It is matter of congratulation that the Republic is tranquilly advancing in a career of prosperity and peace.

Whilst relations of amity continue to exist between the United States and all foreign powers, with some of them grave questions are depending which may require the consideration of Congress.

Of such questions, the most important is that which has arisen out of the negotiations with Great Britain in reference to Central America.

By the convention concluded between the two Governments on the 19th of April, 1850, both parties covenanted that "neither will ever" "occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."



It was the undoubted understanding of the United States in making this treaty that all the present States of the former Republic of Central America and the entire territory of each would thenceforth enjoy complete independence, and that both contracting parties engaged equally and to the same extent, for the present and for the future, that if either then had any claim of right in Central America such claim and all occupation or authority under it were unreservedly relinquished by the stipulations of the convention, and that no dominion was thereafter to be exercised or assumed in any part of Central America by Great Britain or the United States.

This Government consented to restrictions in regard to a region of country wherein we had specific and peculiar interests only upon the conviction that the like restrictions were in the same sense obligatory on Great Britain. But for this understanding of the force and effect of the convention it would never have been concluded by us.



## Page 130

So clear was this understanding on the part of the United States that in correspondence contemporaneous with the ratification of the convention it was distinctly expressed that the mutual covenants of nonoccupation were not intended to apply to the British establishment at the Balize. This qualification is to be ascribed to the fact that, in virtue of successive treaties with previous sovereigns of the country, Great Britain had obtained a concession of the right to cut mahogany or dye-woods at the Balize, but with positive exclusion of all domain or sovereignty; and thus it confirms the natural construction and understood import of the treaty as to all the rest of the region to which the stipulations applied.

It, however, became apparent at an early day after entering upon the discharge of my present functions that Great Britain still continued in the exercise or assertion of large authority in all that part of Central America commonly called the Mosquito Coast, and covering the entire length of the State of Nicaragua and a part of Costa Rica; that she regarded the Balize as her absolute domain and was gradually extending its limits at the expense of the State of Honduras, and that she had formally colonized a considerable insular group known as the Bay Islands, and belonging of right to that State.

All these acts or pretensions of Great Britain, being contrary to the rights of the States of Central America and to the manifest tenor of her stipulations with the United States as understood by this Government, have been made the subject of negotiation through the American minister in London. I transmit herewith the instructions to him on the subject and the correspondence between him and the British secretary for foreign affairs, by which you will perceive that the two Governments differ widely and irreconcilably as to the construction of the convention and its effect on their respective relations to Central America.

Great Britain so construes the convention as to maintain unchanged all her previous pretensions over the Mosquito Coast and in different parts of Central America. These pretensions as to the Mosquito Coast are founded on the assumption of political relation between Great Britain and the remnant of a tribe of Indians on that coast, entered into at a time when the whole country was a colonial possession of Spain. It can not be successfully controverted that by the public law of Europe and America no possible act of such Indians or their predecessors could confer on Great Britain any political rights.

Great Britain does not allege the assent of Spain as the origin of her claims on the Mosquito Coast. She has, on the contrary, by repeated and successive treaties renounced and relinquished all pretensions of her own and recognized the full and sovereign rights of Spain in the most unequivocal terms. Yet these pretensions, so without solid foundation in the beginning and thus repeatedly abjured, were at a recent period revived by Great Britain against the Central American States, the legitimate successors to all the ancient jurisdiction of Spain in that region. They were first applied only to a defined part of the coast of Nicaragua, afterwards to the whole of its Atlantic

coast, and lastly to a part of the coast of Costa Rica, and they are now reasserted to this extent notwithstanding engagements to the United States.



## Page 131

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

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

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

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

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

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



## Page 132

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

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

There is, however, reason to apprehend that with Great Britain in the actual occupation of the disputed territories, and the treaty therefore practically null so far as regards our rights, this international difficulty can not long remain undetermined without involving in serious danger the friendly relations which it is the interest as well as the duty of both countries to cherish and preserve. It will afford me sincere gratification if future efforts shall result in the success anticipated heretofore with more confidence than the aspect of the case permits me now to entertain.

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

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



## Page 133

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

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

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

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

## Page 134

Such being the public rights and the municipal law of the United States, no solicitude on the subject was entertained by this Government when, a year since, the British Parliament passed an act to provide for the enlistment of foreigners in the military service of Great Britain. Nothing on the face of the act or in its public history indicated that the British Government proposed to attempt recruitment in the United States, nor did it ever give intimation of such intention to this Government. It was matter of surprise, therefore, to find subsequently that the engagement of persons within the United States to proceed to Halifax, in the British Province of Nova Scotia, and there enlist in the service of Great Britain, was going on extensively, with little or no disguise. Ordinary legal steps were immediately taken to arrest and punish parties concerned, and so put an end to acts infringing the municipal law and derogatory to our sovereignty. Meanwhile suitable representations on the subject were addressed to the British Government.

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

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

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

These considerations, and the fact that the cause of complaint was not a mere casual occurrence, but a deliberate design, entered upon with full knowledge of our laws and national policy and conducted by responsible public functionaries, impelled me to present the case to the British Government, in order to secure not only a cessation of

the wrong, but its reparation. The subject is still under discussion, the result of which will be communicated to you in due time.



## Page 135

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

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

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

The commission which that treaty contemplated, for determining the rights of fishery in rivers and mouths of rivers on the coasts of the United States and the British North American Provinces, has been organized, and has commenced its labors, to complete which there are needed further appropriations for the service of another season.

In pursuance of the authority conferred by a resolution of the Senate of the United States passed on the 3d of March last, notice was given to Denmark on the 14th day of April of the intention of this Government to avail itself of the stipulation of the subsisting convention of friendship, commerce, and navigation between that Kingdom and the United States whereby either party might after ten years terminate the same at the expiration of one year from the date of notice for that purpose.

The considerations which led me to call the attention of Congress to that convention and induced the Senate to adopt the resolution referred to still continue in full force. The convention contains an article which, although it does not directly engage the United States to submit to the imposition of tolls on the vessels and cargoes of Americans passing into or from the Baltic Sea during the continuance of the treaty, yet may by possibility be construed as implying such submission. The exaction of those tolls not being justified by any principle of international law, it became the right and duty of the United States to relieve themselves from the implication of engagement on the

subject, so as to be perfectly free to act in the premises in such way as their public interests and honor shall demand.



## Page 136

I remain of the opinion that the United States ought not to submit to the payment of the Sound dues, not so much because of their amount, which is a secondary matter, but because it is in effect the recognition of the right of Denmark to treat one of the great maritime highways of nations as a close sea, and prevent the navigation of it as a privilege, for which tribute may be imposed upon those who have occasion to use it.

This Government on a former occasion, not unlike the present, signaled its determination to maintain the freedom of the seas and of the great natural channels of navigation. The Barbary States had for a long time coerced the payment of tribute from all nations whose ships frequented the Mediterranean. To the last demand of such payment made by them the United States, although suffering less by their depredations than many other nations, returned the explicit answer that we preferred war to tribute, and thus opened the way to the relief of the commerce of the world from an ignominious tax, so long submitted to by the more powerful nations of Europe.

If the manner of payment of the Sound dues differ from that of the tribute formerly conceded to the Barbary States, still their exaction by Denmark has no better foundation in right. Each was in its origin nothing but a tax on a common natural right, extorted by those who were at that time able to obstruct the free and secure enjoyment of it, but who no longer possess that power.

Denmark, while resisting our assertion of the freedom of the Baltic Sound and Belts, has indicated a readiness to make some new arrangement on the subject, and has invited the governments interested, including the United States, to be represented in a convention to assemble for the purpose of receiving and considering a proposition which she intends to submit for the capitalization of the Sound dues and the distribution of the sum to be paid as commutation among the governments according to the respective proportions of their maritime commerce to and from the Baltic. I have declined, in behalf of the United States, to accept this invitation, for the most cogent reasons. One is that Denmark does not offer to submit to the convention the question of her right to levy the Sound dues. The second is that if the convention were allowed to take cognizance of that particular question, still it would not be competent to deal with the great international principle involved, which affects the right in other cases of navigation and commercial freedom, as well as that of access to the Baltic. Above all, by the express terms of the proposition it is contemplated that the consideration of the Sound dues shall be commingled with and made subordinate to a matter wholly extraneous—the balance of power among the Governments of Europe.

While, however, rejecting this proposition and insisting on the right of free transit into and from the Baltic, I have expressed to Denmark a willingness on the part of the United States to share liberally with other powers in compensating her for any advantages which commerce shall hereafter derive from expenditures made by her for the improvement and safety of the navigation of the Sound or Belts.



## Page 137

I lay before you herewith sundry documents on the subject, in which my views are more fully disclosed. Should no satisfactory arrangement be soon concluded, I shall again call your attention to the subject, with recommendation of such measures as may appear to be required in order to assert and secure the rights of the United States, so far as they are affected by the pretensions of Denmark.

I announce with much gratification that since the adjournment of the last Congress the question then existing between this Government and that of France respecting the French consul at San Francisco has been satisfactorily determined, and that the relations of the two Governments continue to be of the most friendly nature.

A question, also, which has been pending for several years between the United States and the Kingdom of Greece, growing out of the sequestration by public authorities of that country of property belonging to the present American consul at Athens, and which had been the subject of very earnest discussion heretofore, has recently been settled to the satisfaction of the party interested and of both Governments.

With Spain peaceful relations are still maintained, and some progress has been made in securing the redress of wrongs complained of by this Government. Spain has not only disavowed and disapproved the conduct of the officers who illegally seized and detained the steamer *Black Warrior* at Havana, but has also paid the sum claimed as indemnity for the loss thereby inflicted on citizens of the United States.

In consequence of a destructive hurricane which visited Cuba in 1844, the supreme authority of that island issued a decree permitting the importation for the period of six months of certain building materials and provisions free of duty, but revoked it when about half the period only had elapsed, to the injury of citizens of the United States who had proceeded to act on the faith of that decree. The Spanish Government refused indemnification to the parties aggrieved until recently, when it was assented to, payment being promised to be made so soon as the amount due can be ascertained.

Satisfaction claimed for the arrest and search of the steamer *El Dorado* has not yet been accorded, but there is reason to believe that it will be; and that case, with others, continues to be urged on the attention of the Spanish Government. I do not abandon the hope of concluding with Spain some general arrangement which, if it do not wholly prevent the recurrence of difficulties in Cuba, will render them less frequent, and, whenever they shall occur, facilitate their more speedy settlement.

The interposition of this Government has been invoked by many of its citizens on account of injuries done to their persons and property for which the Mexican Republic is responsible. The unhappy situation of that country for some time past has not allowed its Government to give due consideration to claims of private reparation, and has appeared to call for and justify some forbearance in such matters on the part of this Government. But if the revolutionary movements which have lately occurred in that

Republic end in the organization of a stable government, urgent appeals to its justice will then be made, and, it may be hoped, with success, for the redress of all complaints of our citizens.



## Page 138

In regard to the American Republics, which from their proximity and other considerations have peculiar relations to this Government, while it has been my constant aim strictly to observe all the obligations of political friendship and of good neighborhood, obstacles to this have arisen in some of them from their own insufficient power to check lawless irruptions, which in effect throws most of the task on the United States. Thus it is that the distracted internal condition of the State of Nicaragua has made it incumbent on me to appeal to the good faith of our citizens to abstain from unlawful intervention in its affairs and to adopt preventive measures to the same end, which on a similar occasion had the best results in reassuring the peace of the Mexican States of Sonora and Lower California.

Since the last session of Congress a treaty of amity, commerce, and navigation and for the surrender of fugitive criminals with the Kingdom of the Two Sicilies; a treaty of friendship, commerce, and navigation with Nicaragua, and a convention of commercial reciprocity with the Hawaiian Kingdom have been negotiated. The latter Kingdom and the State of Nicaragua have also acceded to a declaration recognizing as international rights the principles contained in the convention between the United States and Russia of July 22, 1854. These treaties and conventions will be laid before the Senate for ratification.

The statements made in my last annual message respecting the anticipated receipts and expenditures of the Treasury have been substantially verified.

It appears from the report of the Secretary of the Treasury that the receipts during the last fiscal year, ending June 30, 1855, from all sources were \$65,003,930, and that the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to \$56,365,393. During the same period the payments made in redemption of the public debt, including interest and premium, amounted to \$9,844,528.

The balance in the Treasury at the beginning of the present fiscal year, July 1, 1855, was \$18,931,976; the receipts for the first quarter and the estimated receipts for the remaining three quarters amount together to \$67,918,734; thus affording in all, as the available resources of the current fiscal year, the sum of \$86,856,710.

If to the actual expenditures of the first quarter of the current fiscal year be added the probable expenditures for the remaining three quarters, as estimated by the Secretary of the Treasury, the sum total will be \$71,226,846, thereby leaving an estimated balance in the Treasury on July 1, 1856, of \$15,623,863.41.

In the above-estimated expenditures of the present fiscal year are included \$3,000,000 to meet the last installment of the ten millions provided for in the late treaty with Mexico and \$7,750,000 appropriated on account of the debt due to Texas, which two sums make an aggregate amount of \$10,750,000 and reduce the expenditures, actual or estimated, for ordinary objects of the year to the sum of \$60,476,000.

## Page 139

The amount of the public debt at the commencement of the present fiscal year was \$40,583,631, and, deduction being made of subsequent payments, the whole public debt of the Federal Government remaining at this time is less than \$40,000,000. The remnant of certain other Government stocks, amounting to \$243,000, referred to in my last message as outstanding, has since been paid.

I am fully persuaded that it would be difficult to devise a system superior to that by which the fiscal business of the Government is now conducted. Notwithstanding the great number of public agents of collection and disbursement, it is believed that the checks and guards provided, including the requirement of monthly returns, render it scarcely possible for any considerable fraud on the part of those agents or neglect involving hazard of serious public loss to escape detection. I renew, however, the recommendation heretofore made by me of the enactment of a law declaring it felony on the part of public officers to insert false entries in their books of record or account or to make false returns, and also requiring them on the termination of their service to deliver to their successors all books, records, and other objects of a public nature in their custody.

Derived, as our public revenue is, in chief part from duties on imports, its magnitude affords gratifying evidence of the prosperity, not only of our commerce, but of the other great interests upon which that depends.

The principle that all moneys not required for the current expenses of the Government should remain for active employment in the hands of the people and the conspicuous fact that the annual revenue from all sources exceeds by many millions of dollars the amount needed for a prudent and economical administration of public affairs can not fail to suggest the propriety of an early revision and reduction of the tariff of duties on imports. It is now so generally conceded that the purpose of revenue alone can justify the imposition of duties on imports that in readjusting the impost tables and schedules, which unquestionably require essential modifications, a departure from the principles of the present tariff is not anticipated.

The Army during the past year has been actively engaged in defending the Indian frontier, the state of the service permitting but few and small garrisons in our permanent fortifications. The additional regiments authorized at the last session of Congress have been recruited and organized, and a large portion of the troops have already been sent to the field. All the duties which devolve on the military establishment have been satisfactorily performed, and the dangers and privations incident to the character of the service required of our troops have furnished additional evidence of their courage, zeal, and capacity to meet any requisition which their country may make upon them. For the details of the military operations, the distribution of the troops, and additional provisions required for the military service, I refer to the report of the Secretary of War and the accompanying documents.



## Page 140

Experience gathered from events which have transpired since my last annual message has but served to confirm the opinion then expressed of the propriety of making provision by a retired list for disabled officers and for increased compensation to the officers retained on the list for active duty. All the reasons which existed when these measures were recommended on former occasions continue without modification, except so far as circumstances have given to some of them additional force. The recommendations heretofore made for a partial reorganization of the Army are also renewed. The thorough elementary education given to those officers who commence their service with the grade of cadet qualifies them to a considerable extent to perform the duties of every arm of the service; but to give the highest efficiency to artillery requires the practice and special study of many years, and it is not, therefore, believed to be advisable to maintain in time of peace a larger force of that arm than can be usually employed in the duties appertaining to the service of field and siege artillery. The duties of the staff in all its various branches belong to the movements of troops, and the efficiency of an army in the field would materially depend upon the ability with which those duties are discharged. It is not, as in the case of the artillery, a specialty, but requires also an intimate knowledge of the duties of an officer of the line, and it is not doubted that to complete the education of an officer for either the line or the general staff it is desirable that he shall have served in both. With this view, it was recommended on a former occasion that the duties of the staff should be mainly performed by details from the line, and, with conviction of the advantages which would result from such a change, it is again presented for the consideration of Congress.

The report of the Secretary of the Navy, herewith submitted, exhibits in full the naval operations of the past year, together with the present condition of the service, and it makes suggestions of further legislation, to which your attention is invited.

The construction of the six steam frigates for which appropriations were made by the last Congress has proceeded in the most satisfactory manner and with such expedition as to warrant the belief that they will be ready for service early in the coming spring. Important as this addition to our naval force is, it still remains inadequate to the contingent exigencies of the protection of the extensive seacoast and vast commercial interests of the United States. In view of this fact and of the acknowledged wisdom of the policy of a gradual and systematic increase of the Navy an appropriation is recommended for the construction of six steam sloops of war.

In regard to the steps taken in execution of the act of Congress to promote the efficiency of the Navy, it is unnecessary for me to say more than to express entire concurrence in the observations on that subject presented by the Secretary in his report.



## Page 141

It will be perceived by the report of the Postmaster-General that the gross expenditure of the Department for the last fiscal year was \$9,968,342 and the gross receipts \$7,342,136, making an excess of expenditure over receipts of \$2,626,206; and that the cost of mail transportation during that year was \$674,952 greater than the previous year. Much of the heavy expenditures to which the Treasury is thus subjected is to be ascribed to the large quantity of printed matter conveyed by the mails, either franked or liable to no postage by law or to very low rates of postage compared with that charged on letters, and to the great cost of mail service on railroads and by ocean steamers. The suggestions of the Postmaster-General on the subject deserve the consideration of Congress.

The report of the Secretary of the Interior will engage your attention as well for useful suggestions it contains as for the interest and importance of the subjects to which they refer.

The aggregate amount of public land sold during the last fiscal year, located with military scrip or land warrants, taken up under grants for roads, and selected as swamp lands by States is 24,557,409 acres, of which the portion sold was 15,729,524 acres, yielding in receipts the sum of \$11,485,380. In the same period of time 8,723,854 acres have been surveyed, but, in consideration of the quantity already subject to entry, no additional tracts have been brought into market.

The peculiar relation of the General Government to the District of Columbia renders it proper to commend to your care not only its material but also its moral interests, including education, more especially in those parts of the District outside of the cities of Washington and Georgetown.

The commissioners appointed to revise and codify the laws of the District have made such progress in the performance of their task as to insure its completion in the time prescribed by the act of Congress.

Information has recently been received that the peace of the settlements in the Territories of Oregon and Washington is disturbed by hostilities on the part of the Indians, with indications of extensive combinations of a hostile character among the tribes in that quarter, the more serious in their possible effect by reason of the undetermined foreign interests existing in those Territories, to which your attention has already been especially invited. Efficient measures have been taken, which, it is believed, will restore quiet and afford protection to our citizens.

In the Territory of Kansas there have been acts prejudicial to good order, but as yet none have occurred under circumstances to justify the interposition of the Federal Executive. That could only be in case of obstruction to Federal law or of organized resistance to Territorial law, assuming the character of insurrection, which, if it should occur, it would be my duty promptly to overcome and suppress. I cherish the hope,

however, that the occurrence of any such untoward event will be prevented by the sound sense of the people of the Territory, who by its organic law, possessing the right to determine their own domestic institutions, are entitled while deporting themselves peacefully to the free exercise of that right, and must be protected in the enjoyment of it without interference on the part of the citizens of any of the States.



## Page 142

The southern boundary line of this Territory has never been surveyed and established. The rapidly extending settlements in that region and the fact that the main route between Independence, in the State of Missouri, and New Mexico is contiguous in this line suggest the probability that embarrassing questions of jurisdiction may consequently arise. For these and other considerations I commend the subject to your early attention.

I have thus passed in review the general state of the Union, including such particular concerns of the Federal Government, whether of domestic or foreign relation, as it appeared to me desirable and useful to bring to the special notice of Congress. Unlike the great States of Europe and Asia and many of those of America, these United States are wasting their strength neither in foreign war nor domestic strife. Whatever of discontent or public dissatisfaction exists is attributable to the imperfections of human nature or is incident to all governments, however perfect, which human wisdom can devise. Such subjects of political agitation as occupy the public mind consist to a great extent of exaggeration of inevitable evils, or overzeal in social improvement, or mere imagination of grievance, having but remote connection with any of the constitutional functions or duties of the Federal Government. To whatever extent these questions exhibit a tendency menacing to the stability of the Constitution or the integrity of the Union, and no further, they demand the consideration of the Executive and require to be presented by him to Congress.

Before the thirteen colonies became a confederation of independent States they were associated only by community of transatlantic origin, by geographical position, and by the mutual tie of common dependence on Great Britain. When that tie was sundered they severally assumed the powers and rights of absolute self-government. The municipal and social institutions of each, its laws of property and of personal relation, even its political organization, were such only as each one chose to establish, wholly without interference from any other. In the language of the Declaration of Independence, each State had "full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do." The several colonies differed in climate, in soil, in natural productions, in religion, in systems of education, in legislation, and in the forms of political administration, and they continued to differ in these respects when they voluntarily allied themselves as States to carry on the War of the Revolution.

The object of that war was to disenthral the united colonies from foreign rule, which had proved to be oppressive, and to separate them permanently from the mother country. The political result was the foundation of a Federal Republic of the free white men of the colonies, constituted, as they were, in distinct and reciprocally independent State governments. As for the subject races, whether Indian or African, the wise and brave statesmen of that day, being engaged in no extravagant scheme of social change, left them as they were, and thus preserved themselves and their posterity from the anarchy

and the ever-recurring civil wars which have prevailed in other revolutionized European colonies of America.

## Page 143

When the confederated States found it convenient to modify the conditions of their association by giving to the General Government direct access in some respects to the people of the States, instead of confining it to action on the States as such, they proceeded to frame the existing Constitution, adhering steadily to one guiding thought, which was to delegate only such power as was necessary and proper to the execution of specific purposes, or, in other words, to retain as much as possible consistently with those purposes of the independent powers of the individual States. For objects of common defense and security, they intrusted to the General Government certain carefully defined functions, leaving all others as the undelegated rights of the separate independent sovereignties.

Such is the constitutional theory of our Government, the practical observance of which has carried us, and us alone among modern republics, through nearly three generations of time without the cost of one drop of blood shed in civil war. With freedom and concert of action, it has enabled us to contend successfully on the battlefield against foreign foes, has elevated the feeble colonies into powerful States, and has raised our industrial productions and our commerce which transports them to the level of the richest and the greatest nations of Europe. And the admirable adaptation of our political institutions to their objects, combining local self-government with aggregate strength, has established the practicability of a government like ours to cover a continent with confederate states.

The Congress of the United States is in effect that congress of sovereignties which good men in the Old World have sought for, but could never attain, and which imparts to America an exemption from the mutable leagues for common action, from the wars, the mutual invasions, and vague aspirations after the balance of power which convulse from time to time the Governments of Europe. Our cooperative action rests in the conditions of permanent confederation prescribed by the Constitution. Our balance of power is in the separate reserved rights of the States and their equal representation in the Senate. That independent sovereignty in every one of the States, with its reserved rights of local self-government assured to each by their coequal power in the Senate, was the fundamental condition of the Constitution. Without it the Union would never have existed. However desirous the larger States might be to reorganize the Government so as to give to their population its proportionate weight in the common counsels, they knew it was impossible unless they conceded to the smaller ones authority to exercise at least a negative influence on all the measures of the Government, whether legislative or executive, through their equal representation in the Senate. Indeed, the larger States themselves could not have failed to perceive that the same power was equally necessary to them for the security of their

## Page 144

own domestic interests against the aggregate force of the General Government. In a word, the original States went into this permanent league on the agreed premises of exerting their common strength for the defense of the whole and of all its parts, but of utterly excluding all capability of reciprocal aggression. Each solemnly bound itself to all the others neither to undertake nor permit any encroachment upon or intermeddling with another's reserved rights.

Where it was deemed expedient particular rights of the States were expressly guaranteed by the Constitution, but in all things besides these rights were guarded by the limitation of the powers granted and by express reservation of all powers not granted in the compact of union. Thus the great power of taxation was limited to purposes of common defense and general welfare, excluding objects appertaining to the local legislation of the several States; and those purposes of general welfare and common defense were afterwards defined by specific enumeration as being matters only of co-relation between the States themselves or between them and foreign governments, which, because of their common and general nature, could not be left to the separate control of each State.

Of the circumstances of local condition, interest, and rights in which a portion of the States, constituting one great section of the Union, differed from the rest and from another section, the most important was the peculiarity of a larger relative colored population in the Southern than in the Northern States.

A population of this class, held in subjection, existed in nearly all the States, but was more numerous and of more serious concernment in the South than in the North on account of natural differences of climate and production; and it was foreseen that, for the same reasons, while this population would diminish and sooner or later cease to exist in some States, it might increase in others. The peculiar character and magnitude of this question of local rights, not in material relations only, but still more in social ones, caused it to enter into the special stipulations of the Constitution.

Hence, while the General Government, as well by the enumerated powers granted to it as by those not enumerated, and therefore refused to it, was forbidden to touch this matter in the sense of attack or offense, it was placed under the general safeguard of the Union in the sense of defense against either invasion or domestic violence, like all other local interests of the several States. Each State expressly stipulated, as well for itself as for each and all of its citizens, and every citizen of each State became solemnly bound by his allegiance to the Constitution that any person held to service or labor in one State, escaping into another, should not, in consequence of any law or regulation thereof, be discharged from such service or labor, but should be delivered up on claim of the party to whom such service or labor might be due by the laws of his State.

## Page 145

Thus and thus only, by the reciprocal guaranty of all the rights of every State against interference on the part of another, was the present form of government established by our fathers and transmitted to us, and by no other means is it possible for it to exist. If one State ceases to respect the rights of another and obtrusively intermeddles with its local interests; if a portion of the States assume to impose their institutions on the others or refuse to fulfill their obligations to them, we are no longer united, friendly States, but distracted, hostile ones, with little capacity left of common advantage, but abundant means of reciprocal injury and mischief. Practically it is immaterial whether aggressive interference between the States or deliberate refusal on the part of any one of them to comply with constitutional obligations arise from erroneous conviction or blind prejudice, whether it be perpetrated by direction or indirection. In either case it is full of threat and of danger to the durability of the Union.

Placed in the office of Chief Magistrate as the executive agent of the whole country, bound to take care that the laws be faithfully executed, and specially enjoined by the Constitution to give information to Congress on the state of the Union, it would be palpable neglect of duty on my part to pass over a subject like this, which beyond all things at the present time vitally concerns individual and public security.

It has been matter of painful regret to see States conspicuous for their services in founding this Republic and equally sharing its advantages disregard their constitutional obligations to it. Although conscious of their inability to heal admitted and palpable social evils of their own, and which are completely within their jurisdiction, they engage in the offensive and hopeless undertaking of reforming the domestic institutions of other States, wholly beyond their control and authority. In the vain pursuit of ends by them entirely unattainable, and which they may not legally attempt to compass, they peril the very existence of the Constitution and all the countless benefits which it has conferred. While the people of the Southern States confine their attention to their own affairs, not presuming officiously to intermeddle with the social institutions of the Northern States, too many of the inhabitants of the latter are permanently organized in associations to inflict injury on the former by wrongful acts, which would be cause of war as between foreign powers and only fail to be such in our system because perpetrated under cover of the Union.



## Page 146

Is it possible to present this subject as truth and the occasion require without noticing the reiterated but groundless allegation that the South has persistently asserted claims and obtained advantages in the practical administration of the General Government to the prejudice of the North, and in which the latter has acquiesced? That is, the States which either promote or tolerate attacks on the rights of persons and of property in other States, to disguise their own injustice, pretend or imagine, and constantly aver, that they, whose constitutional rights are thus systematically assailed, are themselves the aggressors. At the present time this imputed aggression, resting, as it does, only in the vague declamatory charges of political agitators, resolves itself into misapprehension, or misinterpretation, of the principles and facts of the political organization of the new Territories of the United States.

What is the voice of history? When the ordinance which provided for the government of the territory northwest of the river Ohio and for its eventual subdivision into new States was adopted in the Congress of the Confederation, it is not to be supposed that the question of future relative power as between the States which retained and those which did not retain a numerous colored population escaped notice or failed to be considered. And yet the concession of that vast territory to the interests and opinions of the Northern States, a territory now the seat of five among the largest members of the Union, was in great measure the act of the State of Virginia and of the South.

When Louisiana was acquired by the United States, it was an acquisition not less to the North than to the South; for while it was important to the country at the mouth of the river Mississippi to become the emporium of the country above it, so also it was even more important to the whole Union to have that emporium; and although the new province, by reason of its imperfect settlement, was mainly regarded as on the Gulf of Mexico, yet in fact it extended to the opposite boundaries of the United States, with far greater breadth above than below, and was in territory, as in everything else, equally at least an accession to the Northern States. It is mere delusion and prejudice, therefore, to speak of Louisiana as acquisition in the special interest of the South.

The patriotic and just men who participated in that act were influenced by motives far above all sectional jealousies. It was in truth the great event which, by completing for us the possession of the Valley of the Mississippi, with commercial access to the Gulf of Mexico, imparted unity and strength to the whole Confederation and attached together by indissoluble ties the East and the West, as well as the North and the South.

As to Florida, that was but the transfer by Spain to the United States of territory on the east side of the river Mississippi in exchange for large territory which the United States transferred to Spain on the west side of that river, as the entire diplomatic history of the transaction serves to demonstrate. Moreover, it was an acquisition demanded by the commercial interests and the security of the whole Union.



## Page 147

In the meantime the people of the United States had grown up to a proper consciousness of their strength, and in a brief contest with France and in a second serious war with Great Britain they had shaken off all which remained of undue reverence for Europe, and emerged from the atmosphere of those transatlantic influences which surrounded the infant Republic, and had begun to turn their attention to the full and systematic development of the internal resources of the Union.

Among the evanescent controversies of that period the most conspicuous was the question of regulation by Congress of the social condition of the future States to be founded in the territory of Louisiana.

The ordinance for the government of the territory northwest of the river Ohio had contained a provision which prohibited the use of servile labor therein, subject to the condition of the extraditions of fugitives from service due in any other part of the United States. Subsequently to the adoption of the Constitution this provision ceased to remain as a law, for its operation as such was absolutely superseded by the Constitution. But the recollection of the fact excited the zeal of social propagandism in some sections of the Confederation, and when a second State, that of Missouri, came to be formed in the territory of Louisiana proposition was made to extend to the latter territory the restriction originally applied to the country situated between the rivers Ohio and Mississippi.

Most questionable as was this proposition in all its constitutional relations, nevertheless it received the sanction of Congress, with some slight modifications of line, to save the existing rights of the intended new State. It was reluctantly acquiesced in by Southern States as a sacrifice to the cause of peace and of the Union, not only of the rights stipulated by the treaty of Louisiana, but of the principle of equality among the States guaranteed by the Constitution. It was received by the Northern States with angry and resentful condemnation and complaint, because it did not concede all which they had exactingly demanded. Having passed through the forms of legislation, it took its place in the statute book, standing open to repeal, like any other act of doubtful constitutionality, subject to be pronounced null and void by the courts of law, and possessing no possible efficacy to control the rights of the States which might thereafter be organized out of any part of the original territory of Louisiana.

In all this, if any aggression there were, any innovation upon preexisting rights, to which portion of the Union are they justly chargeable?

This controversy passed away with the occasion, nothing surviving it save the dormant letter of the statute.

## Page 148

But long afterwards, when by the proposed accession of the Republic of Texas the United States were to take their next step in territorial greatness, a similar contingency occurred and became the occasion for systematized attempts to intervene in the domestic affairs of one section of the Union, in defiance of their rights as States and of the stipulations of the Constitution. These attempts assumed a practical direction in the shape of persevering endeavors by some of the Representatives in both Houses of Congress to deprive the Southern States of the supposed benefit of the provisions of the act authorizing the organization of the State of Missouri.

But the good sense of the people and the vital force of the Constitution triumphed over sectional prejudice and the political errors of the day, and the State of Texas returned to the Union as she was, with social institutions which her people had chosen for themselves and with express agreement by the reannexing act that she should be susceptible of subdivision into a plurality of States.

Whatever advantage the interests of the Southern States, as such, gained by this were far inferior in results, as they unfolded in the progress of time, to those which sprang from previous concessions made by the South.

To every thoughtful friend of the Union, to the true lovers of their country, to all who longed and labored for the full success of this great experiment of republican institutions, it was cause of gratulation that such an opportunity had occurred to illustrate our advancing power on this continent and to furnish to the world additional assurance of the strength and stability of the Constitution. Who would wish to see Florida still a European colony? Who would rejoice to hail Texas as a lone star instead of one in the galaxy of States? Who does not appreciate the incalculable benefits of the acquisition of Louisiana? And yet narrow views and sectional purposes would inevitably have excluded them all from the Union.

But another struggle on the same point ensued when our victorious armies returned from Mexico and it devolved on Congress to provide for the territories acquired by the treaty of Guadalupe Hidalgo. The great relations of the subject had now become distinct and clear to the perception of the public mind, which appreciated the evils of sectional controversy upon the question of the admission of new States. In that crisis intense solicitude pervaded the nation. But the patriotic impulses of the popular heart, guided by the admonitory advice of the Father of his Country, rose superior to all the difficulties of the incorporation of a new empire into the Union. In the counsels of Congress there was manifested extreme antagonism of opinion and action between some Representatives, who sought by the abusive and unconstitutional employment of the legislative powers of the Government to interfere in the condition of the inchoate States and to impose

## Page 149

their own social theories upon the latter, and other Representatives, who repelled the interposition of the General Government in this respect and maintained the self-constituting rights of the States. In truth, the thing attempted was in form alone action of the General Government, while in reality it was the endeavor, by abuse of legislative power, to force the ideas of internal policy entertained in particular States upon allied independent States. Once more the Constitution and the Union triumphed signally. The new territories were organized without restrictions on the disputed point, and were thus left to judge in that particular for themselves; and the sense of constitutional faith proved vigorous enough in Congress not only to accomplish this primary object, but also the incidental and hardly less important one of so amending the provisions of the statute for the extradition of fugitives, from service as to place that public duty under the safeguard of the General Government, and thus relieve it from obstacles raised up by the legislation of some of the States.

Vain declamation regarding the provisions of law for the extradition of fugitives from service, with occasional episodes of frantic effort to obstruct their execution by riot and murder, continued for a brief time to agitate certain localities. But the true principle of leaving each State and Territory to regulate its own laws of labor according to its own sense of right and expediency had acquired fast hold of the public judgment, to such a degree that by common consent it was observed in the organization of the Territory of Washington.

When, more recently, it became requisite to organize the Territories of Nebraska and Kansas, it was the natural and legitimate, if not the inevitable, consequence of previous events and legislation that the same great and sound principle which had already been applied to Utah and New Mexico should be applied to them—that they should stand exempt from the restrictions proposed in the act relative to the State of Missouri.

These restrictions were, in the estimation of many thoughtful men, null from the beginning, unauthorized by the Constitution, contrary to the treaty stipulations for the cession of Louisiana, and inconsistent with the equality of these States.

They had been stripped of all moral authority by persistent efforts to procure their indirect repeal through contradictory enactments. They had been practically abrogated by the legislation attending the organization of Utah, New Mexico, and Washington. If any vitality remained in them it would have been taken away, in effect, by the new Territorial acts in the form originally proposed to the Senate at the first session of the last Congress. It was manly and ingenuous, as well as patriotic and just, to do this directly and plainly, and thus relieve the statute book of an act which might be of possible future injury, but of no possible future benefit; and the measure of its repeal was the final consummation and complete recognition of the principle that no portion of

the United States shall undertake through assumption of the powers of the General Government to dictate the social institutions of any other portion.



## Page 150

The scope and effect of the language of repeal were not left in doubt. It was declared in terms to be “the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.”

The measure could not be withstood upon its merits alone. It was attacked with violence on the false or delusive pretext that it constituted a breach of faith. Never was objection more utterly destitute of substantial justification. When before was it imagined by sensible men that a regulative or declarative statute, whether enacted ten or forty years ago, is irrevocable; that an act of Congress is above the Constitution? If, indeed, there were in the facts any cause to impute bad faith, it would attach to those only who have never ceased, from the time of the enactment of the restrictive provision to the present day, to denounce and condemn it; who have constantly refused to complete it by needful supplementary legislation; who have spared no exertion to deprive it of moral force; who have themselves again and again attempted its repeal by the enactment of incompatible provisions, and who, by the inevitable reactionary effect of their own violence on the subject, awakened the country to perception of the true constitutional principle of leaving the matter involved to the discretion of the people of the respective existing or incipient States.

It is not pretended that this principle or any other precludes the possibility of evils in practice, disturbed, as political action is liable to be, by human passions. No form of government is exempt from inconveniences; but in this case they are the result of the abuse, and not of the legitimate exercise, of the powers reserved or conferred in the organization of a Territory. They are not to be charged to the great principle of popular sovereignty. On the contrary, they disappear before the intelligence and patriotism of the people, exerting through the ballot box their peaceful and silent but irresistible power.

If the friends of the Constitution are to have another struggle, its enemies could not present a more acceptable issue than that of a State whose constitution clearly embraces “a republican form of government” being excluded from the Union because its domestic institutions may not in all respects comport with the ideas of what is wise and expedient entertained in some other State. Fresh from groundless imputations of breach of faith against others, men will commence the agitation of this new question with indubitable violation of an express compact between the independent sovereign powers of the United States and of the Republic of Texas, as well as of the older and equally solemn compacts which assure the equality of all the States.



## Page 151

But deplorable as would be such a violation of compact in itself and in all its direct consequences, that is the very least of the evils involved. When sectional agitators shall have succeeded in forcing on this issue, can their pretensions fail to be met by counter pretensions? Will not different States be compelled, respectively, to meet extremes with extremes? And if either extreme carry its point, what is that so far forth but dissolution of the Union? If a new State, formed from the territory of the United States, be absolutely excluded from admission therein, that fact of itself constitutes the disruption of union between it and the other States. But the process of dissolution could not stop there. Would not a sectional decision producing such result by a majority of votes, either Northern or Southern, of necessity drive out the oppressed and aggrieved minority and place in presence of each other two irreconcilably hostile confederations?

It is necessary to speak thus plainly of projects the offspring of that sectional agitation now prevailing in some of the States, which are as impracticable as they are unconstitutional, and which if persevered in must and will end calamitously. It is either disunion and civil war or it is mere angry, idle, aimless disturbance of public peace and tranquillity. Disunion for what? If the passionate rage of fanaticism and partisan spirit did not force the fact upon our attention, it would be difficult to believe that any considerable portion of the people of this enlightened country could have so surrendered themselves to a fanatical devotion to the supposed interests of the relatively few Africans in the United States as totally to abandon and disregard the interests of the 25,000,000 Americans; to trample under foot the injunctions of moral and constitutional obligation, and to engage in plans of vindictive hostility against those who are associated with them in the enjoyment of the common, heritage of our national institutions.

Nor is it hostility against their fellow-citizens of one section of the Union alone. The interests, the honor, the duty, the peace, and the prosperity of the people of all sections are equally involved and imperiled in this question. And are patriotic men in any part of the Union prepared on such issue thus madly to invite all the consequences of the forfeiture of their constitutional engagements? It is impossible. The storm of frenzy and faction must inevitably dash itself in vain against the unshaken rock of the Constitution. I shall never doubt it. I know that the Union is stronger a thousand times than all the wild and chimerical schemes of social change which are generated one after another in the unstable minds of visionary sophists and interested agitators. I rely confidently on the patriotism of the people, on the dignity and self-respect of the States, on the wisdom of Congress, and, above all, on the continued gracious favor of Almighty God to maintain against all enemies, whether at home or abroad, the sanctity of the Constitution and the integrity of the Union.



## Page 152

FRANKLIN PIERCE.

### **SPECIAL MESSAGES.**

WASHINGTON, *December 26, 1855.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 17th instant, I send herewith the "memorial of citizens of New Orleans, complaining of the irregularity of the mail service between Washington and New Orleans." I deem it proper also to transmit with the memorial my note of the 18th instant to the memorialists and a copy of the letter of the Postmaster-General therein referred to.

FRANKLIN PIERCE.

WASHINGTON, *December 27, 1855.*

*To the Senate of the United States:*

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and Nicaragua, signed at Granada on the 20th day of June, A.D. 1855.

FRANKLIN PIERCE.

WASHINGTON, *December 27, 1855.*

*To the Senate of the United States:*

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and the Kingdom of the Two Sicilies and a declaration as to the construction thereof, both signed at Naples on the 1st day of October last.

FRANKLIN PIERCE.

WASHINGTON, *December 27, 1855.*

*To the Senate of the United States:*

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and His Majesty the King of the Hawaiian Islands, signed in Washington the 20th day of July, A.D. 1855.

FRANKLIN PIERCE.



WASHINGTON CITY, *January 3, 1856.*

*To the Senate of the United States:*

I herewith lay before the Senate, for its constitutional action thereon, the following-described Indian treaties, negotiated by George W. Manypenny and Henry C. Gilbert, as commissioners on the part of the United States:

A. Treaty with the Chippewas of Saginaw, Swan Creek, and Black River, dated 2d August, 1855.

B. Treaty with the Chippewas of Sault Ste. Marie, dated August 2, 1855.

C. Treaty with the Ottawas and Chippewas, dated July 31, 1855.

FRANKLIN PIERCE.

WASHINGTON, *January 11, 1856.*

*To the Senate of the United States:*

I transmit to the Senate a report from the Secretary of State, with the accompanying document,[51] in answer to their resolution of yesterday.

FRANKLIN PIERCE.

[Footnote 51: Letter of Lord John Russell declaring that the British Government intends to adhere to the treaty of Washington of April 19, 1850, and not to assume any sovereignty in Central America.]

WASHINGTON CITY, *January 21, 1856.*

*To the Senate of the United States:*

I communicate to the Senate herewith a letter from the Secretary of the Interior, accompanying six several treaties negotiated by Governor Meriwether, of New Mexico, with the Indians in that Territory, for its constitutional action thereon.



## Page 153

FRANKLIN PIERCE.

WASHINGTON, *January 23, 1856.*

*To the Senate of the United States:*

I communicate herewith to the Senate, for its constitutional action thereon, a treaty between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded in this city on the 22d day of June, 1855.

FRANKLIN PIERCE.

WASHINGTON, *January 24, 1856.*

*To the Senate and House of Representatives:*

Circumstances have occurred to disturb the course of governmental organization in the Territory of Kansas and produce there a condition of things which renders it incumbent on me to call your attention to the subject and urgently to recommend the adoption by you of such measures of legislation as the grave exigencies of the case appear to require.

A brief exposition of the circumstances referred to and of their causes will be necessary to the full understanding of the recommendations which it is proposed to submit.

The act to organize the Territories of Nebraska and Kansas was a manifestation of the legislative opinion of Congress on two great points of constitutional construction: One, that the designation of the boundaries of a new Territory and provision for its political organization and administration as a Territory are measures which of right fall within the powers of the General Government; and the other, that the inhabitants of any such Territory, considered as an inchoate State, are entitled, in the exercise of self-government, to determine for themselves what shall be their own domestic institutions, subject only to the Constitution and the laws duly enacted by Congress under it and to the power of the existing States to decide, according to the provisions and principles of the Constitution, at what time the Territory shall be received as a State into the Union. Such are the great political rights which are solemnly declared and affirmed by that act.

Based upon this theory, the act of Congress defined for each Territory the outlines of republican government, distributing public authority among lawfully created agents—executive, judicial, and legislative—to be appointed either by the General Government or by the Territory. The legislative functions were intrusted to a council and a house of representatives, duly elected, and empowered to enact all the local laws which they might deem essential to their prosperity, happiness, and good government. Acting in the same spirit, Congress also defined the persons who were in the first instance to be considered as the people of each Territory, enacting that every free white male

inhabitant of the same above the age of 21 years, being an actual resident thereof and possessing the qualifications hereafter described, should be entitled to vote at the first election and be eligible to any office within the Territory, but that the qualification of voters and holding office at all subsequent elections

## Page 154

should be such as might be prescribed by the legislative assembly; provided, however, that the right of suffrage and of holding office should be exercised only by citizens of the United States and those who should have declared on oath their intention to become such and have taken an oath to support the Constitution of the United States and the provisions of the act; and provided further, that no officer, soldier, seaman, or marine or other person in the Army or Navy of the United States or attached to troops in their service should be allowed to vote or hold office in either Territory by reason of being on service therein.

Such of the public officers of the Territories as by the provisions of the act were to be appointed by the General Government, including the governors, were appointed and commissioned in due season, the law having been enacted on the 30th of May, 1854, and the commission of the governor of the Territory of Nebraska being dated on the 2d day of August, 1854, and of the Territory of Kansas on the 29th day of June, 1854. Among the duties imposed by the act on the governors was that of directing and superintending the political organization of the respective Territories.

The governor of Kansas was required to cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as he might designate and appoint; to appoint and direct the time and places of holding the first elections, and the manner of conducting them, both as to the persons to superintend such elections and the returns thereof; to declare the number of the members of the council and the house of representatives for each county or district; to declare what persons might appear to be duly elected, and to appoint the time and place of the first meeting of the legislative assembly. In substance, the same duties were devolved on the governor of Nebraska.

While by this act the principle of constitution for each of the Territories was one and the same and the details of organic legislation regarding both were as nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 16th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local maladministration and partly of the unjustifiable interference of the inhabitants of some of the States, foreign by residence, interests, and rights to the Territory.



## Page 155

The governor of the Territory of Kansas, commissioned as before stated, on the 29th of June, 1854, did not reach the designated seat of his government until the 7th of the ensuing October, and even then failed to make the first step in its legal organization, that of ordering the census or enumeration of its inhabitants, until so late a day that the election of the members of the legislative assembly did not take place until the 30th of March, 1855, nor its meeting until the 2d of July, 1855. So that for a year after the Territory was constituted by the act of Congress and the officers to be appointed by the Federal Executive had been commissioned it was without a complete government, without any legislative authority, without local law, and, of course, without the ordinary guaranties of peace and public order.

In other respects the governor, instead of exercising constant vigilance and putting forth all his energies to prevent or counteract the tendencies to illegality which are prone to exist in all imperfectly organized and newly associated communities, allowed his attention to be diverted from official obligations by other objects, and himself set an example of the violation of law in the performance of acts which rendered it my duty in the sequel to remove him from the office of chief executive magistrate of the Territory.

Before the requisite preparation was accomplished for election of a Territorial legislature, an election of Delegate to Congress had been held in the Territory on the 29th day of November, 1854, and the Delegate took his seat in the House of Representatives without challenge. If arrangements had been perfected by the governor so that the election for members of the legislative assembly might be held in the several precincts at the same time as for Delegate to Congress, any question appertaining to the qualification of the persons voting as people of the Territory would have passed necessarily and at once under the supervision of Congress, as the judge of the validity of the return of the Delegate, and would have been determined before conflicting passions had become inflamed by time, and before opportunity could have been afforded for systematic interference of the people of individual States.

This interference, in so far as concerns its primary causes and its immediate commencement, was one of the incidents of that pernicious agitation on the subject of the condition of the colored persons held to service in some of the States which has so long disturbed the repose of our country and excited individuals, otherwise patriotic and law abiding, to toil with misdirected zeal in the attempt to propagate their social theories by the perversion and abuse of the powers of Congress.



## Page 156

The persons and the parties whom the tenor of the act to organize the Territories of Nebraska and Kansas thwarted in the endeavor to impose, through the agency of Congress, their particular views of social organization on the people of the future new States now perceiving that the policy of leaving the inhabitants of each State to judge for themselves in this respect was ineradicably rooted in the convictions of the people of the Union, then had recourse, in the pursuit of their general object, to the extraordinary measure of propagandist colonization of the Territory of Kansas to prevent the free and natural action of its inhabitants in its internal organization, and thus to anticipate or to force the determination of that question in this inchoate State.

With such views associations were organized in some of the States, and their purposes were proclaimed through the press in language extremely irritating and offensive to those of whom the colonists were to become the neighbors. Those designs and acts had the necessary consequence to awaken emotions of intense indignation in States near to the Territory of Kansas, and especially in the adjoining State of Missouri, whose domestic peace was thus the most directly endangered; but they are far from justifying the illegal and reprehensible countermovements which ensued.

Under these inauspicious circumstances the primary elections for members of the legislative assembly were held in most, if not all, of the precincts at the time and the places and by the persons designated and appointed by the governor according to law.

Angry accusations that illegal votes had been polled abounded on all sides, and imputations were made both of fraud and violence. But the governor, in the exercise of the power and the discharge of the duty conferred and imposed by law on him alone, officially received and considered the returns, declared a large majority of the members of the council and the house of representatives "duly elected," withheld certificates from others because of alleged illegality of votes, appointed a new election to supply the places of the persons not certified, and thus at length, in all the forms of statute, and with his own official authentication, complete legality was given to the first legislative assembly of the Territory.

Those decisions of the returning officers and of the governor are final, except that by the parliamentary usage of the country applied to the organic law it may be conceded that each house of the assembly must have been competent to determine in the last resort the qualifications and the election of its members. The subject was by its nature one appertaining exclusively to the jurisdiction of the local authorities of the Territory. Whatever irregularities may have occurred in the elections, it seems too late now to raise that question. At all events, it is a question as to which, neither now nor at any previous time, has the least possible legal authority been possessed by the President of the United States. For all present purposes the legislative body thus constituted and elected was the legitimate legislative assembly of the Territory.



## Page 157

Accordingly the governor by proclamation convened the assembly thus elected to meet at a place called Pawnee City; the two houses met and were duly organized in the ordinary parliamentary form; each sent to and received from the governor the official communications usual on such occasions; an elaborate message opening the session was communicated by the governor, and the general business of legislation was entered upon by the legislative assembly.

But after a few days the assembly resolved to adjourn to another place in the Territory. A law was accordingly passed, against the consent of the governor, but in due form otherwise, to remove the seat of government temporarily to the "Shawnee Manual Labor School" (or mission), and thither the assembly proceeded. After this, receiving a bill for the establishment of a ferry at the town of Kickapoo, the governor refused to sign it, and by special message assigned for reason of refusal not anything objectionable in the bill itself nor any pretense of the illegality or incompetency of the assembly as such, but only the fact that the assembly had by its act transferred the seat of government temporarily from Pawnee City to the Shawnee Mission. For the same reason he continued to refuse to sign other bills until in the course of a few days he by official message communicated to the assembly the fact that he had received notification of the termination of his functions as governor, and that the duties of the office were legally devolved on the secretary of the Territory; thus to the last recognizing the body as a duly elected and constituted legislative assembly.

It will be perceived that if any constitutional defect attached to the legislative acts of the assembly it is not pretended to consist in irregularity of election or want of qualification of the members, but only in the change of its place of session. However trivial this objection may seem to be, it requires to be considered, because upon it is founded all that superstructure of acts, plainly against law, which now threaten the peace, not only of the Territory of Kansas, but of the Union.

Such an objection to the proceedings of the legislative assembly was of exceptionable origin, for the reason that by the express terms of the organic law the seat of government of the Territory was "located temporarily at Fort Leavenworth;" and yet the governor himself remained there less than two months, and of his own discretion transferred the seat of government to the Shawnee Mission, where it in fact was at the time the assembly were called to meet at Pawnee City. If the governor had any such right to change temporarily the seat of government, still more had the legislative assembly. The objections are of exceptionable origin for the further reason that the place indicated by the governor, without having any exclusive claim of preference in itself, was a proposed town site only, which he and others were attempting to locate unlawfully upon land within



## Page 158

a military reservation, and for participation in which illegal act the commandant of the post, a superior officer in the Army, has been dismissed by sentence of court-martial. Nor is it easy to see why the legislative assembly might not with propriety pass the Territorial act transferring its sittings to the Shawnee Mission. If it could not, that must be on account of some prohibitory or incompatible provision of act of Congress; but no such provision exists. The organic act, as already quoted, says "the seat of government is hereby located temporarily at Fort Leavenworth;" and it then provides that certain of the public buildings there "may be occupied and used under the direction of the governor and legislative assembly." These expressions might possibly be construed to imply that when, in a previous section of the act, it was enacted that "the first legislative assembly shall meet at such place and on such day as the governor shall appoint," the word "place" means place at Fort Leavenworth, not place anywhere in the Territory. If so, the governor would have been the first to err in this matter, not only in himself having removed the seat of government to the Shawnee Mission, but in again removing it to Pawnee City. If there was any departure from the letter of the law, therefore, it was his in both instances. But however this may be, it is most unreasonable to suppose that by the terms of the organic act Congress intended to do impliedly what it has not done expressly—that is, to forbid to the legislative assembly the power to choose any place it might see fit as the temporary seat of its deliberations. That is proved by the significant language of one of the subsequent acts of Congress on the subject—that of March 3, 1855—which, in making appropriation for public buildings of the Territory, enacts that the same shall not be expended "until the legislature of said Territory shall have fixed by law the permanent seat of government." Congress in these expressions does not profess to be granting the power to fix the permanent seat of government, but recognizes the power as one already granted. But how? Undoubtedly by the comprehensive provision of the organic act itself, which declares that "the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act." If in view of this act the legislative assembly had the large power to fix the permanent seat of government at any place in its discretion, of course by the same enactment it had the less and the included power to fix it temporarily.

Nevertheless, the allegation that the acts of the legislative assembly were illegal by reason of this removal of its place of session was brought forward to justify the first great movement in disregard of law within the Territory. One of the acts of the legislative assembly provided for the election of a Delegate to the present Congress, and a Delegate was elected under that law. But subsequently to this a portion of the people of the Territory proceeded without authority of law to elect another Delegate.



## Page 159

Following upon this movement was another and more important one of the same general character. Persons confessedly not constituting the body politic or all the inhabitants, but merely a party of the inhabitants, and without law, have undertaken to summon a convention for the purpose of transforming the Territory into a State, and have framed a constitution, adopted it, and under it elected a governor and other officers and a Representative to Congress. In extenuation of these illegal acts it is alleged that the States of California, Michigan, and others were self-organized, and as such were admitted into the Union without a previous enabling act of Congress. It is true that while in a majority of cases a previous act of Congress has been passed to authorize the Territory to present itself as a State, and that this is deemed the most regular course, yet such an act has not been held to be indispensable, and in some cases the Territory has proceeded without it, and has nevertheless been admitted into the Union as a State. It lies with Congress to authorize beforehand or to confirm afterwards, in its discretion. But in no instance has a State been admitted upon the application of persons acting against authorities duly constituted by act of Congress. In every case it is the people of the Territory, not a party among them, who have the power to form a constitution and ask for admission as a State. No principle of public law, no practice or precedent under the Constitution of the United States, no rule of reason, right, or common sense, confers any such power as that now claimed by a mere party in the Territory. In fact what has been done is of revolutionary character. It is avowedly so in motive and in aim as respects the local law of the Territory. It will become treasonable insurrection if it reach the length of organized resistance by force to the fundamental or any other Federal law and to the authority of the General Government. In such an event the path of duty for the Executive is plain. The Constitution requiring him to take care that the laws of the United States be faithfully executed, if they be opposed in the Territory of Kansas he may, and should, place at the disposal of the marshal any public force of the United States which happens to be within the jurisdiction, to be used as a portion of the *posse comitatus*; and if that do not suffice to maintain order, then he may call forth the militia of one or more States for that object, or employ for the same object any part of the land or naval force of the United States. So, also, if the obstruction be to the laws of the Territory, and it be duly presented to him as a case of insurrection, he may employ for its suppression the militia of any State or the land or naval force of the United States. And if the Territory be invaded by the citizens of other States, whether for the purpose of deciding elections or for any other, and the local authorities find themselves unable to repel or withstand it, they will be entitled to, and upon the fact being fully ascertained they shall most certainly receive, the aid of the General Government.



## Page 160

But it is not the duty of the President of the United States to volunteer interposition by force to preserve the purity of elections either in a State or Territory. To do so would be subversive of public freedom. And whether a law be wise or unwise, just or unjust, is not a question for him to judge. If it be constitutional—that is, if it be the law of the land—it is his duty to cause it to be executed, or to sustain the authorities of any State or Territory in executing it in opposition to all insurrectionary movements.

Our system affords no justification of revolutionary acts, for the constitutional means of relieving the people of unjust administration and laws, by a change of public agents and by repeal, are ample, and more prompt and effective than illegal violence. These means must be scrupulously guarded, this great prerogative of popular sovereignty sacredly respected.

It is the undoubted right of the peaceable and orderly people of the Territory of Kansas to elect their own legislative body, make their own laws, and regulate their own social institutions, without foreign or domestic molestation. Interference on the one hand to procure the abolition or prohibition of slave labor in the Territory has produced mischievous interference on the other for its maintenance or introduction. One wrong begets another. Statements entirely unfounded, or grossly exaggerated, concerning events within the Territory are sedulously diffused through remote States to feed the flame of sectional animosity there, and the agitators there exert themselves indefatigably in return to encourage and stimulate strife within the Territory.

The inflammatory agitation, of which the present is but a part, has for twenty years produced nothing save unmitigated evil, North and South. But for it the character of the domestic institutions of the future new State would have been a matter of too little interest to the inhabitants of the contiguous States, personally or collectively, to produce among them any political emotion. Climate, soil, production, hopes of rapid advancement and the pursuit of happiness on the part of the settlers themselves, with good wishes, but with no interference from without, would have quietly determined the question which is at this time of such disturbing character.

But we are constrained to turn our attention to the circumstances of embarrassment as they now exist. It is the duty of the people of Kansas to discountenance every act or purpose of resistance to its laws. Above all, the emergency appeals to the citizens of the States, and especially of those contiguous to the Territory, neither by intervention of nonresidents in elections nor by unauthorized military force to attempt to encroach upon or usurp the authority of the inhabitants of the Territory.

No citizen of our country should permit himself to forget that he is a part of its Government and entitled to be heard in the determination of its policy and its measures, and that therefore the highest considerations of personal honor and patriotism require him to maintain by whatever of power or influence he may possess the integrity of the laws of the Republic.



## Page 161

Entertaining these views, it will be my imperative duty to exert the whole power of the Federal Executive to support public order in the Territory; to vindicate its laws, whether Federal or local, against all attempts of organized resistance, and so to protect its people in the establishment of their own institutions, undisturbed by encroachment from without, and in the full enjoyment of the rights of self-government assured to them by the Constitution and the organic act of Congress.

Although serious and threatening disturbances in the Territory of Kansas, announced to me by the governor in December last, were speedily quieted without the effusion of blood and in a satisfactory manner, there is, I regret to say, reason to apprehend that disorders will continue to occur there, with increasing tendency to violence, until some decisive measure be taken to dispose of the question itself which constitutes the inducement or occasion of internal agitation and of external interference.

This, it seems to me, can best be accomplished by providing that when the inhabitants of Kansas may desire it and shall be of sufficient number to constitute a State, a convention of delegates, duly elected by the qualified voters, shall assemble to frame a constitution, and thus to prepare through regular and lawful means for its admission into the Union as a State.

I respectfully recommend the enactment of a law to that effect.

I recommend also that a special appropriation be made to defray any expense which may become requisite in the execution of the laws or the maintenance of public order in the Territory of Kansas.

FRANKLIN PIERCE.

WASHINGTON, *January 25, 1856.*

*To the Senate of the United States:*

By the inclosed letter of the Secretary of the Treasury it appears that \$24,233 belonging to the Chickasaw Indians should be invested in stocks of the United States, by and with the advice and consent of the Senate. I therefore recommend that the necessary authority be given for that purpose.

FRANKLIN PIERCE.

WASHINGTON, *January 28, 1856.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, in answer to the resolution of the Senate of the 10th of January, calling for the correspondence between the Secretary



of State and Edward Worrell while the latter was acting as consul at Matanzas in relation to the estates of deceased American citizens on the island of Cuba.

FRANKLIN PIERCE.

WASHINGTON, *January, 1856.*

*To the Senate:*

I transmit herewith a copy of the "proceedings of the court-martial in the case of Colonel Montgomery, of the United States Army," as requested by the resolution of the Senate of the 7th instant.

FRANKLIN PIERCE.

WASHINGTON, *February 5, 1856.*



## Page 162

*To the Senate of the United States:*

In further compliance with the Senate's resolution adopted in executive session on the 15th January last, in respect to the correspondence relating to the estates of deceased American citizens on the island of Cuba, I transmit a report from the Secretary of State, with the papers which accompanied it.

FRANKLIN PIERCE.

WASHINGTON, *February 14, 1856.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State, in answer to the resolution of the Senate of the 17th ultimo, requesting transcripts of certain correspondence and other papers touching the Republics of Nicaragua and Costa Rica, the Mosquito Indians, and the convention between the United States and Great Britain of April 19, 1850.

FRANKLIN PIERCE.

WASHINGTON, *February 18, 1856.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 4th instant, requesting transcripts of certain papers relative to the affairs of the Territory of Kansas, I transmit a report from the Secretary of State and the documents which accompanied it.

FRANKLIN PIERCE.

WASHINGTON, *February 21, 1856.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of War and accompanying documents, also of the Secretary of the Navy and accompanying documents, in answer to a resolution of the Senate passed the 11th February, "that the President of the United States be requested to communicate to the Senate copies of all the correspondence between the different Departments of the Government and the officers of the Army and Navy (not heretofore communicated) on the Pacific Coast touching the Indian disturbances in California, Oregon, and Washington."

FRANKLIN PIERCE.

WASHINGTON, *February 25, 1856.*



*To the Senate and House of Representatives:*

I transmit a copy of a letter of the 7th of March last from the acting commissioner of the United States in China, and of the regulations and notification which accompanied it, for such revision thereof as Congress may deem expedient, pursuant to the sixth section of the act approved 11th August, 1848.

FRANKLIN PIERCE.

WASHINGTON, *February 25, 1856.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, a treaty made and concluded on the 17th October, 1855, by and between A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the Blackfeet and other tribes of Indians on the Upper Missouri and Yellowstone rivers.

FRANKLIN PIERCE.

WASHINGTON, *February 26, 1856.*

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



## Page 163

I herewith transmit and recommend to the favorable consideration of Congress a communication from the Secretary of War, asking a special appropriation of \$3,000,000 to prepare armaments and ammunition for the fortifications, to increase the supply of improved small arms, and to apply recent improvements to arms of old patterns belonging to the United States and the several States.

FRANKLIN PIERCE.

WASHINGTON, *February 27, 1856.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 25th instant, I transmit reports[52] from the Secretary of State and the Attorney-General, to whom the resolution was referred.

FRANKLIN PIERCE.

[Footnote 52: Relating to the enlistment of soldiers within the United States by agents of the British Government.]

WASHINGTON, *February 29, 1856.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State, with accompanying papers,[53] in answer to the resolution of the Senate of yesterday.

FRANKLIN PIERCE.

[Footnote 53: Relating to an offer of the British Government to refer to the arbitrament of some friendly power the questions of difference between the United States and Great Britain upon the construction of the convention of April 19, 1850.]

WASHINGTON, *March 4, 1856.*

*To the House of Representatives:*

I transmit a report on the commercial relations of the United States with all foreign nations, in answer to the resolution of the House of Representatives of December 14, 1853.

FRANKLIN PIERCE.

WASHINGTON, *March, 4, 1856.*



*To the Senate of the United States:*

I herewith communicate to the Senate, for its constitutional action thereon, two treaties recently negotiated by Francis Huebochmann, the superintendent of Indian affairs for the northern superintendency, one with the Menominee Indians and the other with the Stockbridge and Munsee Indians, and more particularly referred to in the accompanying communications of the Secretary of the Interior of this date.

FRANKLIN PIERCE.

WASHINGTON, *March 5, 1856.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 21st ultimo, I transmit herewith a report from the Secretary of the Interior, with accompanying papers.[54]

FRANKLIN PIERCE.

[Footnote 54: Correspondence relative to transportation of the mails, *etc.*, over the Illinois Central Railroad.]

EXECUTIVE OFFICE, *March 5, 1856.*

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

I present herewith a communication from the Secretary of the Interior, in relation to Indian disturbances in the Territories of Oregon and Washington, and recommending an immediate appropriation of \$300,000. I commend this subject to your early consideration.



## Page 164

FRANKLIN PIERCE.

WASHINGTON, *March 5, 1856.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 26th ultimo, requesting information in regard to the site selected for the building to be used for the preservation of the ordnance, arms, *etc.*, of the United States, under the act approved March 3, 1855, I transmit a letter from the Secretary of War, with an accompanying report of the Chief of Ordnance, containing the information.

FRANKLIN PIERCE.

WASHINGTON, *March 10, 1856.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 21st ultimo, requesting the President of the United States to "communicate to the Senate any correspondence which may have taken place between the Illinois Central Railroad Company and any of the Departments of the Government," *etc.*, I transmit herewith communications from the Secretary of the Treasury and from the Postmaster-General, together with the accompanying papers.[55]

FRANKLIN PIERCE.

[Footnote 55: Correspondence relative to transportation of the mails, *etc.*, over the Illinois Central Railroad.]

WASHINGTON, *March 14, 1856.*

*To the House of Representatives:*

I herewith communicate to the House of Representatives, in compliance with their resolution of the 28th ultimo, a report from the Secretary of the Interior, containing such information as is in possession of his Department touching the cause of the difficulties existing between the Creek and Seminole Indians since their emigration west of the Mississippi River.

FRANKLIN PIERCE.

*To the House of Representatives:*



I herewith transmit to the House of Representatives a report of the Secretary of War, with copies prepared in compliance with a resolution of the House of the 28th ultimo, requesting "copies of all correspondence, documents, and papers in relation to the compensation and emoluments of Brevet Lieutenant-General Scott under the joint resolution of Congress approved February 15, 1855."

FRANKLIN PIERCE.

MARCH 17, 1856.

WASHINGTON, *March 17, 1856.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 27th ultimo, on the subject of correspondence between this Government and that of Great Britain touching the Clayton and Bulwer convention, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *March 17, 1856.*

*To the Senate and House of Representatives:*

I transmit to Congress the copy of a correspondence which has recently taken place between Her Britannic Majesty's minister accredited to this Government and the Secretary of State, in order that the expediency of sanctioning the acceptance by the officers of the United States who were in the American expedition in search of Sir John Franklin of such token of thankfulness as may be offered to them on the part of Her Majesty's Government for their services on the occasion referred to may be taken into consideration.



## Page 165

FRANKLIN PIERCE.

WASHINGTON, *March 20, 1856.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 26th ultimo, I herewith communicate "a copy of the report, with the maps, of an exploration of the Big Witchitaw and the head waters of the Brazos rivers, made by Captain R.B. Marcy, of the United States Army, while engaged in locating lands for the Indians of Texas in the year 1854."

FRANKLIN PIERCE.

WASHINGTON, *March 24, 1856.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 18th of last month, requesting the transmission of documents touching the affairs of the Territory of Kansas, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

## EXECUTIVE OFFICE,

*Washington, March 24, 1856.*

Hon. NATHANIEL P. BANKS,

*Speaker of the House of Representatives:*

I herewith transmit to the House of Representatives, in obedience to their resolution of the 17th instant, a communication from the Secretary of the Interior, accompanied by a copy of the report of Superintendent Cumming in regard to his late expedition among the tribes of Indians on the Upper Missouri.

FRANKLIN PIERCE.

WASHINGTON, *April 1, 1856.*

*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 the Grand Duchy of Baden for the mutual surrender of fugitive criminals, concluded at Berlin on the 10th ultimo.



FRANKLIN PIERCE.

WASHINGTON, *April 3, 1856.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 27th ultimo, requesting additional documents relating to the condition of affairs in Kansas Territory, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *April 9, 1856.*

*To the Senate and House of Representatives:*

In execution of an act of Congress entitled "An act to provide for the accommodation of the courts of the United States for the district of Maryland and for a post-office at Baltimore city, Md.," approved February 17, 1855, I communicate herewith, for the consideration of Congress, copies of conditional contracts which I have caused to be executed for two sites, with buildings thereon, together with plans and estimates for fitting up and furnishing the same.

FRANKLIN PIERCE.

WASHINGTON, *April 9, 1856.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of State, with accompanying document, [56] in compliance with the resolution of the House of Representatives of the 4th instant.



## Page 166

FRANKLIN PIERCE.

[Footnote 56: Dispatch from the United States minister at Naples relative to the saving from shipwreck of certain American vessels and their crews by officers of the Neapolitan navy and marine service.]

WASHINGTON, *April 10th, 1856.*

*To the Senate of the United States:*

I transmit herewith a report of the Secretary of the Interior, with accompanying documents, in compliance with a resolution of the Senate of the 6th ultimo. The documents, it is believed, contain all the information in the Executive Departments upon the subject[57] to which the resolution refers.

FRANKLIN PIERCE.

[Footnote 57: Claim of Richard W. Thompson for alleged services to the Menominee Indians.]

WASHINGTON, *April, 1856.*

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

I communicate to Congress herewith a letter from the Secretary of the Interior and a copy of a conditional contract entered into, under instructions from that Department, for the purchase of a lot and the building thereon, for the use of the United States courts at Philadelphia, in the State of Pennsylvania, and recommend that an appropriation of \$78,000 be made to complete the same.

FRANKLIN PIERCE.

WASHINGTON, *April 14, 1856.*

*To the Senate of the United States:*

I transmit herewith the report of the Secretary of War, with the accompanying documents, in answer to the resolution of the Senate of the 7th instant, respecting "the steps pursued in execution of the clause of the act making appropriations for the civil and diplomatic expenses of the Government, approved March 3, 1855, which provides for the construction of an armory for the District of Columbia."

The selection of the site was made after a full hearing of the parties interested and a personal examination by myself of all the sites suggested as suitable for the purpose.



It will be perceived upon an examination of the accompanying documents that although two additional purposes were added by Congress after the estimate of the War Department was made, and the expense of the structure consequently increased, still by the terms of my indorsement on the report of the colonel of ordnance fixing the site, the size and arrangement of the building were to be such that it could be *completed* without exceeding the appropriation of \$30,000, and that this requirement has been strictly adhered to in every stage of the proceedings.

FRANKLIN PIERCE.

WASHINGTON, *April 14, 1856.*

*To the Senate of the United States:*

I transmit herewith the report of the Secretary of State, with the accompanying documents, in answer to the resolution of the Senate of the 20th ultimo, respecting the adjustment of the boundary line and the payment of the three millions under the treaty with Mexico of the 30th June [December], 1853.



## Page 167

FRANKLIN PIERCE.

WASHINGTON, *April 17, 1856.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith reports of the Secretaries of the War and Interior Departments, in response to the resolution of the House of Representatives of the 31st ultimo, calling for information in relation to the origin, progress, and present condition of Indian hostilities in the Territories of Oregon and Washington, and also of the means which have been adopted to preserve peace and protect the inhabitants of said Territories.

FRANKLIN PIERCE.

WASHINGTON, *April 29, 1856.*

*To the Senate of the United States:*

I transmit herewith the report of the Secretary of State, with the accompanying documents, in answer to the resolution of the Senate of the 24th February, 1855, in relation to the settlement of the controversy respecting the Lobos Islands.

FRANKLIN PIERCE.

WASHINGTON, *April 30, 1856.*

*To the House of Representatives:*

I transmit herewith to the House of Representatives a report<sup>[58]</sup> from the Secretary of State, in answer to their resolution of the 7th instant.

FRANKLIN PIERCE.

[Footnote 58: Relating to indemnification by the Spanish Government of the captains, owners, and crews of the bark *Georgiana* and the brig *Susan Loud* for their capture and confiscation by the Spanish authorities.]

WASHINGTON, *May 3, 1856.*

*To the Senate and House of Representatives:*

I communicate herewith a letter of the Postmaster-General, with accompanying correspondence, in relation to mail transportation between our Atlantic and Pacific possessions, and earnestly commend the subject to the early consideration of Congress.



FRANKLIN PIERCE.

WASHINGTON, *May 3, 1856.*

*To the Senate of the United States:*

I communicate herewith a letter from the Secretary of War, with accompanying papers, in response to a resolution of the Senate of the 21st ultimo, upon the subject of damages which will be "incurred by the United States in case of the repeal of so much of the act of March 3, 1855, as provides for the construction of an armory in the District of Columbia," and also a further answer from the Secretary of War to the resolution of the Senate of the 7th ultimo, requesting a full report of the steps pursued in execution of the clause of the act making appropriations for the civil and diplomatic expenses of the Government, approved March 2, 1855, which provides for the construction of the armory in this District before referred to.

FRANKLIN PIERCE.

WASHINGTON, *May 15, 1856.*

*To the Senate and House of Representatives:*

I transmit herewith reports of the Secretary of State, the Secretary of the Navy, and the Attorney-General, in reply to a resolution of the Senate of the 24th of March last, and also to a resolution of the House of Representatives of the 8th of May instant, both having reference to the routes of transit between the Atlantic and Pacific oceans through the Republics of New Granada and Nicaragua and to the condition of affairs in Central America.



## Page 168

These documents relate to questions of the highest importance and interest to the people of the United States.

The narrow isthmus which connects the continents of North and South America, by the facilities it affords for easy transit between the Atlantic and Pacific oceans, rendered the countries of Central America an object of special consideration to all maritime nations, which has been greatly augmented in modern times by the operation of changes in commercial relations, especially those produced by the general use of steam as a motive power by land and sea. To us, on account of its geographical position and of our political interest as an American State of primary magnitude, that isthmus is of peculiar importance, just as the Isthmus of Suez is, for corresponding reasons, to the maritime powers of Europe. But above all, the importance to the United States of securing free transit across the American isthmus has rendered it of paramount interest to us since the settlement of the Territories of Oregon and Washington and the accession of California to the Union.

Impelled by these considerations, the United States took steps at an early day to assure suitable means of commercial transit by canal railway, or otherwise across this isthmus.

We concluded, in the first place, a treaty of peace, amity, navigation, and commerce with the Republic of New Granada, among the conditions of which was a stipulation on the part of New Granada guaranteeing to the United States the right of way or transit across that part of the Isthmus which lies in the territory of New Granada, in consideration of which the United States guaranteed in respect of the same territory the rights of sovereignty and property of New Granada.

The effect of this treaty was to afford to the people of the United States facilities for at once opening a common road from Chagres to Panama and for at length constructing a railway in the same direction, to connect regularly with steamships, for the transportation of mails, specie, and passengers to and fro between the Atlantic and Pacific States and Territories of the United States.

The United States also endeavored, but unsuccessfully, to obtain from the Mexican Republic the cession of the right of way at the northern extremity of the Isthmus by Tehuantepec, and that line of communication continues to be an object of solicitude to the people of this Republic.

In the meantime, intervening between the Republic of New Granada and the Mexican Republic lie the States of Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica, the several members of the former Republic of Central America. Here, in the territory of the Central American States, is the narrowest part of the Isthmus, and hither, of course, public attention has been directed as the most inviting field for enterprises of interoceanic communication between the opposite shores of America, and more especially to the territory of the States of Nicaragua and Honduras.

## Page 169

Paramount to that of any European State, as was the interest of the United States in the security and freedom of projected lines of travel across the Isthmus by the way of Nicaragua and Honduras, still we did not yield in this respect to any suggestions of territorial aggrandizement, or even of exclusive advantage, either of communication or of commerce. Opportunities had not been wanting to the United States to procure such advantage by peaceful means and with full and free assent of those who alone had any legitimate authority in the matter. We disregarded those opportunities from considerations alike of domestic and foreign policy, just as, even to the present day, we have persevered in a system of justice and respect for the rights and interests of others as well as our own in regard to each and all of the States of Central America.

It was with surprise and regret, therefore, that the United States learned a few days after the conclusion of the treaty of Guadalupe Hidalgo, by which the United States became, with the consent of the Mexican Republic, the rightful owners of California, and thus invested with augmented special interest in the political condition of Central America, that a military expedition, under the authority of the British Government, had landed at San Juan del Norte, in the State of Nicaragua, and taken forcible possession of that port, the necessary terminus of any canal or railway across the Isthmus within the territories of Nicaragua.

It did not diminish the unwelcomeness to us of this act on the part of Great Britain to find that she assumed to justify it on the ground of an alleged protectorship of a small and obscure band of uncivilized Indians, whose proper name had even become lost to history, who did not constitute a state capable of territorial sovereignty either in fact or of right, and all political interest in whom and in the territory they occupied Great Britain had previously renounced by successive treaties with Spain when Spain was sovereign to the country and subsequently with independent Spanish America.

Nevertheless, and injuriously affected as the United States conceived themselves to have been by this act of the British Government and by its occupation about the same time of insular and of continental portions of the territory of the State of Honduras, we remembered the many and powerful ties and mutual interests by which Great Britain and the United States are associated, and we proceeded in earnest good faith and with a sincere desire to do whatever might strengthen the bonds of peace between us to negotiate with Great Britain a convention to assure the perfect neutrality of all interoceanic communications across the Isthmus and, as the indispensable condition of such neutrality, the absolute independence of the States of Central America and their complete sovereignty within the limits of their own territory as well against Great Britain as against the United States. We supposed

## Page 170

we had accomplished that object by the convention of April 19, 1850, which would never have been signed nor ratified on the part of the United States but for the conviction that in virtue of its provisions neither Great Britain nor the United States was thereafter to exercise any territorial sovereignty in fact or in name in any part of Central America, however or whensoever acquired, either before or afterwards. The essential object of the convention—the neutralization of the Isthmus—would, of course, become a nullity if either Great Britain or the United States were to continue to hold exclusively islands or mainland of the Isthmus, and more especially if, under any claim of protectorship of Indians, either Government were to remain forever sovereign in fact of the Atlantic shores of the three States of Costa Rica, Nicaragua, and Honduras.

I have already communicated to the two Houses of Congress full information of the protracted and hitherto fruitless efforts which the United States have made to arrange this international question with Great Britain. It is referred to on the present occasion only because of its intimate connection with the special object now to be brought to the attention of Congress.

The unsettled political condition of some of the Spanish American Republics has never ceased to be regarded by this Government with solicitude and regret on their own account, while it has been the source of continual embarrassment in our public and private relations with them. In the midst of the violent revolutions and the wars by which they are continually agitated, their public authorities are unable to afford due protection to foreigners and to foreign interests within their territory, or even to defend their own soil against individual aggressors, foreign or domestic, the burden of the inconveniences and losses of which therefore devolves in no inconsiderable degree upon the foreign states associated with them in close relations of geographical vicinity or of commercial intercourse.

Such is more emphatically the situation of the United States with respect to the Republics of Mexico and of Central America. Notwithstanding, however, the relative remoteness of the European States from America, facts of the same order have not failed to appear conspicuously in their intercourse with Spanish American Republics. Great Britain has repeatedly been constrained to recur to measures of force for the protection of British interests in those countries. France found it necessary to attack the castle of San Juan de Uloa and even to debark troops at Vera Cruz in order to obtain redress of wrongs done to Frenchmen in Mexico.



## Page 171

What is memorable in this respect in the conduct and policy of the United States is that while it would be as easy for us to annex and absorb new territories in America as it is for European States to do this in Asia or Africa, and while if done by us it might be justified as well on the alleged ground of the advantage which would accrue therefrom to the territories annexed and absorbed, yet we have abstained from doing it, in obedience to considerations of right not less than of policy; and that while the courageous and self-reliant spirit of our people prompts them to hardy enterprises, and they occasionally yield to the temptation of taking part in the troubles of countries near at hand, where they know how potential their influence, moral and material, must be, the American Government has uniformly and steadily resisted all attempts of individuals in the United States to undertake armed aggression against friendly Spanish American Republics.

While the present incumbent of the executive office has been in discharge of its duties he has never failed to exert all the authority in him vested to repress such enterprises, because they are in violation of the law of the land, which the Constitution requires him to execute faithfully; because they are contrary to the policy of the Government, and because to permit them would be a departure from good faith toward those American Republics in amity with us, which are entitled to, and will never cease to enjoy, in their calamities the cordial sympathy, and in their prosperity the efficient good will, of the Government and of the people of the United States.

To say that our laws in this respect are sometimes violated or successfully evaded is only to say what is true of all laws in all countries, but not more so in the United States than in any one whatever of the countries of Europe. Suffice it to repeat that the laws of the United States prohibiting all foreign military enlistments or expeditions within our territory have been executed with impartial good faith, and, so far as the nature of things permits, as well in repression of private persons as of the official agents of other Governments, both of Europe and America.

Among the Central American Republics to which modern events have imparted most prominence is that of Nicaragua, by reason of its particular position on the Isthmus. Citizens of the United States have established in its territory a regular interoceanic transit route, second only in utility and value to the one previously established in the territory of New Granada. The condition of Nicaragua would, it is believed, have been much more prosperous than it has been but for the occupation of its only Atlantic port by a foreign power, and of the disturbing authority set up and sustained by the same power in a portion of its territory, by means of which its domestic sovereignty was impaired, its public lands were withheld from settlement, and it was deprived of all the maritime revenue which it would otherwise collect on imported merchandise at San Juan del Norte.



## Page 172

In these circumstances of the political debility of the Republic of Nicaragua, and when its inhabitants were exhausted by long-continued civil war between parties neither of them strong enough to overcome the other or permanently maintain internal tranquillity, one of the contending factions of the Republic invited the assistance and cooperation of a small body of citizens of the United States from the State of California, whose presence, as it appears, put an end at once to civil war and restored apparent order throughout the territory of Nicaragua, with a new administration, having at its head a distinguished individual, by birth a citizen of the Republic, D. Patricio Rivas, as its provisional President.

It is the established policy of the United States to recognize all governments without question of their source or their organization, or of the means by which the governing persons attain their power, provided there be a government *de facto* accepted by the people of the country, and with reserve only of the time as to the recognition of revolutionary governments arising out of the subdivision of parent states with which we are in relations of amity. We do not go behind the fact of a foreign government exercising actual power to investigate questions of legitimacy; we do not inquire into the causes which may have led to a change of government. To us it is indifferent whether a successful revolution has been aided by foreign intervention or not; whether insurrection has overthrown existing government, and another has been established in its place according to preexisting forms or in a manner adopted for the occasion by those whom we may find in the actual possession of power. All these matters we leave to the people and public authorities of the particular country to determine; and their determination, whether it be by positive action or by ascertained acquiescence, is to us a sufficient warranty of the legitimacy of the new government.

During the sixty-seven years which have elapsed since the establishment of the existing Government of the United States, in all which time this Union has maintained undisturbed domestic tranquillity, we have had occasion to recognize governments *de facto*, founded either by domestic revolution or by military invasion from abroad, in many of the Governments of Europe.

It is the more imperatively necessary to apply this rule to the Spanish American Republics, in consideration of the frequent and not seldom anomalous changes of organization or administration which they undergo and the revolutionary nature of most of these changes, of which the recent series of revolutions in the Mexican Republic is an example, where five successive revolutionary governments have made their appearance in the course of a few months and been recognized successively, each as the political power of that country, by the United States.

## Page 173

When, therefore, some time since, a new minister from the Republic of Nicaragua presented himself, bearing the commission of President Rivas, he must and would have been received as such, unless he was found on inquiry subject to personal exception, but for the absence of satisfactory information upon the question whether President Rivas was *in fact* the head of an established Government of the Republic of Nicaragua, doubt as to which arose not only from the circumstances of his avowed association with armed emigrants recently from the United States, but that the proposed minister himself was of that class of persons, and not otherwise or previously a citizen of Nicaragua.

Another minister from the Republic of Nicaragua has now presented himself, and has been received as such, satisfactory evidence appearing that he represents the Government *de facto* and, so far as such exists, the Government *de jure* of that Republic.

That reception, while in accordance with the established policy of the United States, was likewise called for by the most imperative special exigencies, which require that this Government shall enter at once into diplomatic relations with that of Nicaragua. In the first place, a difference has occurred between the Government of President Rivas and the Nicaragua Transit Company, which involves the necessity of inquiry into rights of citizens of the United States, who allege that they have been aggrieved by the acts of the former and claim protection and redress at the hands of their Government. In the second place, the interoceanic communication by the way of Nicaragua is effectually interrupted, and the persons and property of unoffending private citizens of the United States in that country require the attention of their Government. Neither of these objects can receive due consideration without resumption of diplomatic intercourse with the Government of Nicaragua.

Further than this, the documents communicated show that while the interoceanic transit by the way of Nicaragua is cut off, disturbances at Panama have occurred to obstruct, temporarily at least, that by the way of New Granada, involving the sacrifice of the lives and property of citizens of the United States. A special commissioner has been dispatched to Panama to investigate the facts of this occurrence with a view particularly to the redress of parties aggrieved. But measures of another class will be demanded for the future security of interoceanic communication by this as by the other routes of the Isthmus.

It would be difficult to suggest a single object of interest, external or internal, more important to the United States than the maintenance of the communication, by land and sea, between the Atlantic and Pacific States and Territories of the Union. It is a material element of the national integrity and sovereignty.

I have adopted such precautionary measures and have taken such action for the purpose of affording security to the several transit routes of Central America and to the persons and property of citizens of the United States connected with or using the same



as are within my constitutional power and as existing circumstances have seemed to demand. Should these measures prove inadequate to the object, that fact will be communicated to Congress with such recommendations as the exigency of the case may indicate.



## Page 174

FRANKLIN PIERCE.

### **EXECUTIVE OFFICE,**

*Washington, May 16, 1856.*

*To the Senate and House of Representatives:*

I communicate to Congress a report from the Secretary of the Interior, containing estimates of appropriations required in the fulfillment of treaty stipulations with certain Indian tribes, and recommend that the appropriations asked for be made in the manner therein suggested.

FRANKLIN PIERCE.

*WASHINGTON, May 19, 1856.*

*To the House of Representatives:*

In compliance with a resolution of the House of Representatives of the 7th ultimo, requesting the President "to communicate what information he may possess in regard to citizens of the United States being engaged in the slave trade, or in the transportation in American ships of coolies from China to Cuba and other countries with the intention of placing or continuing them in a state of slavery or servitude, and whether such traffic is not, in his opinion, a violation of the spirit of existing treaties, rendering those engaged in it liable to indictment for piracy; and especially that he be requested to communicate to this House the facts and circumstances attending the shipment from China of some 500 coolies in the ship *Sea Witch*, of the city of New York, lately wrecked on the coast of Cuba," I transmit the accompanying report of the Secretary of State.

FRANKLIN PIERCE.

*WASHINGTON, May 20, 1856.*

*To the Senate of the United States:*

I transmit a copy of and extracts from dispatches of the late minister of the United States at London, and of his correspondence with Lord Clarendon which accompanied them, relative to the enlistment of soldiers for the British army within the United States by agents of the Government of Great Britain. These dispatches have been received since my message to the Senate upon the subject of the 2th of February last.

FRANKLIN PIERCE.



WASHINGTON, *May 22, 1856.*

*To the House of Representatives:*

I communicate herewith a report from the Secretary of War, in response to a resolution of the House of Representatives of the 12th instant, requesting me to inform the House “whether United States soldiers have been employed in the Territory of Kansas to arrest persons charged with a violation of certain supposed laws enacted by a supposed legislature assembled at Shawnee Mission.”

FRANKLIN PIERCE.

WASHINGTON, *May 29, 1856.*

*To the Senate and House of Representatives:*

I have ceased to hold intercourse with the envoy extraordinary and minister plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland near this Government.

In making communication of this fact it has been deemed by me proper also to lay before Congress the considerations of indispensable public duty which have led to the adoption of a measure of so much importance. They appear in the documents herewith transmitted to both Houses.



## Page 175

FRANKLIN PIERCE.

WASHINGTON, *May 29, 1856.*

*To the Senate of the United States:*

In further answer to the resolution of the Senate of the 17th of January last, requesting a copy of any official correspondence not previously communicated touching the construction and purport of the convention between the United States and Great Britain of the 19th of April, 1850, I transmit a copy of an instruction of the 24th instant from the Secretary of State to the minister of the United States at London.

FRANKLIN PIERCE.

WASHINGTON, *June 3, 1856.*

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

I herewith communicate a letter of the 26th instant from the Secretary of the Interior, and accompanying papers, relative to the conflict of jurisdiction between the Federal and Cherokee courts and the inadequacy of protection against the intrusion of improper persons into the Cherokee country, and recommend the subject to the consideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *June 3, 1856.*

*To the House of Representatives:*

I transmit a report<sup>[59]</sup> from the Secretary of State, in answer to a resolution of the House of Representatives of the 29th ultimo.

FRANKLIN PIERCE.

[Footnote 59: Stating that no information relative to the action of the leading powers of Europe on the subject of privateering has been officially communicated by any foreign government.]

WASHINGTON, *June 4, 1856.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 8th of last month, requesting information in regard to a contemplated imposition of additional duties on



American leaf tobacco by the Zollverein or Commercial Union of the German States, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *June 13, 1856.*

*To the House of Representatives:*

In compliance with a resolution of the House of Representatives of the 18th of February last, requesting me to communicate to the House "the report of Captain E.B. Boutwell, and all the documents accompanying it, relative to the operations of the United States sloop of war *John Adams*, under his command, at the Fejee Islands in the year 1855," I transmit herewith a report of the Secretary of the Navy.

FRANKLIN PIERCE.

WASHINGTON, *June 18, 1856.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State, with accompanying documents,[60] in answer to the resolution of the Senate of the 16th instant.

FRANKLIN PIERCE.

[Footnote 60: Instructions to Mr Buchanan, late minister to England, on the subject of free ships making free goods, and letter from Mr. Buchanan to Lord Clarendon on the same subject.]



## Page 176

WASHINGTON, *June 20, 1856.*

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

I communicate herewith a letter from the Secretary of the Interior and accompanying papers, respecting the sum of \$16,024.80 now in the hands of the agent of the Choctaw Indians, being a balance remaining from the sales of Choctaw orphan reservations under the nineteenth article of the treaty of 1830, and commend the subject to the favorable consideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *June 23, 1856.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention for the mutual delivery of criminals fugitives from justice in certain cases, and for other purposes, concluded at The Hague on the 29th ultimo between the United States and His Majesty the King of the Netherlands.

FRANKLIN PIERCE.

WASHINGTON, *July 3, 1856.*

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

In response to a resolution of the House of Representatives of the 18th ultimo, requesting me to inform the House "what measures, if any, have been taken to carry out the provisions of a late act of Congress authorizing the President to contract with Hiram Powers, the great American sculptor, now in Italy, for some work of art for the new Capitol, and appropriating \$25,000 for that purpose," I transmit herewith copies of three letters—one from Mr. Powers to Hon. Edward Everett and two from myself to the same gentleman.

Since the date of my letter of July 24, 1855, I have communicated with Mr. Everett upon the subject verbally and in writing, and the final proposition on my part, resulting therefrom, will be found in the accompanying extract of a letter dated June 5, 1856.

FRANKLIN PIERCE.

WASHINGTON, *July 7 1856.*

*To the Senate of the United States:*



In compliance with a resolution of the Senate of the 6th ultimo, respecting the location of the District armory upon the Mall in this city, I transmit the accompanying report from the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *July 7, 1856.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention for the mutual delivery of criminals fugitives from justice between the United States and Austria, signed in this city on the 3d instant.

FRANKLIN PIERCE.

WASHINGTON, *July 8, 1856.*

*To the House of Representatives:*

I communicate herewith a report of the Secretary of War, in reply to a resolution of the House of the 25th ultimo, "on the subject of Indian hostilities in Oregon and Washington Territories."

FRANKLIN PIERCE.

WASHINGTON, *July 11, 1856.*



## Page 177

*To the Senate of the United States:*

In reply to a resolution of the Senate of May 23, requesting a "detailed statement of the sums which have been paid to newspapers published in Washington for advertisements or other printing published or executed under the orders or by authority of the several Departments since the 4th day of March, 1853," I communicate herewith reports from the several Departments.

FRANKLIN PIERCE.

WASHINGTON, *July 15, 1856.*

*To the Senate and House of Representatives:*

I transmit a copy of a letter of November 27, 1854, from the commissioner of the United States in China, and of the regulations, orders, and decrees which accompanied it, for such revision thereof as Congress may deem expedient, pursuant to the sixth section of the act approved August 11, 1848.

FRANKLIN PIERCE.

### **EXECUTIVE OFFICE,**

*Washington, July 21, 1856.*

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

I communicate to Congress herewith a letter from the Postmaster-General and a copy of a conditional contract entered into under instructions from me for the purchase of a lot and building thereon for a post-office in the city of Philadelphia, together with a copy of a report of Edward Clark, architect of the Patent Office building, in relation to the site and building selected, and recommend that an appropriation of \$250,000 be made to complete the purchase, and also an appropriation of \$50,000 to make the required alterations and furnish the necessary cases, boxes, *etc.*, to fit it up for a city post-office.

FRANKLIN PIERCE.

WASHINGTON, *July 22, 1856.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, navigation, and extradition between the United States and the Republic of Chili, signed at Santiago, in that Republic, on the 27th of May last.



FRANKLIN PIERCE.

WASHINGTON, *July 24, 1856.*

*To the Senate and House of Representatives:*

I herewith present to Congress a copy of "minutes of a council held at Fort Pierre, Nebraska Territory, on the 1st day of March, 1856, by Brevet Brigadier-General William S. Harney, United States Army, commanding the Sioux expedition, with the delegations from nine of the bands of the Sioux;" also copies of sundry papers upon the same subject.

Regarding the stipulations between General Harney and the nine bands of the Sioux as just and desirable, both for the United States and for the Indians, I respectfully recommend an appropriation by Congress of the sum of \$100,000 to enable the Government to execute the stipulations entered into by General Harney.

FRANKLIN PIERCE.



## Page 178

WASHINGTON, *July 29, 1856.*

*To the Senate of the United States:*

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at Muckl-te-oh, or Point Elliott, by Isaac I. Stevens, governor and superintendent of Indian affairs of Washington Territory, on the part of the United States, and chiefs, headmen, and delegates of the Dwamish, Suquamish, Sk-tahl-mish, Sam-ahmish, Smalh-kamish, Skope-ahmish, St-kah-mish, Snoqualmoo, Skai-wha-mish, N'Quentl-ma-mish, Sk-tah-le-jum, Stoluck-wha-mish, Sno-ho-mish, Ska-git, Kik-i-allus, Swin-a-mish, Squin-ah-mish, Sah-ku-mehu, Noo-wha-ha, Nook-wa-chah-mish, Mee-see-qua-guilch, Cho-bah-ah-bish, and other allied and subordinate tribes and bands of Indians in said Territory.

Also a treaty made and concluded at Hahd Skus, or Point no Point, on the 26th day of January, 1855, by and between the same commissioner on the part of the United States and the chiefs, headmen, and delegates of the different villages of the S'Klallams Indians in said Territory.

Also a treaty made and concluded at Neah Bay on the 31st day of January, 1855, by and between the same commissioner on the part of the United States and the chiefs, headmen, and delegates of the same villages of the Makah tribe of Indians in the said Territory.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

*To the Senate of the United States:*

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded by and between Isaac I. Stevens, governor and superintendent of Indian affairs of the Territory of Washington, on the part of the United States, and the chiefs, headmen, and delegates of the different tribes and bands of the Qui-nai-elt and Quil-leh-ute Indians in Washington Territory.

Said treaty was made on the 1st of July, 1855, and 25th January, 1856.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

*To the Senate of the United States:*



I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at the treaty ground at Hell Gate, in the Bitter Root Valley, on the 16th day of July, 1855, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the chiefs, headmen, and delegates of the confederate tribes of the Flathead, Koo-tenay, and Upper Pend d'Oreilles Indians, who by the treaty are constituted a nation, under the name of the Flat Head Nation.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

*To the Senate of the United States:*

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, by and between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the confederated tribes and bands of Walla-Wallas and Was-coes Indians residing in middle Oregon. Said treaty was made on the 25th day of June, 1855.



## Page 179

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

*To the Senate of the United States:*

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded on the 21st day of December, 1855, by and between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Mo-lal-la-las, or Molel, tribe of Indians in Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

*To the Senate of the United States:*

I herewith lay before the Senate, for its constitutional action thereon, a treaty made on the 9th of June, 1855, by and between Isaac I. Stevens, governor and superintendent of Indian affairs of the Territory of Washington, and Joel Palmer, superintendent of Indian affairs of the Territory of Oregon, on the part of the United States, and the chiefs, headmen, and delegates of the Walla-Wallas, Cayuses, and Umatilla tribes and bands of Indians, who for the purposes of the treaty are to be regarded as one nation. Also a treaty made on the 11th of June, 1855, by and between the same commissioners on the part of the United States and the chiefs, headmen, and delegates of the Nez Perce tribe of Indians.

The lands ceded by the treaties herewith lie partly in Washington and partly in Oregon Territories.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

*To the Senate of the United States:*

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at Camp Stevens, Walla Walla Valley, on the 9th day of June, 1855, by and between Isaac I. Stevens, governor of and superintendent of Indian affairs for Washington Territory, on the part of the United States, and the head chiefs, chiefs, headmen, and delegates of the Yakama, Palouse, Pisquouse, Wenatshapam, Klikatat, Klin-quit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Oche-chotes, Kah-milt-pah, and Se-ap-cat tribes and bands of Indians, who for the purposes of the treaty are to be known as the "Yakama" Nation of Indians.



FRANKLIN PIERCE.

WASHINGTON, *July 30, 1856.*

*To the Senate of the United States:*

By the sixteenth article of the treaty of 4th March, 1853, between the United States and the Republic of Paraguay, as amended by a resolution of the Senate of the 1st May, 1854, it was provided that the exchange of the ratifications of that instrument should be effected within twenty-four months of its date; that is, on or before the 4th March, 1855.

From circumstances, however, over which the Government of the United States had no control, but which are not supposed to indicate any indisposition on the part of the Paraguayan Government to consummate the final formalities necessary to give full force and validity to the treaty, the exchange of ratifications has not yet been effected.



## Page 180

A similar condition exists in regard to the treaty between the United States and the Oriental Republic of Uruguay of the 28th August, 1852. The Senate, by a resolution of 13th June, 1854, extended the time within which the ratifications of that treaty might be exchanged to thirty months from its date. That limit, however, has expired, and the exchange has not been effected.

I deem it expedient to direct a renewal of negotiations with the Governments referred to, with a view to secure the exchange of the ratifications of these important conventions. But as the limit prescribed by the Senate in both cases has passed by, it is necessary that authority be conferred on the Executive for that purpose.

I consequently recommend that the Senate sanction an exchange of the ratifications of the treaties above mentioned at any time which may be deemed expedient by the President within three years from the date of the resolution to that effect.

FRANKLIN PIERCE.

WASHINGTON, *August 1, 1856.*

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

I communicate to Congress herewith the report of Major W.H. Emory, United States commissioner, on the survey of the boundary between the United States and the Republic of Mexico, referred to in the accompanying letter of this date from the Secretary of the Interior.

FRANKLIN PIERCE.

### **EXECUTIVE OFFICE,**

*Washington, August 4, 1856.*

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

I herewith lay before the House of Representatives a report of the Secretary of War, in reply to a resolution of the House requesting "information in regard to the construction of the Capitol and Post-Office extensions."

FRANKLIN PIERCE.

### **EXECUTIVE OFFICE,**

*August 4, 1856.*



*To the Senate of the United States:*

I communicate herewith a report of the Secretary of War, in response to a resolution of the Senate calling for information in relation to instructions "issued to any military officer in command in Kansas to disperse any unarmed meeting of the people of that Territory, or to prevent by military power any assemblage of the people of that Territory."

FRANKLIN PIERCE.

WASHINGTON, *August 4, 1856.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 1st instant, requesting a copy of papers touching recent events in the Territory of Washington, I transmit a report from the Secretary of State and the documents by which it was accompanied.

FRANKLIN PIERCE.

## **EXECUTIVE OFFICE,**

*Washington, August 6, 1856.*

*To the Senate of the United States:*



## Page 181

In compliance with a resolution of the Senate of the 28th ultimo, requesting the President to inform the Senate in relation to any application "by the governor of the State of California to maintain the laws and peace of the said State against the usurped authority of an organization calling itself the committee of vigilance in the city and county of San Francisco," and also "to lay before the Senate whatever information he may have in respect to the proceedings of the said committee of vigilance," I transmit the accompanying reports from the Secretary of State and the Secretary of the Navy.

FRANKLIN PIERCE.

WASHINGTON, *August 8, 1856.*

*To the Senate of the United States:*

I herewith submit to the Senate, for its constitutional action thereon, a treaty negotiated with the Creek and Seminole Indians, together with the accompanying papers.

FRANKLIN PIERCE.

WASHINGTON, *August 9, 1856.*

*To the Senate of the United States:*

With a message of the 23d of June last I transmitted, for the consideration of the Senate, a convention for the mutual delivery of criminals fugitives from justice in certain cases, and for other purposes, concluded at The Hague on the 29th of May last between the United States and His Majesty the King of the Netherlands. Deeming it advisable to withdraw that instrument from the consideration of the Senate, I request that it may be returned to me.

FRANKLIN PIERCE.

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of amity, commerce, and navigation, and for the surrender of fugitive criminals, between the United States and the Republic of Venezuela, signed at Caracas on the 10th of July last.

FRANKLIN PIERCE.

AUGUST 9, 1856.

WASHINGTON, *August 11, 1856.*



*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 3d March, 1855, requesting information relative to the proceedings of the commissioners for the adjustment of claims under the convention with Great Britain of the 8th of February, 1853, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *August 11, 1856.*

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

I transmit herewith a report of the Secretary of War, in reply to a resolution of the House of Representatives of May 26, 1856, in relation to the Capitol and Post-Office extensions.

FRANKLIN PIERCE.

WASHINGTON, *August 12, 1856.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State, with accompanying papers,[61] in answer to the resolution of the Senate of yesterday.



## Page 182

FRANKLIN PIERCE.

[Footnote 61: Relating to "The declaration concerning maritime law," adopted by the plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey at Paris April 16, 1856.]

WASHINGTON, *August 12, 1856.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 7th instant, in relation to the refusal of the Government of Honduras to receive a commercial agent from this country, I transmit a report from the Secretary of State and the documents which accompanied it.

FRANKLIN PIERCE.

WASHINGTON, *August 13, 1856.*

*To the Senate and House of Representatives:*

I transmit herewith a communication from the Secretary of War, inclosing a report of Captain M.C. Meigs, stating that the sum of \$750,000 will be necessary for the prosecution of the Capitol extension until the close of the next session of Congress, and recommend that that amount may be appropriated.

FRANKLIN PIERCE.

WASHINGTON, *August 15, 1856.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 4th instant, requesting a copy of letters and papers touching the pardons or remission of the imprisonment of Daniel Drayton and Edward Sayres in August, 1852, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *August 15, 1856.*

*To the Senate and House of Representatives:*

I transmit herewith a report from the Secretary of War, in relation to an error in a communication[62] of Captain Meigs.

FRANKLIN PIERCE.



[Footnote 62: Relating to the Capitol extension.]

WASHINGTON, *August 16, 1856.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 11th instant, in relation to the public accounts of John C. Fremont, I transmit the accompanying report from the Secretary of the Treasury, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *August 16, 1856.*

*To the House of Representatives:*

In compliance with a resolution of the House of Representatives of the 17th April, 1856, requesting me to have prepared and presented to the House of Representatives "a statement showing the appropriations made by the Thirty-first, Thirty-second, and Thirty-third Congresses, distinguishing the appropriations made at each session of each Congress, distinguishing also the appropriations made on the recommendations of the President, heads of Departments, or heads of bureaus from those that were made without such recommendation, and showing what expenditures have been made by the Government in each fiscal year, commencing with the 1st day of July, 1850, and ending on the 30th day of June, 1855; and also what, if any, defalcations have occurred from the 30th day of June, 1850, to the 1st day of July, 1855, and the amount of such defalcations severally, and such other information as may be in his power bearing upon the matters above mentioned," I submit the following reports from the Secretaries of the Treasury, War, Navy, and Interior Departments and the Postmaster-General.



## Page 183

FRANKLIN PIERCE.

### VETO MESSAGES.

WASHINGTON, *May 19, 1856.*

*To the Senate of the United States:*

I return herewith to the Senate, in which it originated, the bill entitled "An act to remove obstructions to navigation in the mouth of the Mississippi River at the Southwest Pass and Pass a l'Outre," which proposes to appropriate a sum of money, to be expended under the superintendence of the Secretary of War, "for the opening and keeping open ship channels of sufficient capacity to accommodate the wants of commerce through the Southwest Pass and Pass a l'Outre, leading from the Mississippi River to the Gulf of Mexico."

In a communication addressed by me to the two Houses of Congress on the 30th of December, 1854, my views were exhibited in full on the subject of the relation of the General Government to internal improvements. I set forth on that occasion the constitutional impediments, which in my mind are insuperable, to the prosecution of a system of internal improvements by means of appropriations from the Treasury of the United States, more especially the consideration that the Constitution does not confer on the General Government any express power to make such appropriations, that they are not a necessary and proper incident of any of the express powers, and that the assumption of authority on the part of the Federal Government to commence and carry on a general system of internal improvements, while exceptionable for the want of constitutional power, is in other respects prejudicial to the several interests and inconsistent with the true relation to one another of the Union and of the individual States.

These objections apply to the whole system of internal improvements, whether such improvements consist of works on land or in navigable waters, either of the seacoast or of the interior lakes or rivers.

I have not been able, after the most careful reflection, to regard the bill before me in any other light than as part of a general system of internal improvements, and therefore feel constrained to submit it, with these objections, to the reconsideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *May 19, 1856.*

*To the Senate of the United States:*

I return herewith to the Senate, in which it originated, a bill entitled "An act making an appropriation for deepening the channel over the St. Clair flats, in the State of Michigan," and submit it for reconsideration, because it is, in my judgment, liable to the objections to the prosecution of internal improvements by the General Government which have already been presented by me in previous communications to Congress.



## Page 184

In considering this bill under the restriction that the power of Congress to construct a work of internal improvement is limited to cases in which the work is manifestly needful and proper for the execution of some one or more of the powers expressly delegated to the General Government, I have not been able to find for the proposed expenditure any such relation, unless it be to the power to provide for the common defense and to maintain an army and navy. But a careful examination of the subject, with the aid of information officially received since my last annual message was communicated to Congress, has convinced me that the expenditure of the sum proposed would serve no valuable purpose as contributing to the common defense, because all which could be effected by it would be to afford a channel of 12 feet depth and of so temporary a character that unless the work was done immediately before the necessity for its use should arise it could not be relied on for the vessels of even the small draft the passage of which it would permit.

Under existing circumstances, therefore, it can not be considered as a necessary means for the common defense, and is subject to those objections which apply to other works designed to facilitate commerce and contribute to the convenience and local prosperity of those more immediately concerned—an object not to be constitutionally and justly attained by the taxation of the people of the whole country.

FRANKLIN PIERCE.

WASHINGTON, *May 22, 1856.*

*To the Senate of the United States:*

Having considered the bill, which originated in the Senate, entitled “An act making an appropriation for deepening the channel over the flats of the St. Marys River, in the State of Michigan,” it is herewith returned without my approval.

The appropriation proposed by this bill is not, in my judgment, a necessary means for the execution of any of the expressly granted powers of the Federal Government. The work contemplated belongs to a general class of improvements, embracing roads, rivers, and canals, designed to afford additional facilities for intercourse and for the transit of commerce, and no reason has been suggested to my mind for excepting it from the objections which apply to appropriations by the General Government for deepening the channels of rivers wherever shoals or other obstacles impede their navigation, and thus obstruct communication and impose restraints upon commerce within the States or between the States or Territories of the Union. I therefore submit it to the reconsideration of Congress, on account of the same objections which have been presented in my previous communications on the subject of internal improvements.

FRANKLIN PIERCE.



WASHINGTON, *August 11, 1856.*

*To the House of Representatives:*



## Page 185

I return herewith to the House of Representatives, in which it originated, a bill entitled "An act for continuing the improvement of the Des Moines Rapids, in the Mississippi River," and submit it for reconsideration, because it is, in my judgment, liable to the objections to the prosecution of internal improvements by the General Government set forth at length in a communication addressed by me to the two Houses of Congress on the 30th day of December, 1854, and in other subsequent messages upon the same subject, to which on this occasion I respectfully refer.

FRANKLIN PIERCE.

WASHINGTON, *August 14, 1856.*

*To the Senate of the United States:*

I return herewith to the Senate, in which it originated, a bill entitled "An act for the improvement of the navigation of the Patapsco River and to render the port of Baltimore accessible to the war steamers of the United States," and submit it for reconsideration, because it is, in my judgment, liable to the objections to the prosecution of internal improvements by the General Government set forth at length in a communication addressed by me to the two Houses of Congress on the 30th day of December, 1854, and other subsequent messages upon the same subject, to which on this occasion I respectfully refer.

FRANKLIN PIERCE.

## PROCLAMATIONS.

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

A PROCLAMATION.

Whereas information has been received by me that sundry persons, citizens of the United States and others resident therein, are preparing, within the jurisdiction of the same, to enlist, or enter themselves, or to hire or retain others to participate in military operations within the State of Nicaragua:

Now, therefore, I, Franklin Pierce, President of the United States, do warn all persons against connecting themselves with any such enterprise or undertaking, as being contrary to their duty as good citizens and to the laws of their country and threatening to the peace of the United States.

I do further admonish all persons who may depart from the United States, either singly or in numbers, organized or unorganized, for any such purpose, that they will thereby cease to be entitled to the protection of this Government.



I exhort all good citizens to discountenance and prevent any such disreputable and criminal undertaking as aforesaid, charging all officers, civil and military, having lawful power in the premises, to exercise the same for the purpose of maintaining the authority and enforcing the laws of the United States.

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

[SEAL.]

Done at the city of Washington, the 8th day of December, 1855, and of the Independence of the United States the eightieth.



## Page 186

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*

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

A PROCLAMATION.

Whereas on the second section of an act of the Congress of the United States approved the 5th day of August, 1854, entitled "An act to carry into effect a treaty between the United States and Great Britain signed on the 5th day of June, 1854," it is provided that whenever the island of Newfoundland shall give its consent to the application of the stipulations and provisions of the said treaty to that Province and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, grain, flour, and breadstuffs of all kinds; animals of all kinds; fresh, smoked, and salted meats; cotton wool, seeds and vegetables, undried fruits, dried fruits, fish of all kinds, products of fish and all other creatures living in the water, poultry, eggs; hides, furs, skins, or tails, undressed; stone or marble in its crude or unwrought state, slate, butter, cheese, tallow, lard, horns, manures, ores of metals of all kinds, coal, pitch, tar, turpentine, ashes; timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; firewood; plants, shrubs, and trees; pelts, wool, fish oil, rice, broom corn, and bark; gypsum, ground or unground; hewn or wrought or unwrought burr or grind stones, dyestuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco, and rags— shall be admitted free of duty from that Province into the United States from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said Province has consented in a due and proper manner to have the provisions of the treaty extended to it and to allow the United States the full benefits of all the stipulations therein contained; and

Whereas I have satisfactory evidence that the Province of Newfoundland has consented in a due and proper manner to have the provisions of the aforesaid treaty extended to it and to allow the United States the full benefits of all the stipulations therein contained, so far as they are applicable to that Province:

Now, therefore, I, Franklin Pierce, President of the United States of America, do hereby declare and proclaim that from this date the articles enumerated in the preamble of this proclamation, being the growth and produce of the British North American colonies, shall be admitted from the aforesaid Province of Newfoundland into the United States free of duty so long as the aforesaid treaty shall remain in force.



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

[SEAL.]

Done at the city of Washington, the 12th day of December, A.D. 1855, and of the Independence of the United States the eightieth.



## Page 187

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*

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

A PROCLAMATION.

Whereas indications exist that public tranquillity and the supremacy of law in the Territory of Kansas are endangered by the reprehensible acts or purposes of persons, both within and without the same, who propose to direct and control its political organization by force. It appearing that combinations have been formed therein to resist the execution of the Territorial laws, and thus in effect subvert by violence all present constitutional and legal authority; it also appearing that persons residing without the Territory, but near its borders, contemplate armed intervention in the affairs thereof; it also appearing that other persons, inhabitants of remote States, are collecting money, engaging men, and providing arms for the same purpose; and it further appearing that combinations within the Territory are endeavoring, by the agency of emissaries and otherwise, to induce individual States of the Union to intervene in the affairs thereof, in violation of the Constitution of the United States; and

Whereas all such plans for the determination of the future institutions of the Territory, if carried into action from within the same, will constitute the fact of insurrection, and if from without that of invasive aggression, and will in either case justify and require the forcible interposition of the whole power of the General Government, as well to maintain the laws of the Territory as those of the Union:

Now, therefore, I, Franklin Pierce, President of the United States, do issue this my proclamation to command all persons engaged in unlawful combinations against the constituted authority of the Territory of Kansas or of the United States to disperse and retire peaceably to their respective abodes, and to warn all such persons that any attempted insurrection in said Territory or aggressive intrusion into the same will be resisted not only by the employment of the local militia, but also by that of any available forces of the United States, to the end of assuring immunity from violence and full protection to the persons, property, and civil rights of all peaceable and law-abiding inhabitants of the Territory.

If, in any part of the Union, the fury of faction or fanaticism, inflamed into disregard of the great principles of popular sovereignty which, under the Constitution, are fundamental in the whole structure of our institutions is to bring on the country the dire



calamity of an arbitrament of arms in that Territory, it shall be between lawless violence on the one side and conservative force on the other, wielded by legal authority of the General Government.

I call on the citizens, both of adjoining and of distant States, to abstain from unauthorized intermeddling in the local concerns of the Territory, admonishing them that its organic law is to be executed with impartial justice, that all individual acts of illegal interference will incur condign punishment, and that any endeavor to intervene by organized force will be firmly withstood.



## Page 188

I invoke all good citizens to promote order by rendering obedience to the law, to seek remedy for temporary evils by peaceful means, to discountenance and repulse the counsels and the instigations of agitators and of disorganizers, and to testify their attachment to their country, their pride in its greatness, their appreciation of the blessings they enjoy, and their determination that republican institutions shall not fail in their hands by cooperating to uphold the majesty of the laws and to vindicate the sanctity of the Constitution.

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

[SEAL.]

Done at the city of Washington, the 11th day of February, A.D. 1856, and of the Independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*

### **FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA.**

*To all whom it may concern:*

Whereas by letters patent under the seal of the United States bearing date the 2d day of March, A.D. 1843, the President recognized Anthony Barclay as consul of Her Britannic Majesty at New York and declared him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most favored nations, but, for good and sufficient reasons, it is deemed proper that he should no longer exercise the said functions within the United States:

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, do hereby declare that the powers and privileges conferred as aforesaid on the said Anthony Barclay are revoked and annulled.

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

[SEAL.]



Given under my hand, at the city of Washington, the 28th day of May, A.D. 1856, and of the Independence of the United States of America the eightieth.

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*

## **FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA.**

*To all whom it may concern:*

Whereas by letters patent under the seal of the United States bearing date the 2d day of August, A.D. 1853, the President recognized George Benvenuto Mathew as consul of Her Britannic Majesty at Philadelphia and declared him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most favored nations, but, for good and sufficient reasons, it is deemed proper that he should no longer exercise the said functions within the United States:

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, do hereby declare that the powers and privileges conferred as aforesaid on the said George Benvenuto Mathew are revoked and annulled.

## Page 189

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

[SEAL.]

Given under my hand, at the city of Washington, the 28th day of May, A.D. 1856, and of the Independence of the United States of America the eightieth.

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*

### **FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA.**

*To all whom it may concern:*

Whereas by letters patent under the seal of the United States bearing date the 17th day of August, A.D. 1852, the President recognized Charles Rowcroft as consul of Her Britannic Majesty at Cincinnati and declared him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most favored nations, but, for good and sufficient reasons, it is deemed proper that he should no longer exercise the said functions within the United States:

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, do hereby declare that the powers and privileges conferred as aforesaid on the said Charles Rowcroft are revoked and annulled.

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

[SEAL.]

Given under my hand, at the city of Washington, the 28th day of May, A.D. 1856, and of the Independence of the United States of America the eightieth.

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*



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

### A PROCLAMATION.

Whereas, pursuant to the first article of the treaty between the United States and the Mexican Republic of the 30th day of December, 1853, the true limits between the territories of the contracting parties were declared to be as follows:

Retaining the same dividing line between the two Californias as already defined and established according to the fifth article of the treaty of Guadalupe Hidalgo, the limits between the two Republics shall be as follows:

Beginning in the Gulf of Mexico 3 leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31 deg. 47' north latitude crosses the same; thence due west 100 miles; thence south to the parallel of 31 deg. 20' north latitude; thence along the said parallel of 31 deg. 20' to the one hundred and eleventh meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River 20 English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.



## Page 190

And whereas the said dividing line has been surveyed, marked out, and established by the respective commissioners of the contracting parties, pursuant to the same article of the said treaty:

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, do hereby declare to all whom it may concern that the line aforesaid shall be held and considered as the boundary between the United States and the Mexican Republic and shall be respected as such by the United States and the citizens thereof.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL.]

Given under my hand, at the city of Washington, this 2d day of June, A.D. 1856, and of the Independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:  
W.L. MARCY,  
*Secretary of State.*

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

A PROCLAMATION.

Whereas whilst hostilities exist with various Indian tribes on the remote frontiers of the United States, and whilst in other respects the public peace is seriously threatened, Congress has adjourned without granting necessary supplies for the Army, depriving the Executive of the power to perform his duty in relation to the common defense and security, and an extraordinary occasion has thus arisen for assembling the two Houses of Congress, I do therefore by this my proclamation convene the said Houses to meet in the Capitol, at the city of Washington, on Thursday, the 21st day of August instant, hereby requiring the respective Senators and Representatives then and there to assemble to consult and determine on such measures as the state of the Union may seem to require.

In testimony whereof I have caused the seal of the United States to be hereunto affixed and signed the same with my hand.

[SEAL.]



Done at the city of Washington, the 18th day of August, A.D. 1856, and of the Independence of the United States the eighty-first.

FRANKLIN PIERCE.

By order:  
W.L. MARCY,  
*Secretary of State.*

## **SPECIAL SESSION MESSAGE.**

WASHINGTON, *August 21, 1856.*

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

In consequence of the failure of Congress at its recent session to make provision for the support of the Army, it became imperatively incumbent on me to exercise the power which the Constitution confers on the Executive for extraordinary occasions, and promptly to convene the two Houses in order to afford them an opportunity of reconsidering a subject of such vital interest to the peace and welfare of the Union.



## Page 191

With the exception of a partial authority vested by law in the Secretary of War to contract for the supply of clothing and subsistence, the Army is wholly dependent on the appropriations annually made by Congress. The omission of Congress to act in this respect before the termination of the fiscal year had already caused embarrassments to the service, which were overcome only in expectation of appropriations before the close of the present month. If the requisite funds be not speedily provided, the Executive will no longer be able to furnish the transportation, equipments, and munitions which are essential to the effectiveness of a military force in the field. With no provision for the pay of troops the contracts of enlistment would be broken and the Army must in effect be disbanded, the consequences of which would be so disastrous as to demand all possible efforts to avert the calamity.

It is not merely that the officers and enlisted men of the Army are to be thus deprived of the pay and emoluments to which they are entitled by standing laws; that the construction of arms at the public armories, the repair and construction of ordnance at the arsenals, and the manufacture of military clothing and camp equipage must be discontinued, and the persons connected with this branch of the public service thus be deprived suddenly of the employment essential to their subsistence; nor is it merely the waste consequent on the forced abandonment of the seaboard fortifications and of the interior military posts and other establishments, and the enormous expense of recruiting and reorganizing the Army and again distributing it over the vast regions which it now occupies. These are evils which may, it is true, be repaired hereafter by taxes imposed on the country; but other evils are involved, which no expenditures, however lavish, could remedy, in comparison with which local and personal injuries or interests sink into insignificance.

A great part of the Army is situated on the remote frontier or in the deserts and mountains of the interior. To discharge large bodies of men in such places without the means of regaining their homes, and where few, if any, could obtain subsistence by honest industry, would be to subject them to suffering and temptation, with disregard of justice and right most derogatory to the Government.

In the Territories of Washington and Oregon numerous bands of Indians are in arms and are waging a war of extermination against the white inhabitants; and although our troops are actively carrying on the campaign, we have no intelligence as yet of a successful result. On the Western plains, notwithstanding the imposing display of military force recently made there and the chastisement inflicted on the rebellious tribes, others, far from being dismayed, have manifested hostile intentions and been guilty of outrages which, if not designed to provoke a conflict, serve to show that the apprehension of it is insufficient wholly to restrain



## Page 192

their vicious propensities. A strong force in the State of Texas has produced a temporary suspension of hostilities there, but in New Mexico incessant activity on the part of the troops is required to keep in check the marauding tribes which infest that Territory. The hostile Indians have not been removed from the State of Florida, and the withdrawal of the troops therefrom, leaving that object unaccomplished, would be most injurious to the inhabitants and a breach of the positive engagement of the General Government.

To refuse supplies to the Army, therefore, is to compel the complete cessation of all its operations and its practical disbandment, and thus to invite hordes of predatory savages from the Western plains and the Rocky Mountains to spread devastation along a frontier of more than 4,000 miles in extent and to deliver up the sparse population of a vast tract of country to rapine and murder.

Such, in substance, would be the direct and immediate effects of the refusal of Congress, for the first time in the history of the Government, to grant supplies for the maintenance of the Army—the inevitable waste of millions of public treasure; the infliction of extreme wrong upon all persons connected with the military establishment by service, employment, or contracts; the recall of our forces from the field; the fearful sacrifice of life and incalculable destruction of property on the remote frontiers; the striking of our national flag on the battlements of the fortresses which defend our maritime cities against foreign invasion; the violation of the public honor and good faith, and the discredit of the United States in the eyes of the civilized world.

I confidently trust that these considerations, and others appertaining to the domestic peace of the country which can not fail to suggest themselves to every patriotic mind, will on reflection be duly appreciated by both Houses of Congress and induce the enactment of the requisite provisions of law for the support of the Army of the United States.

FRANKLIN PIERCE.

### **SPECIAL MESSAGE.**

**EXECUTIVE OFFICE,**

*Washington, August 21, 1856.*

*To the Senate and House of Representatives:*

I transmit herewith a letter from the Secretary of War, in relation to the balances remaining in the Treasury from the last appropriation for the support of the Army.



FRANKLIN PIERCE.

## **FOURTH ANNUAL MESSAGE.**

WASHINGTON, *December 2, 1856.*

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



## Page 193

The Constitution requires that the President shall from time to time not only recommend to the consideration of Congress such measures as he may judge necessary and expedient, but also that he shall give information to them of the state of the Union. To do this fully involves exposition of all matters in the actual condition of the country, domestic or foreign, which essentially concern the general welfare. While performing his constitutional duty in this respect, the President does not speak merely to express personal convictions, but as the executive minister of the Government, enabled by his position and called upon by his official obligations to scan with an impartial eye the interests of the whole and of every part of the United States.

Of the condition of the domestic interests of the Union—its agriculture, mines, manufactures, navigation, and commerce—it is necessary only to say that the internal prosperity of the country, its continuous and steady advancement in wealth and population and in private as well as public well-being, attest the wisdom of our institutions and the predominant spirit of intelligence and patriotism which, notwithstanding occasional irregularities of opinion or action resulting from popular freedom, has distinguished and characterized the people of America.

In the brief interval between the termination of the last and the commencement of the present session of Congress the public mind has been occupied with the care of selecting for another constitutional term the President and Vice-President of the United States.

The determination of the persons who are of right, or contingently, to preside over the administration of the Government is under our system committed to the States and the people. We appeal to them, by their voice pronounced in the forms of law, to call whomsoever they will to the high post of Chief Magistrate.

And thus it is that as the Senators represent the respective States of the Union and the members of the House of Representatives the several constituencies of each State, so the President represents the aggregate population of the United States. Their election of him is the explicit and solemn act of the sole sovereign authority of the Union.

It is impossible to misapprehend the great principles which by their recent political action the people of the United States have sanctioned and announced.

They have asserted the constitutional equality of each and all of the States of the Union as States; they have affirmed the constitutional equality of each and all of the citizens of the United States as citizens, whatever their religion, wherever their birth or their residence; they have maintained the inviolability of the constitutional rights of the different sections of the Union, and they have proclaimed their devoted and unalterable attachment to the Union and to the Constitution, as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and the essence of the liberty, peace, and greatness of the Republic.

## Page 194

In doing this they have at the same time emphatically condemned the idea of organizing in these United States mere geographical parties, of marshaling in hostile array toward each other the different parts of the country, North or South, East or West.

Schemes of this nature, fraught with incalculable mischief, and which the considerate sense of the people has rejected, could have had countenance in no part of the country had they not been disguised by suggestions plausible in appearance, acting upon an excited state of the public mind, induced by causes temporary in their character and, it is to be hoped, transient in their influence.

Perfect liberty of association for political objects and the widest scope of discussion are the received and ordinary conditions of government in our country. Our institutions, framed in the spirit of confidence in the intelligence and integrity of the people, do not forbid citizens, either individually or associated together, to attack by writing, speech, or any other methods short of physical force the Constitution and the very existence of the Union. Under the shelter of this great liberty, and protected by the laws and usages of the Government they assail, associations have been formed in some of the States of individuals who, pretending to seek only to prevent the spread of the institution of slavery into the present or future inchoate States of the Union, are really inflamed with desire to change the domestic institutions of existing States. To accomplish their objects they dedicate themselves to the odious task of depreciating the government organization which stands in their way and of calumniating with indiscriminate invective not only the citizens of particular States with whose laws they find fault, but all others of their fellow-citizens throughout the country who do not participate with them in their assaults upon the Constitution, framed and adopted by our fathers, and claiming for the privileges it has secured and the blessings it has conferred the steady support and grateful reverence of their children. They seek an object which they well know to be a revolutionary one. They are perfectly aware that the change in the relative condition of the white and black races in the slaveholding States which they would promote is beyond their lawful authority; that to them it is a foreign object; that it can not be effected by any peaceful instrumentality of theirs; that for them and the States of which they are citizens the only path to its accomplishment is through burning cities, and ravaged fields, and slaughtered populations, and all there is most terrible in foreign complicated with civil and servile war; and that the first step in the attempt is the forcible disruption of a country embracing in its broad bosom a degree of liberty and an amount of individual and public prosperity to which there is no parallel in history, and substituting in its place hostile governments, driven at once and inevitably



## Page 195

into mutual devastation and fratricidal carnage, transforming the now peaceful and felicitous brotherhood into a vast permanent camp of armed men like the rival monarchies of Europe and Asia. Well knowing that such, and such only, are the means and the consequences of their plans and purposes, they endeavor to prepare the people of the United States for civil war by doing everything in their power to deprive the Constitution and the laws of moral authority and to undermine the fabric of the Union by appeals to passion and sectional prejudice, by indoctrinating its people with reciprocal hatred, and by educating them to stand face to face as enemies, rather than shoulder to shoulder as friends.

It is by the agency of such unwarrantable interference, foreign and domestic, that the minds of many otherwise good citizens have been so inflamed into the passionate condemnation of the domestic institutions of the Southern States as at length to pass insensibly to almost equally passionate hostility toward their fellow-citizens of those States, and thus finally to fall into temporary fellowship with the avowed and active enemies of the Constitution. Ardently attached to liberty in the abstract, they do not stop to consider practically how the objects they would attain can be accomplished, nor to reflect that, even if the evil were as great as they deem it, they have no remedy to apply, and that it can be only aggravated by their violence and unconstitutional action. A question which is one of the most difficult of all the problems of social institution, political economy, and statesmanship they treat with unreasoning intemperance of thought and language. Extremes beget extremes. Violent attack from the North finds its inevitable consequence in the growth of a spirit of angry defiance at the South. Thus in the progress of events we had reached that consummation, which the voice of the people has now so pointedly rebuked, of the attempt of a portion of the States, by a sectional organization and movement, to usurp the control of the Government of the United States.

I confidently believe that the great body of those who inconsiderately took this fatal step are sincerely attached to the Constitution and the Union. They would upon deliberation shrink with unaffected horror from any conscious act of disunion or civil war. But they have entered into a path which leads nowhere unless it be to civil war and disunion, and which has no other possible outlet. They have proceeded thus far in that direction in consequence of the successive stages of their progress having consisted of a series of secondary issues, each of which professed to be confined within constitutional and peaceful limits, but which attempted indirectly what few men were willing to do directly; that is, to act aggressively against the constitutional rights of nearly one-half of the thirty-one States.

In the long series of acts of indirect aggression, the first was the strenuous agitation by citizens of the Northern States, in Congress and out of it, of the question of negro emancipation in the Southern States.



## Page 196

The second step in this path of evil consisted of acts of the people of the Northern States, and in several instances of their governments, aimed to facilitate the escape of persons held to service in the Southern States and to prevent their extradition when reclaimed according to law and in virtue of express provisions of the Constitution. To promote this object, legislative enactments and other means were adopted to take away or defeat rights which the Constitution solemnly guaranteed. In order to nullify the then existing act of Congress concerning the extradition of fugitives from service, laws were enacted in many States forbidding their officers, under the severest penalties, to participate in the execution of any act of Congress whatever. In this way that system of harmonious cooperation between the authorities of the United States and of the several States, for the maintenance of their common institutions, which existed in the early years of the Republic was destroyed; conflicts of jurisdiction came to be frequent, and Congress found itself compelled, for the support of the Constitution and the vindication of its power, to authorize the appointment of new officers charged with the execution of its acts, as if they and the officers of the States were the ministers, respectively, of foreign governments in a state of mutual hostility rather than fellow-magistrates of a common country peacefully subsisting under the protection of one well-constituted Union. Thus here also aggression was followed by reaction, and the attacks upon the Constitution at this point did but serve to raise up new barriers for its defense and security.

The third stage of this unhappy sectional controversy was in connection with the organization of Territorial governments and the admission of new States into the Union. When it was proposed to admit the State of Maine, by separation of territory from that of Massachusetts, and the State of Missouri, formed of a portion of the territory ceded by France to the United States, representatives in Congress objected to the admission of the latter unless with conditions suited to particular views of public policy. The imposition of such a condition was successfully resisted; but at the same period the question was presented of imposing restrictions upon the residue of the territory ceded by France. That question was for the time disposed of by the adoption of a geographical line of limitation.

In this connection it should not be forgotten that when France, of her own accord, resolved, for considerations of the most far-sighted sagacity, to cede Louisiana to the United States, and that accession was accepted by the United States, the latter expressly engaged that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens



## Page 197

of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their *liberty, property*, and the religion which they profess;" that is to say, while it remains in a Territorial condition its inhabitants are maintained and protected in the free enjoyment of their liberty and property, with a right then to pass into the condition of States on a footing of perfect equality with the original States.

The enactment which established the restrictive geographical line was acquiesced in rather than approved by the States of the Union. It stood on the statute book, however, for a number of years; and the people of the respective States acquiesced in the reenactment of the principle as applied to the State of Texas, and it was proposed to acquiesce in its further application to the territory acquired by the United States from Mexico. But this proposition was successfully resisted by the representatives from the Northern States, who, regardless of the statute line, insisted upon applying restriction to the new territory generally, whether lying north or south of it, thereby repealing it as a legislative compromise, and, on the part of the North, persistently violating the compact, if compact there was.

Thereupon this enactment ceased to have binding virtue in any sense, whether as respects the North or the South, and so in effect it was treated on the occasion of the admission of the State of California and the organization of the Territories of New Mexico, Utah, and Washington.

Such was the state of this question when the time arrived for the organization of the Territories of Kansas and Nebraska. In the progress of constitutional inquiry and reflection it had now at length come to be seen clearly that Congress does not possess constitutional power to impose restrictions of this character upon any present or future State of the Union. In a long series of decisions, on the fullest argument and after the most deliberate consideration, the Supreme Court of the United States had finally determined this point in every form under which the question could arise, whether as affecting public or private rights—in questions of the public domain, of religion, of navigation, and of servitude.

The several States of the Union are by force of the Constitution coequal in domestic legislative power. Congress can not change a law of domestic relation in the State of Maine; no more can it in the State of Missouri. Any statute which proposes to do this is a mere nullity; it takes away no right, it confers none. If it remains on the statute book unrepealed, it remains there only as a monument of error and a beacon of warning to the legislator and the statesman. To repeal it will be only to remove imperfection from the statutes, without affecting, either in the sense of permission or of prohibition, the action of the States or of their citizens.

Still, when the nominal restriction of this nature, already a dead letter in law, was in terms repealed by the last Congress, in a clause of the act organizing the Territories of Kansas and Nebraska, that repeal was made the occasion of a widespread and dangerous agitation.



## Page 198

It was alleged that the original enactment being a compact of perpetual moral obligation, its repeal constituted an odious breach of faith.

An act of Congress, while it remains unrepealed, more especially if it be constitutionally valid in the judgment of those public functionaries whose duty it is to pronounce on that point, is undoubtedly binding on the conscience of each good citizen of the Republic. But in what sense can it be asserted that the enactment in question was invested with perpetuity and entitled to the respect of a solemn compact? Between whom was the compact? No distinct contending powers of the Government, no separate sections of the Union treating as such, entered into treaty stipulations on the subject. It was a mere clause of an act of Congress, and, like any other controverted matter of legislation, received its final shape and was passed by compromise of the conflicting opinions or sentiments of the members of Congress. But if it had moral authority over men's consciences, to whom did this authority attach? Not to those of the North, who had repeatedly refused to confirm it by extension and who had zealously striven to establish other and incompatible regulations upon the subject. And if, as it thus appears, the supposed compact had no obligatory force as to the North, of course it could not have had any as to the South, for all such compacts must be mutual and of reciprocal obligation.

It has not unfrequently happened that lawgivers, with undue estimation of the value of the law they give or in the view of imparting to it peculiar strength, make it perpetual in terms; but they can not thus bind the conscience, the judgment, and the will of those who may succeed them, invested with similar responsibilities and clothed with equal authority. More careful investigation may prove the law to be unsound in principle. Experience may show it to be imperfect in detail and impracticable in execution. And then both reason and right combine not merely to justify but to require its repeal.

The Constitution, supreme, as it is, over all the departments of the Government—legislative, executive, and judicial—is open to amendment by its very terms; and Congress or the States may, in their discretion, propose amendment to it, solemn compact though it in truth is between the sovereign States of the Union. In the present instance a political enactment which had ceased to have legal power or authority of any kind was repealed. The position assumed that Congress had no moral right to enact such repeal was strange enough, and singularly so in view of the fact that the argument came from those who openly refused obedience to existing laws of the land, having the same popular designation and quality as compromise acts; nay, more, who unequivocally disregarded and condemned the most positive and obligatory injunctions of the Constitution itself, and sought by every means within their reach to deprive a portion of their fellow-citizens of the equal enjoyment of those rights and privileges guaranteed alike to all by the fundamental compact of our Union.

## Page 199

This argument against the repeal of the statute line in question was accompanied by another of congenial character and equally with the former destitute of foundation in reason and truth. It was imputed that the measure originated in the conception of extending the limits of slave labor beyond those previously assigned to it, and that such was its natural as well as intended effect; and these baseless assumptions were made, in the Northern States, the ground of unceasing assault upon constitutional right.

The repeal in terms of a statute, which was already obsolete and also null for unconstitutionality, could have no influence to obstruct or to promote the propagation of conflicting views of political or social institution. When the act organizing the Territories of Kansas and Nebraska was passed, the inherent effect upon that portion of the public domain thus opened to legal settlement was to admit settlers from all the States of the Union alike, each with his convictions of public policy and private interest, there to found, in their discretion, subject to such limitations as the Constitution and acts of Congress might prescribe, new States, hereafter to be admitted into the Union. It was a free field, open alike to all, whether the statute line of assumed restriction were repealed or not. That repeal did not open to free competition of the diverse opinions and domestic institutions a field which without such repeal would have been closed against them; it found that field of competition already opened, in fact and in law. All the repeal did was to relieve the statute book of an objectionable enactment, unconstitutional in effect and injurious in terms to a large portion of the States.

Is it the fact that in all the unsettled regions of the United States, if emigration be left free to act in this respect for itself, without legal prohibitions on either side, slave labor will spontaneously go everywhere in preference to free labor? Is it the fact that the peculiar domestic institutions of the Southern States possess relatively so much of vigor that wheresoever an avenue is freely opened to all the world they will penetrate to the exclusion of those of the Northern States? Is it the fact that the former enjoy, compared with the latter, such irresistibly superior vitality, independent of climate, soil, and all other accidental circumstances, as to be able to produce the supposed result in spite of the assumed moral and natural obstacles to its accomplishment and of the more numerous population of the Northern States?

The argument of those who advocate the enactment of new laws of restriction and condemn the repeal of old ones in effect avers that their particular views of government have no self-extending or self-sustaining power of their own, and will go nowhere unless forced by act of Congress. And if Congress do but pause for a moment in the policy of stern coercion; if it venture to try the experiment of leaving men to judge for themselves what institutions will best suit them; if it be not strained up to perpetual legislative exertion on this point—if Congress proceed thus to act in the very spirit of liberty, it is at once charged with aiming to extend slave labor into all the new Territories of the United States.



## Page 200

Of course these imputations on the intentions of Congress in this respect, conceived, as they were, in prejudice and disseminated in passion, are utterly destitute of any justification in the nature of things and contrary to all the fundamental doctrines and principles of civil liberty and self-government.

While, therefore, in general, the people of the Northern States have never at any time arrogated for the Federal Government the power to interfere directly with the domestic condition of persons in the Southern States, but, on the contrary, have disavowed all such intentions and have shrunk from conspicuous affiliation with those few who pursue their fanatical objects avowedly through the contemplated means of revolutionary change of the Government and with acceptance of the necessary consequences—a civil and servile war—yet many citizens have suffered themselves to be drawn into one evanescent political issue of agitation after another, appertaining to the same set of opinions, and which subsided as rapidly as they arose when it came to be seen, as it uniformly did, that they were incompatible with the compacts of the Constitution and the existence of the Union. Thus when the acts of some of the States to nullify the existing extradition law imposed upon Congress the duty of passing a new one, the country was invited by agitators to enter into party organization for its repeal; but that agitation speedily ceased by reason of the impracticability of its object. So when the statute restriction upon the institutions of new States by a geographical line had been repealed, the country was urged to demand its restoration, and that project also died almost with its birth. Then followed the cry of alarm from the North against imputed Southern encroachments, which cry sprang in reality from the spirit of revolutionary attack on the domestic institutions of the South, and, after a troubled existence of a few months, has been rebuked by the voice of a patriotic people.

Of this last agitation, one lamentable feature was that it was carried on at the immediate expense of the peace and happiness of the people of the Territory of Kansas. That was made the battlefield, not so much of opposing factions or interests within itself as of the conflicting passions of the whole people of the United States. Revolutionary disorder in Kansas had its origin in projects of intervention deliberately arranged by certain members of that Congress which enacted the law for the organization of the Territory; and when propagandist colonization of Kansas had thus been undertaken in one section of the Union for the systematic promotion of its peculiar views of policy there ensued as a matter of course a counteraction with opposite views in other sections of the Union.



## Page 201

In consequence of these and other incidents, many acts of disorder, it is undeniable, have been perpetrated in Kansas, to the occasional interruption rather than the permanent suspension of regular government. Aggressive and most reprehensible incursions into the Territory were undertaken both in the North and the South, and entered it on its northern border by the way of Iowa, as well as on the eastern by way of Missouri; and there has existed within it a state of insurrection against the constituted authorities, not without countenance from inconsiderate persons in each of the great sections of the Union. But the difficulties in that Territory have been extravagantly exaggerated for purposes of political agitation elsewhere. The number and gravity of the acts of violence have been magnified partly by statements entirely untrue and partly by reiterated accounts of the same rumors or facts. Thus the Territory has been seemingly filled with extreme violence, when the whole amount of such acts has not been greater than what occasionally passes before us in single cities to the regret of all good citizens, but without being regarded as of general or permanent political consequence.

Imputed irregularities in the elections had in Kansas, like occasional irregularities of the same description in the States, were beyond the sphere of action of the Executive. But incidents of actual violence or of organized obstruction of law, pertinaciously renewed from time to time, have been met as they occurred by such means as were available and as the circumstances required, and nothing of this character now remains to affect the general peace of the Union. The attempt of a part of the inhabitants of the Territory to erect a revolutionary government, though sedulously encouraged and supplied with pecuniary aid from active agents of disorder in some of the States, has completely failed. Bodies of armed men, foreign to the Territory, have been prevented from entering or compelled to leave it; predatory bands, engaged in acts of rapine under cover of the existing political disturbances, have been arrested or dispersed, and every well-disposed person is now enabled once more to devote himself in peace to the pursuits of prosperous industry, for the prosecution of which he undertook to participate in the settlement of the Territory.

It affords me unmingled satisfaction thus to announce the peaceful condition of things in Kansas, especially considering the means to which it was necessary to have recourse for the attainment of the end, namely, the employment of a part of the military force of the United States. The withdrawal of that force from its proper duty of defending the country against foreign foes or the savages of the frontier to employ it for the suppression of domestic insurrection is, when the exigency occurs, a matter of the most earnest solicitude. On this occasion of imperative necessity it has been done with the best results, and my satisfaction in the attainment of such results by such means is greatly enhanced by the consideration that, through the wisdom and energy of the present executive of Kansas and the prudence, firmness, and vigilance of the military officers on duty there tranquillity has been restored without one drop of blood having been shed in its accomplishment by the forces of the United States.

## Page 202

The restoration of comparative tranquillity in that Territory furnishes the means of observing calmly and appreciating at their just value the events which have occurred there and the discussions of which the government of the Territory has been the subject.

We perceive that controversy concerning its future domestic institutions was inevitable; that no human prudence, no form of legislation, no wisdom on the part of Congress, could have prevented it.

It is idle to suppose that the particular provisions of their organic law were the cause of agitation. Those provisions were but the occasion, or the pretext, of an agitation which was inherent in the nature of things. Congress legislated upon the subject in such terms as were most consonant with the principle of popular sovereignty which underlies our Government. It could not have legislated otherwise without doing violence to another great principle of our institutions—the imprescriptible right of equality of the several States.

We perceive also that sectional interests and party passions have been the great impediment to the salutary operation of the organic principles adopted and the chief cause of the successive disturbances in Kansas, The assumption that because in the organization of the Territories of Nebraska and Kansas Congress abstained from imposing restraints upon them to which certain other Territories had been subject, therefore disorders occurred in the latter Territory, is emphatically contradicted by the fact that none have occurred in the former. Those disorders were not the consequence, in Kansas, of the freedom of self-government conceded to that Territory by Congress, but of unjust interference on the part of persons not inhabitants of the Territory. Such interference, wherever it has exhibited itself by acts of insurrectionary character or of obstruction to process of law, has been repelled or suppressed by all the means which the Constitution and the laws place in the hands of the Executive.

In those parts of the United States where, by reason of the inflamed state of the public mind, false rumors and misrepresentations have the greatest currency it has been assumed that it was the duty of the Executive not only to suppress insurrectionary movements in Kansas, but also to see to the regularity of local elections. It needs little argument to show that the President has no such power. All government in the United States rests substantially upon popular election. The freedom of elections is liable to be impaired by the intrusion of unlawful votes or the exclusion of lawful ones, by improper influences, by violence, or by fraud. But the people of the United States are themselves the all-sufficient guardians of their own rights, and to suppose that they will not remedy in due season any such incidents of civil freedom is to suppose them to have ceased to be capable of self-government. The President of the United States has not power to



## Page 203

interpose in elections, to see to their freedom, to canvass their votes, or to pass upon their legality in the Territories any more than in the States. If he had such power the Government might be republican in form, but it would be a monarchy in fact; and if he had undertaken to exercise it in the case of Kansas he would have been justly subject to the charge of usurpation and of violation of the dearest rights of the people of the United States.

Unwise laws, equally with irregularities at elections, are in periods of great excitement the occasional incidents of even the freest and best political institutions; but all experience demonstrates that in a country like ours, where the right of self-constitution exists in the completest form, the attempt to remedy unwise legislation by resort to revolution is totally out of place, inasmuch as existing legal institutions afford more prompt and efficacious means for the redress of wrong.

I confidently trust that now, when the peaceful condition of Kansas affords opportunity for calm reflection and wise legislation, either the legislative assembly of the Territory or Congress will see that no act shall remain on its statute book violative of the provisions of the Constitution or subversive of the great objects for which that was ordained and established, and will take all other necessary steps to assure to its inhabitants the enjoyment, without obstruction or abridgment, of all the constitutional rights, privileges, and immunities of citizens of the United States, as contemplated by the organic law of the Territory.

Full information in relation to recent events in this Territory will be found in the documents communicated herewith from the Departments of State and War.

I refer you to the report of the Secretary of the Treasury for particular information concerning the financial condition of the Government and the various branches of the public service connected with the Treasury Department.

During the last fiscal year the receipts from customs were for the first time more than \$64,000,000, and from all sources \$73,918,141, which, with the balance on hand up to the 1st of July, 1855, made the total resources of the year amount to \$92,850,117. The expenditures, including \$3,000,000 in execution of the treaty with Mexico and excluding sums paid on account of the public debt, amounted to \$60,172,401, and including the latter to \$72,948,792, the payment on this account having amounted to \$12,776,390.

On the 4th of March, 1853, the amount of the public debt was \$69,129,937. There was a subsequent increase of \$2,750,000 for the debt of Texas, making a total of \$71,879,937. Of this the sum of \$45,525,319, including premium, has been discharged, reducing the debt to \$30,963,909, all which might be paid within a year without

embarrassing the public service, but being not yet due and only redeemable at the option of the holder, can not be pressed to payment by the Government.

## Page 204

On examining the expenditures of the last five years it will be seen that the average, deducting payments on account of the public debt and \$10,000,000 paid by treaty to Mexico, has been but about \$48,000,000. It is believed that under an economical administration of the Government the average expenditure for the ensuing five years will not exceed that sum, unless extraordinary occasion for its increase should occur. The acts granting bounty lands will soon have been executed, while the extension of our frontier settlements will cause a continued demand for lands and augmented receipts, probably, from that source. These considerations will justify a reduction of the revenue from customs so as not to exceed forty-eight or fifty million dollars. I think the exigency for such reduction is imperative, and again urge it upon the consideration of Congress.

The amount of reduction, as well as the manner of effecting it, are questions of great and general interest, it being essential to industrial enterprise and the public prosperity, as well as the dictate of obvious justice, that the burden of taxation be made to rest as equally as possible upon all classes and all sections and interests of the country.

I have heretofore recommended to your consideration the revision of the revenue laws, prepared under the direction of the Secretary of the Treasury, and also legislation upon some special questions affecting the business of that Department, more especially the enactment of a law to punish the abstraction of official books or papers from the files of the Government and requiring all such books and papers and all other public property to be turned over by the outgoing officer to his successor; of a law requiring disbursing officers to deposit all public money in the vaults of the Treasury or in other legal depositories, where the same are conveniently accessible, and a law to extend existing penal provisions to all persons who may become possessed of public money by deposit or otherwise and who shall refuse or neglect on due demand to pay the same into the Treasury. I invite your attention anew to each of these objects.

The Army during the past year has been so constantly employed against hostile Indians in various quarters that it can scarcely be said, with propriety of language, to have been a peace establishment. Its duties have been satisfactorily performed, and we have reason to expect as a result of the year's operations greater security to the frontier inhabitants than has been hitherto enjoyed. Extensive combinations among the hostile Indians of the Territories of Washington and Oregon at one time threatened the devastation of the newly formed settlements of that remote portion of the country. From recent information we are permitted to hope that the energetic and successful operations conducted there will prevent such combinations in future and secure to those Territories an opportunity to make steady progress in the development of their agricultural and mineral resources.



## Page 205

Legislation has been recommended by me on previous occasions to cure defects in the existing organization and to increase the efficiency of the Army, and further observation has but served to confirm me in the views then expressed and to enforce on my mind the conviction that such measures are not only proper, but necessary.

I have, in addition, to invite the attention of Congress to a change of policy in the distribution of troops and to the necessity of providing a more rapid increase of the military armament. For details of these and other subjects relating to the Army I refer to the report of the Secretary of War.

The condition of the Navy is not merely satisfactory, but exhibits the most gratifying evidences of increased vigor. As it is comparatively small, it is more important that it should be as complete as possible in all the elements of strength; that it should be efficient in the character of its officers, in the zeal and discipline of its men, in the reliability of its ordnance, and in the capacity of its ships. In all these various qualities the Navy has made great progress within the last few years. The execution of the law of Congress of February 28, 1855, "to promote the efficiency of the Navy," has been attended by the most advantageous results. The law for promoting discipline among the men is found convenient and salutary. The system of granting an honorable discharge to faithful seamen on the expiration of the period of their enlistment and permitting them to reenlist after a leave of absence of a few months without cessation of pay is highly beneficial in its influence. The apprentice system recently adopted is evidently destined to incorporate into the service a large number of our countrymen, hitherto so difficult to procure. Several hundred American boys are now on a three years' cruise in our national vessels and will return well-trained seamen. In the Ordnance Department there is a decided and gratifying indication of progress, creditable to it and to the country. The suggestions of the Secretary of the Navy in regard to further improvement in that branch of the service I commend to your favorable action.

The new frigates ordered by Congress are now afloat and two of them in active service. They are superior models of naval architecture, and with their formidable battery add largely to public strength and security. I concur in the views expressed by the Secretary of the Department in favor of a still further increase of our naval force.

The report of the Secretary of the Interior presents facts and views in relation to internal affairs over which the supervision of his Department extends of much interest and importance.

The aggregate sales of the public lands during the last fiscal year amount to 9,227,878 acres, for which has been received the sum of \$8,821,414. During the same period there have been located with military scrip and land warrants and for other purposes 30,100,230 acres, thus making a total aggregate of 39,328,108 acres. On the 30th of

September last surveys had been made of 16,873,699 acres, a large proportion of which is ready for market.



## Page 206

The suggestions in this report in regard to the complication and progressive expansion of the business of the different bureaus of the Department, to the pension system, to the colonization of Indian tribes, and the recommendations in relation to various improvements in the District of Columbia are especially commended to your consideration.

The report of the Postmaster-General presents fully the condition of that Department of the Government. Its expenditures for the last fiscal year were \$10,407,868 and its gross receipts \$7,620,801, making an excess of expenditure over receipts of \$2,787,046. The deficiency of this Department is thus \$744,000 greater than for the year ending June 30, 1853. Of this deficiency \$330,000 is to be attributed to the additional compensation allowed to postmasters by the act of Congress of June 22, 1854. The mail facilities in every part of the country have been very much increased in that period, and the large addition of railroad service, amounting to 7,908 miles, has added largely to the cost of transportation.

The inconsiderable augmentation of the income of the Post-Office Department under the reduced rates of postage and its increasing expenditures must for the present make it dependent to some extent upon the Treasury for support. The recommendations of the Postmaster-General in relation to the abolition of the franking privilege and his views on the establishment of mail steamship lines deserve the consideration of Congress. I also call the special attention of Congress to the statement of the Postmaster-General respecting the sums now paid for the transportation of mails to the Panama Railroad Company, and commend to their early and favorable consideration the suggestions of that officer in relation to new contracts for mail transportation upon that route, and also upon the Tehuantepec and Nicaragua routes.

The United States continue in the enjoyment of amicable relations with all foreign powers.

When my last annual message was transmitted to Congress two subjects of controversy, one relating to the enlistment of soldiers in this country for foreign service and the other to Central America, threatened to disturb the good understanding between the United States and Great Britain. Of the progress and termination of the former question you were informed at the time, and the other is now in the way of satisfactory adjustment.

The object of the convention between the United States and Great Britain of the 19th of April, 1850, was to secure for the benefit of all nations the neutrality and the common use of any transit way or interoceanic communication across the Isthmus of Panama which might be opened within the limits of Central America. The pretensions subsequently asserted by Great Britain to dominion or control over territories in or near two of the routes, those of Nicaragua and Honduras, were deemed by the United States not merely incompatible

## Page 207

with the main object of the treaty, but opposed even to its express stipulations. Occasion of controversy on this point has been removed by an additional treaty, which our minister at London has concluded, and which will be immediately submitted to the Senate for its consideration. Should the proposed supplemental arrangement be concurred in by all the parties to be affected by it, the objects contemplated by the original convention will have been fully attained.

The treaty between the United States and Great Britain of the 5th of June, 1854, which went into effective operation in 1855, put an end to causes of irritation between the two countries, by securing to the United States the right of fishery on the coast of the British North American Provinces, with advantages equal to those enjoyed by British subjects. Besides the signal benefits of this treaty to a large class of our citizens engaged in a pursuit connected to no inconsiderable degree with our national prosperity and strength, it has had a favorable effect upon other interests in the provision it made for reciprocal freedom of trade between the United States and the British Provinces in America.

The exports of domestic articles to those Provinces during the last year amounted to more than \$22,000,000, exceeding those of the preceding year by nearly \$7,000,000; and the imports therefrom during the same period amounted to more than twenty-one million, an increase of six million upon those of the previous year.

The improved condition of this branch of our commerce is mainly attributable to the above-mentioned treaty.

Provision was made in the first article of that treaty for a commission to designate the mouths of rivers to which the common right of fishery on the coast of the United States and the British Provinces was not to extend. This commission has been employed a part of two seasons, but without much progress in accomplishing the object for which it was instituted, in consequence of a serious difference of opinion between the commissioners, not only as to the precise point where the rivers terminate, but in many instances as to what constitutes a river. These difficulties, however, may be overcome by resort to the umpirage provided for by the treaty.

The efforts perseveringly prosecuted since the commencement of my Administration to relieve our trade to the Baltic from the exaction of Sound dues by Denmark have not yet been attended with success. Other governments have also sought to obtain a like relief to their commerce, and Denmark was thus induced to propose an arrangement to all the European powers interested in the subject, and the manner in which her proposition was received warranting her to believe that a satisfactory arrangement with them could soon be concluded, she made a strong appeal to this Government for temporary suspension of definite action on its part, in consideration of the embarrassment which might result to her European

## Page 208

negotiations by an immediate adjustment of the question with the United States. This request has been acceded to upon the condition that the sums collected after the 16th of June last and until the 16th of June next from vessels and cargoes belonging to our merchants are to be considered as paid under protest and subject to future adjustment. There is reason to believe that an arrangement between Denmark and the maritime powers of Europe on the subject will be soon concluded, and that the pending negotiation with the United States may then be resumed and terminated in a satisfactory manner.

With Spain no new difficulties have arisen, nor has much progress been made in the adjustment of pending ones.

Negotiations entered into for the purpose of relieving our commercial intercourse with the island of Cuba of some of its burdens and providing for the more speedy settlement of local disputes growing out of that intercourse have not yet been attended with any results.

Soon after the commencement of the late war in Europe this Government submitted to the consideration of all maritime nations two principles for the security of neutral commerce—one that the neutral flag should cover enemies' goods, except articles contraband of war, and the other that neutral property on board merchant vessels of belligerents should be exempt from condemnation, with the exception of contraband articles. These were not presented as new rules of international law, having been generally claimed by neutrals, though not always admitted by belligerents. One of the parties to the war (Russia), as well as several neutral powers, promptly acceded to these propositions, and the two other principal belligerents (Great Britain and France) having consented to observe them for the present occasion, a favorable opportunity seemed to be presented for obtaining a general recognition of them, both in Europe and America.

But Great Britain and France, in common with most of the States of Europe, while forbearing to reject, did not affirmatively act upon the overtures of the United States.

While the question was in this position the representatives of Russia, France, Great Britain, Austria, Prussia, Sardinia, and Turkey, assembled at Paris, took into consideration the subject of maritime rights, and put forth a declaration containing the two principles which this Government had submitted nearly two years before to the consideration of maritime powers, and adding thereto the following propositions: "Privateering is and remains abolished," and "Blockades in order to be binding must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy;" and to the declaration thus composed of four points, two of which had already been proposed by the United States, this Government has been invited to

accede by all the powers represented at Paris except Great Britain and Turkey. To the last of the two additional

## Page 209

propositions—that in relation to blockades—there can certainly be no objection. It is merely the definition of what shall constitute the effectual investment of a blockaded place, a definition for which this Government has always contended, claiming indemnity for losses where a practical violation of the rule thus defined has been injurious to our commerce. As to the remaining, article of the declaration of the conference of Paris, that “privateering is and remains abolished,” I certainly can not ascribe to the powers represented in the conference of Paris any but liberal and philanthropic views in the attempt to change the unquestionable rule of maritime law in regard to privateering. Their proposition was doubtless intended to imply approval of the principle that private property upon the ocean, although it might belong to the citizens of a belligerent state, should be exempted from capture; and had that proposition been so framed as to give full effect to the principle, it would have received my ready assent on behalf of the United States. But the measure proposed is inadequate to that purpose. It is true that if adopted private property upon the ocean would be withdrawn from one mode of plunder, but left exposed meanwhile to another mode, which could be used with increased effectiveness. The aggressive capacity of great naval powers would be thereby augmented, while the defensive ability of others would be reduced. Though the surrender of the means of prosecuting hostilities by employing privateers, as proposed by the conference of Paris, is mutual in terms, yet in practical effect it would be the relinquishment of a right of little value to one class of states, but of essential importance to another and a far larger class. It ought not to have been anticipated that a measure so inadequate to the accomplishment of the proposed object and so unequal in its operation would receive the assent of all maritime powers. Private property would be still left to the depredations of the public armed cruisers.

I have expressed a readiness on the part of this Government to accede to all the principles contained in the declaration of the conference of Paris provided that the one relating to the abandonment of privateering can be so amended as to effect the object for which, as is presumed, it was intended—the immunity of private property on the ocean from hostile capture. To effect this object, it is proposed to add to the declaration that “privateering is and remains abolished” the following amendment:

And that the private property of subjects and citizens of a belligerent on the high seas shall be exempt from seizure by the public armed vessels of the other belligerent, except it be contraband.

This amendment has been presented not only to the powers which have asked our assent to the declaration to abolish privateering, but to all other maritime states. Thus far it has not been rejected by any, and is favorably entertained by all which have made any communication in reply.

## Page 210

Several of the governments regarding with favor the proposition of the United States have delayed definitive action upon it only for the purpose of consulting with others, parties to the conference of Paris. I have the satisfaction of stating, however, that the Emperor of Russia has entirely and explicitly approved of that modification and will cooperate in endeavoring to obtain the assent of other powers, and that assurances of a similar purport have been received in relation to the disposition of the Emperor of the French.

The present aspect of this important subject allows us to cherish the hope that a principle so humane in its character, so just and equal in its operation, so essential to the prosperity of commercial nations, and so consonant to the sentiments of this enlightened period of the world will command the approbation of all maritime powers, and thus be incorporated into the code of international law.

My views on the subject are more fully set forth in the reply of the Secretary of State, a copy of which is herewith transmitted, to the communications on the subject made to this Government, especially to the communication of France.

The Government of the United States has at all times regarded with friendly interest the other States of America, formerly, like this country, European colonies, and now independent members of the great family of nations. But the unsettled condition of some of them, distracted by frequent revolutions, and thus incapable of regular and firm internal administration, has tended to embarrass occasionally our public intercourse by reason of wrongs which our citizens suffer at their hands, and which they are slow to redress.

Unfortunately, it is against the Republic of Mexico, with which it is our special desire to maintain a good understanding, that such complaints are most numerous; and although earnestly urged upon its attention, they have not as yet received the consideration which this Government had a right to expect. While reparation for past injuries has been withheld, others have been added. The political condition of that country, however, has been such as to demand forbearance on the part of the United States. I shall continue my efforts to procure for the wrongs of our citizens that redress which is indispensable to the continued friendly association of the two Republics.

The peculiar condition of affairs in Nicaragua in the early part of the present year rendered it important that this Government should have diplomatic relations with that State. Through its territory had been opened one of the principal thoroughfares across the isthmus connecting North and South America, on which a vast amount of property was transported and to which our citizens resorted in great numbers in passing between the Atlantic and Pacific coasts of the United States. The protection of both required that the existing power in that State should be regarded



## Page 211

as a responsible Government, and its minister was accordingly received. But he remained here only a short time. Soon thereafter the political affairs of Nicaragua underwent unfavorable change and became involved in much uncertainty and confusion. Diplomatic representatives from two contending parties have been recently sent to this Government, but with the imperfect information possessed it was not possible to decide which was the Government *de facto*, and, awaiting further developments, I have refused to receive either.

Questions of the most serious nature are pending between the United States and the Republic of New Granada. The Government of that Republic undertook a year since to impose tonnage duties on foreign vessels in her ports, but the purpose was resisted by this Government as being contrary to existing treaty stipulations with the United States and to rights conferred by charter upon the Panama Railroad Company, and was accordingly relinquished at that time, it being admitted that our vessels were entitled to be exempt from tonnage duty in the free ports of Panama and Aspinwall. But the purpose has been recently revived on the part of New Granada by the enactment of a law to subject vessels visiting her ports to the tonnage duty of 40 cents per ton, and although the law has not been put in force, yet the right to enforce it is still asserted and may at any time be acted on by the Government of that Republic.

The Congress of New Granada has also enacted a law during the last year which levies a tax of more than \$3 on every pound of mail matter transported across the Isthmus. The sum thus required to be paid on the mails of the United States would be nearly \$2,000,000 annually in addition to the large sum payable by contract to the Panama Railroad Company. If the only objection to this exaction were the exorbitancy of its amount, it could not be submitted to by the United States.

The imposition of it, however, would obviously contravene our treaty with New Granada and infringe the contract of that Republic with the Panama Railroad Company. The law providing for this tax was by its terms to take effect on the 1st of September last, but the local authorities on the Isthmus have been induced to suspend its execution and to await further instructions on the subject from the Government of the Republic. I am not yet advised of the determination of that Government. If a measure so extraordinary in its character and so clearly contrary to treaty stipulations and the contract rights of the Panama Railroad Company, composed mostly of American citizens, should be persisted in, it will be the duty of the United States to resist its execution.

## Page 212

I regret exceedingly that occasion exists to invite your attention to a subject of still graver import in our relations with the Republic of New Granada. On the 15th day of April last a riotous assemblage of the inhabitants of Panama committed a violent and outrageous attack on the premises of the railroad company and the passengers and other persons in or near the same, involving the death of several citizens of the United States, the pillage of many others, and the destruction of a large amount of property belonging to the railroad company. I caused full investigation of that event to be made, and the result shows satisfactorily that complete responsibility for what occurred attaches to the Government of New Granada. I have therefore demanded of that Government that the perpetrators of the wrongs in question should be punished; that provision should be made for the families of citizens of the United States who were killed, with full indemnity for the property pillaged or destroyed.

The present condition of the Isthmus of Panama, in so far as regards the security of persons and property passing over it, requires serious consideration. Recent incidents tend to show that the local authorities can not be relied on to maintain the public peace of Panama, and there is just ground for apprehension that a portion of the inhabitants are meditating further outrages, without adequate measures for the security and protection of persons or property having been taken, either by the State of Panama or by the General Government of New Granada.

Under the guaranties of treaty, citizens of the United States have, by the outlay of several million dollars, constructed a railroad across the Isthmus, and it has become the main route between our Atlantic and Pacific possessions, over which multitudes of our citizens and a vast amount of property are constantly passing; to the security and protection of all which and the continuance of the public advantages involved it is impossible for the Government of the United States to be indifferent.

I have deemed the danger of the recurrence of scenes of lawless violence in this quarter so imminent as to make it my duty to station a part of our naval force in the harbors of Panama and Aspinwall, in order to protect the persons and property of the citizens of the United States in those ports and to insure to them safe passage across the Isthmus. And it would, in my judgment, be unwise to withdraw the naval force now in those ports until, by the spontaneous action of the Republic of New Granada or otherwise, some adequate arrangement shall have been made for the protection and security of a line of interoceanic communication, so important at this time not to the United States only, but to all other maritime states, both of Europe and America.

Meanwhile negotiations have been instituted, by means of a special commission, to obtain from New Granada full indemnity for injuries sustained by our citizens on the Isthmus and satisfactory security for the general interests of the United States.

## Page 213

In addressing to you my last annual message the occasion seems to me an appropriate one to express my congratulations, in view of the peace, greatness, and felicity which the United States now possess and enjoy. To point you to the state of the various Departments of the Government and of all the great branches of the public service, civil and military, in order to speak of the intelligence and the integrity which pervades the whole, would be to indicate but imperfectly the administrative condition of the country and the beneficial effects of that on the general welfare. Nor would it suffice to say that the nation is actually at peace at home and abroad; that its industrial interests are prosperous; that the canvas of its mariners whitens every sea, and the plow of its husbandmen is marching steadily onward to the bloodless conquest of the continent; that cities and populous States are springing up, as if by enchantment, from the bosom of our Western wilds, and that the courageous energy of our people is making of these United States the great Republic of the world. These results have not been attained without passing through trials and perils, by experience of which, and thus only, nations can harden into manhood. Our forefathers were trained to the wisdom which conceived and the courage which achieved independence by the circumstances which surrounded them, and they were thus made capable of the creation of the Republic. It devolved on the next generation to consolidate the work of the Revolution, to deliver the country entirely from the influences of conflicting transatlantic partialities or antipathies which attached to our colonial and Revolutionary history, and to organize the practical operation of the constitutional and legal institutions of the Union. To us of this generation remains the not less noble task of maintaining and extending the national power. We have at length reached that stage of our country's career in which the dangers to be encountered and the exertions to be made are the incidents, not of weakness, but of strength. In foreign relations we have to attemper our power to the less happy condition of other Republics in America and to place ourselves in the calmness and conscious dignity of right by the side of the greatest and wealthiest of the Empires of Europe. In domestic relations we have to guard against the shock of the discontents, the ambitions, the interests, and the exuberant, and therefore sometimes irregular, impulses of opinion or of action which are the natural product of the present political elevation, the self-reliance, and the restless spirit of enterprise of the people of the United States.

I shall prepare to surrender the Executive trust to my successor and retire to private life with sentiments of profound gratitude to the good Providence which during the period of my Administration has vouchsafed to carry the country through many difficulties, domestic and foreign, and which enables me to contemplate the spectacle of amicable and respectful relations between ours and all other governments and the establishment of constitutional order and tranquillity throughout the Union.



## Page 214

FRANKLIN PIERCE.

### **SPECIAL MESSAGES.**

WASHINGTON, *December 2, 1856.*

*To the House of Representatives:*

I transmit herewith a report[63] from the Secretary of State, in compliance with the resolution of the House of Representatives of the 7th of August last.

FRANKLIN PIERCE.

[Footnote 63: Stating that the correspondence in the Departments of State and of the Navy relative to Hamet Caramally had been transmitted to Congress.]

WASHINGTON, *December 8, 1856.*

*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 Siam, concluded at Bangkok on the 29th day of May last.

FRANKLIN PIERCE.

WASHINGTON, *December 10, 1856.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty for the settlement of the questions which have come into discussion between the United States and Great Britain relative to Central America, concluded and signed at London on the 17th day of October last between the United States and Great Britain.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1856.*

*To the Senate and House of Representatives:*

I transmit a copy of a letter of the 20th of May last from the commissioner of the United States in China, and of the decree and regulations[64] which accompanied it, for such revision thereof as Congress may deem expedient, pursuant to the sixth section of the act approved 11th August, 1848.



FRANKLIN PIERCE.

[Footnote 64: For judicial jurisdiction by acting consuls or vice-consuls of the United States in China.]

WASHINGTON, *December 15, 1856.*

*To the Senate and House of Representatives:*

I transmit to Congress an extract from a letter of the 22d ultimo from the governor of the Territory of Kansas to the Secretary of State, with a copy of the executive minutes<sup>[65]</sup> to which it refers. These documents have been received since the date of my message at the opening of the present session.

FRANKLIN PIERCE.

[Footnote 65: Containing a history of Kansas affairs.]

WASHINGTON, *December 29, 1856.*

*To the Senate of the United States:*

In compliance with, a resolution of the Senate of the 23d instant, requesting the President "to communicate to the Senate, if not incompatible with the public interest, such information as he may have concerning the present condition and prospects of a proposed plan for connecting by submarine wires the magnetic telegraph lines on this continent and Europe," I transmit the accompanying report from the Secretary of State.



## Page 215

FRANKLIN PIERCE.

WASHINGTON, *January 6, 1857.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State, with accompanying papers,[66] in answer to the resolution of the Senate of the 2d instant.

FRANKLIN PIERCE.

[Footnote 66: Relating to the refusal of the minister to the United States from the Netherlands to testify before the criminal court of the District of Columbia.]

WASHINGTON, *January 12, 1857.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 4th August, 1856, and 9th January instant, I transmit herewith a report from the Secretary of State, together with the documents[67] therein referred to.

FRANKLIN PIERCE.

[Footnote 67: Relating to the claims of certain American citizens for losses consequent upon their expulsion by Venezuelan authorities from one of the Aves Islands, while collecting guano.]

WASHINGTON, *January 12, 1857.*

*To the Senate of the United States:*

I again transmit to the Senate, for its advice and consent with a view to ratification, the convention between the United States and His Majesty the King of the Netherlands, for the mutual delivery of criminals fugitives from justice in certain cases, and for other purposes, which was concluded at The Hague on the 29th day of May, 1856.

FRANKLIN PIERCE.

WASHINGTON, *January 12, 1857.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State, with accompanying papers,[68] in answer to the resolution of the Senate of the 7th instant.



FRANKLIN PIERCE.

[Footnote 68: Correspondence and documents connected with the treaty concluded at London between the United States and Great Britain October 17, 1856, relative to Central America.]

WASHINGTON, *January 12, 1857.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In compliance with the resolution of the House of Representatives of the 22d ultimo, in relation to information with regard to expenditures and liabilities for persons called into the service of the United States in the Territory of Kansas, I transmit the accompanying report of the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *January 13, 1857.*

*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 the Republic of Peru relative to the rights of neutrals at sea, signed at Lima by the plenipotentiaries of the parties on the 22d of July last.

FRANKLIN PIERCE.

WASHINGTON, *January 16, 1857.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, a treaty made and concluded at Fort Leavenworth, Kansas Territory, on the 16th day of December, 1856, between Indian Agent Benjamin F. Robinson, commissioner on the part of the United States, the principal men of the Christian Indians, and Gottlieb F. Oehler, on behalf of the board of elders of the northern diocese of the Church of the United Brethren in the United States of America.



## Page 216

Among the papers which accompany the treaty is a communication from the Commissioner of Indian Affairs, containing a recommendation, concurred in by the Secretary of the Interior, that the treaty be ratified with an amendment which is therein explained.

FRANKLIN PIERCE.

WASHINGTON, *January 19, 1857.*

*To the Senate and House of Representatives:*

Soon after the close of the last session of Congress I directed steps to be taken to carry into effect the joint resolution of August 28, 1856 relative to the restoration of the ship *Resolute* to Her Britannic Majesty's service. The ship was purchased of the salvors at the sum appropriated for the purchase, and "after being fully repaired and equipped" was sent to England under control of the Secretary of the Navy, The letter from Her Majesty's minister for foreign affairs, now communicated to Congress in conformity with his request, and copies of correspondence from the files of the Departments of State and of the Navy, also transmitted herewith, will apprise you of the manner in which the joint resolution has been fully executed and show how agreeable the proceeding has been to Her Majesty's Government.

FRANKLIN PIERCE.

WASHINGTON, *January, 1857.*

*To the Senate and House of Representatives:*

I transmit to Congress copies of a communication from His Excellency Andrew Johnson, governor of the State of Tennessee, tendering to the Government of the United States "500 acres of the late residence of Andrew Jackson, deceased, including the mansion, tomb, and other improvements, known as the Hermitage," upon the terms and conditions of an act of the legislature of said State, a copy of which is also herewith communicated.

FRANKLIN PIERCE.

WASHINGTON, *January 20, 1857.*

*To the House of Representatives:*

In response to a resolution of January 5, 1857, requesting the President to inform the House of Representatives "by what authority a Government architect is employed and paid for designing and erecting all public buildings, and also for placing said buildings



under the supervision of military engineers," I submit the accompanying reports from the Secretary of the Treasury and the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *January 21, 1857.*

*To the House of Representatives:*

In further compliance with resolution of the House of Representatives of the 22d ultimo, calling upon me for "statements of the amounts of money paid and liabilities incurred for the pay, support, and other expenses of persons called into the service of the United States in the Territory of Kansas, either under the designation of the militia of Kansas or of posses summoned by the civil officers in that Territory, since the date of its establishment; also statements of the amounts paid to marshals, sheriffs, and other deputies, and to witnesses and for other expenses in the arrest, detention, and trial of persons charged in said Territory with treason against the United States or with violations of the alleged laws of said Territory," I transmit a report from the Secretary of the Treasury, with accompanying documents.



## Page 217

FRANKLIN PIERCE.

WASHINGTON, *January 28, 1857.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, a treaty made and concluded at Grand Portage, in the Territory of Minnesota, on the 16th day of September, 1856, between Henry C. Gilbert, Indian agent, acting as commissioner on the part of the United States, and the Bois Porte bands of Chippewa Indians, by their chiefs and headmen.

The treaty is accompanied by communications from the Secretary of the Interior, transmitting a letter to him from the Commissioner of Indian Affairs and a report from Agent Gilbert of the 24th December, 1856.

FRANKLIN PIERCE.

WASHINGTON, *January 30, 1857.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate passed December 23, 1856, requesting "any information upon the files of the Department in relation to pay and emoluments of Lieutenant-General Scott or his staff under the resolution of February 15, 1855, which may not have been communicated in Executive Document No. 56, first session Thirty-fourth Congress," and a resolution passed December 30, requesting "a statement of all payments and allowances which have been made, and of all claims which have been disallowed, to Brevet Lieutenant-General Scott from the date when he joined the army serving in Mexico up to December 1, 1856," and "also copies of all correspondence on file in the Executive Departments relating to said claims, payments, or allowances," I herewith transmit a report of the Secretary of War, to whom the resolutions were referred in order that the information, statements, and copies of correspondence therein required might be prepared and furnished.

FRANKLIN PIERCE.

WASHINGTON, *February 4, 1857.*

*To the Senate of the United States:*

In answer to the resolutions of the Senate of yesterday, adopted in executive session, I transmit reports[69] from the Secretary of State, to whom they were referred.

FRANKLIN PIERCE.



[Footnote 69: Relating to the convention between Great Britain and Honduras respecting the island of Ruatan.]

WASHINGTON, *February 4, 1857.*

*To the House of Representatives:*

I transmit a report from the Secretary of State, with accompanying documents,[70] in answer to the resolution of the House of December 26, 1854.

FRANKLIN PIERCE.

[Footnote 70: Consular returns on shipping, shipbuilding, etc., in foreign countries.]

WASHINGTON, *February 9, 1857.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State, with accompanying papers,[71] in answer to the resolution of the Senate of the 30th ultimo.

FRANKLIN PIERCE.

[Footnote 71: Relating to the proclamation of martial law in Washington Territory, etc.]



## Page 218

WASHINGTON, *February 11, 1857.*

*To the Senate of the United States:*

In further compliance with a resolution of the Senate of the 5th instant, requesting me to communicate transcripts of papers relative to the proclamation of martial law by Governor Stevens, of Washington Territory, I transmit the accompanying report from the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *February 11, 1857.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship and commerce between the United States and the Shah of Persia, signed by the plenipotentiaries of the parties at Constantinople on the 13th of December last.

FRANKLIN PIERCE.

WASHINGTON, *February 11, 1857.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, articles of agreement and convention made and concluded at the places and dates therein named by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the confederate tribes and bands of Indians residing along the coast west of the summit of the Coast Range of mountains and between the Columbia River on the north and the southern boundary of Oregon on the south. A letter from the Secretary of the Interior, including one from the Commissioner of Indian Affairs, accompanies the treaty.

FRANKLIN PIERCE.

WASHINGTON, *February 14, 1857.*

*To the House of Representatives:*

In compliance with a resolution of the House of Representatives of the 19th ultimo, requesting me "to furnish to the House all correspondence and documents, not incompatible with the public interest, relating to Indian affairs in the Department of the Pacific, those of the Interior as well as those of the War Department," I transmit the accompanying report and documents from the Secretary of War.



FRANKLIN PIERCE.

WASHINGTON, *February, 1857.*

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

I communicate herewith a letter of the Secretary of War, recommending an appropriation of \$10,000 for the purpose of instituting a series of researches for the discovery of a more efficient mode of manufacturing niter.

FRANKLIN PIERCE.

WASHINGTON, *February 16, 1857.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 4th of August last, calling for information in relation to certain internal improvements, I transmit reports[72] from the Secretary of the Treasury and the Secretary of War.

FRANKLIN PIERCE.

[Footnote 72: Appropriations made by Congress within eleven years for light-houses, beacons, buoys, etc, on Lakes Superior, Michigan, Huron, St. Clair, Erie, Ontario, and Champlain; duties collected and expenses of collection at each of the lake ports annually for eleven fiscal years, ending June 30, 1856; tonnage of the lake ports, etc.]



## Page 219

WASHINGTON, *February 19, 1857.*

*To the Senate of the United States:*

I transmit for the consideration of the Senate with a view to ratification a consular convention between the United States and the Republic of Chili, signed by the plenipotentiaries of the parties at the city of Santiago on the 1st day of December last.

FRANKLIN PIERCE.

WASHINGTON, *February 23, 1857.*

*To the House of Representatives:*

I transmit a report from the Secretary of State, with accompanying papers,[73] in answer to the resolution of the House of Representatives of the 6th instant.

FRANKLIN PIERCE.

[Footnote 73: Relating to the claim of F. Dainese for salary, expenses, etc., while acting consul at Constantinople.]

*To the Senate of the United States:*

I transmit herewith a report from the Attorney-General, in reply to the resolution[74] of the Senate in executive session of the 19th instant.

FRANKLIN PIERCE.

FEBRUARY 23, 1857.

[Footnote 74: Asking whether Samuel D. Lecompte has been allowed to perform the functions of chief justice of the Territory of Kansas since the nomination of J.O. Harrison to that office.]

*To the Senate of the United States:*

I communicate herewith a report from the Attorney-General, in reply to the resolution of the Senate of the 20th instant, asking for correspondence of Samuel D. Lecompte, chief justice of the Territory of Kansas.[75]

FRANKLIN PIERCE.

FEBRUARY 23, 1857.

[Footnote 75: Explanatory of his judicial conduct in the Territory of Kansas.]



WASHINGTON, *March 2, 1857.*

*To the Senate of the United States:*

I communicate herewith a letter<sup>[76]</sup> from the Secretary of the Navy, in response to a resolution of the Senate of August 15, 1856.

Concurring in the views presented in the documents to which the Secretary of the Navy refers, I am not prepared at this time to recommend any legislation on the subject.

FRANKLIN PIERCE.

[Footnote 76: Relating to the discontinuance or change of location of any navy-yard or naval station on the Atlantic Seaboard.]

WASHINGTON, *March 2, 1857.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 20th ultimo, in relation to correspondence between the Treasury and Interior Departments and Edward F. Beale, late superintendent of Indian affairs in California, and accounts of remittances, *etc.*, I transmit the accompanying report from the Secretary of the Treasury.

FRANKLIN PIERCE.

WASHINGTON, *March 3, 1857.*

*To the House of Representatives:*

As a further answer to resolutions of the House of Representatives adopted on the 6th and 10th of February, I transmit a second report from the Secretary of State, relating to the "accounts," "claims," and "difficulties" at Constantinople, referred to in said resolutions.



## Page 220

FRANKLIN PIERCE.

### **PROCLAMATION.**

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

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 4th of March next to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Franklin Pierce, President of the United States, have considered it to be my duty to issue this my proclamation, 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 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 16th day of February, A.D. 1857, and of the Independence of the United States the eighty-first.

FRANKLIN PIERCE.

By the President:

W.L. MARCY,  
*Secretary of State.*