

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

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

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Title: A Compilation of the Messages and Papers of the Presidents: Polk Section 3 (of 3) of Volume 4: James Knox Polk

Author: Compiled by James D. Richardson

Release Date: May 28, 2004 [EBook #12463]

Language: English

Character set encoding: ASCII

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

**BY JAMES D. RICHARDSON**

### **James K. Polk**

March 4, 1845, to March 4, 1849

### **James K. Polk**

James Knox Polk was born in Mecklenburg County, N.C., November 2, 1795. He was a son of Samuel Polk, a farmer, whose father, Ezekiel, and his brother, Colonel Thomas Polk, one of the signers of the Mecklenburg Declaration of Independence, were sons of Robert Polk (or Pollock), who was born in Ireland and emigrated to America. His mother was Jane, daughter of James Knox, a resident of Iredell County, N.C., and a captain in the War of the Revolution. His father removed to Tennessee in the autumn of 1806, and settled in the valley of Duck River, a tributary of the Tennessee, in a section that was erected the following year into the county of Maury; he died in 1827. James was brought up on the farm; was inclined to study, and was fond of reading. He was sent to school, and had succeeded in mastering the English branches when ill health compelled his removal. Was then placed with a merchant, but, having a strong dislike to commercial pursuits, soon returned home, and in July, 1813, was given in charge of a private tutor. In 1815 entered the sophomore class at the University of North Carolina. As a student he was correct, punctual, and industrious. At his graduation in 1818 he was officially acknowledged to be the best scholar in both the classics and

mathematics, and delivered the Latin salutatory. In 1847 the university conferred upon him the degree of LL.D. In 1819 he entered the law office of Felix Grundy, then at the head of the Tennessee bar. While pursuing his legal studies he attracted the attention of Andrew Jackson, and an intimacy was thus begun between the two men. In 1820 Mr. Polk was admitted to the bar, and established himself at Columbia, the county seat of Maury County. He attained immediate success, his career at the bar only ending with his election to the governorship of Tennessee in 1839. Brought up as a Jeffersonian and early taking an interest in politics, he was frequently heard in public as an exponent of the views of his party. His style of oratory was so popular that his services soon came to be in

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great demand, and he was not long in earning the title of the "Napoleon of the Stump." His first public employment was that of principal clerk of the senate of the State of Tennessee. In 1823 was elected a member of that body. In January, 1824, he married Sarah, daughter of Joel Childress, a merchant of Rutherford County, Tenn. In August, 1825, he was elected to Congress from the Duck River district, and reelected at every succeeding election till 1839, when he withdrew from the contest to become a candidate for governor. With one or two exceptions, he was the youngest member of the Nineteenth Congress. He was prominently connected with every leading question, and upon all he struck what proved to be the keynote for the action of his party. His maiden speech was in defense of the proposed amendment to the Constitution giving the choice of the President and Vice-President directly to the people. It at once placed him in the front rank of Congressional debaters. He opposed the appropriation for the Panama mission, asked for by President Adams, contending that such action would tend to involve the United States in a war with Spain and establish an unfortunate precedent. In December, 1827, he was placed on the Committee on Foreign Affairs, and afterwards was also appointed chairman of the select committee to which was referred that portion of President Adams's message calling attention to the probable accumulation of a surplus in the Treasury after the anticipated extinguishment of the national debt. As the head of the latter committee he made a report denying the constitutional power of Congress to collect from the people for distribution a surplus beyond the wants of the Government, and maintaining that the revenue should be reduced to the requirements of the public service. During the whole period of President Jackson's Administration he was one of its leading supporters, and at times its chief reliance. Early in 1833, as a member of the Ways and Means Committee, he made a minority report unfavorable to the Bank of the United States. During the entire contest between the bank and President Jackson, caused by the removal of the deposits in October, 1833, Mr. Polk, as chairman of the Ways and Means Committee, supported the Executive. He was elected Speaker of the House of Representatives in December, 1835, and held that office till 1839. It was his fortune to preside over the House at a period when party feelings were excited to an unusual degree, and notwithstanding the fact that during the first session more appeals were taken from his decisions than were ever known before, he was uniformly sustained by the House, and frequently by leading members of the Whig party. He gave to the Administration of Martin Van Buren the same unhesitating support he had accorded to that of President Jackson. On leaving Congress he became the candidate of the Democrats of Tennessee for governor, and was elected by over 2,500 majority. He was an unsuccessful

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candidate for governor again in 1841 and 1843. In 1839 he was nominated by the legislatures of Tennessee and other States for Vice-President of the United States, but Richard M. Johnson, of Kentucky, was the choice of the great body of the Democratic party, and was accordingly nominated. On May 27, 1844, Mr. Polk was nominated for President of the United States by the national Democratic convention at Baltimore, and on November 12 was elected, receiving about 40,000 majority on the popular vote, and 170 electoral votes to 105 that were cast for Henry Clay. He was inaugurated March 4, 1845. Among the important events of his Administration were the establishment of the United States Naval Academy; the consummation of the annexation of Texas; the admission of Texas, Iowa, and Wisconsin as States; the war with Mexico, resulting in a treaty of peace, by which the United States acquired New Mexico and Upper California; the treaty with Great Britain settling the Oregon boundary; the establishment of the "warehouse system;" the reenactment of the independent-treasury system; the passage of the act establishing the Smithsonian Institution; the treaty with New Granada, the thirty-fifth article of which secured for citizens of the United States the right of way across the Isthmus of Panama; and the creation of the Department of the Interior. He declined to become a candidate for reelection, and at the conclusion of his term retired to his home in Nashville. He died June 15, 1849, and was buried at Polk Place, in Nashville. September 19, 1893, the remains were removed by the State to Capitol Square.

## INAUGURAL ADDRESS.

*Fellow-citizens:* Without solicitation on my part, I have been chosen by the free and voluntary suffrages of my countrymen to the most honorable and most responsible office on earth. I am deeply impressed with gratitude for the confidence reposed in me. Honored with this distinguished consideration at an earlier period of life than any of my predecessors, I can not disguise the diffidence with which I am about to enter on the discharge of my official duties.

If the more aged and experienced men who have filled the office of President of the United States even in the infancy of the Republic distrusted their ability to discharge the duties of that exalted station, what ought not to be the apprehensions of one so much younger and less endowed now that our domain extends from ocean to ocean, that our people have so greatly increased in numbers, and at a time when so great diversity of opinion prevails in regard to the principles and policy which should characterize the administration of our Government? Well may the boldest fear and the wisest tremble when incurring responsibilities on which may depend our country's peace and prosperity, and in some degree the hopes and happiness of the whole human family.

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In assuming responsibilities so vast I fervently invoke the aid of that Almighty Ruler of the Universe in whose hands are the destinies of nations and of men to guard this Heaven-favored land against the mischiefs which without His guidance might arise from an unwise public policy. With a firm reliance upon the wisdom of Omnipotence to sustain and direct me in the path of duty which I am appointed to pursue, I stand in the presence of this assembled multitude of my countrymen to take upon myself the solemn obligation "to the best of my ability to preserve, protect, and defend the Constitution of the United States."

A concise enumeration of the principles which will guide me in the administrative policy of the Government is not only in accordance with the examples set me by all my predecessors, but is eminently befitting the occasion.

The Constitution itself, plainly written as it is, the safeguard of our federative compact, the offspring of concession and compromise, binding together in the bonds of peace and union this great and increasing family of free and independent States, will be the chart by which I shall be directed.

It will be my first care to administer the Government in the true spirit of that instrument, and to assume no powers not expressly granted or clearly implied in its terms. The Government of the United States is one of delegated and limited powers, and it is by a strict adherence to the clearly granted powers and by abstaining from the exercise of doubtful or unauthorized implied powers that we have the only sure guaranty against the recurrence of those unfortunate collisions between the Federal and State authorities which have occasionally so much disturbed the harmony of our system and even threatened the perpetuity of our glorious Union.

"To the States, respectively, or to the people" have been reserved "the powers not delegated to the United States by the Constitution nor prohibited by it to the States." Each State is a complete sovereignty within the sphere of its reserved powers. The Government of the Union, acting within the sphere of its delegated authority, is also a complete sovereignty. While the General Government should abstain from the exercise of authority not clearly delegated to it, the States should be equally careful that in the maintenance of their rights they do not overstep the limits of powers reserved to them. One of the most distinguished of my predecessors attached deserved importance to "the support of the State governments in all their rights, as the most competent administration for our domestic concerns and the surest bulwark against antirepublican tendencies," and to the "preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad."

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To the Government of the United States has been intrusted the exclusive management of our foreign affairs. Beyond that it wields a few general enumerated powers. It does not force reform on the States. It leaves individuals, over whom it casts its protecting influence, entirely free to improve their own condition by the legitimate exercise of all their mental and physical powers. It is a common protector of each and all the States; of every man who lives upon our soil, whether of native or foreign birth; of every religious sect, in their worship of the Almighty according to the dictates of their own conscience; of every shade of opinion, and the most free inquiry; of every art, trade, and occupation consistent with the laws of the States. And we rejoice in the general happiness, prosperity, and advancement of our country, which have been the offspring of freedom, and not of power.

This most admirable and wisest system of well-regulated self-government among men ever devised by human minds has been tested by its successful operation for more than half a century, and if preserved from the usurpations of the Federal Government on the one hand and the exercise by the States of powers not reserved to them on the other, will, I fervently hope and believe, endure for ages to come and dispense the blessings of civil and religious liberty to distant generations. To effect objects so dear to every patriot I shall devote myself with anxious solicitude. It will be my desire to guard against that most fruitful source of danger to the harmonious action of our system which consists in substituting the mere discretion and caprice of the Executive or of majorities in the legislative department of the Government for powers which have been withheld from the Federal Government by the Constitution. By the theory of our Government majorities rule, but this right is not an arbitrary or unlimited one. It is a right to be exercised in subordination to the Constitution and in conformity to it. One great object of the Constitution was to restrain majorities from oppressing minorities or encroaching upon their just rights. Minorities have a right to appeal to the Constitution as a shield against such oppression.

That the blessings of liberty which our Constitution secures may be enjoyed alike by minorities and majorities, the Executive has been wisely invested with a qualified veto upon the acts of the Legislature. It is a negative power, and is conservative in its character. It arrests for the time hasty, inconsiderate, or unconstitutional legislation, invites reconsideration, and transfers questions at issue between the legislative and executive departments to the tribunal of the people. Like all other powers, it is subject to be abused. When judiciously and properly exercised, the Constitution itself may be saved from infraction and the rights of all preserved and protected.

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The inestimable value of our Federal Union is felt and acknowledged by all. By this system of united and confederated States our people are permitted collectively and individually to seek their own happiness in their own way, and the consequences have been most auspicious. Since the Union was formed the number of the States has increased from thirteen to twenty-eight; two of these have taken their position as members of the Confederacy within the last week. Our population has increased from three to twenty millions. New communities and States are seeking protection under its aegis, and multitudes from the Old World are flocking to our shores to participate in its blessings. Beneath its benign sway peace and prosperity prevail. Freed from the burdens and miseries of war, our trade and intercourse have extended throughout the world. Mind, no longer tasked in devising means to accomplish or resist schemes of ambition, usurpation, or conquest, is devoting itself to man's true interests in developing his faculties and powers and the capacity of nature to minister to his enjoyments. Genius is free to announce its inventions and discoveries, and the hand is free to accomplish whatever the head conceives not incompatible with the rights of a fellow-being. All distinctions of birth or of rank have been abolished. All citizens, whether native or adopted, are placed upon terms of precise equality. All are entitled to equal rights and equal protection. No union exists between church and state, and perfect freedom of opinion is guaranteed to all sects and creeds.

These are some of the blessings secured to our happy land by our Federal Union. To perpetuate them it is our sacred duty to preserve it. Who shall assign limits to the achievements of free minds and free hands under the protection of this glorious Union? No treason to mankind since the organization of society would be equal in atrocity to that of him who would lift his hand to destroy it. He would overthrow the noblest structure of human wisdom, which protects himself and his fellow-man. He would stop the progress of free government and involve his country either in anarchy or despotism. He would extinguish the fire of liberty, which warms and animates the hearts of happy millions and invites all the nations of the earth to imitate our example. If he say that error and wrong are committed in the administration of the Government, let him remember that nothing human can be perfect, and that under no other system of government revealed by Heaven or devised by man has reason been allowed so free and broad a scope to combat error. Has the sword of despots proved to be a safer or surer instrument of reform in government than enlightened reason? Does he expect to find among the ruins of this Union a happier abode for our swarming millions than they now have under it? Every lover of his country must shudder at the thought of the possibility of its dissolution, and will be



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ready to adopt the patriotic sentiment, “Our Federal Union—it must be preserved.” To preserve it the compromises which alone enabled our fathers to form a common constitution for the government and protection of so many States and distinct communities, of such diversified habits, interests, and domestic institutions, must be sacredly and religiously observed. Any attempt to disturb or destroy these compromises, being terms of the compact of union, can lead to none other than the most ruinous and disastrous consequences.

It is a source of deep regret that in some sections of our country misguided persons have occasionally indulged in schemes and agitations whose object is the destruction of domestic institutions existing in other sections—institutions which existed at the adoption of the Constitution and were recognized and protected by it. All must see that if it were possible for them to be successful in attaining their object the dissolution of the Union and the consequent destruction of our happy form of government must speedily follow.

I am happy to believe that at every period of our existence as a nation there has existed, and continues to exist, among the great mass of our people a devotion to the Union of the States which will shield and protect it against the moral treason of any who would seriously contemplate its destruction. To secure a continuance of that devotion the compromises of the Constitution must not only be preserved, but sectional jealousies and heartburnings must be discountenanced, and all should remember that they are members of the same political family, having a common destiny. To increase the attachment of our people to the Union, our laws should be just. Any policy which shall tend to favor monopolies or the peculiar interests of sections or classes must operate to the prejudice of the interests of their fellow-citizens, and should be avoided. If the compromises of the Constitution be preserved, if sectional jealousies and heartburnings be discountenanced, if our laws be just and the Government be practically administered strictly within the limits of power prescribed to it, we may discard all apprehensions for the safety of the Union.

With these views of the nature, character, and objects of the Government and the value of the Union, I shall steadily oppose the creation of those institutions and systems which in their nature tend to pervert it from its legitimate purposes and make it the instrument of sections, classes, and individuals. We need no national banks or other extraneous institutions planted around the Government to control or strengthen it in opposition to the will of its authors. Experience has taught us how unnecessary they are as auxiliaries of the public authorities—how impotent for good and how powerful for mischief.

Ours was intended to be a plain and frugal government, and I shall regard it to be my duty to recommend to Congress and, as far as the Executive is concerned, to enforce



by all the means within my power the strictest economy in the expenditure of the public money which may be compatible with the public interests.

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A national debt has become almost an institution of European monarchies. It is viewed in some of them as an essential prop to existing governments. Melancholy is the condition of that people whose government can be sustained only by a system which periodically transfers large amounts from the labor of the many to the coffers of the few. Such a system is incompatible with the ends for which our republican Government was instituted. Under a wise policy the debts contracted in our Revolution and during the War of 1812 have been happily extinguished. By a judicious application of the revenues not required for other necessary purposes, it is not doubted that the debt which has grown out of the circumstances of the last few years may be speedily paid off.

I congratulate my fellow-citizens on the entire restoration of the credit of the General Government of the Union and that of many of the States. Happy would it be for the indebted States if they were freed from their liabilities, many of which were incautiously contracted. Although the Government of the Union is neither in a legal nor a moral sense bound for the debts of the States, and it would be a violation of our compact of union to assume them, yet we can not but feel a deep interest in seeing all the States meet their public liabilities and pay off their just debts at the earliest practicable period. That they will do so as soon as it can be done without imposing too heavy burdens on their citizens there is no reason to doubt. The sound moral and honorable feeling of the people of the indebted States can not be questioned, and we are happy to perceive a settled disposition on their part, as their ability returns after a season of unexampled pecuniary embarrassment, to pay off all just demands and to acquiesce in any reasonable measures to accomplish that object.

One of the difficulties which we have had to encounter in the practical administration of the Government consists in the adjustment of our revenue laws and the levy of the taxes necessary for the support of Government. In the general proposition that no more money shall be collected than the necessities of an economical administration shall require all parties seem to acquiesce. Nor does there seem to be any material difference of opinion as to the absence of right in the Government to tax one section of country, or one class of citizens, or one occupation, for the mere profit of another. "Justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country." I have heretofore declared to my fellow-citizens that "in my judgment it is the duty of the Government to extend, as far as it may be practicable to do so, by its revenue laws and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures,

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the mechanic arts, commerce, and navigation.” I have also declared my opinion to be “in favor of a tariff for revenue,” and that “in adjusting the details of such a tariff I have sanctioned such moderate discriminating duties as would produce the amount of revenue needed and at the same time afford reasonable incidental protection to our home industry,” and that I was “opposed to a tariff for protection merely, and not for revenue.”

The power “to lay and collect taxes, duties, imposts, and excises” was an indispensable one to be conferred on the Federal Government, which without it would possess no means of providing for its own support. In executing this power by levying a tariff of duties for the support of Government, the raising of *revenue* should be the *object* and *protection* the *incident*. To reverse this principle and make *protection* the *object* and *revenue* the *incident* would be to inflict manifest injustice upon all other than the protected interests. In levying duties for revenue it is doubtless proper to make such discriminations within the *revenue principle* as will afford incidental protection to our home interests. Within the revenue limit there is a discretion to discriminate; beyond that limit the rightful exercise of the power is not conceded. The incidental protection afforded to our home interests by discriminations within the revenue range it is believed will be ample. In making discriminations all our home interests should as far as practicable be equally protected. The largest portion of our people are agriculturists. Others are employed in manufactures, commerce, navigation, and the mechanic arts. They are all engaged in their respective pursuits, and their joint labors constitute the national or home industry. To tax one branch of this home industry for the benefit of another would be unjust. No one of these interests can rightfully claim an advantage over the others, or to be enriched by impoverishing the others. All are equally entitled to the fostering care and protection of the Government. In exercising a sound discretion in levying discriminating duties within the limit prescribed, care should be taken that it be done in a manner not to benefit the wealthy few at the expense of the toiling millions by taxing *lowest* the luxuries of life, or articles of superior quality and high price, which can only be consumed by the wealthy, and *highest* the necessities of life, or articles of coarse quality and low price, which the poor and great mass of our people must consume. The burdens of government should as far as practicable be distributed justly and equally among all classes of our population. These general views, long entertained on this subject, I have deemed it proper to reiterate. It is a subject upon which conflicting interests of sections and occupations are supposed to exist, and a spirit of mutual concession and compromise in adjusting its

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details should be cherished by every part of our widespread country as the only means of preserving harmony and a cheerful acquiescence of all in the operation of our revenue laws. Our patriotic citizens in every part of the Union will readily submit to the payment of such taxes as shall be needed for the support of their Government, whether in peace or in war, if they are so levied as to distribute the burdens as equally as possible among them.

The Republic of Texas has made known her desire to come into our Union, to form a part of our Confederacy and enjoy with us the blessings of liberty secured and guaranteed by our Constitution. Texas was once a part of our country—was unwisely ceded away to a foreign power—is now independent, and possesses an undoubted right to dispose of a part or the whole of her territory and to merge her sovereignty as a separate and independent state in ours. I congratulate my country that by an act of the late Congress of the United States the assent of this Government has been given to the reunion, and it only remains for the two countries to agree upon the terms to consummate an object so important to both.

I regard the question of annexation as belonging exclusively to the United States and Texas. They are independent powers competent to contract, and foreign nations have no right to interfere with them or to take exceptions to their reunion. Foreign powers do not seem to appreciate the true character of our Government. Our Union is a confederation of independent States, whose policy is peace with each other and all the world. To enlarge its limits is to extend the dominions of peace over additional territories and increasing millions. The world has nothing to fear from military ambition in our Government. While the Chief Magistrate and the popular branch of Congress are elected for short terms by the suffrages of those millions who must in their own persons bear all the burdens and miseries of war, our Government can not be otherwise than pacific. Foreign powers should therefore look on the annexation of Texas to the United States not as the conquest of a nation seeking to extend her dominions by arms and violence, but as the peaceful acquisition of a territory once her own, by adding another member to our confederation, with the consent of that member, thereby diminishing the chances of war and opening to them new and ever-increasing markets for their products.

To Texas the reunion is important, because the strong protecting arm of our Government would be extended over her, and the vast resources of her fertile soil and genial climate would be speedily developed, while the safety of New Orleans and of our whole southwestern frontier against hostile aggression, as well as the interests of the whole Union, would be promoted by it.

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In the earlier stages of our national existence the opinion prevailed with some that our system of confederated States could not operate successfully over an extended territory, and serious objections have at different times been made to the enlargement of our boundaries. These objections were earnestly urged when we acquired Louisiana. Experience has shown that they were not well founded. The title of numerous Indian tribes to vast tracts of country has been extinguished; new States have been admitted into the Union; new Territories have been created and our jurisdiction and laws extended over them. As our population has expanded, the Union has been cemented and strengthened. As our boundaries have been enlarged and our agricultural population has been spread over a large surface, our federative system has acquired additional strength and security. It may well be doubted whether it would not be in greater danger of overthrow if our present population were confined to the comparatively narrow limits of the original thirteen States than it is now that they are sparsely settled over a more expanded territory. It is confidently believed that our system may be safely extended to the utmost bounds of our territorial limits, and that as it shall be extended the bonds of our Union, so far from being weakened, will become stronger.

None can fail to see the danger to our safety and future peace if Texas remains an independent state or becomes an ally or dependency of some foreign nation more powerful than herself. Is there one among our citizens who would not prefer perpetual peace with Texas to occasional wars, which so often occur between bordering independent nations? Is there one who would not prefer free intercourse with her to high duties on all our products and manufactures which enter her ports or cross her frontiers? Is there one who would not prefer an unrestricted communication with her citizens to the frontier obstructions which must occur if she remains out of the Union? Whatever is good or evil in the local institutions of Texas will remain her own whether annexed to the United States or not. None of the present States will be responsible for them any more than they are for the local institutions of each other. They have confederated together for certain specified objects. Upon the same principle that they would refuse to form a perpetual union with Texas because of her local institutions our forefathers would have been prevented from forming our present Union. Perceiving no valid objection to the measure and many reasons for its adoption vitally affecting the peace, the safety, and the prosperity of both countries, I shall on the broad principle which formed the basis and produced the adoption of our Constitution, and not in any narrow spirit of sectional policy, endeavor by all constitutional, honorable, and appropriate means to consummate the expressed will of the people and Government of the United States by the reannexation of Texas to our Union at the earliest practicable period.

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Nor will it become in a less degree my duty to assert and maintain by all constitutional means the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is “clear and unquestionable,” and already are our people preparing to perfect that title by occupying it with their wives and children. But eighty years ago our population was confined on the west by the ridge of the Alleghanies. Within that period—within the lifetime, I might say, of some of my hearers—our people, increasing to many millions, have filled the eastern valley of the Mississippi, adventurously ascended the Missouri to its headsprings, and are already engaged in establishing the blessings of self-government in valleys of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately wherever they may be upon our soil. The jurisdiction of our laws and the benefits of our republican institutions should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the States, of which the formation in that part of our territory can not be long delayed, within the sphere of our federative Union. In the meantime every obligation imposed by treaty or conventional stipulations should be sacredly respected.

In the management of our foreign relations it will be my aim to observe a careful respect for the rights of other nations, while our own will be the subject of constant watchfulness. Equal and exact justice should characterize all our intercourse with foreign countries. All alliances having a tendency to jeopard the welfare and honor of our country or sacrifice any one of the national interests will be studiously avoided, and yet no opportunity will be lost to cultivate a favorable understanding with foreign governments by which our navigation and commerce may be extended and the ample products of our fertile soil, as well as the manufactures of our skillful artisans, find a ready market and remunerating prices in foreign countries.

In taking “care that the laws be faithfully executed,” a strict performance of duty will be exacted from all public officers. From those officers, especially, who are charged with the collection and disbursement of the public revenue will prompt and rigid accountability be required. Any culpable failure or delay on their part to account for the moneys intrusted to them at the times and in the manner required by law will in every instance terminate the official connection of such defaulting officer with the Government.

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Although in our country the Chief Magistrate must almost of necessity be chosen by a party and stand pledged to its principles and measures, yet in his official action he should not be the President of a part only, but of the whole people of the United States. While he executes the laws with an impartial hand, shrinks from no proper responsibility, and faithfully carries out in the executive department of the Government the principles and policy of those who have chosen him, he should not be unmindful that our fellow-citizens who have differed with him in opinion are entitled to the full and free exercise of their opinions and judgments, and that the rights of all are entitled to respect and regard.

Confidently relying upon the aid and assistance of the coordinate departments of the Government in conducting our public affairs, I enter upon the discharge of the high duties which have been assigned me by the people, again humbly supplicating that Divine Being who has watched over and protected our beloved country from its infancy to the present hour to continue His gracious benedictions upon us, that we may continue to be a prosperous and happy people.

MARCH 4, 1845.

### **SPECIAL MESSAGE.**

WASHINGTON, *March 15*, 1845.

*To the Senate of the United States:*

I have received and maturely considered the two resolutions adopted by the Senate in executive session on the 12th instant, the first requesting the President to communicate information to the Senate (in confidence) of any steps which have been taken, if any were taken, by the late President in execution of the resolution of Congress entitled "A joint resolution for the annexation of Texas to the United States," and if any such steps have been taken, then to inform the Senate whether anything has been done by him to counteract, suspend, or reverse the action of the late President in the premises; and the second requesting the President "to inform the Senate what communications have been made by the Mexican minister in consequence of the proceedings of Congress and the Executive in relation to Texas."

With the highest respect for the Senate and a sincere desire to furnish all the information requested by the first resolution, I yet entertain strong apprehensions lest such a communication might delay and ultimately endanger the success of the great measure which Congress so earnestly sought to accomplish by the passage of the "joint resolution for the annexation of Texas to the United States." The initiatory proceedings which have been adopted by the Executive to give effect to this resolution can not,

therefore, in my judgment, at this time and under existing circumstances, be communicated without injury to the public interest.

In conformity with the second resolution, I herewith transmit to the Senate the copy of a note, dated on the 6th instant, addressed by General Almonte, envoy extraordinary and minister plenipotentiary of the Mexican Republic, to the Hon. John C. Calhoun, late Secretary of State, which is the only communication that has been made by the Mexican minister to the Department of State since the passage of the joint resolution of Congress for the annexation of Texas; and I also transmit a copy of the answer of the Secretary of State to this note of the Mexican minister.



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JAMES K. POLK.

### **EXECUTIVE ORDERS.**

WASHINGTON CITY, *June 16, 1845.*

Andrew Jackson is no more. He departed this life on Sunday, the 8th instant, full of days and full of honors. His country deplores his loss, and will ever cherish his memory. Whilst a nation mourns it is proper that business should be suspended, at least for one day, in the Executive Departments, as a tribute of respect to the illustrious dead.

I accordingly direct that the Departments of State, the Treasury, War, the Navy, the Post-Office, the office of the Attorney-General, and the Executive Mansion be instantly put into mourning, and that they be closed during the whole day to-morrow.

JAMES K. POLK.

### **GENERAL ORDERS, NO. 27.**

WAR DEPARTMENT,

ADJUTANT-GENERAL'S OFFICE,

*Washington, June 16, 1845.*

The following general order of the President, received through the War Department, announces to the Army the death of the illustrious ex-President, General Andrew Jackson:

### **GENERAL ORDER.**

WASHINGTON, *June 16, 1845.*

The President of the United States with heartfelt sorrow announces to the Army, the Navy, and the Marine Corps the death of Andrew Jackson. On the evening of Sunday, the 8th day of June, about 6 o'clock, he resigned his spirit to his Heavenly Father. The nation, while it learns with grief the death of its most illustrious citizen, finds solace in contemplating his venerable character and services. The Valley of the Mississippi beheld in him the bravest and wisest and most fortunate of its defenders; the country raised him to the highest trusts in military and in civil life with a confidence that never abated and an affection that followed him in undiminished vigor to retirement, watched

over his latest hours, and pays its tribute at his grave. Wherever his lot was cast he appeared among those around him first in natural endowments and resources, not less than first in authority and station. The power of his mind impressed itself on the policy of his country, and still lives, and will live forever in the memory of its people. Child of a forest region and a settler of the wilderness, his was a genius which, as it came to the guidance of affairs, instinctively attached itself to general principles, and inspired by the truth which his own heart revealed to him in singleness and simplicity, he found always a response in the breast of his countrymen. Crowned with glory in war, in his whole career as a statesman he showed himself the friend and lover of peace. With an American heart, whose throbs were all for republican freedom and his native land, he yet longed to promote the widest intercourse and most intimate commerce between the many nations of mankind. He was the servant of humanity.

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Of a vehement will, he was patient in council, deliberating long, hearing all things, yet in the moment of action deciding with rapidity. Of a noble nature and incapable of disguise, his thoughts lay open to all around him and won their confidence by his ingenuous frankness. His judgment was of that solidity that he ever tempered vigor with prudence. The flushings of anger could never cloud his faculties, but rather kindled and lighted them up, quickening their energy without disturbing their balance. In war his eye at a glance discerned his plans with unerring sagacity; in peace he proposed measures with an instinctive wisdom of which the inspirations were prophecy. In discipline stern, in a just resolution inflexible, he was full of the gentlest affections, ever ready to solace the distressed and to relieve the needy, faithful to his friends, fervid for his country. Indifferent to other rewards, he aspired throughout life to an honorable fame, and so loved his fellow-men that he longed to dwell in their affectionate remembrance. Heaven gave him length of days and he filled them with deeds of greatness. He was always happy—happy in his youth, which shared the achievement of our national independence; happy in his after years, which beheld the Valley of the West cover itself with the glory of free and ever-increasing States; happy in his age, which saw the people multiply from two to twenty millions and freedom and union make their pathway from the Atlantic to the Pacific; thrice happy in death, for while he believed the liberties of his country imperishable and was cheered by visions of its constant advancement, he departed from this life in a full hope of a blessed immortality through the merits and atonement of the Redeemer.

Officers of the Army, the Navy, and the Marine Corps will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of six months. At the naval stations and the public vessels in commission the flags will be worn at half-mast for one week, and on the day after this order is received twenty-one minute guns will be fired, beginning at 12 o'clock.

At each military station the day after the reception of this order the national flag will be displayed at half-staff from sunrise to sunset, thirteen guns will be fired at daybreak, half-hour guns during the day, and at the close of the day a general salute. The troops will be paraded at 10 o'clock and this order read to them, on which the labors of the day will cease.

Let the virtues of the illustrious dead retain their influence, and when energy and courage are called to trial emulate his example.

GEORGE BANCROFT,  
*Acting Secretary of War, and Secretary of the Navy.*



By order:  
R. JONES,  
*Adjutant-General.*

## **FIRST ANNUAL MESSAGE.**

WASHINGTON, *December 2, 1845.*

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

It is to me a source of unaffected satisfaction to meet the representatives of the States and the people in Congress assembled, as it will be to receive the aid of their combined wisdom in the administration of public affairs. In performing for the first time the duty imposed on me by the Constitution of giving to you information of the state of the Union and recommending to your consideration such measures as in my judgment are necessary and expedient, I am happy that I can congratulate you on the continued prosperity of our country. Under the blessings of Divine Providence and the benign influence of our free institutions, it stands before the world a spectacle of national happiness.

With our unexampled advancement in all the elements of national greatness, the affection of the people is confirmed for the Union of the States and for the doctrines of popular liberty which lie at the foundation of our Government.

It becomes us in humility to make our devout acknowledgments to the Supreme Ruler of the Universe for the inestimable civil and religious blessings with which we are favored.

In calling the attention of Congress to our relations with foreign powers, I am gratified to be able to state that though with some of them there have existed since your last session serious causes of irritation and misunderstanding, yet no actual hostilities have taken place. Adopting the maxim in the conduct of our foreign affairs "to ask nothing that is not right and submit to nothing that is wrong," it has been my anxious desire to preserve peace with all nations, but at the same time to be prepared to resist aggression and maintain all our just rights.

In pursuance of the joint resolution of Congress "for annexing Texas to the United States," my predecessor, on the 3d day of March, 1845, elected to submit the first and second sections of that resolution to the Republic of Texas as an overture on the part of the United States for her admission as a State into our Union. This election I approved, and accordingly the charge d'affaires of the United States in Texas, under instructions of the 10th of March, 1845, presented these sections of the resolution for the acceptance of that Republic. The executive government, the Congress, and the people of Texas in convention have successively complied with all the terms and conditions of the joint resolution. A constitution for the government of the State of Texas, formed by a convention of deputies, is herewith laid before Congress. It is well known, also, that the people of Texas at the polls have accepted the terms of annexation and ratified the constitution. I communicate to Congress the correspondence between the Secretary of State and our charge d'affaires in Texas, and also the correspondence of the latter with the authorities of Texas, together with the official documents transmitted

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by him to his own Government. The terms of annexation which were offered by the United States having been accepted by Texas, the public faith of both parties is solemnly pledged to the compact of their union. Nothing remains to consummate the event but the passage of an act by Congress to admit the State of Texas into the Union upon an equal footing with the original States. Strong reasons exist why this should be done at an early period of the session. It will be observed that by the constitution of Texas the existing government is only continued temporarily till Congress can act, and that the third Monday of the present month is the day appointed for holding the first general election. On that day a governor, a lieutenant-governor, and both branches of the legislature will be chosen by the people. The President of Texas is required, immediately after the receipt of official information that the new State has been admitted into our Union by Congress, to convene the legislature, and upon its meeting the existing government will be superseded and the State government organized. Questions deeply interesting to Texas, in common with the other States, the extension of our revenue laws and judicial system over her people and territory, as well as measures of a local character, will claim the early attention of Congress, and therefore upon every principle of republican government she ought to be represented in that body without unnecessary delay. I can not too earnestly recommend prompt action on this important subject. As soon as the act to admit Texas as a State shall be passed the union of the two Republics will be consummated by their own voluntary consent.

This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest, or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our federative union. If we consider the extent of territory involved in the annexation, its prospective influence on America, the means by which it has been accomplished, springing purely from the choice of the people themselves to share the blessings of our union, the history of the world may be challenged to furnish a parallel. The jurisdiction of the United States, which at the formation of the Federal Constitution was bounded by the St. Marys on the Atlantic, has passed the capes of Florida and been peacefully extended to the Del Norte. In contemplating the grandeur of this event it is not to be forgotten that the result was achieved in despite of the diplomatic interference of European monarchies. Even France, the country which had been our ancient ally, the country which has a common interest with us in maintaining the freedom of the seas, the country which, by the cession of Louisiana, first opened to us access to

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the Gulf of Mexico, the country with which we have been every year drawing more and more closely the bonds of successful commerce, most unexpectedly, and to our unfeigned regret, took part in an effort to prevent annexation and to impose on Texas, as a condition of the recognition of her independence by Mexico, that she would never join herself to the United States. We may rejoice that the tranquil and pervading influence of the American principle of self-government was sufficient to defeat the purposes of British and French interference, and that the almost unanimous voice of the people of Texas has given to that interference a peaceful and effective rebuke. From this example European Governments may learn how vain diplomatic arts and intrigues must ever prove upon this continent against that system of self-government which seems natural to our soil, and which will ever resist foreign interference.

Toward Texas I do not doubt that a liberal and generous spirit will actuate Congress in all that concerns her interests and prosperity, and that she will never have cause to regret that she has united her "lone star" to our glorious constellation.

I regret to inform you that our relations with Mexico since your last session have not been of the amicable character which it is our desire to cultivate with all foreign nations. On the 6th day of March last the Mexican envoy extraordinary and minister plenipotentiary to the United States made a formal protest in the name of his Government against the joint resolution passed by Congress "for the annexation of Texas to the United States," which he chose to regard as a violation of the rights of Mexico, and in consequence of it he demanded his passports. He was informed that the Government of the United States did not consider this joint resolution as a violation of any of the rights of Mexico, or that it afforded any just cause of offense to his Government; that the Republic of Texas was an independent power, owing no allegiance to Mexico and constituting no part of her territory or rightful sovereignty and jurisdiction. He was also assured that it was the sincere desire of this Government to maintain with that of Mexico relations of peace and good understanding. That functionary, however, notwithstanding these representations and assurances, abruptly terminated his mission and shortly afterwards left the country. Our envoy extraordinary and minister plenipotentiary to Mexico was refused all official intercourse with that Government, and, after remaining several months, by the permission of his own Government he returned to the United States. Thus, by the acts of Mexico, all diplomatic intercourse between the two countries was suspended.

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Since that time Mexico has until recently occupied an attitude of hostility toward the United States—has been marshaling and organizing armies, issuing proclamations, and avowing the intention to make war on the United States, either by an open declaration or by invading Texas. Both the Congress and convention of the people of Texas invited this Government to send an army into that territory to protect and defend them against the menaced attack. The moment the terms of annexation offered by the United States were accepted by Texas the latter became so far a part of our own country as to make it our duty to afford such protection and defense. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coasts of Mexico and to concentrate an efficient military force on the western frontier of Texas. Our Army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the Gulf was ordered to cooperate with the Army. But though our Army and Navy were placed in a position to defend our own and the rights of Texas, they were ordered to commit no act of hostility against Mexico unless she declared war or was herself the aggressor by striking the first blow. The result has been that Mexico has made no aggressive movement, and our military and naval commanders have executed their orders with such discretion that the peace of the two Republics has not been disturbed. Texas had declared her independence and maintained it by her arms for more than nine years. She has had an organized government in successful operation during that period. Her separate existence as an independent state had been recognized by the United States and the principal powers of Europe. Treaties of commerce and navigation had been concluded with her by different nations, and it had become manifest to the whole world that any further attempt on the part of Mexico to conquer her or overthrow her Government would be vain. Even Mexico herself had become satisfied of this fact, and whilst the question of annexation was pending before the people of Texas during the past summer the Government of Mexico, by a formal act, agreed to recognize the independence of Texas on condition that she would not annex herself to any other power. The agreement to acknowledge the independence of Texas, whether with or without this condition, is conclusive against Mexico. The independence of Texas is a fact conceded by Mexico herself, and she had no right or authority to prescribe restrictions as to the form of government which Texas might afterwards choose to assume. But though Mexico can not complain of the United States on account of the annexation of Texas, it is to be regretted that serious causes of misunderstanding between the two countries continue to exist, growing out of unredressed injuries inflicted by the Mexican authorities and people on the persons



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and property of citizens of the United States through a long series of years. Mexico has admitted these injuries, but has neglected and refused to repair them. Such was the character of the wrongs and such the insults repeatedly offered to American citizens and the American flag by Mexico, in palpable violation of the laws of nations and the treaty between the two countries of the 5th of April, 1831, that they have been repeatedly brought to the notice of Congress by my predecessors. As early as the 6th of February, 1837, the President of the United States declared in a message to Congress that—

The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war.

He did not, however, recommend an immediate resort to this extreme measure, which, he declared, “should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided,” but, in a spirit of forbearance, proposed that another demand be made on Mexico for that redress which had been so long and unjustly withheld. In these views committees of the two Houses of Congress, in reports made to their respective bodies, concurred. Since these proceedings more than eight years have elapsed, during which, in addition to the wrongs then complained of, others of an aggravated character have been committed on the persons and property of our citizens. A special agent was sent to Mexico in the summer of 1838 with full authority to make another and final demand for redress. The demand was made; the Mexican Government promised to repair the wrongs of which we complained, and after much delay a treaty of indemnity with that view was concluded between the two powers on the 11th of April, 1839, and was duly ratified by both Governments. By this treaty a joint commission was created to adjudicate and decide on the claims of American citizens on the Government of Mexico. The commission was organized at Washington on the 25th day of August, 1840. Their time was limited to eighteen months, at the expiration of which they had adjudicated and decided claims amounting to \$2,026,139.68 in favor of citizens of the United States against the Mexican Government, leaving a large amount of claims undecided. Of the latter the American commissioners had decided in favor of our citizens claims amounting to \$928,627.88, which were left unacted on by the umpire authorized by the treaty. Still further claims, amounting to between three and four millions of dollars, were submitted to the board too late to be considered, and were left undisposed of. The sum of \$2,026,139.68,

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decided by the board, was a liquidated and ascertained debt due by Mexico to the claimants, and there was no justifiable reason for delaying its payment according to the terms of the treaty. It was not, however, paid. Mexico applied for further indulgence, and, in that spirit of liberality and forbearance which has ever marked the policy of the United States toward that Republic, the request was granted, and on the 30th of January, 1843, a new treaty was concluded. By this treaty it was provided that the interest due on the awards in favor of claimants under the convention of the 11th of April, 1839, should be paid on the 30th of April, 1843, and that—

The principal of the said awards and the interest accruing thereon shall be paid in five years, in equal installments every three months, the said term of five years to commence on the 30th day of April, 1843, aforesaid.

The interest due on the 30th day of April, 1843, and the three first of the twenty installments have been paid. Seventeen of these installments remain unpaid, seven of which are now due.

The claims which were left undecided by the joint commission, amounting to more than \$3,000,000, together with other claims for spoliations on the property of our citizens, were subsequently presented to the Mexican Government for payment, and were so far recognized that a treaty providing for their examination and settlement by a joint commission was concluded and signed at Mexico on the 20th day of November, 1843. This treaty was ratified by the United States with certain amendments to which no just exception could have been taken, but it has not yet received the ratification of the Mexican Government. In the meantime our citizens, who suffered great losses—and some of whom have been reduced from affluence to bankruptcy—are without remedy unless their rights be enforced by their Government. Such a continued and unprovoked series of wrongs could never have been tolerated by the United States had they been committed by one of the principal nations of Europe. Mexico was, however, a neighboring sister republic, which, following our example, had achieved her independence, and for whose success and prosperity all our sympathies were early enlisted. The United States were the first to recognize her independence and to receive her into the family of nations, and have ever been desirous of cultivating with her a good understanding. We have therefore borne the repeated wrongs she has committed with great patience, in the hope that a returning sense of justice would ultimately guide her councils and that we might, if possible, honorably avoid any hostile collision with her. Without the previous authority of Congress the Executive possessed no power to adopt or enforce adequate remedies for the injuries we had suffered, or to do more than to be prepared to repel the threatened aggression on the part of Mexico. After our Army and Navy had remained on

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the frontier and coasts of Mexico for many weeks without any hostile movement on her part, though her menaces were continued, I deemed it important to put an end, if possible, to this state of things. With this view I caused steps to be taken in the month of September last to ascertain distinctly and in an authentic form what the designs of the Mexican Government were—whether it was their intention to declare war, or invade Texas, or whether they were disposed to adjust and settle in an amicable manner the pending differences between the two countries. On the 9th of November an official answer was received that the Mexican Government consented to renew the diplomatic relations which had been suspended in March last, and for that purpose were willing to accredit a minister from the United States. With a sincere desire to preserve peace and restore relations of good understanding between the two Republics, I waived all ceremony as to the manner of renewing diplomatic intercourse between them, and, assuming the initiative, on the 10th of November a distinguished citizen of Louisiana was appointed envoy extraordinary and minister plenipotentiary to Mexico, clothed with full powers to adjust and definitively settle all pending differences between the two countries, including those of boundary between Mexico and the State of Texas. The minister appointed has set out on his mission and is probably by this time near the Mexican capital. He has been instructed to bring the negotiation with which he is charged to a conclusion at the earliest practicable period, which it is expected will be in time to enable me to communicate the result to Congress during the present session. Until that result is known I forbear to recommend to Congress such ulterior measures of redress for the wrongs and injuries we have so long borne as it would have been proper to make had no such negotiation been instituted.

Congress appropriated at the last session the sum of \$275,000 for the payment of the April and July installments of the Mexican indemnities for the year 1844:

Provided it shall be ascertained to the satisfaction of the American Government that said installments have been paid by the Mexican Government to the agent appointed by the United States to receive the same in such manner as to discharge all claim on the Mexican Government, and said agent to be delinquent in remitting the money to the United States.

The unsettled state of our relations with Mexico has involved this subject in much mystery. The first information in an authentic form from the agent of the United States, appointed under the Administration of my predecessor, was received at the State Department on the 9th of November last. This is contained in a letter, dated the 17th of October, addressed by him to one of our citizens then in Mexico with a view of having it communicated to that Department. From this it appears that the agent on the 20th of

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September, 1844, gave a receipt to the treasury of Mexico for the amount of the April and July installments of the indemnity. In the same communication, however, he asserts that he had not received a single dollar in cash, but that he holds such securities as warranted him at the time in giving the receipt, and entertains no doubt but that he will eventually obtain the money. As these installments appear never to have been actually paid by the Government of Mexico to the agent, and as that Government has not, therefore, been released so as to discharge the claim, I do not feel myself warranted in directing payment to be made to the claimants out of the Treasury without further legislation. Their case is undoubtedly one of much hardship, and it remains for Congress to decide whether any, and what, relief ought to be granted to them. Our minister to Mexico has been instructed to ascertain the facts of the case from the Mexican Government in an authentic and official form and report the result with as little delay as possible.

My attention was early directed to the negotiation which on the 4th of March last I found pending at Washington between the United States and Great Britain on the subject of the Oregon Territory. Three several attempts had been previously made to settle the questions in dispute between the two countries by negotiation upon the principle of compromise, but each had proved unsuccessful. These negotiations took place at London in the years 1818, 1824, and 1826—the two first under the Administration of Mr. Monroe and the last under that of Mr. Adams.

The negotiation of 1818, having failed to accomplish its object, resulted in the convention of the 20th of October of that year. By the third article of that convention it was—

Agreed that any country that may be claimed by either party on the northwest coast of America westward of the Stony Mountains shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country, the only object of the high contracting parties in that respect being to prevent disputes and differences amongst themselves.

The negotiation of 1824 was productive of no result, and the convention of 1818 was left unchanged.

The negotiation of 1826, having also failed to effect an adjustment by compromise, resulted in the convention of August 6, 1827, by which it was agreed to continue in force

for an indefinite period the provisions of the third article of the convention of the 20th of October, 1818; and it was further provided that—

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It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall in such case be accordingly entirely annulled and abrogated after the expiration of the said term of notice.

In these attempts to adjust the controversy the parallel of the forty-ninth degree of north latitude had been offered by the United States to Great Britain, and in those of 1818 and 1826, with a further concession of the free navigation of the Columbia River south of that latitude. The parallel of the forty-ninth degree from the Rocky Mountains to its intersection with the northeasternmost branch of the Columbia, and thence down the channel of that river to the sea, had been offered by Great Britain, with an addition of a small detached territory north of the Columbia. Each of these propositions had been rejected by the parties respectively. In October, 1843, the envoy extraordinary and minister plenipotentiary of the United States in London was authorized to make a similar offer to those made in 1818 and 1826. Thus stood the question when the negotiation was shortly afterwards transferred to Washington, and on the 23d of August, 1844, was formally opened under the direction of my immediate predecessor. Like all the previous negotiations, it was based upon principles of "compromise," and the avowed purpose of the parties was "to treat of the respective claims of the two countries to the Oregon Territory with the view to establish a permanent boundary between them westward of the Rocky Mountains to the Pacific Ocean."

Accordingly, on the 26th of August, 1844, the British plenipotentiary offered to divide the Oregon Territory by the forty-ninth parallel of north latitude from the Rocky Mountains to the point of its intersection with the northeasternmost branch of the Columbia River, and thence down that river to the sea, leaving the free navigation of the river to be enjoyed in common by both parties, the country south of this line to belong to the United States and that north of it to Great Britain. At the same time he proposed in addition to yield to the United States a detached territory north of the Columbia extending along the Pacific and the Straits of Fuca from Bulfinchs Harbor, inclusive, to Hoods Canal, and to make free to the United States any port or ports south of latitude 49 deg. which they might desire, either on the mainland or on Quadra and Vancouvers Island. With the exception of the free ports, this was the same offer which had been made by the British and rejected by the American Government in the negotiation of 1826. This proposition was properly rejected by the American plenipotentiary on the day it was submitted. This was the only proposition of compromise offered by the British plenipotentiary. The proposition

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on the part of Great Britain having been rejected, the British plenipotentiary requested that a proposal should be made by the United States for "an equitable adjustment of the question." When I came into office I found this to be the state of the negotiation. Though entertaining the settled conviction that the British pretensions of title could not be maintained to any portion of the Oregon Territory upon any principle of public law recognized by nations, yet in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding Administrations to adjust the question on the parallel of 49 deg., and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827 the citizens and subjects of the two powers held a joint occupancy of the country, I was induced to make another effort to settle this long-pending controversy in the spirit of moderation which had given birth to the renewed discussion. A proposition was accordingly made, which was rejected by the British plenipotentiary, who, without submitting any other proposition, suffered the negotiation on his part to drop, expressing his trust that the United States would offer what he saw fit to call "some further proposal for the settlement of the Oregon question more consistent with fairness and equity and with the reasonable expectations of the British Government." The proposition thus offered and rejected repeated the offer of the parallel of 49 deg. of north latitude, which had been made by two preceding Administrations, but without proposing to surrender to Great Britain, as they had done, the free navigation of the Columbia River. The right of any foreign power to the free navigation of any of our rivers through the heart of our country was which I was unwilling to concede. I also embraced a provision to make free to Great Britain any port or ports on the cap of Quadra and Vancouvers Island south of this parallel. Had this been a new question, coming under discussion for the first time, this proposition would not have been made. The extraordinary and wholly inadmissible demands of the British Government and the rejection of the proposition made in deference alone to what had been done by my predecessors and the implied obligation which their acts seemed to impose afford satisfactory evidence that no compromise which the United States ought to accept can be effected. With this conviction the proposition of compromise which had been made and rejected was by my direction subsequently withdrawn and our title to the whole Oregon Territory asserted, and, as is believed, maintained by irrefragable facts and arguments.

The civilized world will see in these proceedings a spirit of liberal concession on the part of the United States, and this Government will be relieved from all responsibility which may follow the failure to settle the controversy.



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All attempts at compromise having failed, it becomes the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting or who may hereafter inhabit Oregon, and for the maintenance of our just title to that Territory. In adopting measures for this purpose care should be taken that nothing be done to violate the stipulations of the convention of 1827, which is still in force. The faith of treaties, in their letter and spirit, has ever been, and, I trust, will ever be, scrupulously observed by the United States. Under that convention a year's notice is required to be given by either party to the other before the joint occupancy shall terminate and before either can rightfully assert or exercise exclusive jurisdiction over any portion of the territory. This notice it would, in my judgment, be proper to give, and I recommend that provision be made by law for giving it accordingly, and terminating in this manner the convention of the 6th of August, 1827.

It will become proper for Congress to determine what legislation they can in the meantime adopt without violating this convention. Beyond all question the protection of our laws and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon. They have had just cause to complain of our long neglect in this particular, and have in consequence been compelled for their own security and protection to establish a provisional government for themselves. Strong in their allegiance and ardent in their attachment to the United States, they have been thus cast upon their own resources. They are anxious that our laws should be extended over them, and I recommend that this be done by Congress with as little delay as possible in the full extent to which the British Parliament have proceeded in regard to British subjects in that Territory by their act of July 2, 1821, "for regulating the fur trade and establishing a criminal and civil jurisdiction within certain parts of North America." By this act Great Britain extended her laws and jurisdiction, civil and criminal, over her subjects engaged in the fur trade in that Territory. By it the courts of the Province of Upper Canada were empowered to take cognizance of causes civil and criminal. Justices of the peace and other judicial officers were authorized to be appointed in Oregon with power to execute all process issuing from the courts of that Province, and to "sit and hold courts of record for the trial of criminal offenses and misdemeanors" not made the subject of capital punishment, and also of civil cases where the cause of action shall not "exceed in value the amount or sum of L200."



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Subsequent to the date of this act of Parliament a grant was made from the “British Crown” to the Hudsons Bay Company of the exclusive trade with the Indian tribes in the Oregon Territory, subject to a reservation that it shall not operate to the exclusion “of the subjects of any foreign states who, under or by force of any convention for the time being between us and such foreign states, respectively, may be entitled to and shall be engaged in the said trade.” It is much to be regretted that while under this act British subjects have enjoyed the protection of British laws and British judicial tribunals throughout the whole of Oregon, American citizens in the same Territory have enjoyed no such protection from their Government. At the same time, the result illustrates the character of our people and their institutions. In spite of this neglect they have multiplied, and their number is rapidly increasing in that Territory. They have made no appeal to arms, but have peacefully fortified themselves in their new homes by the adoption of republican institutions for themselves, furnishing another example of the truth that self-government is inherent in the American breast and must prevail. It is due to them that they should be embraced and protected by our laws. It is deemed important that our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains should be extended to such tribes as dwell beyond them. The increasing emigration to Oregon and the care and protection which is due from the Government to its citizens in that distant region make it our duty, as it is our interest, to cultivate amicable relations with the Indian tribes of that Territory. For this purpose I recommend that provision be made for establishing an Indian agency and such subagencies as may be deemed necessary beyond the Rocky Mountains.

For the protection of emigrants whilst on their way to Oregon against the attacks of the Indian tribes occupying the country through which they pass, I recommend that a suitable number of stockades and blockhouse forts be erected along the usual route between our frontier settlements on the Missouri and the Rocky Mountains, and that an adequate force of mounted riflemen be raised to guard and protect them on their journey. The immediate adoption of these recommendations by Congress will not violate the provisions of the existing treaty. It will be doing nothing more for American citizens than British laws have long since done for British subjects in the same territory.

It requires several months to perform the voyage by sea from the Atlantic States to Oregon, and although we have a large number of whale ships in the Pacific, but few of them afford an opportunity of interchanging intelligence without great delay between our settlements in that distant region and the United States. An overland mail is believed to be entirely practicable, and the importance of establishing such a mail at least once a month is submitted to the favorable consideration of Congress.

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It is submitted to the wisdom of Congress to determine whether at their present session, and until after the expiration of the year's notice, any other measures may be adopted consistently with the convention of 1827 for the security of our rights and the government and protection of our citizens in Oregon. That it will ultimately be wise and proper to make liberal grants of land to the patriotic pioneers who amidst privations and dangers lead the way through savage tribes inhabiting the vast wilderness intervening between our frontier settlements and Oregon, and who cultivate and are ever ready to defend the soil, I am fully satisfied. To doubt whether they will obtain such grants as soon as the convention between the United States and Great Britain shall have ceased to exist would be to doubt the justice of Congress; but, pending the year's notice, it is worthy of consideration whether a stipulation to this effect may be made consistently with the spirit of that convention.

The recommendations which I have made as to the best manner of securing our rights in Oregon are submitted to Congress with great deference. Should they in their wisdom devise any other mode better calculated to accomplish the same object, it shall meet with my hearty concurrence.

At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they can not be abandoned without a sacrifice of both national honor and interest is too clear to admit of doubt.

Oregon is a part of the North American continent, to which, it is confidently affirmed, the title of the United States is the best now in existence. For the grounds on which that title rests I refer you to the correspondence of the late and present Secretary of State with the British plenipotentiary during the negotiation. The British proposition of compromise, which would make the Columbia the line south of 49 deg., with a trifling addition of detached territory to the United States north of that river, and would leave on the British side two-thirds of the whole Oregon Territory, including the free navigation of the Columbia and all the valuable harbors on the Pacific, can never for a moment be entertained by the United States without an abandonment of their just and clear territorial rights, their own self-respect, and the national honor. For the information of Congress, I communicate herewith the correspondence which took place between the two Governments during the late negotiation.

The rapid extension of our settlements over our territories heretofore unoccupied, the addition of new States to our Confederacy, the expansion of free principles, and our rising greatness as a nation are attracting the attention of the powers of Europe, and lately the doctrine has been broached in some of them of a "balance of power" on this continent to check our advancement. The United States, sincerely desirous of preserving relations of good understanding with all nations, can not in silence permit any European interference on the North American continent, and should any such interference be attempted will be ready to resist it at any and all hazards.

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It is well known to the American people and to all nations that this Government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances; we have not sought their territories by conquest; we have not mingled with parties in their domestic struggles; and believing our own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States can not, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the “balance of power.” It can not be permitted to have any application on the North American continent, and especially to the United States. We must ever maintain the principle that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent state, propose to unite themselves with our Confederacy, this will be a question for them and us to determine without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union because it might disturb the “balance of power” which they may desire to maintain upon this continent. Near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my predecessors, that—

The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

This principle will apply with greatly increased force should any European power attempt to establish any new colony in North America. In the existing circumstances of the world the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected, but it is due alike to our safety and our interests that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy that no future European colony or dominion shall with our consent be planted or established on any part of the North American continent.

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A question has recently arisen under the tenth article of the subsisting treaty between the United States and Prussia. By this article the consuls of the two countries have the right to sit as judges and arbitrators “in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said consuls should require their assistance to cause their decisions to be carried into effect or supported.”

The Prussian consul at New Bedford in June, 1844, applied to Mr. Justice Story to carry into effect a decision made by him between the captain and crew of the Prussian ship *Borussia*, but the request was refused on the ground that without previous legislation by Congress the judiciary did not possess the power to give effect to this article of the treaty. The Prussian Government, through their minister here, have complained of this violation of the treaty, and have asked the Government of the United States to adopt the necessary measures to prevent similar violations hereafter. Good faith to Prussia, as well as to other nations with whom we have similar treaty stipulations, requires that these should be faithfully observed. I have deemed it proper, therefore, to lay the subject before Congress and to recommend such legislation as may be necessary to give effect to these treaty obligations.

By virtue of an arrangement made between the Spanish Government and that of the United States in December, 1831, American vessels, since the 20th of April, 1832, have been admitted to entry in the ports of Spain, including those of the Balearic and Canary islands, on payment of the same tonnage duty of 5 cents per ton, as though they had been Spanish vessels; and this whether our vessels arrive in Spain directly from the United States or indirectly from any other country. When Congress, by the act of 13th July, 1832, gave effect to this arrangement between the two Governments, they confined the reduction of tonnage duty merely to Spanish vessels “coming from a port in Spain,” leaving the former discriminating duty to remain against such vessels coming from a port in any other country. It is manifestly unjust that whilst American vessels arriving in the ports of Spain from other countries pay no more duty than Spanish vessels, Spanish vessels arriving in the ports of the United States from other countries should be subjected to heavy discriminating tonnage duties. This is neither equality nor reciprocity, and is in violation of the arrangement concluded in December, 1831, between the two countries. The Spanish Government have made repeated and earnest remonstrances against this inequality, and the favorable attention of Congress has been several times invoked to the subject by my predecessors. I recommend,

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as an act of justice to Spain, that this inequality be removed by Congress and that the discriminating duties which have been levied under the act of the 13th of July, 1832, on Spanish vessels coming to the United States from any other foreign country be refunded. This recommendation does not embrace Spanish vessels arriving in the United States from Cuba and Porto Rico, which will still remain subject to the provisions of the act of June 30, 1834, concerning tonnage duty on such vessels. By the act of the 14th of July, 1832, coffee was exempted from duty altogether. This exemption was universal, without reference to the country where it was produced or the national character of the vessel in which it was imported. By the tariff act of the 30th of August, 1842, this exemption from duty was restricted to coffee imported in American vessels from the place of its production, whilst coffee imported under all other circumstances was subjected to a duty of 20 per cent *ad valorem*. Under this act and our existing treaty with the King of the Netherlands Java coffee imported from the European ports of that Kingdom into the United States, whether in Dutch or American vessels, now pays this rate of duty. The Government of the Netherlands complains that such a discriminating duty should have been imposed on coffee the production of one of its colonies, and which is chiefly brought from Java to the ports of that Kingdom and exported from thence to foreign countries. Our trade with the Netherlands is highly beneficial to both countries and our relations with them have ever been of the most friendly character. Under all the circumstances of the case, I recommend that this discrimination should be abolished and that the coffee of Java imported from the Netherlands be placed upon the same footing with that imported directly from Brazil and other countries where it is produced.

Under the eighth section of the tariff act of the 30th of August, 1842, a duty of 15 cents per gallon was imposed on port wine in casks, while on the red wines of several other countries, when imported in casks, a duty of only 6 cents per gallon was imposed. This discrimination, so far as regarded the port wine of Portugal, was deemed a violation of our treaty with that power, which provides that—

No higher or other duties shall be imposed on the importation into the United States of America of any article the growth, produce, or manufacture of the Kingdom and possessions of Portugal than such as are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country.

Accordingly, to give effect to the treaty as well as to the intention of Congress, expressed in a proviso to the tariff act itself, that nothing therein contained should be so construed as to interfere with subsisting treaties with foreign nations, a Treasury circular was issued on the 16th of July, 1844, which, among other things, declared the duty on the port wine of

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Portugal, in casks, under the existing laws and treaty to be 6 cents per gallon, and directed that the excess of duties which had been collected on such wine should be refunded. By virtue of another clause in the same section of the act it is provided that all imitations of port or any other wines "shall be subject to the duty provided for the genuine article." Imitations of port wine, the production of France, are imported to some extent into the United States, and the Government of that country now claims that under a correct construction of the act these imitations ought not to pay a higher duty than that imposed upon the original port wine of Portugal. It appears to me to be unequal and unjust that French imitations of port wine should be subjected to a duty of 15 cents, while the more valuable article from Portugal should pay a duty of 6 cents only per gallon. I therefore recommend to Congress such legislation as may be necessary to correct the inequality.

The late President, in his annual message of December last, recommended an appropriation to satisfy the claims of the Texan Government against the United States, which had been previously adjusted so far as the powers of the Executive extend. These claims arose out of the act of disarming a body of Texan troops under the command of Major Snively by an officer in the service of the United States, acting under the orders of our Government, and the forcible entry into the custom-house at Bryarly's Landing, on Red River, by certain citizens of the United States and taking away therefrom the goods seized by the collector of the customs as forfeited under the laws of Texas. This was a liquidated debt ascertained to be due to Texas when an independent state. Her acceptance of the terms of annexation proposed by the United States does not discharge or invalidate the claim. I recommend that provision be made for its payment.

The commissioner appointed to China during the special session of the Senate in March last shortly afterwards set out on his mission in the United States ship *Columbus*. On arriving at Rio de Janeiro on his passage the state of his health had become so critical that by the advice of his medical attendants he returned to the United States early in the month of October last. Commodore Biddle, commanding the East India Squadron, proceeded on his voyage in the *Columbus*, and was charged by the commissioner with the duty of exchanging with the proper authorities the ratifications of the treaty lately concluded with the Emperor of China. Since the return of the commissioner to the United States his health has been much improved, and he entertains the confident belief that he will soon be able to proceed on his mission.

Unfortunately, differences continue to exist among some of the nations of South America which, following our example, have established their independence, while in others internal dissensions prevail. It is natural that our sympathies should be warmly enlisted for their welfare; that we should desire that all controversies between them should be amicably adjusted and their Governments administered in a manner to

protect the rights and promote the prosperity of their people. It is contrary, however, to our settled policy to interfere in their controversies, whether external or internal.



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I have thus adverted to all the subjects connected with our foreign relations to which I deem it necessary to call your attention. Our policy is not only peace with all, but good will toward all the powers of the earth. While we are just to all, we require that all shall be just to us. Excepting the differences with Mexico and Great Britain, our relations with all civilized nations are of the most satisfactory character. It is hoped that in this enlightened age these differences may be amicably adjusted.

The Secretary of the Treasury in his annual report to Congress will communicate a full statement of the condition of our finances. The imports for the fiscal year ending on the 30th of June last were of the value of \$117,254,564, of which the amount exported was \$15,346,830, leaving a balance of \$101,907,734 for domestic consumption. The exports for the same year were of the value of \$114,646,606, of which the amount of domestic articles was \$99,299,776. The receipts into the Treasury during the same year were \$29,769,133.56, of which there were derived from customs \$27,528,112.70, from sales of public lands \$2,077,022.30, and from incidental and miscellaneous sources \$163,998.56. The expenditures for the same period were \$29,968,206.98, of which \$8,588,157.62 were applied to the payment of the public debt. The balance in the Treasury on the 1st of July last was \$7,658,306.22. The amount of the public debt remaining unpaid on the 1st of October last was \$17,075,445.52. Further payments of the public debt would have been made, in anticipation of the period of its reimbursement under the authority conferred upon the Secretary of the Treasury by the acts of July 21, 1841, and of April 15, 1842, and March 3, 1843, had not the unsettled state of our relations with Mexico menaced hostile collision with that power. In view of such a contingency it was deemed prudent to retain in the Treasury an amount unusually large for ordinary purposes.

A few years ago our whole national debt growing out of the Revolution and the War of 1812 with Great Britain was extinguished, and we presented to the world the rare and noble spectacle of a great and growing people who had fully discharged every obligation. Since that time the existing debt has been contracted, and, small as it is in comparison with the similar burdens of most other nations, it should be extinguished at the earliest practicable period. Should the state of the country permit, and especially if our foreign relations interpose no obstacle, it is contemplated to apply all the moneys in the Treasury as they accrue, beyond what is required for the appropriations by Congress, to its liquidation. I cherish the hope of soon being able to congratulate the country on its recovering once more the lofty position which it so recently occupied. Our country, which exhibits to the world the benefits of self-government, in developing all the sources of national prosperity owes to mankind the permanent example of a nation free from the blighting influence of a public debt.



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The attention of Congress is invited to the importance of making suitable modifications and reductions of the rates of duty imposed by our present tariff laws. The object of imposing duties on imports should be to raise revenue to pay the necessary expenses of Government. Congress may undoubtedly, in the exercise of a sound discretion, discriminate in arranging the rates of duty on different articles, but the discriminations should be within the revenue standard and be made with the view to raise money for the support of Government.

It becomes important to understand distinctly what is meant by a revenue standard the maximum of which should not be exceeded in the rates of duty imposed. It is conceded, and experience proves, that duties may be laid so high as to diminish or prohibit altogether the importation of any given article, and thereby lessen or destroy the revenue which at lower rates would be derived from its importation. Such duties exceed the revenue rates and are not imposed to raise money for the support of Government. If Congress levy a duty for revenue of 1 per cent on a given article, it will produce a given amount of money to the Treasury and will incidentally and necessarily afford protection or advantage to the amount of 1 per cent to the home manufacturer of a similar or like article over the importer. If the duty be raised to 10 per cent, it will produce a greater amount of money and afford greater protection. If it be still raised to 20, 25, or 30 per cent, and if as it is raised the revenue derived from it is found to be increased, the protection or advantage will also be increased; but if it be raised to 31 per cent, and it is found that the revenue produced at that rate is less than at 30 per cent, it ceases to be a revenue duty. The precise point in the ascending scale of duties at which it is ascertained from experience that the revenue is greatest is the maximum rate of duty which can be laid for the *bona fide* purpose of collecting money for the support of Government. To raise the duties higher than that point, and thereby diminish the amount collected, is to levy them for protection merely, and not for revenue. As long, then, as Congress may gradually increase the rate of duty on a given article, and the revenue is increased by such increase of duty, they are within the revenue standard. When they go beyond that point, and as they increase the duties, the revenue is diminished or destroyed; the act ceases to have for its object the raising of money to support Government, but is for protection merely. It does not follow that Congress should levy the highest duty on all articles of import which they will bear within the revenue standard, for such rates would probably produce a much larger amount than the economical administration of the Government would require. Nor does it follow that the duties on all articles should be at the same or a horizontal rate. Some articles will bear a much higher revenue duty than others. Below the maximum of the revenue standard Congress may and ought to discriminate in the rates imposed, taking care so to adjust them on different articles as to produce in the aggregate the amount which, when added to the proceeds of the sales of public lands, may be needed to pay the economical expenses of the Government.

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In levying a tariff of duties Congress exercise the taxing power, and for purposes of revenue may select the objects of taxation. They may exempt certain articles altogether and permit their importation free of duty. On others they may impose low duties. In these classes should be embraced such articles of necessity as are in general use, and especially such as are consumed by the laborer and poor as well as by the wealthy citizen. Care should be taken that all the great interests of the country, including manufactures, agriculture, commerce, navigation, and the mechanic arts, should, as far as may be practicable, derive equal advantages from the incidental protection which a just system of revenue duties may afford. Taxation, direct or indirect, is a burden, and it should be so imposed as to operate as equally as may be on all classes in the proportion of their ability to bear it. To make the taxing power an actual benefit to one class necessarily increases the burden of the others beyond their proportion, and would be manifestly unjust. The terms "protection to domestic industry" are of popular import, but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields is engaged in "domestic industry," and is as much entitled to have his labor "protected" as the manufacturer, the man of commerce, the navigator, or the mechanic, who are engaged also in "domestic industry" in their different pursuits. The joint labors of all these classes constitute the aggregate of the "domestic industry" of the nation, and they are equally entitled to the nation's "protection." No one of them can justly claim to be the exclusive recipient of "protection," which can only be afforded by increasing burdens on the "domestic industry" of the others.

If these views be correct, it remains to inquire how far the tariff act of 1842 is consistent with them. That many of the provisions of that act are in violation of the cardinal principles here laid down all must concede. The rates of duty imposed by it on some articles are prohibitory and on others so high as greatly to diminish importations and to produce a less amount of revenue than would be derived from lower rates. They operate as "protection merely" to one branch of "domestic industry" by taxing other branches.

By the introduction of minimums, or assumed and false values, and by the imposition of specific duties the injustice and inequality of the act of 1842 in its practical operations on different classes and pursuits are seen and felt. Many of the oppressive duties imposed by it under the operation of these principles range from 1 per cent to more than 200 per cent. They are prohibitory on some articles and partially so on others, and bear most heavily on articles of common necessity and but lightly on articles of luxury. It is so framed that much the greatest burden which it imposes is thrown on labor and the poorer classes,

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who are least able to bear it, while it protects capital and exempts the rich from paying their just proportion of the taxation required for the support of Government. While it protects the capital of the wealthy manufacturer and increases his profits, it does not benefit the operatives or laborers in his employment, whose wages have not been increased by it. Articles of prime necessity or of coarse quality and low price, used by the masses of the people, are in many instances subjected by it to heavy taxes, while articles of finer quality and higher price, or of luxury, which can be used only by the opulent, are lightly taxed. It imposes heavy and unjust burdens on the farmer, the planter, the commercial man, and those of all other pursuits except the capitalist who has made his investments in manufactures. All the great interests of the country are not as nearly as may be practicable equally protected by it.

The Government in theory knows no distinction of persons or classes, and should not bestow upon some favors and privileges which all others may not enjoy. It was the purpose of its illustrious founders to base the institutions which they reared upon the great and unchanging principles of justice and equity, conscious that if administered in the spirit in which they were conceived they would be felt only by the benefits which they diffused, and would secure for themselves a defense in the hearts of the people more powerful than standing armies and all the means and appliances invented to sustain governments founded in injustice and oppression.

The well-known fact that the tariff act of 1842 was passed by a majority of one vote in the Senate and two in the House of Representatives, and that some of those who felt themselves constrained, under the peculiar circumstances existing at the time, to vote in its favor, proclaimed its defects and expressed their determination to aid in its modification on the first opportunity, affords strong and conclusive evidence that it was not intended to be permanent, and of the expediency and necessity of its thorough revision.

In recommending to Congress a reduction of the present rates of duty and a revision and modification of the act of 1842, I am far from entertaining opinions unfriendly to the manufacturers. On the contrary, I desire to see them prosperous as far as they can be so without imposing unequal burdens on other interests. The advantage under any system of indirect taxation, even within the revenue standard, must be in favor of the manufacturing interest, and of this no other interest will complain.

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I recommend to Congress the abolition of the minimum principle, or assumed, arbitrary, and false values, and of specific duties, and the substitution in their place of *ad valorem* duties as the fairest and most equitable indirect tax which can be imposed. By the *ad valorem* principle all articles are taxed according to their cost or value, and those which are of inferior quality or of small cost bear only the just proportion of the tax with those which are of superior quality or greater cost. The articles consumed by all are taxed at the same rate. A system of *ad valorem* revenue duties, with proper discriminations and proper guards against frauds in collecting them, it is not doubted will afford ample incidental advantages to the manufacturers and enable them to derive as great profits as can be derived from any other regular business. It is believed that such a system strictly within the revenue standard will place the manufacturing interests on a stable footing and inure to their permanent advantage, while it will as nearly as may be practicable extend to all the great interests of the country the incidental protection which can be afforded by our revenue laws. Such a system, when once firmly established, would be permanent, and not be subject to the constant complaints, agitations, and changes which must ever occur when duties are not laid for revenue, but for the "protection merely" of a favored interest.

In the deliberations of Congress on this subject it is hoped that a spirit of mutual concession and compromise between conflicting interests may prevail, and that the result of their labors may be crowned with the happiest consequences.

By the Constitution of the United States it is provided that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." A public treasury was undoubtedly contemplated and intended to be created, in which the public money should be kept from the period of collection until needed for public uses. In the collection and disbursement of the public money no agencies have ever been employed by law except such as were appointed by the Government, directly responsible to it and under its control. The safe-keeping of the public money should be confided to a public treasury created by law and under like responsibility and control. It is not to be imagined that the framers of the Constitution could have intended that a treasury should be created as a place of deposit and safe-keeping of the public money which was irresponsible to the Government. The first Congress under the Constitution, by the act of the 2d of September, 1789, "to establish the Treasury Department," provided for the appointment of a Treasurer, and made it his duty "to receive and keep the moneys of the United States" and "at all times to submit to the Secretary of the Treasury and the Comptroller, or either of them, the inspection of the moneys in his hands."

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That banks, national or State, could not have been intended to be used as a substitute for the Treasury spoken of in the Constitution as keepers of the public money is manifest from the fact that at that time there was no national bank, and but three or four State banks, of limited capital, existed in the country. Their employment as depositories was at first resorted to to a limited extent, but with no avowed intention of continuing them permanently in place of the Treasury of the Constitution. When they were afterwards from time to time employed, it was from motives of supposed convenience. Our experience has shown that when banking corporations have been the keepers of the public money, and been thereby made in effect the Treasury, the Government can have no guaranty that it can command the use of its own money for public purposes. The late Bank of the United States proved to be faithless. The State banks which were afterwards employed were faithless. But a few years ago, with millions of public money in their keeping, the Government was brought almost to bankruptcy and the public credit seriously impaired because of their inability or indisposition to pay on demand to the public creditors in the only currency recognized by the Constitution. Their failure occurred in a period of peace, and great inconvenience and loss were suffered by the public from it. Had the country been involved in a foreign war, that inconvenience and loss would have been much greater, and might have resulted in extreme public calamity. The public money should not be mingled with the private funds of banks or individuals or be used for private purposes. When it is placed in banks for safe-keeping, it is in effect loaned to them without interest, and is loaned by them upon interest to the borrowers from them. The public money is converted into banking capital, and is used and loaned out for the private profit of bank stockholders, and when called for, as was the case in 1837, it may be in the pockets of the borrowers from the banks instead of being in the public Treasury contemplated by the Constitution. The framers of the Constitution could never have intended that the money paid into the Treasury should be thus converted to private use and placed beyond the control of the Government.

Banks which hold the public money are often tempted by a desire of gain to extend their loans, increase their circulation, and thus stimulate, if not produce, a spirit of speculation and extravagance which sooner or later must result in ruin to thousands. If the public money be not permitted to be thus used, but be kept in the Treasury and paid out to the public creditors in gold and silver, the temptation afforded by its deposit with banks to an undue expansion of their business would be checked, while the amount of the constitutional currency left in circulation would be enlarged by its employment in the public collections and disbursements, and the banks themselves

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would in consequence be found in a safer and sounder condition. At present State banks are employed as depositories, but without adequate regulation of law whereby the public money can be secured against the casualties and excesses, revulsions, suspensions, and defalcations to which from overissues, overtrading, an inordinate desire for gain, or other causes they are constantly exposed. The Secretary of the Treasury has in all cases when it was practicable taken collateral security for the amount which they hold, by the pledge of stocks of the United States or such of the States as were in good credit. Some of the deposit banks have given this description of security and others have declined to do so.

Entertaining the opinion that “the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government and the rights of the people,” I recommend to Congress that provision be made by law for such separation, and that a constitutional treasury be created for the safe-keeping of the public money. The constitutional treasury recommended is designed as a secure depository for the public money, without any power to make loans or discounts or to issue any paper whatever as a currency or circulation. I can not doubt that such a treasury as was contemplated by the Constitution should be independent of all banking corporations. The money of the people should be kept in the Treasury of the people created by law, and be in the custody of agents of the people chosen by themselves according to the forms of the Constitution—agents who are directly responsible to the Government, who are under adequate bonds and oaths, and who are subject to severe punishments for any embezzlement, private use, or misapplication of the public funds, and for any failure in other respects to perform their duties. To say that the people or their Government are incompetent or not to be trusted with the custody of their own money in their own Treasury, provided by themselves, but must rely on the presidents, cashiers, and stockholders of banking corporations, not appointed by them nor responsible to them, would be to concede that they are incompetent for self-government.

In recommending the establishment of a constitutional treasury in which the public money shall be kept, I desire that adequate provision be made by law for its safety and that all Executive discretion or control over it shall be removed, except such as may be necessary in directing its disbursement in pursuance of appropriations made by law.

Under our present land system, limiting the minimum price at which the public lands can be entered to \$1.25 per acre, large quantities of lands of inferior quality remain unsold because they will not command that price. From the records of the General Land Office it appears that of the public lands remaining unsold in the several States and Territories in which they are situated, 39,105,577 acres have been in the



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market subject to entry more than twenty years, 49,638,644 acres for more than fifteen years, 73,074,600 acres for more than ten years, and 106,176,961 acres for more than five years. Much the largest portion of these lands will continue to be unsalable at the minimum price at which they are permitted to be sold so long as large territories of lands from which the more valuable portions have not been selected are annually brought into market by the Government. With the view to the sale and settlement of these inferior lands, I recommend that the price be graduated and reduced below the present minimum rate, confining the sales at the reduced prices to settlers and cultivators, in limited quantities. If graduated and reduced in price for a limited term to \$1 per acre, and after the expiration of that period for a second and third term to lower rates, a large portion of these lands would be purchased, and many worthy citizens who are unable to pay higher rates could purchase homes for themselves and their families. By adopting the policy of graduation and reduction of price these inferior lands will be sold for their real value, while the States in which they lie will be freed from the inconvenience, if not injustice, to which they are subjected in consequence of the United States continuing to own large quantities of the public lands within their borders not liable to taxation for the support of their local governments.

I recommend the continuance of the policy of granting preemptions in its most liberal extent to all those who have settled or may hereafter settle on the public lands, whether surveyed or unsurveyed, to which the Indian title may have been extinguished at the time of settlement. It has been found by experience that in consequence of combinations of purchasers and other causes a very small quantity of the public lands, when sold at public auction, commands a higher price than the minimum rates established by law. The settlers on the public lands are, however, but rarely able to secure their homes and improvements at the public sales at that rate, because these combinations, by means of the capital they command and their superior ability to purchase, render it impossible for the settler to compete with them in the market. By putting down all competition these combinations of capitalists and speculators are usually enabled to purchase the lands, including the improvements of the settlers, at the minimum price of the Government, and either turn them out of their homes or extort from them, according to their ability to pay, double or quadruple the amount paid for them to the Government. It is to the enterprise and perseverance of the hardy pioneers of the West, who penetrate the wilderness with their families, suffer the dangers, the privations, and hardships attending the settlement of a new country, and prepare the way for the body of emigrants who in the course of a few years usually follow them, that we are in a great degree indebted for the rapid extension and aggrandizement of our country.

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Experience has proved that no portion of our population are more patriotic than the hardy and brave men of the frontier, or more ready to obey the call of their country and to defend her rights and her honor whenever and by whatever enemy assailed. They should be protected from the grasping speculator and secured, at the minimum price of the public lands, in the humble homes which they have improved by their labor. With this end in view, all vexatious or unnecessary restrictions imposed upon them by the existing preemption laws should be repealed or modified. It is the true policy of the Government to afford facilities to its citizens to become the owners of small portions of our vast public domain at low and moderate rates.

The present system of managing the mineral lands of the United States is believed to be radically defective. More than 1,000,000 acres of the public lands, supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the Government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the lessees. According to the official records, the amount of rents received by the Government for the years 1841, 1842, 1843, and 1844 was \$6,354.74, while the expenses of the system during the same period, including salaries of superintendents, agents, clerks, and incidental expenses, were \$26,111.11, the income being less than one-fourth of the expenses. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the Government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connection. I recommend the repeal of the present system, and that these lands be placed under the superintendence and management of the General Land Office, as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the Government an equitable percentage of the gross amount of mineral product, and that the preemption principle be extended to resident miners and settlers upon them at the minimum price which may be established by Congress.



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I refer you to the accompanying report of the Secretary of War for information respecting the present situation of the Army and its operations during the past year, the state of our defenses, the condition of the public works, and our relations with the various Indian tribes within our limits or upon our borders. I invite your attention to the suggestions contained in that report in relation to these prominent objects of national interest. When orders were given during the past summer for concentrating a military force on the western frontier of Texas, our troops were widely dispersed and in small detachments, occupying posts remote from each other. The prompt and expeditious manner in which an army embracing more than half our peace establishment was drawn together on an emergency so sudden reflects great credit on the officers who were intrusted with the execution of these orders, as well as upon the discipline of the Army itself. To be in strength to protect and defend the people and territory of Texas in the event Mexico should commence hostilities or invade her territories with a large army, which she threatened, I authorized the general assigned to the command of the army of occupation to make requisitions for additional forces from several of the States nearest the Texan territory, and which could most expeditiously furnish them, if in his opinion a larger force than that under his command and the auxiliary aid which under like circumstances he was authorized to receive from Texas should be required. The contingency upon which the exercise of this authority depended has not occurred. The circumstances under which two companies of State artillery from the city of New Orleans were sent into Texas and mustered into the service of the United States are fully stated in the report of the Secretary of War. I recommend to Congress that provision be made for the payment of these troops, as well as a small number of Texan volunteers whom the commanding general thought it necessary to receive or muster into our service.

During the last summer the First Regiment of Dragoons made extensive excursions through the Indian country on our borders, a part of them advancing nearly to the possessions of the Hudsons Bay Company in the north, and a part as far as the South Pass of the Rocky Mountains and the head waters of the tributary streams of the Colorado of the West. The exhibition of this military force among the Indian tribes in those distant regions and the councils held with them by the commanders of the expeditions, it is believed, will have a salutary influence in restraining them from hostilities among themselves and maintaining friendly relations between them and the United States. An interesting account of one of these excursions accompanies the report of the Secretary of War. Under the directions of the War Department Brevet Captain Fremont, of the Corps of Topographical Engineers, has been employed since 1842 in exploring the country west of the Mississippi and beyond the Rocky Mountains. Two expeditions have already been brought to a close, and the reports of that scientific and enterprising officer have furnished much interesting and valuable information. He is now engaged in a third expedition, but it is not expected that this arduous service will be completed in season to enable me to communicate the result to Congress at the present session.

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Our relations with the Indian tribes are of a favorable character. The policy of removing them to a country designed for their permanent residence west of the Mississippi, and without the limits of the organized States and Territories, is better appreciated by them than it was a few years ago, while education is now attended to and the habits of civilized life are gaining ground among them.

Serious difficulties of long standing continue to distract the several parties into which the Cherokees are unhappily divided. The efforts of the Government to adjust the difficulties between them have heretofore proved unsuccessful, and there remains no probability that this desirable object can be accomplished without the aid of further legislation by Congress. I will at an early period of your session present the subject for your consideration, accompanied with an exposition of the complaints and claims of the several parties into which the nation is divided, with a view to the adoption of such measures by Congress as may enable the Executive to do justice to them, respectively, and to put an end, if possible, to the dissensions which have long prevailed and still prevail among them.

I refer you to the report of the Secretary of the Navy for the present condition of that branch of the national defense and for grave suggestions having for their object the increase of its efficiency and a greater economy in its management. During the past year the officers and men have performed their duty in a satisfactory manner. The orders which have been given have been executed with promptness and fidelity. A larger force than has often formed one squadron under our flag was readily concentrated in the Gulf of Mexico, and apparently without unusual effort. It is especially to be observed that notwithstanding the union of so considerable a force, no act was committed that even the jealousy of an irritated power could construe as an act of aggression, and that the commander of the squadron and his officers, in strict conformity with their instructions, holding themselves ever ready for the most active duty, have achieved the still purer glory of contributing to the preservation of peace. It is believed that at all our foreign stations the honor of our flag has been maintained and that generally our ships of war have been distinguished for their good discipline and order. I am happy to add that the display of maritime force which was required by the events of the summer has been made wholly within the usual appropriations for the service of the year, so that no additional appropriations are required.

The commerce of the United States, and with it the navigating interests, have steadily and rapidly increased since the organization of our Government, until, it is believed, we are now second to but one power in the world, and at no distant day we shall probably be inferior to none. Exposed as they must be, it has been a wise policy to afford to these important interests protection with our ships of war distributed in the great highways of trade throughout the world. For more than thirty years appropriations have been made and annually expended for the gradual increase of our naval forces. In peace our Navy performs the important duty of protecting our commerce, and in the event of war will be, as it has been, a most efficient means of defense.

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The successful use of steam navigation on the ocean has been followed by the introduction of war steamers in great and increasing numbers into the navies of the principal maritime powers of the world. A due regard to our own safety and to an efficient protection to our large and increasing commerce demands a corresponding increase on our part. No country has greater facilities for the construction of vessels of this description than ours, or can promise itself greater advantages from their employment. They are admirably adapted to the protection of our commerce, to the rapid transmission of intelligence, and to the coast defense. In pursuance of the wise policy of a gradual increase of our Navy, large supplies of live-oak timber and other materials for shipbuilding have been collected and are now under shelter and in a state of good preservation, while iron steamers can be built with great facility in various parts of the Union. The use of iron as a material, especially in the construction of steamers which can enter with safety many of the harbors along our coast now inaccessible to vessels of greater draft, and the practicability of constructing them in the interior, strongly recommend that liberal appropriations should be made for this important object. Whatever may have been our policy in the earlier stages of the Government, when the nation was in its infancy, our shipping interests and commerce comparatively small, our resources limited, our population sparse and scarcely extending beyond the limits of the original thirteen States, that policy must be essentially different now that we have grown from three to more than twenty millions of people, that our commerce, carried in our own ships, is found in every sea, and that our territorial boundaries and settlements have been so greatly expanded. Neither our commerce nor our long line of coast on the ocean and on the Lakes can be successfully defended against foreign aggression by means of fortifications alone. These are essential at important commercial and military points, but our chief reliance for this object must be on a well-organized, efficient navy. The benefits resulting from such a navy are not confined to the Atlantic States. The productions of the interior which seek a market abroad are directly dependent on the safety and freedom of our commerce. The occupation of the Balize below New Orleans by a hostile force would embarrass, if not stagnate, the whole export trade of the Mississippi and affect the value of the agricultural products of the entire valley of that mighty river and its tributaries.

It has never been our policy to maintain large standing armies in time of peace. They are contrary to the genius of our free institutions, would impose heavy burdens on the people and be dangerous to public liberty. Our reliance for protection and defense on the land must be mainly on our citizen soldiers, who will be ever ready, as they ever have been ready in times past, to rush with alacrity, at the call of their country, to her defense. This description of force, however, can not defend our coast, harbors, and inland seas, nor protect our commerce on the ocean or the Lakes. These must be protected by our Navy.

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Considering an increased naval force, and especially of steam vessels, corresponding with our growth and importance as a nation, and proportioned to the increased and increasing naval power of other nations, of vast importance as regards our safety, and the great and growing interests to be protected by it, I recommend the subject to the favorable consideration of Congress.

The report of the Postmaster-General herewith communicated contains a detailed statement of the operations of his Department during the past year. It will be seen that the income from postages will fall short of the expenditures for the year between \$1,000,000 and \$2,000,000. This deficiency has been caused by the reduction of the rates of postage, which was made by the act of the 3d of March last. No principle has been more generally acquiesced in by the people than that this Department should sustain itself by limiting its expenditures to its income. Congress has never sought to make it a source of revenue for general purposes except for a short period during the last war with Great Britain, nor should it ever become a charge on the general Treasury. If Congress shall adhere to this principle, as I think they ought, it will be necessary either to curtail the present mail service so as to reduce the expenditures, or so to modify the act of the 3d of March last as to improve its revenues. The extension of the mail service and the additional facilities which will be demanded by the rapid extension and increase of population on our western frontier will not admit of such curtailment as will materially reduce the present expenditures. In the adjustment of the tariff of postages the interests of the people demand that the lowest rates be adopted which will produce the necessary revenue to meet the expenditures of the Department. I invite the attention of Congress to the suggestions of the Postmaster-General on this subject, under the belief that such a modification of the late law may be made as will yield sufficient revenue without further calls on the Treasury, and with very little change in the present rates of postage. Proper measures have been taken in pursuance of the act of the 3d of March last for the establishment of lines of mail steamers between this and foreign countries. The importance of this service commends itself strongly to favorable consideration.

With the growth of our country the public business which devolves on the heads of the several Executive Departments has greatly increased. In some respects the distribution of duties among them seems to be incongruous, and many of these might be transferred from one to another with advantage to the public interests. A more auspicious time for the consideration of this subject by Congress, with a view to system in the organization of the several Departments and a more appropriate division of the public business, will not probably occur.

The most important duties of the State Department relate to our foreign affairs. By the great enlargement of the family of nations, the increase of our commerce, and the corresponding extension of our consular system the business of this Department has been greatly increased.

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In its present organization many duties of a domestic nature and consisting of details are devolved on the Secretary of State, which do not appropriately belong to the foreign department of the Government and may properly be transferred to some other Department. One of these grows out of the present state of the law concerning the Patent Office, which a few years since was a subordinate clerkship, but has become a distinct bureau of great importance. With an excellent internal organization, it is still connected with the State Department. In the transaction of its business questions of much importance to inventors and to the community frequently arise, which by existing laws are referred for decision to a board of which the Secretary of State is a member. These questions are legal, and the connection which now exists between the State Department and the Patent Office may with great propriety and advantage be transferred to the Attorney-General.

In his last annual message to Congress Mr. Madison invited attention to a proper provision for the Attorney-General as "an important improvement in the executive establishment," This recommendation was repeated by some of his successors. The official duties of the Attorney-General have been much increased within a few years,' and his office has become one of great importance. His duties may be still further increased with advantage to the public interests. As an executive officer his residence and constant attention at the seat of Government are required. Legal questions involving important principles and large amounts of public money are constantly referred to him by the President and Executive Departments for his examination and decision. The public business under his official management before the judiciary has been so augmented by the extension of our territory and the acts of Congress authorizing suits against the United States for large bodies of valuable public lands as greatly to increase his labors and responsibilities. I therefore recommend that the Attorney-General be placed on the same footing with the heads of the other Executive Departments, with such subordinate officers provided by law for his Department as may be required to discharge the additional duties which have been or may be devolved upon him.

Congress possess the power of exclusive legislation over the District of Columbia, and I commend the interests of its inhabitants to your favorable consideration. The people of this District have no legislative body of their own, and must confide their local as well as their general interests to representatives in whose election they have no voice and over whose official conduct they have no control. Each member of the National Legislature should consider himself as their immediate representative, and should be the more ready to give attention to their interests and wants because he is not responsible to them. I recommend that a liberal and generous spirit may characterize your measures in relation to them. I shall be ever disposed to show a proper regard for their wishes and, within constitutional limits, shall at all times cheerfully cooperate with you for the advancement of their welfare.

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I trust it may not be deemed inappropriate to the occasion for me to dwell for a moment on the memory of the most eminent citizen of our country who during the summer that is gone by has descended to the tomb. The enjoyment of contemplating, at the advanced age of near fourscore years, the happy condition of his country cheered the last hours of Andrew Jackson, who departed this life in the tranquil hope of a blessed immortality. His death was happy, as his life had been eminently useful. He had an unfaltering confidence in the virtue and capacity of the people and in the permanence of that free Government which he had largely contributed to establish and defend. His great deeds had secured to him the affections of his fellow-citizens, and it was his happiness to witness the growth and glory of his country, which he loved so well. He departed amidst the benedictions of millions of freemen. The nation paid its tribute to his memory at his tomb. Coming generations will learn from his example the love of country and the rights of man. In his language on a similar occasion to the present, "I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on His merciful providence for the maintenance of our free institutions, and with an earnest supplication that whatever errors it may be my lot to commit in discharging the arduous duties which have devolved on me will find a remedy in the harmony and wisdom of your counsels."

JAMES K. POLK.

### SPECIAL MESSAGES.

Washington, *December 9, 1845.*

*To the Senate and House of Representatives:*

I communicate herewith a letter received from the President of the existing Government of the State of Texas, transmitting duplicate copies of the constitution formed by the deputies of the people of Texas in convention assembled, accompanied by official information that the said constitution had been ratified, confirmed, and adopted by the people of Texas themselves, in accordance with the joint resolution for annexing Texas to the United States, and in order that Texas might be admitted as one of the States of that Union.

JAMES K. POLK.

WASHINGTON, *December 10, 1845.*

*To the Senate of the United States:*

I transmit herewith a report of the Secretary of War, in answer to a resolution of the Senate of the 4th instant, calling for information "with respect to the practicability and utility of a fort or forts on Ship Island, on the coast of Mississippi, with a view to the protection of said coast."

JAMES K. POLK.

WASHINGTON, *December 15, 1845.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration, a convention signed on the 14th May of the present year by the minister of the United States at Berlin with the minister of Saxony at the same Court, for the mutual abolition of the *droit d'aubaine*, *droit de detraction*, and taxes on emigration between the United States and Saxony; and I communicate with the convention an explanatory dispatch of the minister of the United States, dated on the 14th May, 1845, and numbered 267.



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JAMES K. POLK.

WASHINGTON, *December 16, 1845.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration, a convention concluded and signed at Berlin on the 29th day of January, 1845, between the United States and Prussia, together with certain other German States, for the mutual extradition of fugitives from justice in certain cases; and I communicate with the convention the correspondence necessary to explain it.

In submitting this convention to the Senate I deem it proper to call their attention to the third article, by which it is stipulated that “none of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.”

No such reservation is to be found in our treaties of extradition with Great Britain and France, the only two nations with whom we have concluded such treaties. These provide for the surrender of all persons who are fugitives from justice, without regard to the country to which they may belong. Under this article, if German subjects of any of the parties to the convention should commit crimes within the United States and fly back to their native country from justice, they would not be surrendered. This is clear in regard to all such Germans as shall not have been naturalized under our laws. But even after naturalization difficult and embarrassing questions might arise between the parties. These German powers, holding the doctrine of perpetual allegiance, might refuse to surrender German naturalized citizens, whilst we must ever maintain the principle that the rights and duties of such citizens are the same as if they had been born in the United States.

I would also observe that the fourth article of the treaty submitted contains a provision not to be found in our conventions with Great Britain and France.

JAMES K. POLK.

WASHINGTON, *December 16, 1845.*

*To the Senate of the United States:*

I herewith transmit a report from the Secretary of State, containing the information called for by the resolution of the Senate of the 8th of January last, in relation to the claim of the owners of the brig *General Armstrong* against the Government of Portugal.

[1]

JAMES K. POLK.



[Footnote 1: For failing to protect the American armed brig *General Armstrong*, while lying in the port of Fayal, Azores, from attack by British armed ships on September 26, 1814.]

WASHINGTON, *December 19, 1845.*

*To the House of Representatives:*

I communicate to the House of Representatives, in reply to their resolution of the 25th of February last, a report from the Secretary of State, together with the correspondence of George W. Slacum, late consul of the United States at Rio de Janeiro, with the Department of State, relating to the African slave trade.

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JAMES K. POLK.

WASHINGTON, *December 22, 1845.*

*To the Congress of the United States:*

I transmit to Congress a communication from the Secretary of State, with a statement of the expenditures from the appropriation made by the act entitled "An act providing the means of future intercourse between the United States and the Government of China," approved the 3d of March, 1843.

JAMES K. POLK.

WASHINGTON, *January 3, 1846.*

*To the Senate of the United States:*

I transmit to the Senate a report of the Secretary of the Navy, communicating the information called for by their resolution of the 18th of December, 1845, in relation to the "number of agents now employed for the preservation of timber, their salaries, the authority of law under which they are paid, and the allowances of every description made within the last twenty years in the settlement of the accounts of said agents."

JAMES K. POLK.

WASHINGTON, *January 6, 1846.*

*To the Senate of the United States:*

I communicate to the Senate the information called for by their resolution of December 31, 1845, "requesting the President to cause to be communicated to the Senate copies of the correspondence between the Attorney-General and the Solicitor of the Treasury and the judicial officers of Florida in relation to the authority of the Territorial judges as Federal judges since the 3d of March, 1845."

JAMES K. POLK.

WASHINGTON, *January 12, 1846.*

*To the Senate of the United States:*

I nominate the persons named in the accompanying list[2] of promotions and appointments in the Army of the United States to the several grades annexed to their names, as proposed by the Secretary of War.

JAMES K. POLK.

[Footnote 2: Omitted.]

WAR DEPARTMENT, *January 8, 1846.*

*The PRESIDENT OF THE UNITED STATES.*

SIR: I have the honor respectfully to propose for your approbation the annexed list<sup>[3]</sup> of officers for promotion and persons for appointment in the Army of the United States.

I am, sir, with great respect, your obedient servant,

**W.L. MARCY**

[Footnote 3: Omitted.]

**ADJUTANT-GENERAL'S OFFICE,**

*Washington, January 8, 1846.*

Hon. W.L. Marcy,  
*Secretary of War,*

SIR: I respectfully submit the accompanying list<sup>[4]</sup> of promotions and appointments to fill the vacancies in the Army which are known to have happened since the date of the last list, December 12, 1845. The promotions are all regular except that of Captain Martin Scott, Fifth Infantry, whose name, agreeably to the decision of the President and your instructions, is submitted to fill the vacancy of major in the First

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Regiment of Infantry (*vice* Dearborn, promoted), over the two senior captains of Infantry, Captain John B. Clark, of the Third Regiment, and Brevet Major Thomas Noel, of the Sixth. The reasons for this departure from the ordinary course (as in other like cases of disability) are set forth in the Adjutant-General's report of the 27th ultimo and the General in Chief's indorsement thereon, of which copies are herewith respectfully annexed, marked A.

I am, sir, with great respect, your obedient servant,

R. JONES,  
*Adjutant-General.*

[Footnote 4: Omitted.]

### A.

ADJUTANT-GENERAL'S OFFICE,  
*Washington, December 27, 1845.*

Major-General WINFIELD SCOTT,  
*Commanding the Army.*

SIR: The death of Lieutenant-Colonel Hoffman, Seventh Infantry, on the 26th ultimo, having caused a vacancy in the grade of major, to which, under the rule, Captain J.B. Clark, Third Infantry, would be entitled to succeed, I deem it proper to submit the following statement, extracted from the official returns of his regiment, touching his physical capacity for the performance of military duty.

In May, 1836, Captain Clark went on the recruiting service, where he remained till October 4, 1838, when he was granted a three months' leave. He joined his company at Fort Towson in May, 1839, and continued with it from that time till March, 1841, accompanying it meanwhile (October, 1840) to Florida. He obtained a three months' leave on surgeon's certificate of ill health March 23, 1841, but did not rejoin till February 16, 1842. In the interim he was placed on duty for a short time as a member of a general court-martial, which happened to be convened at St. Louis, where he was then staying. He remained with his company from February to November, 1842, when he again received a leave for the benefit of his health, and did not return to duty till April 26, 1843 (after his regiment had been ordered to Florida), when he rejoined it at Jefferson Barracks. He continued with it (with the exception of one short leave) from April, 1843, till June, 1845, but the returns show him to have been frequently on the sick report during that period. On the 2d of June, 1845, his company being then encamped near



Fort Jessup in expectation of orders for Texas, he again procured a leave on account of his health, and has not since been able to rejoin, reporting monthly that his health unfitted him for the performance of duty. The signature of his last report (not written by himself), of November 30 (herewith[5]), would seem to indicate great physical derangement or decrepitude, approaching, perhaps, to paralysis.

From the foregoing it appears that during the last seven years (since October, 1838) Captain Clark has been off duty two years and four months, the greater part of the time on account of sickness, and that even when present with his company his health is so much impaired that very often he is unable to perform the ordinary garrison duties.

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Under these circumstances it is respectfully submitted, for the consideration of the proper authority, whether the senior captain of infantry should not be passed over and (as Brevet Major Noel,[6] the next in rank, is utterly disqualified) Captain Martin Scott, of the Fifth Infantry, promoted to the vacant majority.

It is proper to state that Captain Clark has always been regarded as a perfect gentleman, and as such, as far as I know, is equal to any officer in the Army.

I am, sir, most respectfully, your obedient servant,

R. JONES,  
*Adjutant-General.*

[Remarks indorsed on the foregoing report by the General in Chief.]

### **DECEMBER 30, 1845.**

This report presents grave points for consideration. It is highly improbable that the Captain will ever be fit for the active duties of his profession. The question, therefore, seems to be whether he shall be a pensioner on full pay as captain or as major, for he has long been, not in name, but in fact, a pensioner on full pay. We have no half pay in the Army to relieve marching regiments of crippled and superannuated officers. We have many such—Colonel Maury, of the Third Infantry (superannuated), and Majors Cobb and McClintock, Fifth Infantry and Third Artillery (crippled). Many others are fast becoming superannuated. The three named are on indefinite leaves of absence, and so are Majors Searle and Noel, permanent cripples from wounds. General Cass's resolution of yesterday refers simply to age. A half pay or retired list with half pay would be much better. There are some twenty officers who ought at once to be placed on such list and their places filled by promotion.

Upon the whole, I think it best that Captain M. Scott should be promoted, *vice* Dearborn, *vice* Lieutenant-Colonel Hoffman.

Respectfully submitted to the Secretary of War.

WINFIELD SCOTT.

[Footnote 5: Omitted.]

[Footnote 6: In 1839 Brevet Major Noel, Sixth Infantry, was severely wounded (serving in the Florida War at the time) by the accidental discharge of his own pistol. He left his company February 16, 1839, and has ever since been absent from his regiment, the state of his wound and great suffering rendering him utterly incapable of performing any



kind of duty whatever; nor is there any reason to hope he will ever be able to resume his duties.]

R. JONES,  
*Adjutant-General.*

## **JANUARY 8, 1846.**

It appearing from the within statements of the Commanding General and the Adjutant-General that the two officers proposed to be passed over are physically unable to perform the duties of major, and their inability is not temporary, I recommend that Captain Martin Scott be promoted to the vacant majority 3d January, 1846.

W.L. MARCY.

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WASHINGTON, *January 13, 1846.*

*To the Senate of the United States:*

I transmit to the Senate a report of the Secretary of War, with accompanying papers, showing the measures which have been adopted in relation to the transfer of certain stocks between the Chickasaw and Choctaw Indians under the treaty between those tribes of the 24th March, 1837. The claim presented by the Choctaw General Council, if deemed to be founded in equity, can not be adjusted without the previous advice and consent of the Senate.

JAMES K. POLK.

WASHINGTON, *January 20, 1846.*

*To the Senate of the United States:*

On the 15th of January, 1846, I withdrew the nomination of James H. Tate, of Mississippi, as consul at Buenos Ayres. The withdrawal was made upon the receipt on that day of a letter addressed to me by the Senators from the State of Mississippi advising it. I transmit their letter herewith to the Senate. At that time I had not been furnished with a copy of the Executive Journal of the Senate, and had no knowledge of the pendency of the resolution before that body in executive session in relation to this nomination. Having since been furnished by the Secretary of the Senate with a copy of the Executive Journal containing the resolution referred to, I deem it proper and due to the Senate to reinstate the nomination in the condition in which it was before it was withdrawn. And with that view I nominate James H. Tate, of Mississippi, to be consul at Buenos Ayres.

JAMES K. POLK.

WASHINGTON, *January 28, 1846.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration with regard to its ratification, a treaty of commerce and navigation between the United States and the Kingdom of the Two Sicilies, concluded and signed on the 1st day of December last at Naples by the charge d'affaires of the United States with the plenipotentiaries of His Majesty the King of the Kingdom of the Two Sicilies.

And I communicate at the same time portions of the correspondence (so far as it has been received) in explanation of the treaty.

JAMES K. POLK.



WASHINGTON, *February 3, 1846.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration in reference to its ratification, a treaty of commerce and navigation between the United States and Belgium, concluded and signed on the 10th November last at Brussels by the charge d'affaires of the United States with the minister of foreign affairs of His Majesty the King of the Belgians.

And I communicate at the same time the correspondence and other papers in explanation of the treaty,

JAMES K. POLK.

WASHINGTON, *February 5, 1846.*

*To the Senate of the United States:*

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In pursuance with the request of the Senate in their resolution of the 4th instant, I “return” herewith, “for their further action, the resolution advising and consenting to the appointment of Isaac H. Wright as navy agent at Boston.” It will be observed that the resolution of the Senate herewith returned contains the advice and consent of that body to the appointment of several other persons to other offices not embraced in their resolution of the 4th instant, and it being impossible to comply with the request of the Senate without communicating to them the whole resolution, I respectfully request that so far as it relates to the other cases than that of Mr. Wright it may be returned to me.

JAMES K. POLK.

WASHINGTON, *February 7, 1846.*

*To the Senate of the United States:*

In compliance with the request of the Senate in their resolution of the 29th January last, I herewith communicate a report from the Secretary of State, with the accompanying correspondence, which has taken place between the Secretary of State and the minister of the United States at London and between the Government of the United States and that of England on the “subject of Oregon” since my communication of the 2d of December last was made to Congress.

JAMES K. POLK.

WASHINGTON, *February 7, 1846.*

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

In compliance with the request of the House of Representatives in their resolution of the 3d instant, I herewith communicate a report from the Secretary of State, with the accompanying “correspondence, which has taken place” between the Secretary of State and the minister of the United States at London and “between the Government of Great Britain and this Government in relation to the country west of the Rocky Mountains since the last annual message of the President” to Congress.

JAMES K. POLK.

WASHINGTON, *February 9, 1846.*

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

I communicate herewith, in answer to the resolution of the House of Representatives of the 19th of December last, the report of the Secretary of State inclosing “copies of correspondence between this Government and Great Britain within the last two years in relation to the Washington treaty, and particularly in relation to the free navigation of the

river St. John, and in relation to the disputed-territory fund named in said treaty;" and also the accompanying copies of documents filed in the Department of State, which embrace the correspondence and information called for by the said resolution.

JAMES K. POLK.

WASHINGTON, *February 9, 1846.*

*To the Senate of the United States:*

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In compliance with the request of the Senate in their resolution of the 5th instant, I herewith return "the resolution of the Senate advising and consenting to the appointment of F.G. Mayson to be a second lieutenant in the Marine Corps." As the same resolution which contains the advice and consent of the Senate to the appointment of Mr. Mayson contains also the advice and consent of that body to the appointment of several other persons to other offices, to whom commissions have been since issued, I respectfully request that the resolution, so far as it relates to the persons other than Mr. Mayson, may be returned to me.

JAMES K. POLK.

WASHINGTON, *February 12, 1846.*

*To the Senate of the United States:*

I transmit herewith, for the consideration and advice of the Senate with regard to its ratification, a treaty concluded on the 14th day of January last by Thomas H. Harvey and Richard W. Cummins, commissioners on the part of the United States, and the chiefs and headmen of the Kansas tribe of Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

JAMES K. POLK.

WASHINGTON, *February 16, 1846.*

*To the Senate and House of Representatives:*

I herewith transmit a communication from the Attorney-General relating to a contract entered into by him with Messrs. Little & Brown for certain copies of their proposed edition of the laws and treaties of the United States, in pursuance of the joint resolution of the 3d March, 1845.

JAMES K. POLK.

WASHINGTON, *February 16, 1846.*

*To the Senate of the United States:*

I herewith transmit a report from the Secretary of the Navy, communicating the correspondence called for by the resolution of the Senate of the 25th of February, 1845, between the commander of the East India Squadrons and foreign powers or United States agents abroad during the years 1842 and 1843, relating to the trade and other interests of this Government.

JAMES K. POLK.

WASHINGTON, *February 18, 1846.*

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

In compliance with the request of the House of Representatives in their resolution of the 12th instant, asking for information relative to the Mexican indemnity, I communicate herewith a report from the Secretary of State, with the paper accompanying it.

JAMES K. POLK.

[A similar message was sent to the Senate in compliance with a request of that body.]

WASHINGTON, *March 23, 1846.*

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

I transmit, for your consideration, a correspondence between the minister of Her Britannic Majesty in Washington and the Secretary of State, containing an arrangement for the adjustment and payment of the claims of the respective Governments upon each other arising from the collection of certain import duties in violation of the second article of the commercial convention of 3d of July, 1815, between the two countries, and I respectfully submit to Congress the propriety of making provision to carry this arrangement into effect.

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The second article of this convention provides that “no higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty’s territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of His Britannic Majesty in Europe of any articles the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country.”

Previous to the act of Parliament of the 13th of August, 1836, the duty on foreign rough rice imported into Great Britain was 2s. 6d. sterling per bushel. By this act the duty was reduced to 1 penny per quarter (of 8 bushels) on the rough rice “imported from the west coast of Africa.”

Upon the earnest and repeated remonstrances of our ministers at London in opposition to this discrimination against American and in favor of African rice, as a violation of the subsisting convention, Parliament, by the act of 9th July, 1842, again equalized the duty on all foreign rough rice by fixing it at 7s. per quarter., In the intervening period, however, of nearly six years large importations had been made into Great Britain of American rough rice, which was subjected to a duty of 2s. 6d. per bushel; but the importers, knowing their rights under the convention, claimed that it should be admitted at the rate of 1 penny per quarter, the duty imposed on African rice. This claim was resisted by the British Government, and the excess of duty was paid, at the first under protest, and afterwards, in consequence of an arrangement with the board of customs, by the deposit of exchequer bills.

It seems to have been a clear violation both of the letter and spirit of the convention to admit rough rice “the growth” of Africa at 1 penny per quarter, whilst the very same article “the growth” of the United States was charged with a duty of 2s. 6d. per bushel.

The claim of Great Britain, under the same article of the convention, is founded on the tariff act of 30th August, 1842. Its twenty-fifth section provides “that nothing in this act contained shall apply to goods shipped in a vessel bound to any port of the United States, actually having left her last port of lading eastward of the Cape of Good Hope or beyond Cape Horn prior to the 1st day of September, 1842; and all legal provisions and regulations existing immediately before the 30th day of June, 1842, shall be applied to importations which may be made in vessels which have left such last port of lading eastward of the Cape of Good Hope or beyond Cape Horn prior to said 1st day of September, 1842.”

The British Government contends that it was a violation of the second article of the convention for this act to require that “articles the growth, produce, or manufacture” of Great Britain, when imported into the United States in vessels which had left their last port of lading in Great Britain prior to the 1st day of September, 1842, should pay any

“higher or other duties” than were imposed on “like articles” “the growth, produce, or manufacture” of countries beyond the Cape of Good Hope and Cape Horn.

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Upon a careful consideration of the subject I arrived at the conclusion that this claim on the part of the British Government was well founded. I deem it unnecessary to state my reasons at length for adopting this opinion, the whole subject being fully explained in the letter of the Secretary of the Treasury and the accompanying papers.

The amount necessary to satisfy the British claim can not at present be ascertained with any degree of accuracy, no individual having yet presented his case to the Government of the United States. It is not apprehended that the amount will be large. After such examination of the subject as it has been in his power to make, the Secretary of the Treasury believes that it will not exceed \$100,000.

On the other hand, the claims of the importers of rough rice into Great Britain have been already ascertained, as the duties were paid either under protest or in exchequer bills. Their amount is stated by Mr. Everett, our late minister at London, in a dispatch dated June 1, 1843, to be L88,886 16s. 10d. sterling, of which L60,006 4d. belong to citizens of the United States.

As it may be long before the amount of the British claim can be ascertained, and it would be unreasonable to postpone payment to the American claimants until this can be adjusted, it has been proposed to the British Government immediately to refund the excess of duties collected by it on American rough rice. I should entertain a confident hope that this proposal would be accepted should the arrangement concluded be sanctioned by an act of Congress making provision for the return of the duties in question. The claimants might then be paid as they present their demands, properly authenticated, to the Secretary of the Treasury.

JAMES K. POLK.

WASHINGTON, *March 24, 1846.*

*To the Senate of the United States:*

In answer to the inquiry of the Senate contained in their resolution of the 17th instant, whether in my "judgment any circumstances connected with or growing out of the foreign relations of this country require at this time an increase of our naval or military force," and, if so, "what those circumstances are," I have to express the opinion that a wise precaution demands such increase.

In my annual message of the 2d of December last I recommended to the favorable consideration of Congress an increase of our naval force, especially of our steam navy, and the raising of an adequate military force to guard and protect such of our citizens as might think proper to emigrate to Oregon. Since that period I have seen no cause to recall or modify these recommendations. On the contrary, reasons exist which, in my



judgment, render it proper not only that they should be promptly carried into effect, but that additional provision should be made for the public defense.

The consideration of such additional provision was brought before appropriate committees of the two Houses of Congress, in answer to calls made by them, in reports prepared, with my sanction, by the Secretary of War and the Secretary of the Navy on the 29th of December and the 8th of January last—a mode of communication with Congress not unusual, and under existing circumstances believed to be most eligible. Subsequent events have confirmed me in the opinion that these recommendations were proper as precautionary measures.

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It was a wise maxim of the Father of his Country that “to be prepared for war is one of the most efficient means of preserving peace,” and that, “avoiding occasions of expense by cultivating peace,” we should “remember also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it.” The general obligation to perform this duty is greatly strengthened by facts known to the whole world. A controversy respecting the Oregon Territory now exists between the United States and Great Britain, and while, as far as we know, the relations of the latter with all European nations are of the most pacific character, she is making unusual and extraordinary armaments and warlike preparations, naval and military, both at home and in her North American possessions.

It can not be disguised that, however sincere may be the desire of peace, in the event of a rupture these armaments and preparations would be used against our country. Whatever may have been the original purpose of these preparations, the fact is undoubted that they are now proceeding, in part at least, with a view to the contingent possibility of a war with the United States. The general policy of making additional warlike preparations was distinctly announced in the speech from the throne as late as January last, and has since been reiterated by the ministers of the Crown in both houses of Parliament. Under this aspect of our relations with Great Britain, I can not doubt the propriety of increasing our means of defense both by land and sea. This can give Great Britain no cause of offense nor increase the danger of a rupture. If, on the contrary, we should fold our arms in security and at last be suddenly involved in hostilities for the maintenance of our just rights without any adequate preparation, our responsibility to the country would be of the gravest character. Should collision between the two countries be avoided, as I sincerely trust it may be, the additional charge upon the Treasury in making the necessary preparations will not be lost, while in the event of such a collision they would be indispensable for the maintenance of our national rights and national honor.

I have seen no reason to change or modify the recommendations of my annual message in regard to the Oregon question. The notice to abrogate the treaty of the 6th of August, 1827, is authorized by the treaty itself and can not be regarded as a warlike measure, and I can not withhold my strong conviction that it should be promptly given. The other recommendations are in conformity with the existing treaty, and would afford to American citizens in Oregon no more than the same measure of protection which has long since been extended to British subjects in that Territory.

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The state of our relations with Mexico is still in an unsettled condition. Since the meeting of Congress another revolution has taken place in that country, by which the Government has passed into the hands of new rulers. This event has procrastinated, and may possibly defeat, the settlement of the differences between the United States and that country. The minister of the United States to Mexico at the date of the last advices had not been received by the existing authorities. Demonstrations of a character hostile to the United States continue to be made in Mexico, which has rendered it proper, in my judgment, to keep nearly two-thirds of our Army on our southwestern frontier. In doing this many of the regular military posts have been reduced to a small force inadequate to their defense should an emergency arise.

In view of these "circumstances," it is my "judgment" that "an increase of our naval and military force is at this time required" to place the country in a suitable state of defense. At the same time, it is my settled purpose to pursue such a course of policy as may be best calculated to preserve both with Great Britain and Mexico an honorable peace, which nothing will so effectually promote as unanimity in our councils and a firm maintenance of all our just rights.

JAMES K. POLK.

WASHINGTON, *April 1, 1846.*

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

I transmit herewith a letter received from the governor of the State of Ohio in answer to a communication addressed to him in compliance with a resolution of the House of Representatives of January 30, 1846, "requesting the President of the United States to apply to the governor of the State of Ohio for information in regard to the present condition of the Columbus and Sandusky turnpike road; whether the said road is kept in such a state of repair as will enable the Federal Government to realize in case of need the advantages contemplated by the act of Congress approved March 3, 1827."

JAMES K. POLK.

WASHINGTON, *April 1, 1846.*

*To the Senate of the United States:*

In compliance with the request of a delegation of the Tonawanda band of the Seneca Indians now in this city, I herewith transmit, for your consideration, a memorial addressed to the President and the Senate in relation to the treaty of January 15, 1838, with the "Six Nations of New York Indians," and that of May 20, 1842, with the "Seneca Nation of Indians"

JAMES K. POLK.

WASHINGTON, *April 3, 1846.*

*To the Senate of the United States:*

I transmit herewith a report from the Acting Secretary of State, with accompanying papers, in answer to the resolution of the Senate of the 23d ultimo, requesting the President to communicate to that body, "if not incompatible with public interests, any correspondence which took place between the Government of the United States and that of Great Britain on the subject of the northeastern boundary between the 20th of June, 1840, and the 4th of March, 1841."

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JAMES K. POLK.

WASHINGTON, *April 13, 1846.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 11th instant, calling for “copies of any correspondence that may have taken place between the authorities of the United States and those of Great Britain since the last documents transmitted to Congress in relation to the subject of the Oregon Territory, or so much thereof as may be communicated without detriment to the public interest,” I have to state that no correspondence in relation to the Oregon Territory has taken place between the authorities of the United States and those of Great Britain since the date of the last documents on the subject transmitted by me to Congress.

JAMES K. POLK.

WASHINGTON, *April 13, 1846.*

*To the Senate and House of Representatives:*

In my annual message of the 2d of December last it was stated that serious difficulties of long standing continued to distract the several parties into which the Cherokee tribe of Indians is unhappily divided; that all the efforts of the Government to adjust these difficulties had proved to be unsuccessful, and would probably remain so without the aid of further legislation by Congress. Subsequent events have confirmed this opinion.

I communicate herewith, for the information of Congress, a report of the Secretary of War, transmitting a report of the Commissioner of Indian Affairs, with accompanying documents, together with memorials which have been received from the several bands or parties of the Cherokees themselves. It will be perceived that internal feuds still exist which call for the prompt intervention of the Government of the United States.

Since the meeting of Congress several unprovoked murders have been committed by the stronger upon the weaker party of the tribe, which will probably remain unpunished by the Indian authorities; and there is reason to apprehend that similar outrages will continue to be perpetrated unless restrained by the authorities of the United States.

Many of the weaker party have been compelled to seek refuge beyond the limits of the Indian country and within the State of Arkansas, and are destitute of the means for their daily subsistence. The military forces of the United States stationed on the western frontier have been active in their exertions to suppress these outrages and to execute the treaty of 1835, by which it is stipulated that “the United States agree to protect the Cherokee Nation from domestic strife and foreign enemies, and against intestine wars between the several tribes.”

These exertions of the Army have proved to a great extent unavailing, for the reasons stated in the accompanying documents, including communications from the officer commanding at Fort Gibson.

I submit, for the consideration of Congress, the propriety of making such amendments of the laws regulating intercourse with the Indian tribes as will subject to trial and punishment in the courts of the United States all Indians guilty of murder and such other felonies as may be designated, when committed on other Indians within the jurisdiction of the United States.

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Such a modification of the existing laws is suggested because if offenders against the laws of humanity in the Indian country are left to be punished by Indian laws they will generally, if not always, be permitted to escape with impunity. This has been the case in repeated instances among the Cherokees. For years unprovoked murders have been committed, and yet no effort has been made to bring the offenders to punishment. Should this state of things continue, it is not difficult to foresee that the weaker party will be finally destroyed. As the guardian of the Indian tribes, the Government of the United States is bound by every consideration of duty and humanity to interpose to prevent such a disaster.

From the examination which I have made into the actual state of things in the Cherokee Nation I am satisfied that there is no probability that the different bands or parties into which it is divided can ever again live together in peace and harmony, and that the well-being of the whole requires that they should be separated and live under separate governments as distinct tribes.

That portion who emigrated to the west of the Mississippi prior to the year 1819, commonly called the "Old Settlers," and that portion who made the treaty of 1835, known as the "treaty party," it is believed would willingly unite, and could live together in harmony. The number of these, as nearly as can be estimated, is about one-third of the tribe. The whole number of all the bands or parties does not probably exceed 20,000. The country which they occupy embraces 7,000,000 acres of land, with the privilege of an outlet to the western limits of the United States. This country is susceptible of division, and is large enough for all.

I submit to Congress the propriety of either dividing the country which they at present occupy or of providing by law a new home for the one or the other of the bands or parties now in hostile array against each other, as the most effectual, if not the only, means of preserving the weaker party from massacre and total extermination. Should Congress favor the division of the country as suggested, and the separation of the Cherokees into two distinct tribes, justice will require that the annuities and funds belonging to the whole, now held in trust for them by the United States, should be equitably distributed among the parties, according to their respective claims and numbers.

There is still a small number of the Cherokee tribe remaining within the State of North Carolina, who, according to the stipulations of the treaty of 1835, should have emigrated with their brethren to the west of the Mississippi. It is desirable that they should be removed, and in the event of a division of the country in the West, or of a new home being provided for a portion of the tribe, that they be permitted to join either party, as they may prefer, and be incorporated with them.

I submit the whole subject to Congress, that such legislative measures may be adopted as will be just to all the parties or bands of the tribe. Such measures, I am satisfied, are

the only means of arresting the horrid and inhuman massacres which have marked the history of the Cherokees for the last few years, and especially for the last few months.



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The Cherokees have been regarded as among the most enlightened of the Indian tribes, but experience has proved that they have not yet advanced to such a state of civilization as to dispense with the guardian care and control of the Government of the United States.

JAMES K. POLK.

WASHINGTON, *April 14, 1846.*

*To the Senate and House of Representatives:*

In compliance with the act of the 3d of March, 1845, I communicate herewith to Congress a report of the Secretaries of War and the Navy on the subject of a fireproof building for the War and Navy Departments, together with documents explaining the plans to which it refers and containing an estimate of the cost of erecting the buildings proposed.

Congress having made no appropriation for the employment of an architect to prepare and submit the necessary plans, none was appointed. Several skillful architects were invited to submit plans and estimates, and from those that were voluntarily furnished a selection has been made of such as would furnish the requisite building for the accommodation of the War and Navy Departments at the least expense.

All the plans and estimates which have been received are herewith communicated, for the information of Congress.

JAMES K. POLK.

WASHINGTON, *April 20, 1846.*

*To the House of Representatives:*

I have considered the resolution of the House of Representatives of the 9th instant, by which I am requested "to cause to be furnished to that House an account of all payments made on President's certificates from the fund appropriated by law, through the agency of the State Department, for the contingent expenses of foreign intercourse from the 4th of March, 1841, until the retirement of Daniel Webster from the Department of State, with copies of all entries, receipts, letters, vouchers, memorandums, or other evidence of such payments, to whom paid, for what, and particularly all concerning the northeastern-boundary dispute with Great Britain."

With an anxious desire to furnish to the House any information requested by that body which may be in the Executive Departments, I have felt bound by a sense of public duty to inquire how far I could with propriety, or consistently with the existing laws, respond to their call.

The usual annual appropriation “for the contingent expenses of intercourse between the United States and foreign nations” has been disbursed since the date of the act of May 1, 1810, in pursuance of its provisions. By the third section of that act it is provided—

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That when any sum or sums of money shall be drawn from the Treasury under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations the President shall be, and he is hereby, authorized to cause the same to be duly settled annually with the accounting officers of the Treasury in the manner following; that is to say, by causing the same to be accounted for specially in all instances wherein the expenditure thereof may in his judgment be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

Two distinct classes of expenditure are authorized by this law—the one of a public and the other of a private and confidential character. The President in office at the time of the expenditure is made by the law the sole judge whether it shall be public or private. Such sums are to be “accounted for specially in all instances wherein the expenditure thereof may in his judgment be made public.” All expenditures “accounted for specially” are settled at the Treasury upon vouchers, and not on “President’s certificates,” and, like all other public accounts, are subject to be called for by Congress, and are open to public examination. Had information as respects this class of expenditures been called for by the resolution of the House, it would have been promptly communicated.

Congress, foreseeing that it might become necessary and proper to apply portions of this fund for objects the original accounts and vouchers for which could not be “made public” without injury to the public interests, authorized the President, instead of such accounts and vouchers, to make a certificate of the amount “of such expenditures as he may think it advisable not to specify,” and have provided that “every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.”

The law making these provisions is in full force. It is binding upon all the departments of the Government, and especially upon the Executive, whose duty it is “to take care that the laws be faithfully executed.” In the exercise of the discretion lodged by it in the Executive several of my predecessors have made “certificates” of the amount “of such expenditures as they have thought it advisable not to specify,” and upon these certificates as the only vouchers settlements have been made at the Treasury.

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It appears that within the period specified in the resolution of the House certificates were given by my immediate predecessor, upon which settlements have been made at the Treasury, amounting to \$5,460. He has solemnly determined that the objects and items of these expenditures should not be made public, and has given his certificates to that effect, which are placed upon the records of the country. Under the direct authority of an existing law, he has exercised the power of placing these expenditures under the seal of confidence, and the whole matter was terminated before I came into office. An important question arises, whether a subsequent President, either voluntarily or at the request of one branch of Congress, can without a violation of the spirit of the law revise the acts of his predecessor and expose to public view that which he had determined should not be "made public." If not a matter of strict duty, it would certainly be a safe general rule that this should not be done. Indeed, it may well happen, and probably would happen, that the President for the time being would not be in possession of the information upon which his predecessor acted, and could not, therefore, have the means of judging whether he had exercised his discretion wisely or not. The law requires no other voucher but the President's certificate, and there is nothing in its provisions which requires any "entries, receipts, letters, vouchers, memorandums, or other evidence of such payments" to be preserved in the executive department. The President who makes the "certificate" may, if he chooses, keep all the information and evidence upon which he acts in his own possession. If, for the information of his successors, he shall leave the evidence on which he acts and the items of the expenditures which make up the sum for which he has given his "certificate" on the confidential files of one of the Executive Departments, they do not in any proper sense become thereby public records. They are never seen or examined by the accounting officers of the Treasury when they settle an account on the "President's certificate." The First Congress of the United States on the 1st of July, 1790, passed an act "providing the means of intercourse between the United States and foreign nations," by which a similar provision to that which now exists was made for the settlement of such expenditures as in the judgment of the President ought not to be made public. This act was limited in its duration. It was continued for a limited term in 1793, and between that time and the date of the act of May 1, 1810, which is now in force, the same provision was revived and continued. Expenditures were made and settled under Presidential certificates in pursuance of these laws.

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If the President may answer the present call, he must answer similar calls for every such expenditure of a confidential character, made under every Administration, in war and in peace, from the organization of the Government to the present period. To break the seal of confidence imposed by the law, and heretofore uniformly preserved, would be subversive of the very purpose for which the law was enacted, and might be productive of the most disastrous consequences. The expenditures of this confidential character, it is believed, were never before sought to be made public, and I should greatly apprehend the consequences of establishing a precedent which would render such disclosures hereafter inevitable.

I am fully aware of the strong and correct public feeling which exists throughout the country against secrecy of any kind in the administration of the Government, and especially in reference to public expenditures; yet our foreign negotiations are wisely and properly confined to the knowledge of the Executive during their pendency. Our laws require the accounts of every particular expenditure to be rendered and publicly settled at the Treasury Department. The single exception which exists is not that the amounts embraced under President's certificates shall be withheld from the public, but merely that the items of which these are composed shall not be divulged. To this extent, and no further, is secrecy observed.

The laudable vigilance of the people in regard to all the expenditures of the Government, as well as a sense of duty on the part of the President and a desire to retain the good opinion of his fellow-citizens, will prevent any sum expended from being accounted for by the President's certificate unless in cases of urgent necessity. Such certificates have therefore been resorted to but seldom throughout our past history.

For my own part, I have not caused any account whatever to be settled on a Presidential certificate. I have had no occasion rendering it necessary in my judgment to make such a certificate, and it would be an extreme case which would ever induce me to exercise this authority; yet if such a case should arise it would be my duty to assume the responsibility devolved on me by the law.

During my Administration all expenditures for contingent expenses of foreign intercourse in which the accounts have been closed have been settled upon regular vouchers, as all other public accounts are settled at the Treasury.

It may be alleged that the power of impeachment belongs to the House of Representatives, and that, with a view to the exercise of this power, that House has the right to investigate the conduct of all public officers under the Government. This is cheerfully admitted. In such a case the safety of the Republic would be the supreme law, and the power of the House in the pursuit of this object would penetrate into the most secret recesses of the Executive Departments.

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It could command the attendance of any and every agent of the Government, and compel them to produce all papers, public or private, official or unofficial, and to testify on oath to all facts within their knowledge. But even in a case of that kind they would adopt all wise precautions to prevent the exposure of all such matters the publication of which might injuriously affect the public interest, except so far as this might be necessary to accomplish the great ends of public justice. If the House of Representatives, as the grand inquest of the nation, should at any time have reason to believe that there has been malversation in office by an improper use or application of the public money by a public officer, and should think proper to institute an inquiry into the matter, all the archives and papers of the Executive Departments, public or private, would be subject to the inspection and control of a committee of their body and every facility in the power of the Executive be afforded to enable them to prosecute the investigation.

The experience of every nation on earth has demonstrated that emergencies may arise in which it becomes absolutely necessary for the public safety or the public good to make expenditures the very object of which would be defeated by publicity. Some governments have very large amounts at their disposal, and have made vastly greater expenditures than the small amounts which have from time to time been accounted for on President's certificates. In no nation is the application of such sums ever made public. In time of war or impending danger the situation of the country may make it necessary to employ individuals for the purpose of obtaining information or rendering other important services who could never be prevailed upon to act if they entertained the least apprehension that their names or their agency would in any contingency be divulged. So it may often become necessary to incur an expenditure for an object highly useful to the country; for example, the conclusion of a treaty with a barbarian power whose customs require on such occasions the use of presents. But this object might be altogether defeated by the intrigues of other powers if our purposes were to be made known by the exhibition of the original papers and vouchers to the accounting officers of the Treasury. It would be easy to specify other cases which may occur in the history of a great nation, in its intercourse with other nations, wherein it might become absolutely necessary to incur expenditures for objects which could never be accomplished if it were suspected in advance that the items of expenditure and the agencies employed would be made public.

Actuated undoubtedly by considerations of this kind, Congress provided such a fund, coeval with the organization of the Government, and subsequently enacted the law of 1810 as the permanent law of the land. While this law exists in full force I feel bound by a high sense of public policy and duty to observe its provisions and the uniform practice of my predecessors under it.

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With great respect for the House of Representatives and an anxious desire to conform to their wishes, I am constrained to come to this conclusion.

If Congress disapprove the policy of the law, they may repeal its provisions.

In reply to that portion of the resolution of the House which calls for “copies of whatever communications were made from the Secretary of State during the last session of the Twenty-seventh Congress, particularly February, 1843, to Mr. Cushing and Mr. Adams, members of the Committee of this House on Foreign Affairs, of the wish of the President of the United States to institute a special mission to Great Britain,” I have to state that no such communications or copies of them are found in the Department of State.

“Copies of all letters on the books of the Department of State to any officer of the United States or any person in New York concerning Alexander McLeod,” which are also called for by the resolution, are herewith communicated.

JAMES K. POLK.

WASHINGTON, *April 20, 1846.*

*To the Senate of the United States:*

I herewith transmit to the Senate, in answer to their resolution of the 8th instant, a report from the Secretary of State, with accompanying papers, containing the information and correspondence referred to in that resolution, relative to the search of American vessels by British cruisers subsequent to the date of the treaty of Washington.

JAMES K. POLK.

WASHINGTON, *April 27, 1846.*

*To the Senate of the United States:*

I transmit herewith the information called for by a resolution of the Senate of the 3d December last, relating to “claims arising under the fourteenth article of the treaty of Dancing Rabbit Creek” with the Choctaw tribe of Indians, concluded in September, 1830.

JAMES K. POLK.

WASHINGTON, *April 27, 1846.*

*To the House of Representatives:*

I transmit herewith a report of the Secretary of War and accompanying papers, containing the information called for by the resolution of the House of Representatives of December 19, 1845, relating to certain claims of the Chickasaw tribe of Indians.

JAMES K. POLK.

WASHINGTON, *April 27, 1846.*

*To the House of Representatives:*

I transmit herewith a report and accompanying papers from the Secretary of War, in reply to the resolution of the House of Representatives of the 31st of December last, in relation to claims arising under the Choctaw treaty of 1830 which have been presented to and allowed or rejected by commissioners appointed in pursuance of the acts of 3d of March, 1837, and 23d of August, 1842.

JAMES K. POLK.

WASHINGTON, *May 6, 1846.*

*To the House of Representatives:*

I transmit herewith reports from the Secretary of War and the Secretary of the Treasury, with additional papers, relative to the claims of certain Chickasaw Indians, which, with those heretofore communicated to Congress, contain all the information called for by the resolution of the House of Representatives of the 19th of December last.



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JAMES K. POLK.

WASHINGTON, *May 6, 1846.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of State, with accompanying papers, in answer to a resolution of the House of Representatives of the 8th ultimo, requesting the President to communicate to that body, "if not incompatible with the public interest, copies of the correspondence of George William Gordon, late consul of the United States at Rio de Janeiro, with the Department of State, relating to the slave trade in vessels and by citizens of the United States between the coast of Africa and Brazil."

JAMES K. POLK.

WASHINGTON, *May 6, 1846.*

*To the House of Representatives:*

I transmit herewith a report of the Secretary of War, in answer to the resolution of the House of Representatives of the 4th instant, calling for information "whether any soldier or soldiers of the Army of the United States have been shot for desertion, or in the act of deserting, and, if so, by whose order and under what authority."

JAMES K. POLK.

WASHINGTON, *May 11, 1846.*

*To the Senate and House of Representatives:*

The existing state of the relations between the United States and Mexico renders it proper that I should bring the subject to the consideration of Congress. In my message at the commencement of your present session the state of these relations, the causes which led to the suspension of diplomatic intercourse between the two countries in March, 1845, and the long-continued and unredressed wrongs and injuries committed by the Mexican Government on citizens of the United States in their persons and property were briefly set forth.

As the facts and opinions which were then laid before you were carefully considered, I can not better express my present convictions of the condition of affairs up to that time than by referring you to that communication.

The strong desire to establish peace with Mexico on liberal and honorable terms, and the readiness of this Government to regulate and adjust our boundary and other causes of difference with that power on such fair and equitable principles as would lead to

permanent relations of the most friendly nature, induced me in September last to seek the reopening of diplomatic relations between the two countries. Every measure adopted on our part had for its object the furtherance of these desired results. In communicating to Congress a succinct statement of the injuries which we had suffered from Mexico, and which have been accumulating during a period of more than twenty years, every expression that could tend to inflame the people of Mexico or defeat or delay a pacific result was carefully avoided. An envoy of the United States repaired to Mexico with full powers to adjust every existing difference. But though present on the Mexican soil by agreement between the two Governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican Government not only refused to receive him or listen to his propositions, but after a long-continued series of menaces have at last invaded our territory and shed the blood of our fellow-citizens on our own soil.

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It now becomes my duty to state more in detail the origin, progress, and failure of that mission. In pursuance of the instructions given in September last, an inquiry was made on the 13th of October, 1845, in the most friendly terms, through our consul in Mexico, of the minister for foreign affairs, whether the Mexican Government "would receive an envoy from the United States intrusted with full powers to adjust all the questions in dispute between the two Governments," with the assurance that "should the answer be in the affirmative such an envoy would be immediately dispatched to Mexico." The Mexican minister on the 15th of October gave an affirmative answer to this inquiry, requesting at the same time that our naval force at Vera Cruz might be withdrawn, lest its continued presence might assume the appearance of menace and coercion pending the negotiations. This force was immediately withdrawn. On the 10th of November, 1845, Mr. John Slidell, of Louisiana, was commissioned by me as envoy extraordinary and minister plenipotentiary of the United States to Mexico, and was intrusted with full powers to adjust both the questions of the Texas boundary and of indemnification to our citizens. The redress of the wrongs of our citizens naturally and inseparably blended itself with the question of boundary. The settlement of the one question in any correct view of the subject involves that of the other. I could not for a moment entertain the idea that the claims of our much-injured and long-suffering citizens, many of which had existed for more than twenty years, should be postponed or separated from the settlement of the boundary question.

Mr. Slidell arrived at Vera Cruz on the 30th of November, and was courteously received by the authorities of that city. But the Government of General Herrera was then tottering to its fall. The revolutionary party had seized upon the Texas question to effect or hasten its overthrow. Its determination to restore friendly relations with the United States, and to receive our minister to negotiate for the settlement of this question, was violently assailed, and was made the great theme of denunciation against it. The Government of General Herrera, there is good reason to believe, was sincerely desirous to receive our minister; but it yielded to the storm raised by its enemies, and on the 21st of December refused to accredit Mr. Slidell upon the most frivolous pretexts. These are so fully and ably exposed in the note of Mr. Slidell of the 24th of December last to the Mexican minister of foreign relations, herewith transmitted, that I deem it unnecessary to enter into further detail on this portion of the subject.

Five days after the date of Mr. Slidell's note General Herrera yielded the Government to General Paredes without a struggle, and on the 30th of December resigned the Presidency. This revolution was accomplished solely by the army, the people having taken little part in the contest; and thus the supreme power in Mexico passed into the hands of a military leader.

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Determined to leave no effort untried to effect an amicable adjustment with Mexico, I directed Mr. Slidell to present his credentials to the Government of General Paredes and ask to be officially received by him. There would have been less ground for taking this step had General Paredes come into power by a regular constitutional succession. In that event his administration would have been considered but a mere constitutional continuance of the Government of General Herrera, and the refusal of the latter to receive our minister would have been deemed conclusive unless an intimation had been given by General Paredes of his desire to reverse the decision of his predecessor. But the Government of General Paredes owes its existence to a military revolution, by which the subsisting constitutional authorities had been subverted. The form of government was entirely changed, as well as all the high functionaries by whom it was administered.

Under these circumstances, Mr. Slidell, in obedience to my direction, addressed a note to the Mexican minister of foreign relations, under date of the 1st of March last, asking to be received by that Government in the diplomatic character to which he had been appointed. This minister in his reply, under date of the 12th of March, reiterated the arguments of his predecessor, and in terms that may be considered as giving just grounds of offense to the Government and people of the United States denied the application of Mr. Slidell. Nothing therefore remained for our envoy but to demand his passports and return to his own country.

Thus the Government of Mexico, though solemnly pledged by official acts in October last to receive and accredit an American envoy, violated their plighted faith and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected, but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the envoy who came because they had bound themselves to receive him. Nor can it be said that the offer was fruitless from the want of opportunity of discussing it; our envoy was present on their own soil. Nor can it be ascribed to a want of sufficient powers; our envoy had full powers to adjust every question of difference. Nor was there room for complaint that our propositions for settlement were unreasonable; permission was not even given our envoy to make any proposition whatever. Nor can it be objected that we, on our part, would not listen to any reasonable terms of their suggestion; the Mexican Government refused all negotiation, and have made no proposition of any kind.

In my message at the commencement of the present session I informed you that upon the earnest appeal both of the Congress and convention of Texas I had ordered an efficient military force to take a position "between the Nueces and the Del Norte." This had become necessary to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union, and under these circumstances it was plainly our duty to extend our protection over her citizens and soil.

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This force was concentrated at Corpus Christi, and remained there until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican Government would refuse to receive our envoy.

Meantime Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to be the boundary of that Republic. Its jurisdiction had been extended and exercised beyond the Nueces. The country between that river and the Del Norte had been represented in the Congress and in the convention of Texas, had thus taken part in the act of annexation itself, and is now included within one of our Congressional districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31, 1845, recognized the country beyond the Nueces as a part of our territory by including it within our own revenue system, and a revenue officer to reside within that district has been appointed by and with the advice and consent of the Senate. It became, therefore, of urgent necessity to provide for the defense of that portion of our country. Accordingly, on the 13th of January last instructions were issued to the general in command of these troops to occupy the left bank of the Del Norte. This river, which is the southwestern boundary of the State of Texas, is an exposed frontier. From this quarter invasion was threatened; upon it and in its immediate vicinity, in the judgment of high military experience, are the proper stations for the protecting forces of the Government. In addition to this important consideration, several others occurred to induce this movement. Among these are the facilities afforded by the ports at Brazos Santiago and the mouth of the Del Norte for the reception of supplies by sea, the stronger and more healthful military positions, the convenience for obtaining a ready and a more abundant supply of provisions, water, fuel, and forage, and the advantages which are afforded by the Del Norte in forwarding supplies to such posts as may be established in the interior and upon the Indian frontier.

The movement of the troops to the Del Norte was made by the commanding general under positive instructions to abstain from all aggressive acts toward Mexico or Mexican citizens and to regard the relations between that Republic and the United States as peaceful unless she should declare war or commit acts of hostility indicative of a state of war. He was specially directed to protect private property and respect personal rights.

The Army moved from Corpus Christi on the 11th of March, and on the 28th of that month arrived on the left bank of the Del Norte opposite to Matamoras, where it encamped on a commanding position, which has since been strengthened by the erection of fieldworks. A depot has also been established at Point Isabel, near the Brazos Santiago, 30 miles in rear of the encampment. The selection of his position was necessarily confided to the judgment of the general in command.

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The Mexican forces at Matamoras assumed a belligerent attitude, and on the 12th of April General Ampudia, then in command, notified General Taylor to break up his camp within twenty-four hours and to retire beyond the Nueces River, and in the event of his failure to comply with these demands announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24th of April. On that day General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that "he considered hostilities commenced and should prosecute them." A party of dragoons of 63 men and officers were on the same day dispatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed or were preparing to cross the river, "became engaged with a large body of these troops, and after a short affair, in which some 16 were killed and wounded, appear to have been surrounded and compelled to surrender."

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years remain unredressed, and solemn treaties pledging her public faith for this redress have been disregarded. A government either unable or unwilling to enforce the execution of such treaties fails to perform one of its plainest duties.

Our commerce with Mexico has been almost annihilated. It was formerly highly beneficial to both nations, but our merchants have been deterred from prosecuting it by the system of outrage and extortion which the Mexican authorities have pursued against them, whilst their appeals through their own Government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigor in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should doubtless have escaped all the difficulties in which we are now involved.

Instead of this, however, we have been exerting our best efforts to propitiate her good will. Upon the pretext that Texas, a nation as independent as herself, thought proper to unite its destinies with our own, she has affected to believe that we have severed her rightful territory, and in official proclamations and manifestoes has repeatedly threatened to make war upon us for the purpose of reconquering Texas. In the meantime we have tried every effort at reconciliation. The cup of forbearance had been exhausted even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country.

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Anticipating the possibility of a crisis like that which has arrived, instructions were given in August last, "as a precautionary measure" against invasion or threatened invasion, authorizing General Taylor, if the emergency required, to accept volunteers, not from Texas only, but from the States of Louisiana, Alabama, Mississippi, Tennessee, and Kentucky, and corresponding letters were addressed to the respective governors of those States. These instructions were repeated, and in January last, soon after the incorporation of "Texas into our Union of States," General Taylor was further "authorized by the President to make a requisition upon the executive of that State for such of its militia force as may be needed to repel invasion or to secure the country against apprehended invasion." On the 2d day of March he was again reminded, "in the event of the approach of any considerable Mexican force, promptly and efficiently to use the authority with which he was clothed to call to him such auxiliary force as he might need." War actually existing and our territory having been invaded, General Taylor, pursuant to authority vested in him by my direction, has called on the governor of Texas for four regiments of State troops, two to be mounted and two to serve on foot, and on the governor of Louisiana for four regiments of infantry to be sent to him as soon as practicable.

In further vindication of our rights and defense of our territory, I invoke the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. To this end I recommend that authority should be given to call into the public service a large body of volunteers to serve for not less than six or twelve months unless sooner discharged. A volunteer force is beyond question more efficient than any other description of citizen soldiers, and it is not to be doubted that a number far beyond that required would readily rush to the field upon the call of their country. I further recommend that a liberal provision be made for sustaining our entire military force and furnishing it with supplies and munitions of war.

The most energetic and prompt measures and the immediate appearance in arms of a large and overpowering force are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination.

In making these recommendations I deem it proper to declare that it is my anxious desire not only to terminate hostilities speedily, but to bring all matters in dispute between this Government and Mexico to an early and amicable adjustment; and in this view I shall be prepared to renew negotiations whenever Mexico shall be ready to receive propositions or to make propositions of her own.

I transmit herewith a copy of the correspondence between our envoy to Mexico and the Mexican minister for foreign affairs, and so much of the correspondence between that envoy and the Secretary of State and between the Secretary of War and the general in command on the Del Norte as is necessary to a full understanding of the subject.



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JAMES K. POLK.

WASHINGTON, *May 12, 1846.*

*To the Senate and House of Representatives:*

I herewith transmit to Congress a copy of a communication[7] from the officer commanding the Army in Texas, with the papers which accompanied it. They were received by the Southern mail of yesterday, some hours after my message of that date had been transmitted, and are of a prior date to one of the communications from the same officer which accompanied that message.

JAMES K. POLK.

[Footnote 7: Relating to the operations of the Army near Matamoras, Mexico.]

WASHINGTON, *May 19, 1846.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of War, in answer to a resolution of the Senate of the 4th of December last, which contains the information called for "with respect to the practicability and utility of a fort or forts on Ship Island, on the coast of Mississippi, with a view to the protection of said coast."

JAMES K. POLK.

WASHINGTON, *May 26, 1846.*

*To the Senate of the United States:*

A convention was concluded at Lima on 17th March, 1841, between the United States and the Republic of Peru, for the adjustment of claims of our citizens upon that Republic. It was stipulated by the seventh article of this convention that "it shall be ratified by the contracting parties, and the ratifications shall be exchanged within two years from its date, or sooner if possible, after having been approved by the President and Senate of the United States and by the Congress of Peru."

This convention was transmitted by the President to the Senate for their consideration during the extra session of 1841, but it did not receive their approbation until the 5th January, 1843. This delay rendered it impracticable that the convention should reach Lima before the 17th March, 1843, the last day when the ratifications could be exchanged under the terms of its seventh article. The Senate therefore extended the time for this purpose until the 20th December, 1843.



In the meantime, previous to the 17th March, 1843, General Menendez, the constitutional President of Peru, had ratified the convention, declaring, however, in the act of ratification itself (which is without date), that “the present convention and ratification are to be submitted within the time stipulated in the seventh article for the final approbation of the National Congress.” This was, however, rendered impossible from the fact that no Peruvian Congress assembled from the date of the convention until the year 1845.

When the convention arrived at Lima General Menendez had been deposed by a revolution, and General Vivanco had placed himself at the head of the Government. On the 16th July, 1843, the convention was ratified by him in absolute terms without the reference to Congress which the constitution of Peru requires, because, as the ratification states, “under existing circumstances the Government exercises the legislative powers demanded by the necessities of the State.” The ratifications were accordingly exchanged at Lima on the 22d July, 1843, and the convention itself was proclaimed at Washington by the President on the 21st day of February, 1844.

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In the meantime General Vivanco was deposed, and on the 12th October, 1843, the Government then in existence published a decree declaring all his administrative acts to be null and void, and notwithstanding the earnest and able remonstrances of Mr. Pickett, our charge d'affaires at Lima, the Peruvian Government have still persisted in declaring that the ratification of the convention by Vivanco was invalid.

After the meeting of the Peruvian Congress in 1845 the convention was submitted to that body, by which it was approved on the 21st of October last, "with the condition, however, that the first installment of \$30,000 on account of the principal of the debt thereby recognized, and to which the second article relates, should begin from the 1st day of January, 1846, and the interest on this annual sum, according to article 3, should be calculated and paid from the 1st day of January, 1842, following in all other respects besides this modification the terms of the convention."

I am not in possession of the act of the Congress of Peru containing this provision, but the information is communicated through a note under date of the 15th of November, 1845, from the minister of foreign affairs of Peru to the charge d'affaires of the United States at Lima. A copy of this note has been transmitted to the Department of State both by our charge d'affaires at Lima and by the Peruvian minister of foreign affairs, and a copy of the same is herewith transmitted.

Under these circumstances I submit to the Senate, for their consideration, the amendment to the convention thus proposed by the Congress of Peru, with a view to its ratification. It would have been more satisfactory to have submitted the act itself of the Peruvian Congress, but, on account of the great distance, if I should wait until its arrival another year might be consumed, whilst the American claimants have already been too long delayed in receiving the money justly due to them. Several of the largest of these claimants would, I am informed, be satisfied with the modification of the convention adopted by the Peruvian Congress.

A difficulty may arise in regard to the form of any proceeding which the Senate might think proper to adopt, from the fact that the original convention approved by them was sent to Peru and was exchanged for the other original, ratified by General Vivanco, which is now in the Department of State. In order to obviate this difficulty as far as may be in my power, I transmit a copy of the convention, under the seal of the United States, on which the Senate might found any action they may deem advisable.

I would suggest that should the Senate advise the adoption of the amendment proposed by the Peruvian Congress the time for exchanging the ratifications of the amended convention ought to be extended for a considerable period, so as to provide against all accidents in its transmission to Lima.

JAMES K. POLK.

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WASHINGTON, *May 27, 1846.*

*To the House of Representatives:*

In compliance with the request contained in the resolution of the House of Representatives of this date, I transmit copies of all the official dispatches which have been received from General Taylor, commanding the army of occupation on the Rio Grande, relating to the battles<sup>[8]</sup> of the 8th and 9th instant.

JAMES K. POLK.

[Footnote 8: Palo Alto and Resaca de la Palma.]

WASHINGTON, *May 28, 1846.*

*To the Senate and House of Representatives:*

I transmit a copy of a note, under date the 26th instant, from the envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the Secretary of State, communicating a dispatch, under date of the 4th instant, received by him from Her Majesty's principal secretary of state for foreign affairs.

From these it will be seen that the claims of the two Governments upon each other for a return of duties which had been levied in violation of the commercial convention of 1815 have been finally and satisfactorily adjusted. In making this communication I deem it proper to express my satisfaction at the prompt manner in which the British Government has acceded to the suggestion of the Secretary of State for the speedy termination of this affair.

JAMES K. POLK.

WASHINGTON, *June 1, 1846.*

*To the Senate of the United States:*

I propose, for the reason stated in the accompanying communication of the Secretary of War, that the confirmation of Brevet Second Lieutenant L.B. Wood by the Senate on the 5th of February, as a second lieutenant in the Fifth Regiment of Infantry, be canceled; and I nominate the officers named in the same communication for regular promotion in the Army.

JAMES K. POLK.

WAR DEPARTMENT, *May 15, 1846.*

The PRESIDENT OF THE UNITED STATES.

SIR: On the 12th of December last a list of promotions and appointments of officers of the Army was submitted to the Senate for confirmation, in which list Brevet Second Lieutenant L.B. Wood, of the Eighth Infantry, was nominated to the grade of second lieutenant in the Fifth Regiment of Infantry, *vice* Second Lieutenant Deas, promoted. He was entitled to this vacancy by *seniority*, but in a letter dated November 30, 1845, and received at the Adjutant-General's Office December 30, 1845 (eighteen days *after* the list referred to above had been sent to the Senate), he says: "I respectfully beg leave to be permitted to decline promotion in any other regiment, and to fill the first vacancy which may happen in the Eighth." This request was acceded to, and accordingly, on the first subsequent list submitted to the Senate, dated January 8, 1846, Brevet Second Lieutenant Charles S. Hamilton, of the Second Infantry (the next below Lieutenant Wood), was nominated to fill the vacancy in the *Fifth* Regiment and Lieutenant Wood to a vacancy which has occurred meanwhile (December 31) in the *Eighth*.

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The foregoing circumstances were explained in a note to the nomination list of January 8, but it is probable the explanation escaped observation in the Senate, as on the 5th of February Lieutenant Wood was confirmed in the Fifth Infantry, agreeably to the first nomination, while no action appears to have been taken on his nomination or that of Lieutenant Hamilton on the subsequent list of January 8, 1846.

As no commissions have yet been issued to these officers, and as Lieutenant Wood has renewed his application to be continued in the Eighth Infantry, I respectfully suggest that the Senate be requested to cancel their confirmation, on the 5th of February, of his promotion as a second lieutenant in the Fifth Regiment of Infantry; and I have the honor to propose the renomination of the lieutenants whose names are annexed for regular promotion, to wit:

*Fifth Regiment of Infantry.*

Brevet Second Lieutenant Charles S. Hamilton, of the Second Regiment of Infantry, to be second lieutenant, November 17, 1846, *vice* Deas, promoted.

*Eighth Regiment of Infantry.*

Brevet Second Lieutenant Lafayette B. Wood to be second lieutenant, December 31, 1846, *vice* Maclay, promoted.

I am, sir, with great respect, your obedient servant,

W.L. MARCY.

WASHINGTON, *June 5, 1846.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 22d ultimo, calling for information upon the subject of the treaties which were concluded between the late Republic of Texas and England and France, respectively, I transmit a report from the Secretary of State and the documents by which it was accompanied.

JAMES K. POLK.

WASHINGTON, *June 6, 1846.*

*To the Senate of the United States:*

In answer to the resolutions of the Senate of the 10th, 11th, and 22d of April last, I communicate herewith a report from the Secretary of State, accompanied with the correspondence between the Government of the United States and that of Great Britain

in the years 1840, 1841, 1842, and 1843 respecting the right or practice of visiting or searching merchant vessels in time of peace, and also the protest addressed by the minister of the United States at Paris in the year 1842 against the concurrence of France in the quintuple treaty, together with all correspondence relating thereto.

JAMES K. POLK.

WASHINGTON, *June 6, 1846.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration, a convention signed on the 2d day of May, 1846, by the minister of the United States at Berlin with the plenipotentiary of Hesse-Cassel, for the mutual abolition of the *droit d'aubaine* and duties on emigration between that German State and the United States; and I communicate with the convention an explanatory dispatch of the minister of the United States dated on the same day of the present year and numbered 284.

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JAMES K. POLK.

WASHINGTON, *June 8, 1846.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of War, transmitting the correspondence called for by the resolution of the Senate of the 5th instant with General Edmund P. Gaines and General Winfield Scott, of the Army of the United States.

The report of the Secretary of War and the accompanying correspondence with General Gaines contain all the information in my possession in relation to calls for "volunteers or militia into the service of the United States" "by any officer of the Army" without legal "authority therefor," and of the "measures which have been adopted" "in relation to such officer or troops so called into service."

In addition to the information contained in the report of the Secretary of War and the accompanying correspondence with "Major-General Scott, of the United States Army, upon the subject of his taking the command of the army of occupation on the frontier of Texas," I state that on the same day on which I approved and signed the act of the 13th of May, 1846, entitled "An act providing for the prosecution of the existing war between the United States and the Republic of Mexico," I communicated to General Scott, through the Secretary of War, and also in a personal interview with that officer, my desire that he should take command of the Army on the Rio Grande and of the volunteer forces which I informed him it was my intention forthwith to call out to march to that frontier to be employed in the prosecution of the war against Mexico. The tender of the command to General Scott was voluntary on my part, and was made without any request or intimation on the subject from him. It was made in consideration of his rank as Commander in Chief of the Army. My communications with General Scott assigning him the command were verbal, first through the Secretary of War and afterwards in person. No written order was deemed to be necessary. General Scott assented to assume the command, and on the following day I had another interview with him and the Secretary of War, in relation to the number and apportionment among the several States of the volunteer forces to be called out for immediate service, the forces which were to be organized and held in readiness subject to a future call should it become necessary, and other military preparations and movements to be made with a view to the vigorous prosecution of the war. It was distinctly settled, and was well understood by General Scott, that he was to command the Army in the war against Mexico, and so continued to be settled and understood without any other intention on my part until the Secretary of War submitted to me the letter of General Scott addressed to him under date of the 21st of May, 1846, a copy of which is herewith communicated. The character of that letter made it proper, in my judgment, to change my determination in regard to the command of the Army,

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and the Secretary of War, by my direction, in his letter of the 25th of May, 1846, a copy of which is also herewith communicated, for the reasons therein assigned, informed General Scott that he was relieved from the command of the Army destined to prosecute the war against Mexico, and that he would remain in the discharge of his duties at Washington. The command of the Army on the frontier of Mexico has since been assigned to General Taylor, with his brevet rank of major-general recently conferred upon him.

JAMES K. POLK.

WASHINGTON, *June 10, 1846.*

*To the Senate of the United States:*

I lay before the Senate a proposal, in the form of a convention, presented to the Secretary of State on the 6th instant by the envoy extraordinary and minister plenipotentiary of Her Britannic Majesty, for the adjustment of the Oregon question, together with a protocol of this proceeding. I submit this proposal to the consideration of the Senate, and request their advice as to the action which in their judgment it may be proper to take in reference to it.

In the early periods of the Government the opinion and advice of the Senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the Senate and asked their previous advice upon pending negotiations with foreign powers, and the Senate in every instance responded to his call by giving their advice, to which he always conformed his action. This practice, though rarely resorted to in later times, was, in my judgment, eminently wise, and may on occasions of great importance be properly revived. The Senate are a branch of the treaty-making power, and by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power, and it may be eminently proper for the Executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision the issue of peace or war. On the present occasion the magnitude of the subject would induce me under any circumstances to desire the previous advice of the Senate, and that desire is increased by the recent debates and proceedings in Congress, which render it, in my judgment, not only respectful to the Senate, but necessary and proper, if not indispensable to insure harmonious action between that body and the Executive. In conferring on the Executive the authority to give the notice for the abrogation of the convention of 1827 the Senate acted publicly so large a part that a decision on the proposal now made by the British Government, without a definite knowledge of the views of that body in



reference to it, might render the question still more complicated and difficult of adjustment. For these reasons I invite the consideration of the Senate to the proposal of the British Government for the settlement of the Oregon question, and ask their advice on the subject.

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My opinions and my action on the Oregon question were fully made known to Congress in my annual message of the 2d of December last, and the opinions therein expressed remain unchanged.

Should the Senate, by the constitutional majority required for the ratification of treaties, advise the acceptance of this proposition, or advise it with such modifications as they may upon full deliberation deem proper, I shall conform my action to their advice. Should the Senate, however, decline by such constitutional majority to give such advice or to express an opinion on the subject, I shall consider it my duty to reject the offer.

I also communicate herewith an extract from a dispatch of the Secretary of State to the minister of the United States at London under date of the 28th of April last, directing him, in accordance with the joint resolution of Congress "concerning the Oregon Territory," to deliver the notice to the British Government for the abrogation of the convention of the 6th of August, 1827, and also a copy of the notice transmitted to him for that purpose, together with extracts from a dispatch of that minister to the Secretary of State bearing date on the 18th day of May last.

JAMES K. POLK.

WASHINGTON, *June 11, 1846.*

*To the Senate of the United States:*

I transmit herewith a communication from the Secretary of War, which is accompanied by documents relating to General Gaines's calls for volunteers, received since the answer was made to the resolution of the Senate of the 5th instant on that subject, and which I deem it proper to submit for the further information of the Senate.

JAMES K. POLK.

WASHINGTON, *June 12, 1846.*

*To the Senate and House of Representatives:*

I transmit herewith for the information of Congress, official reports received at the War Department from the officer commanding the Army on the Mexican frontier, giving a detailed report of the operations of the Army in that quarter, and particularly of the recent engagements[9] between the American and Mexican forces.

JAMES K. POLK.

[Footnote 9: Palo Alto and Resaca de la Palma.]

WASHINGTON, *June 15, 1846.*

*To the Senate of the United States:*

I transmit herewith a communication from the Secretary of War, accompanied by a report of an expedition led by Lieutenant Abert on the Upper Arkansas and through the country of the Camanche Indians in the fall of the year 1845, as requested by the resolution of the Senate of the 9th instant.

JAMES K. POLK.

WASHINGTON, *June 16, 1846.*

*To the Senate of the United States:*

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In answer to the resolution of the Senate of the 3d instant, I communicate herewith estimates prepared by the War and Navy Departments of the probable expenses of conducting the existing war with Mexico during the remainder of the present and the whole of the next fiscal year. I communicate also a report of the Secretary of the Treasury, based upon these estimates, containing recommendations of measures for raising the additional means required. It is probable that the actual expenses incurred during the period specified may fall considerably below the estimates submitted, which are for a larger number of troops than have yet been called to the field. As a precautionary measure, however, against any possible deficiency, the estimates have been made at the largest amount which any state of the service may require.

It will be perceived from the report of the Secretary of the Treasury that a considerable portion of the additional amount required may be raised by a modification of the rates of duty imposed by the existing tariff laws. The high duties at present levied on many articles totally exclude them from importation, whilst the quantity and amount of others which are imported are greatly diminished. By reducing these duties to a revenue standard, it is not doubted that a large amount of the articles on which they are imposed would be imported, and a corresponding amount of revenue be received at the Treasury from this source. By imposing revenue duties on many articles now permitted to be imported free of duty, and by regulating the rates within the revenue standard upon others, a large additional revenue will be collected. Independently of the high considerations which induced me in my annual message to recommend a modification and reduction of the rates of duty imposed by the act of 1842 as being not only proper in reference to a state of peace, but just to all the great interests of the country, the necessity of such modification and reduction as a war measure must now be manifest. The country requires additional revenue for the prosecution of the war. It may be obtained to a great extent by reducing the prohibitory and highly protective duties imposed by the existing laws to revenue rates, by imposing revenue duties on the free list, and by modifying the rates of duty on other articles.

The modifications recommended by the Secretary of the Treasury in his annual report in December last were adapted to a state of peace, and the additional duties now suggested by him are with a view strictly to raise revenue as a war measure. At the conclusion of the war these duties may and should be abolished and reduced to lower rates.

It is not apprehended that the existing war with Mexico will materially affect our trade and commerce with the rest of the world. On the contrary, the reductions proposed would increase that trade and augment the revenue derived from it.

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When the country is in a state of war no contingency should be permitted to occur in which there would be a deficiency in the Treasury for the vigorous prosecution of the war, and to guard against such an event it is recommended that contingent authority be given to issue Treasury notes or to contract a loan for a limited amount, reimbursable at an early day. Should no occasion arise to exercise the power, still it may be important that the authority should exist should there be a necessity for it.

It is not deemed necessary to resort to direct taxes or excises, the measures recommended being deemed preferable as a means of increasing the revenue. It is hoped that the war with Mexico, if vigorously prosecuted, as is contemplated, may be of short duration. I shall be at all times ready to conclude an honorable peace whenever the Mexican Government shall manifest a like disposition. The existing war has been rendered necessary by the acts of Mexico, and whenever that power shall be ready to do us justice we shall be prepared to sheath the sword and tender to her the olive branch of peace.

JAMES K. POLK.

WASHINGTON, *June 16, 1846.*

*To the Senate of the United States:*

In accordance with the resolution of the Senate of the 12th instant, that "the President of the United States be, and he is hereby, advised to accept the proposal of the British Government accompanying his message to the Senate dated 10th June, 1846, for a convention to settle boundaries, etc., between the United States and Great Britain west of the Rocky or Stony Mountains," a convention was concluded and signed on the 15th instant by the Secretary of State, on the part of the United States, and the envoy extraordinary and minister plenipotentiary of Her Britannic Majesty, on the part of Great Britain.

This convention I now lay before the Senate, for their consideration with a view to its ratification.

JAMES K. POLK.

WASHINGTON, *June 17, 1846.*

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

I communicate herewith a report from the Secretary of the Navy, accompanied with the correspondence called for by the resolution of the House of Representatives of the 4th of May last, between Commander G.J. Pendergrast and the Governments on the Rio de la Plata, and the foreign naval commanders and the United States minister at

Buenos Ayres and the Navy Department, whilst or since said Pendergrast was in command of the United States ship *Boston* in the Rio de la Plata, touching said service.

JAMES K. POLK.

WASHINGTON, *June 23, 1846.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration, a convention concluded by the minister of the United States at Berlin with the Duchy of Nassau, dated on the 27th May, 1846, for the mutual abolition of the *droit d'aubaine* and taxes on emigration between that State of the Germanic Confederation and the United States of America, and also a dispatch from the minister explanatory of the convention.

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JAMES K. POLK.

WASHINGTON, *June 24, 1846.*

*To the Senate:*

I transmit herewith a communication from the Secretary of War, accompanied by a report from the Commissioner of Indian Affairs, in reply to the resolution of the Senate of the 9th instant, requiring information on the subject of the removal of the Chippewa Indians from the mineral lands on Lake Superior.

JAMES K. POLK.

WASHINGTON, *July 2, 1846.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of State, together with copies of the correspondence in the year 1841 between the President of the United States and the governor of New York relative to the appearance of Joshua A. Spencer, esq., district attorney of the United States for the western district of New York in the courts of the State of New York as counsel for Alexander McLeod, called for by the resolution of the House of Representatives of the 10th of April, 1846.

JAMES K. POLK.

WASHINGTON, *July 7, 1846.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration, a treaty of commerce and navigation between the United States and the Kingdom of Hanover, concluded and signed at Hanover on the 10th ultimo by the respective plenipotentiaries.

And I communicate at the same time extracts of a dispatch from the agent of the United States explanatory of the treaty.

JAMES K. POLK.

WASHINGTON, *July 9, 1846.*

*To the Senate of the United States:*

I transmit herewith, for the consideration and advice of the Senate with regard to its ratification, a treaty concluded on the 5th and 17th days of June last by T.P. Andrews,

Thomas A. Harvey, and Gideon C. Matlock, commissioners on the part of the United States, and the various bands of the Pottawatomies, Chippewa, and Ottawa Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

JAMES K. POLK.

WASHINGTON, *July 9, 1846.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of the Treasury, transmitting a report from the Commissioner of Public Lands in reply to the resolution of the Senate of the 22d of June, 1846, calling for information of the "progress which has been made in the surveys of the mineral region upon Lake Superior, and within what time such surveys may probably be prepared for the sales of the lands in that country." In answer to that portion of the resolution which calls for the "views" of the Executive "respecting the proper mode of disposing of said lands, keeping in view the interest of the United States and the equitable claims of individuals who, under the authority of the War Department, have made improvements thereon or acquired rights of possession,"



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I recommend that these lands be brought into market and sold at such price and under such regulations as Congress may prescribe, and that the right of preemption be secured to such persons as have, under the authority of the War Department, made improvements or acquired rights of possession thereon. Should Congress deem it proper to authorize the sale of these lands, it will be necessary to attach them to suitable land districts, and that they be placed under the management and control of the General Land Office, as other public lands.

JAMES K. POLK.

WASHINGTON, *July 11, 1846.*

*To the Senate of the United States.*

I communicate herewith a report from the Secretary of War, together with copies of the reports of the board of engineers heretofore employed in an examination of the coast of Texas with a view to its defense and improvement, called for by the resolution of the 29th June, 1846.

JAMES K. POLK.

WASHINGTON, *July 15, 1846.*

*To the Senate of the United States:*

I transmit herewith, for the consideration of the Senate, a treaty concluded on the 15th day of May last with the Comanche and other tribes or bands of Indians of Texas and the Southwestern prairies. I also inclose a communication from the Secretary of War and a report from the Commissioner of Indian Affairs, with accompanying documents, which contain full explanations of the considerations which led to the negotiation of the treaty and the general objects sought to be accomplished by it.

JAMES K. POLK.

WASHINGTON, *July 21, 1846.*

*To the Senate of the United States:*

I herewith transmit, in compliance with the request of the Senate in their resolution of the 17th of June, 1846, a report of the Secretary of State, together with a copy of all "the dispatches and instructions" "relative to the Oregon treaty" "forwarded to our minister, Mr. McLane," "not heretofore communicated to the Senate," including a statement of the propositions for the adjustment of the Oregon question previously made and rejected by

the respective Governments. This statement was furnished to Mr. McLane before his departure from the country, and is dated on the 12th July, 1845, the day on which the note was addressed by the Secretary of State to Mr. Pakenham offering to settle the controversy by the forty-ninth parallel of latitude, which was rejected by that minister on the 29th July following.

The Senate will perceive that extracts from but two of Mr. McLane's "dispatches and communications to this Government" are transmitted, and these only because they were necessary to explain the answers given to them by the Secretary of State.

These dispatches are both numerous and voluminous, and, from their confidential character, their publication, it is believed, would be highly prejudicial to the public interests.

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Public considerations alone have induced me to withhold the dispatches of Mr. McLane addressed to the Secretary of State. I concur with the Secretary of State in the views presented in his report herewith transmitted, against the publication of these dispatches.

Mr. McLane has performed his whole duty to his country, and I am not only willing, but anxious, that every Senator who may desire it shall have an opportunity of perusing these dispatches at the Department of State. The Secretary of State has been instructed to afford every facility for this purpose.

JAMES K. POLK.

WASHINGTON, *July 21, 1846.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of State, in answer to the resolution of the Senate of the 18th of June, 1846, calling for certain information in relation to the Oregon Territory.

JAMES K. POLK.

WASHINGTON, *August 4, 1846.*

*To the Senate of the United States:*

I herewith communicate to the Senate the copy of a letter, under date of the 27th ultimo, from the Secretary of State of the United States to the minister of foreign relations of the Mexican Republic, again proposing to open negotiations and conclude a treaty of peace which shall adjust all the questions in dispute between the two Republics. Considering the relative power of the two countries, the glorious events which have already signalized our arms, and the distracted condition of Mexico, I did not conceive that any point of national honor could exist which ought to prevent me from making this overture. Equally anxious to terminate by a peace honorable for both parties as I was originally to avoid the existing war, I have deemed it my duty again to extend the olive branch to Mexico. Should the Government of that Republic accept the offer in the same friendly spirit by which it was dictated, negotiations will speedily commence for the conclusion of a treaty.

The chief difficulty to be anticipated in the negotiation is the adjustment of the boundary between the parties by a line which shall at once be satisfactory to both, and such as neither will hereafter be inclined to disturb. This is the best mode of securing perpetual peace and good neighborhood between the two Republics. Should the Mexican Government, in order to accomplish these objects, be willing to cede any portion of their territory to the United States, we ought to pay them a fair equivalent—a just and honorable peace, and not conquest, being our purpose in the prosecution of the war.

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Under these circumstances, and considering the exhausted and distracted condition of the Mexican Republic, it might become necessary in order to restore peace that I should have it in my power to advance a portion of the consideration money for any cession of territory which may be made. The Mexican Government might not be willing to wait for the payment of the whole until the treaty could be ratified by the Senate and an appropriation to carry it into effect be made by Congress, and the necessity for such a delay might defeat the object altogether. I would therefore suggest whether it might not be wise for Congress to appropriate a sum such as they might consider adequate for this purpose, to be paid, if necessary, immediately upon the ratification of the treaty by Mexico. This disbursement would of course be accounted for at the Treasury, not as secret-service money, but like other expenditures.

Two precedents for such a proceeding exist in our past history, during the Administration of Mr. Jefferson, to which I would call your attention. On the 26th February, 1803, Congress passed an act appropriating \$2,000,000 for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse "between the United States and foreign nations," "to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be;" and on the 13th February, 1806, an appropriation was made of the same amount and in the same terms. The object in the first case was to enable the President to obtain the cession of Louisiana, and in the second that of the Florida. In neither case was the money actually drawn from the Treasury, and I should hope that the result might be similar in this respect on the present occasion, though the appropriation is deemed expedient as a precautionary measure.

I refer the whole subject to the Senate in executive session. If they should concur in opinion with me, then I recommend the passage of a law appropriating such a sum as Congress may deem adequate, to be used by the Executive, if necessary, for the purpose which I have indicated.

In the two cases to which I have referred the special purpose of the appropriation did not appear on the face of the law, as this might have defeated the object; neither, for the same reason, in my opinion, ought it now to be stated.

I also communicate to the Senate the copy of a letter from the Secretary of State to Commodore Conner of the 29th ultimo, which was transmitted to him on the day it bears date.

JAMES K. POLK.

WASHINGTON, *August 5, 1846.*

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

I communicate herewith a copy of a convention for the settlement and adjustment of the Oregon question, which was concluded in this city on the 15th day of June last between the United States and Her Britannic Majesty. This convention has since been duly ratified by the respective parties, and the ratifications were exchanged at London on the 17th day of July, 1846.

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It now becomes important that provision should be made by law at the earliest practicable period for the organization of a Territorial government in Oregon.

It is also deemed proper that our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains should be extended to such tribes within our territory as dwell beyond them, and that a suitable number of Indian agents should be appointed for the purpose of carrying these laws into execution.

It is likewise important that mail facilities, so indispensable for the diffusion of information and for binding together the different portions of our extended Confederacy, should be afforded to our citizens west of the Rocky Mountains.

There is another subject to which I desire to call your special attention. It is of great importance to our country generally, and especially to our navigating and whaling interests, that the Pacific Coast, and, indeed, the whole of our territory west of the Rocky Mountains, should speedily be filled up by a hardy and patriotic population. Emigrants to that territory have many difficulties to encounter and privations to endure in their long and perilous journey, and by the time they reach their place of destination their pecuniary means are generally much reduced, if not altogether exhausted. Under these circumstances it is deemed but an act of justice that these emigrants, whilst most effectually advancing the interests and policy of the Government, should be aided by liberal grants of land. I would therefore recommend that such grants be made to actual settlers upon the terms and under the restrictions and limitations which Congress may think advisable.

JAMES K. POLK.

WASHINGTON, *August 7, 1846.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of the Navy, with the accompanying documents, in answer to the resolution of the Senate of August 6, 1846, calling for the report of the board of naval officers, recently in session in this city, including the orders under which it was convened and the evidence which may have been laid before it.

JAMES K. POLK.

WASHINGTON, *August 7, 1846.*

*To the Senate of the United States:*

I transmit herewith, for the consideration and constitutional action of the Senate, articles of a treaty which has been concluded by the commissioners appointed for the purpose with the different parties into which the Cherokee tribe of Indians has been divided,

through their delegates now in Washington. The same commissioners had previously been appointed to investigate the subject of the difficulties which have for years existed among the Cherokees, and which have kept them in a state of constant excitement and almost entirely interrupted all progress on their part in civilization and improvement in agriculture and the mechanic arts, and have led

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to many unfortunate acts of domestic strife, against which the Government is bound by the treaty of 1835 to protect them. Their unfortunate internal dissensions had attracted the notice and excited the sympathies of the whole country, and it became evident that if something was not done to heal them they would terminate in a sanguinary war, in which other tribes of Indians might become involved and the lives and property of our own citizens on the frontier endangered. I recommended in my message to Congress on the 13th of April last such measures as I then thought it expedient should be adopted to restore peace and good order among the Cherokees, one of which was a division of the country which they occupy and separation of the tribe. This recommendation was made under the belief that the different factions could not be reconciled and live together in harmony—a belief based in a great degree upon the representations of the delegates of the two divisions of the tribe. Since then, however, there appears to have been a change of opinion on this subject on the part of these divisions of the tribe, and on representations being made to me that by the appointment of commissioners to hear and investigate the causes of grievance of the parties against each other and to examine into their claims against the Government it would probably be found that an arrangement could be made which would once more harmonize the tribe and adjust in a satisfactory manner their claims upon and relations with the United States, I did not hesitate to appoint three persons for the purpose. The commissioners entered into an able and laborious investigation, and on their making known to me the probability of their being able to conclude a new treaty with the delegates of all the divisions of the tribe, who were fully empowered to make any new arrangement which would heal all dissensions among the Cherokees and restore them to their ancient condition of peace and good brotherhood, I authorized and appointed them to enter into negotiations with these delegates for the accomplishment of that object. The treaty now transmitted is the result of their labors, and it is hoped that it will meet the approbation of Congress, and, if carried out in good faith by all parties to it, it is believed it will effect the great and desirable ends had in view.

Accompanying the treaty is the report of the commissioners, and also a communication to them from John Ross and others, who represent what is termed the government party of the Cherokees, and which is transmitted at their request for the consideration of the Senate.

JAMES K. POLK.

WASHINGTON, *August 8, 1846.*

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



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I invite your attention to the propriety of making an appropriation to provide for any expenditure which it may be necessary to make in advance for the purpose of settling all our difficulties with the Mexican Republic. It is my sincere desire to terminate, as it was originally to avoid, the existing war with Mexico by a peace just and honorable to both parties. It is probable that the chief obstacle to be surmounted in accomplishing this desirable object will be the adjustment of a boundary between the two Republics which shall prove satisfactory and convenient to both, and such as neither will hereafter be inclined to disturb. In the adjustment of this boundary we ought to pay a fair equivalent for any concessions which may be made by Mexico.

Under these circumstances, and considering the other complicated questions to be settled by negotiation with the Mexican Republic, I deem it important that a sum of money should be placed under the control of the Executive to be advanced, if need be, to the Government of that Republic immediately after their ratification of a treaty. It might be inconvenient for the Mexican Government to wait for the whole sum the payment of which may be stipulated by this treaty until it could be ratified by our Senate and an appropriation to carry it into effect made by Congress. Indeed, the necessity for this delay might defeat the object altogether. The disbursement of this money would of course be accounted for, not as secret-service money, but like other expenditures.

Two precedents for such a proceeding exist in our past history, during the Administration of Mr. Jefferson, to which I would call your attention: On the 26th February, 1803, an act was passed appropriating \$2,000,000 "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations," "to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be;" and on the 13th of February, 1806, an appropriation was made of the same amount and in the same terms. In neither case was the money actually drawn from the Treasury, and I should hope that the result in this respect might be similar on the present occasion, although the appropriation may prove to be indispensable in accomplishing the object. I would therefore recommend the passage of a law appropriating \$2,000,000 to be placed at the disposal of the Executive for the purpose which I have indicated.

In order to prevent all misapprehension, it is my duty to state that, anxious as I am to terminate the existing war with the least possible delay, it will continue to be prosecuted with the utmost vigor until a treaty of peace shall be signed by the parties and ratified by the Mexican Republic.

JAMES K. POLK.

## VETO MESSAGES.

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WASHINGTON, *August 3, 1846.*

*To the House of Representatives:*

I have considered the bill entitled “An act making appropriations for the improvement of certain harbors and rivers” with the care which its importance demands, and now return the same to the House of Representatives, in which it originated, with my objections to its becoming a law. The bill proposes to appropriate \$1,378,450 to be applied to more than forty distinct and separate objects of improvement. On examining its provisions and the variety of objects of improvement which it embraces, many of them of a local character, it is difficult to conceive, if it shall be sanctioned and become a law, what practical constitutional restraint can hereafter be imposed upon the most extended system of internal improvements by the Federal Government in all parts of the Union. The Constitution has not, in my judgment, conferred upon the Federal Government the power to construct works of internal improvement within the States, or to appropriate money from the Treasury for that purpose. That this bill assumes for the Federal Government the right to exercise this power can not, I think, be doubted. The approved course of the Government and the deliberately expressed judgment of the people have denied the existence of such a power under the Constitution. Several of my predecessors have denied its existence in the most solemn forms.

The general proposition that the Federal Government does not possess this power is so well settled and has for a considerable period been so generally acquiesced in that it is not deemed necessary to reiterate the arguments by which it is sustained. Nor do I deem it necessary, after the full and elaborate discussions which have taken place before the country on this subject, to do more than to state the general considerations which have satisfied me of the unconstitutionality and inexpediency of the exercise of such a power.

It is not questioned that the Federal Government is one of limited powers. Its powers are such, and such only, as are expressly granted in the Constitution or are properly incident to the expressly granted powers and necessary to their execution. In determining whether a given power has been granted a sound rule of construction has been laid down by Mr. Madison. That rule is that—

Whenever a question arises concerning a particular power, the first question is whether the power be expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an expressed power and necessary to its execution. If it be, it may be exercised by Congress. If it be not, Congress can not exercise it.

It is not pretended that there is any express grant in the Constitution conferring on Congress the power in question. Is it, then, an incidental power necessary and proper for the execution of any of the

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granted powers? All the granted powers, it is confidently affirmed, may be effectually executed without the aid of such an incident. "A power, to be incidental, must not be exercised for ends which make it a principal or substantive power, independent of the principal power to which it is an incident." It is not enough that it may be regarded by Congress as *convenient* or that its exercise would advance the public weal. It must be *necessary and proper* to the execution of the principal expressed power to which it is an incident, and without which such principal power can not be carried into effect. The whole frame of the Federal Constitution proves that the Government which it creates was intended to be one of limited and specified powers. A construction of the Constitution so broad as that by which the power in question is defended tends imperceptibly to a consolidation of power in a Government intended by its framers to be thus limited in its authority. "The obvious tendency and inevitable result of a consolidation of the States into one sovereignty would be to transform the republican system of the United States into a monarchy." To guard against the assumption of all powers which encroach upon the reserved sovereignty of the States, and which consequently tend to consolidation, is the duty of all the true friends of our political system. That the power in question is not properly an incident to any of the granted powers I am fully satisfied; but if there were doubts on this subject, experience has demonstrated the wisdom of the rule that all the functionaries of the Federal Government should abstain from the exercise of all questionable or doubtful powers. If an enlargement of the powers of the Federal Government should be deemed proper, it is safer and wiser to appeal to the States and the people in the mode prescribed by the Constitution for the grant desired than to assume its exercise without an amendment of the Constitution. If Congress does not possess the general power to construct works of internal improvement within the States, or to appropriate money from the Treasury for that purpose, what is there to exempt some, at least, of the objects of appropriation included in this bill from the operation of the general rule? This bill assumes the existence of the power, and in some of its provisions asserts the principle that Congress may exercise it as fully as though the appropriations which it proposes were applicable to the construction of roads and canals. If there be a distinction in principle, it is not perceived, and should be clearly defined. Some of the objects of appropriation contained in this bill are local in their character, and lie within the limits of a single State; and though in the language of the bill they are called *harbors*, they are not connected with foreign commerce, nor are they places of refuge or shelter for our Navy or commercial marine on the ocean or lake shores. To call the mouth

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of a creek or a shallow inlet on our coast a harbor can not confer the authority to expend the public money in its improvement. Congress have exercised the power coeval with the Constitution of establishing light-houses, beacons, buoys, and piers on our ocean and lake shores for the purpose of rendering navigation safe and easy and of affording protection and shelter for our Navy and other shipping. These are safeguards placed in existing channels of navigation. After the long acquiescence of the Government through all preceding Administrations, I am not disposed to question or disturb the authority to make appropriations for such purposes.

When we advance a step beyond this point, and, in addition to the establishment and support, by appropriations from the Treasury, of lighthouses, beacons, buoys, piers, and other improvements within the bays, inlets, and harbors on our ocean and lake coasts immediately connected with our foreign commerce, attempt to make improvements in the interior at points unconnected with foreign commerce, and where they are not needed for the protection and security of our Navy and commercial marine, the difficulty arises in drawing a line beyond which appropriations may not be made by the Federal Government.

One of my predecessors, who saw the evil consequences of the system proposed to be revived by this bill, attempted to define this line by declaring that "expenditures of this character" should be "confined *below* the ports of entry or delivery established by law." Acting on this restriction, he withheld his sanction from a bill which had passed Congress "to improve the navigation of the Wabash River." He was at the same time "sensible that this restriction was not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution, by appropriations for remote and not well-understood objects." This restriction, it was soon found, was subject to be evaded and rendered comparatively useless in checking the system of improvements which it was designed to arrest, in consequence of the facility with which ports of entry and delivery may be established by law upon the upper waters, and in some instances almost at the head springs of some of the most unimportant of our rivers, and at points on our coast possessing no commercial importance and not used as places of refuge and safety by our Navy and other shipping. Many of the ports of entry and delivery now authorized by law, so far as foreign commerce is concerned, exist only in the statute books. No entry of foreign goods is ever made and no duties are ever collected at them. No exports of American products bound for foreign countries ever clear from them. To assume that their existence in the statute book as ports of entry or delivery warrants expenditures on the waters leading to them, which would be otherwise unauthorized, would be to assert the proposition that the lawmaking power may ingraft new provisions on the

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Constitution. If the restriction is a sound one, it can only apply to the bays, inlets, and rivers connected with or leading to such, ports as actually have foreign commerce—ports at which foreign importations arrive in bulk, paying the duties charged by law, and from which exports are made to foreign countries. It will be found by applying the restriction thus understood to the bill under consideration that it contains appropriations for more than twenty objects of internal improvement, called in the bill *harbors*, at places which have never been declared by law either ports of entry or delivery, and at which, as appears from the records of the Treasury, there has never been an arrival of foreign merchandise, and from which there has never been a vessel cleared for a foreign country. It will be found that many of these works are new, and at places for the improvement of which appropriations are now for the first time proposed. It will be found also that the bill contains appropriations for rivers upon which there not only exists no foreign commerce, but upon which there has not been established even a paper port of entry, and for the mouths of creeks, denominated harbors, which if improved can benefit only the particular neighborhood in which they are situated. It will be found, too, to contain appropriations the expenditure of which will only have the effect of improving one place at the expense of the local natural advantages of another in its vicinity. Should this bill become a law, the same *principle* which authorizes the appropriations which it proposes to make would also authorize similar appropriations for the improvement of all the other bays, inlets, and creeks, which may with equal propriety be called harbors, and of all the rivers, important or unimportant, in every part of the Union. To sanction the bill with such provisions would be to concede the *principle* that the Federal Government possesses the power to expend the public money in a general system of internal improvements, limited in its extent only by the ever-varying discretion of successive Congresses and successive Executives. It would be to efface and remove the limitations and restrictions of power which the Constitution has wisely provided to limit the authority and action of the Federal Government to a few well-defined and specified objects. Besides these objections, the practical evils which must flow from the exercise on the part of the Federal Government of the powers asserted in this bill impress my mind with a grave sense of my duty to avert them from the country as far as my constitutional action may enable me to do so.

It not only leads to a consolidation of power in the Federal Government at the expense of the rightful authority of the States, but its inevitable tendency is to embrace objects for the expenditure of the public money which are local in their character, benefiting but few at the expense of the common Treasury of the whole. It will engender sectional feelings and prejudices calculated to disturb the harmony of the Union. It will destroy the harmony which should prevail in our legislative councils.

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It will produce combinations of local and sectional interests, strong enough when united to carry propositions for appropriations of public money which could not of themselves, and standing alone, succeed, and can not fail to lead to wasteful and extravagant expenditures.

It must produce a disreputable scramble for the public money, by the conflict which is inseparable from such a system between local and individual interests and the general interest of the whole. It is unjust to those States which have with their own means constructed their own internal improvements to make from the common Treasury appropriations for similar improvements in other States.

In its operation it will be oppressive and unjust toward those States whose representatives and people either deny or doubt the existence of the power or think its exercise inexpedient, and who, while they equally contribute to the Treasury, can not consistently with their opinions engage in a general competition for a share of the public money. Thus a large portion of the Union, in numbers and in geographical extent, contributing its equal proportion of taxes to the support of the Government, would under the operation of such a system be compelled to see the national treasure—the common stock of all—unequally disbursed, and often improvidently wasted for the advantage of small sections, instead of being applied to the great national purposes in which all have a common interest, and for which alone the power to collect the revenue was given. Should the system of internal improvements proposed prevail, all these evils will multiply and increase with the increase of the number of the States and the extension of the geographical limits of the settled portions of our country. With the increase of our numbers and the extension of our settlements the local objects demanding appropriations of the public money for their improvement will be proportionately increased. In each case the expenditure of the public money would confer benefits, direct or indirect, only on a section, while these sections would become daily less in comparison with the whole.

The wisdom of the framers of the Constitution in withholding power over such objects from the Federal Government and leaving them to the local governments of the States becomes more and more manifest with every year's experience of the operations of our system.

In a country of limited extent, with but few such objects of expenditure (if the form of government permitted it), a common treasury might be used for their improvement with much less inequality and injustice than in one of the vast extent which ours now presents in population and territory. The treasure of the world would hardly be equal to the improvement of every bay, inlet, creek, and river in our country which might be supposed to promote the agricultural, manufacturing, or commercial interests of a neighborhood.



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The Federal Constitution was wisely adapted in its provisions to any expansion of our limits and population, and with the advance of the confederacy of the States in the career of national greatness it becomes the more apparent that the harmony of the Union and the equal justice to which all its parts are entitled require that the Federal Government should confine its action within the limits prescribed by the Constitution to its power and authority. Some of the provisions of this bill are not subject to the objections stated, and did they stand alone I should not feel it to be my duty to withhold my approval.

If no constitutional objections existed to the bill, there are others of a serious nature which deserve some consideration. It appropriates between \$1,000,000 and \$2,000,000 for objects which are of no pressing necessity, and this is proposed at a time when the country is engaged in a foreign war, and when Congress at its present session has authorized a loan or the issue of Treasury notes to defray the expenses of the war, to be resorted to if the "exigencies of the Government shall require it." It would seem to be the dictate of wisdom under such circumstances to husband our means, and not to waste them on comparatively unimportant objects, so that we may reduce the loan or issue of Treasury notes which may become necessary to the smallest practicable sum. It would seem to be wise, too, to abstain from such expenditures with a view to avoid the accumulation of a large public debt, the existence of which would be opposed to the interests of our people as well as to the genius of our free institutions.

Should this bill become a law, the principle which it establishes will inevitably lead to large and annually increasing appropriations and drains upon the Treasury, for it is not to be doubted that numerous other localities not embraced in its provisions, but quite as much entitled to the favor of the Government as those which are embraced, will demand, through their representatives in Congress, to be placed on an equal footing with them. With such an increase of expenditure must necessarily follow either an increased public debt or increased burdens upon the people by taxation to supply the Treasury with the means of meeting the accumulated demands upon it.

With profound respect for the opinions of Congress, and ever anxious, as far as I can consistently with my responsibility to our common constituents, to cooperate with them in the discharge of our respective duties, it is with unfeigned regret that I find myself constrained, for the reasons which I have assigned, to withhold my approval from this bill.

JAMES K. POLK.

WASHINGTON, *August 8, 1846.*

*To the Senate of the United States:*

I return to the Senate, in which it originated, the bill entitled “An act to provide for the ascertainment and satisfaction of claims of American citizens for spoliation committed by the French prior to the 31st day of July, 1801,” which was presented to me on the 6th instant, with my objections to its becoming a law.



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In attempting to give to the bill the careful examination it requires, difficulties presented themselves in the outset from the remoteness of the period to which the claims belong, the complicated nature of the transactions in which they originated, and the protracted negotiations to which they led between France and the United States.

The short time intervening between the passage of the bill by Congress and the approaching close of their session, as well as the pressure of other official duties, have not permitted me to extend my examination of the subject into its minute details; but in the consideration which I have been able to give to it I find objections of a grave character to its provisions.

For the satisfaction of the claims provided for by the bill it is proposed to appropriate \$5,000,000. I can perceive no legal or equitable ground upon which this large appropriation can rest. A portion of the claims have been more than half a century before the Government in its executive or legislative departments, and all of them had their origin in events which occurred prior to the year 1800. Since 1802 they have been from time to time before Congress. No greater necessity or propriety exists for providing for these claims at this time than has existed for near half a century, during all which period this questionable measure has never until now received the favorable consideration of Congress. It is scarcely probable, if the claim had been regarded as obligatory upon the Government or constituting an equitable demand upon the Treasury, that those who were contemporaneous with the events which gave rise to it should not long since have done justice to the claimants. The Treasury has often been in a condition to enable the Government to do so without inconvenience if these claims had been considered just. Mr. Jefferson, who was fully cognizant of the early dissensions between the Governments of the United States and France, out of which the claims arose, in his annual message in 1808 adverted to the large surplus then in the Treasury and its "probable accumulation," and inquired whether it should "lie unproductive in the public vaults;" and yet these claims, though then before Congress, were not recognized or paid. Since that time the public debt of the Revolution and of the War of 1812 has been extinguished, and at several periods since the Treasury has been in possession of large surpluses over the demands upon it. In 1836 the surplus amounted to many millions of dollars, and, for want of proper objects to which to apply it, it was directed by Congress to be deposited with the States.

During this extended course of time, embracing periods eminently favorable for satisfying all just demands upon the Government, the claims embraced in this bill met with no favor in Congress beyond reports of committees in one or the other branch. These circumstances alone are calculated to raise strong doubts in respect to these claims, more especially as all the information necessary to a correct judgment concerning them has been long before the public. These doubts are strengthened in my mind by the examination I have been enabled to give to the transactions in which they originated.

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The bill assumes that the United States have become liable in these ancient transactions to make reparation to the claimants for injuries committed by France. Nothing was obtained for the claimants by negotiation; and the bill assumes that the Government has become responsible to them for the aggressions of France. I have not been able to satisfy myself of the correctness of this assumption, or that the Government has become in any way responsible for these claims. The limited time allotted me before your adjournment precludes the possibility of reiterating the facts and arguments by which in preceding Congresses these claims have been successfully resisted.

The present is a period peculiarly unfavorable for the satisfaction of claims of so large an amount and, to say the least of them, of so doubtful a character. There is no surplus in the Treasury. A public debt of several millions of dollars has been created within the last few years.

We are engaged in a foreign war, uncertain in its duration and involving heavy expenditures, to prosecute which Congress has at its present session authorized a further loan; so that in effect the Government, should this bill become a law, borrows money and increases the public debt to pay these claims.

It is true that by the provisions of the bill payment is directed to be made in land scrip instead of money, but the effect upon the Treasury will be the same. The public lands constitute one of the sources of public revenue, and if these claims be paid in land scrip it will from the date of its issue to a great extent cut off from the Treasury the annual income from the sales of the public lands, because payments for lands sold by the Government may be expected to be made in scrip until it is all redeemed. If these claims be just, they ought to be paid in money, and not in anything less valuable. The bill provides that they shall be paid in land scrip, whereby they are made in effect to be a mortgage upon the public lands in the new States; a mortgage, too, held in great part, if not wholly, by nonresidents of the States in which the lands lie, who may secure these lands to the amount of several millions of acres, and then demand for them exorbitant prices from the citizens of the States who may desire to purchase them for settlement, or they may keep them out of the market, and thus retard the prosperity and growth of the States in which they are situated. Why this unusual mode of satisfying demands on the Treasury has been resorted to does not appear. It is not consistent with a sound public policy. If it be done in this case, it may be done in all others. It would form a precedent for the satisfaction of all other stale and questionable claims in the same manner, and would undoubtedly be resorted to by all claimants who after successive trials shall fail to have their claims recognized and paid in money by Congress.

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This bill proposes to appropriate \$5,000,000, to be paid in land scrip, and provides that “no claim or memorial shall be received by the commissioners” authorized by the act “unless accompanied by a release or discharge of the United States from all other and further compensation” than the claimant “may be entitled to receive under the provisions of this act.” These claims are estimated to amount to a much larger sum than \$5,000,000, and yet the claimant is required to release to the Government all other compensation, and to accept his share of a fund which is known to be inadequate. If the claims be well founded, it would be unjust to the claimants to repudiate any portion of them, and the payment of the remaining sum could not be hereafter resisted. This bill proposes to pay these claims not in the currency known to the Constitution, and not to their full amount.

Passed, as this bill has been, near the close of the session, and when many measures of importance necessarily claim the attention of Congress, and possibly without that full and deliberate consideration which the large sum it appropriates and the existing condition of the Treasury and of the country demand, I deem it to be my duty to withhold my approval, that it may hereafter undergo the revision of Congress. I have come to this conclusion with regret. In interposing my objections to its becoming a law I am fully sensible that it should be an extreme case which would make it the duty of the Executive to withhold his approval of any bill passed by Congress upon the ground of its inexpediency alone. Such a case I consider this to be.

JAMES K. POLK.

## PROCLAMATIONS.

[From Statutes at Large (Little & Brown), Vol. IX, p. 999.]

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

### A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1845, entitled “An act allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico, and to the British North American Provinces adjoining the United States,” certain privileges are extended in reference to drawback to ports therein specially enumerated in the seventh section of said act, which also 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;”  
and

Whereas the Secretary of the Treasury has duly recommended to me the extension of the privileges of the law aforesaid to the port of Lewiston, in the collection district of Niagara, in the State of New York:

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Now, therefore, I, James K. Polk, President of the United States of America, do hereby declare and proclaim that the port of Lewiston, in the collection district of Niagara, in the State of New York, is and shall be entitled to all the privileges extended to the other ports enumerated in the seventh section of the act aforesaid from and after the date of this proclamation.

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

[SEAL.]

Done at the city of Washington, this 17th day of January, A.D. 1846, and of the Independence of the United States of America the seventieth.

JAMES K. POLK.

By the President:  
JAMES BUCHANAN,  
*Secretary of State.*

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

### A PROCLAMATION.

Whereas the Congress of the United States, by virtue of the constitutional authority vested in them, have declared by their act bearing date this day that "by the act of the Republic of Mexico a state of war exists between that Government and the United States:"

Now, therefore, I, James K. Polk, President of the United States of America, do hereby proclaim the same to all whom it may concern; and I do specially enjoin on all persons holding offices, civil or military, under the authority of the United States that they be vigilant and zealous in discharging the duties respectively incident thereto; and I do, moreover, exhort all the good people of the United States, as they love their country, as they feel the wrongs which have forced on them the last resort of injured nations, and as they consult the best means, under the blessing of Divine Providence, of abridging its calamities, that they exert themselves in preserving order, in promoting concord, in maintaining the authority and the efficacy of the laws, and in supporting and invigorating all the measures which may be adopted by the constituted authorities for obtaining a speedy, a just, and an honorable peace.

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 13th day of May, A.D. 1846, of the Independence of the United States the seventieth.

JAMES K. POLK.

By the President:

JAMES BUCHANAN,  
*Secretary of State.*

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

### **A PROCLAMATION.**

Whereas by the act of Congress approved July 9, 1846, entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia," it is enacted that, with the assent of the people of the county and town of Alexandria, to be ascertained in the manner therein prescribed, all that portion of the District of Columbia ceded to the United States by the State of Virginia and all the rights and jurisdiction therewith ceded over the same shall be ceded and forever relinquished to the State of Virginia in full and absolute right and jurisdiction, as well of soil as of persons residing or to reside thereon; and

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Whereas it is further provided that the said act “shall not be in force until after the assent of the people of the county and town of Alexandria shall be given to it in the mode therein provided,” and, if a majority of the votes should be in favor of accepting the provisions of the said act, it shall be the duty of the President to make proclamation of the fact; and

Whereas on the 17th day of August, 1846, after the close of the late session of the Congress of the United States, I duly appointed five citizens of the county or town of Alexandria, being freeholders within the same, as commissioners, who, being duly sworn to perform the duties imposed on them as prescribed in the said act, did proceed within ten days after they were notified to fix upon the 1st and 2d days of September, 1846, as the time, the court-house of the county of Alexandria as the place, and *viva voce* as the manner of voting, and gave due notice of the same; and at the time and at the place, in conformity with the said notice, the said commissioners presiding and deciding all questions arising in relation to the right of voting under the said act, the votes of the citizens qualified to vote were taken *viva voce* and recorded in poll books duly kept, and on the 3d day of September instant, after the said polls were closed, the said commissioners did make out and on the next day did transmit to me a statement of the polls so held, upon oath and under their seals; and of the votes so cast and polled there were in favor of accepting the provisions of the said act 763 votes, and against accepting the same 222, showing a majority of 541 votes for the acceptance of the same:

Now, therefore, be it known that I, James K. Polk, President of the United States of America, in fulfillment of the duty imposed upon me by the said act of Congress, do hereby make proclamation of the “result” of said “poll” as above stated, and do call upon all and singular the persons whom it doth or may concern to take notice that the act aforesaid “is in full force and effect.”

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

[SEAL.]

Done at the city of Washington, this 7th day of September, A.D. 1846, and of the Independence of the United States the seventy-first.

JAMES K. POLK.

By the President:

N.P. TRIST,

*Acting Secretary of State.*

## **SECOND ANNUAL MESSAGE.**

WASHINGTON, *December 8, 1846.*

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



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In resuming your labors in the service of the people it is a subject of congratulation that there has been no period in our past history when all the elements of national prosperity have been so fully developed. Since your last session no afflicting dispensation has visited our country. General good health has prevailed, abundance has crowned the toil of the husbandman, and labor in all its branches is receiving an ample reward, while education, science, and the arts are rapidly enlarging the means of social happiness. The progress of our country in her career of greatness, not only in the vast extension of our territorial limits and the rapid increase of our population, but in resources and wealth and in the happy condition of our people, is without an example in the history of nations.

As the wisdom, strength, and beneficence of our free institutions are unfolded, every day adds fresh motives to contentment and fresh incentives to patriotism.

Our devout and sincere acknowledgments are due to the gracious Giver of All Good for the numberless blessings which our beloved country enjoys.

It is a source of high satisfaction to know that the relations of the United States with all other nations, with a single exception, are of the most amicable character. Sincerely attached to the policy of peace early adopted and steadily pursued by this Government, I have anxiously desired to cultivate and cherish friendship and commerce with every foreign power. The spirit and habits of the American people are favorable to the maintenance of such international harmony. In adhering to this wise policy, a preliminary and paramount duty obviously consists in the protection of our national interests from encroachment or sacrifice and our national honor from reproach. These must be maintained at any hazard. They admit of no compromise or neglect, and must be scrupulously and constantly guarded. In their vigilant vindication collision and conflict with foreign powers may sometimes become unavoidable. Such has been our scrupulous adherence to the dictates of justice in all our foreign intercourse that, though steadily and rapidly advancing in prosperity and power, we have given no just cause of complaint to any nation and have enjoyed the blessings of peace for more than thirty years. From a policy so sacred to humanity and so salutary in its effects upon our political system we should never be induced voluntarily to depart.

The existing war with Mexico was neither desired nor provoked by the United States. On the contrary, all honorable means were resorted to to avert it. After years of endurance of aggravated and unredressed wrongs on our part, Mexico, in violation of solemn treaty stipulations and of every principle of justice recognized by civilized nations, commenced hostilities, and thus by her own act forced the war upon us. Long before the advance of our Army to the left bank of the Rio Grande we had ample cause of war against

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Mexico, and had the United States resorted to this extremity we might have appealed to the whole civilized world for the justice of our cause. I deem it to be my duty to present to you on the present occasion a condensed review of the injuries we had sustained, of the causes which led to the war, and of its progress since its commencement. This is rendered the more necessary because of the misapprehensions which have to some extent prevailed as to its origin and true character. The war has been represented as unjust and unnecessary and as one of aggression on our part upon a weak and injured enemy. Such erroneous views, though entertained by but few, have been widely and extensively circulated, not only at home, but have been spread throughout Mexico and the whole world. A more effectual means could not have been devised to encourage the enemy and protract the war than to advocate and adhere to their cause, and thus give them "aid and comfort." It is a source of national pride and exultation that the great body of our people have thrown no such obstacles in the way of the Government in prosecuting the war successfully, but have shown themselves to be eminently patriotic and ready to vindicate their country's honor and interests at any sacrifice. The alacrity and promptness with which our volunteer forces rushed to the field on their country's call prove not only their patriotism, but their deep conviction that our cause is just.

The wrongs which we have suffered from Mexico almost ever since she became an independent power and the patient endurance with which we have borne them are without a parallel in the history of modern civilized nations. There is reason to believe that if these wrongs had been resented and resisted in the first instance the present war might have been avoided. One outrage, however, permitted to pass with impunity almost necessarily encouraged the perpetration of another, until at last Mexico seemed to attribute to weakness and indecision on our part a forbearance which was the offspring of magnanimity and of a sincere desire to preserve friendly relations with a sister republic.

Scarcely had Mexico achieved her independence, which the United States were the first among the nations to acknowledge, when she commenced the system of insult and spoliation which she has ever since pursued. Our citizens engaged in lawful commerce were imprisoned, their vessels seized, and our flag insulted in her ports. If money was wanted, the lawless seizure and confiscation of our merchant vessels and their cargoes was a ready resource, and if to accomplish their purposes it became necessary to imprison the owners, captains, and crews, it was done. Rulers superseded rulers in Mexico in rapid succession, but still there was no change in this system of depredation. The Government of the United States made repeated reclamations on behalf of its citizens, but these were answered by the perpetration of new outrages.

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Promises of redress made by Mexico in the most solemn forms were postponed or evaded. The files and records of the Department of State contain conclusive proofs of numerous lawless acts perpetrated upon the property and persons of our citizens by Mexico, and of wanton insults to our national flag. The interposition of our Government to obtain redress was again and again invoked under circumstances which no nation ought to disregard. It was hoped that these outrages would cease and that Mexico would be restrained by the laws which regulate the conduct of civilized nations in their intercourse with each other after the treaty of amity, commerce, and navigation of the 5th of April, 1831, was concluded between the two Republics; but this hope soon proved to be vain. The course of seizure and confiscation of the property of our citizens, the violation of their persons, and the insults to our flag pursued by Mexico previous to that time were scarcely suspended for even a brief period, although the treaty so clearly defines the rights and duties of the respective parties that it is impossible to misunderstand or mistake them. In less than seven years after the conclusion of that treaty our grievances had become so intolerable that in the opinion of President Jackson they should no longer be endured. In his message to Congress in February, 1837, he presented them to the consideration of that body, and declared that—  
The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war.

In a spirit of kindness and forbearance, however, he recommended reprisals as a milder mode of redress. He declared that war should not be used as a remedy “by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided,” and added:

It has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters

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in controversy between us upon another demand thereof made from on board one of our vessels of war on the coast of Mexico.

Committees of both Houses of Congress, to which this message of the President was referred, fully sustained his views of the character of the wrongs which we had suffered from Mexico, and recommended that another demand for redress should be made before authorizing war or reprisals. The Committee on Foreign Relations of the Senate, in their report, say:

After such a demand, should prompt justice be refused by the Mexican Government, we may appeal to all nations, not only for the equity and moderation with which we shall have acted toward a sister republic, but for the necessity which will then compel us to seek redress for our wrongs, either by actual war or by reprisals. The subject will then be presented before Congress, at the commencement of the next session, in a clear and distinct form, and the committee can not doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country and insure ample reparation to our injured fellow-citizens.

The Committee on Foreign Affairs of the House of Representatives made a similar recommendation. In their report they say that—

They fully concur with the President that ample cause exists for taking redress into our own hands, and believe that we should be justified in the opinion of other nations for taking such a step. But they are willing to try the experiment of another demand, made in the most solemn form, upon the justice of the Mexican Government before any further proceedings are adopted.

No difference of opinion upon the subject is believed to have existed in Congress at that time; the executive and legislative departments concurred; and yet such has been our forbearance and desire to preserve peace with Mexico that the wrongs of which we then complained, and which gave rise to these solemn proceedings, not only remain unredressed to this day, but additional causes of complaint of an aggravated character have ever since been accumulating. Shortly after these proceedings a special messenger was dispatched to Mexico to make a final demand for redress, and on the 20th of July, 1837, the demand was made. The reply of the Mexican Government bears date on the 29th of the same month, and contains assurances of the “anxious wish” of the Mexican Government “not to delay the moment of that final and equitable adjustment which is to terminate the existing difficulties between the two Governments;” that “nothing should be left undone which may contribute to the most speedy and equitable determination of the subjects which have so seriously engaged the attention of the American Government;” that the “Mexican Government would adopt as the only guides for its conduct the plainest principles of public right, the sacred obligations imposed by international law, and the religious faith of treaties,” and that “whatever

reason and justice may dictate respecting each case will be done.” The assurance was further given that the decision of the Mexican Government upon each cause of complaint for which redress had been demanded should be communicated to the Government of the United States by the Mexican minister at Washington.

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These solemn assurances in answer to our demand for redress were disregarded. By making them, however, Mexico obtained further delay. President Van Buren, in his annual message to Congress of the 5th of December, 1837, states that “although the larger number” of our demands for redress, “and many of them aggravated cases of personal wrongs, have been now for years before the Mexican Government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican minister;” and that “for not one of our public complaints has satisfaction been given or offered, that but one of the cases of personal wrong has been favorably considered, and that but four cases of both descriptions out of all those formally presented and earnestly pressed have as yet been decided upon by the Mexican Government.” President Van Buren, believing that it would be vain to make any further attempt to obtain redress by the ordinary means within the power of the Executive, communicated this opinion to Congress in the message referred to, in which he said:

On a careful and deliberate examination of their contents [of the correspondence with the Mexican Government], and considering the spirit manifested by the Mexican Government, it has become my painful duty to return the subject as it now stands to Congress, to whom it belongs to decide upon the time, the mode, and the measure of redress.

Had the United States at that time adopted compulsory measures and taken redress into their own hands, all our difficulties with Mexico would probably have been long since adjusted and the existing war have been averted. Magnanimity and moderation on our part only had the effect to complicate these difficulties and render an amicable settlement of them the more embarrassing. That such measures of redress under similar provocations committed by any of the powerful nations of Europe would have been promptly resorted to by the United States can not be doubted. The national honor and the preservation of the national character throughout the world, as well as our own self-respect and the protection due to our own citizens, would have rendered such a resort indispensable. The history of no civilized nation in modern times has presented within so brief a period so many wanton attacks upon the honor of its flag and upon the property and persons of its citizens as had at that time been borne by the United States from the Mexican authorities and people. But Mexico was a sister republic on the North American continent, occupying a territory contiguous to our own, and was in a feeble and distracted condition, and these considerations, it is presumed, induced Congress to forbear still longer.

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Instead of taking redress into our own hands, a new negotiation was entered upon with fair promises on the part of Mexico, but with the real purpose, as the event has proved, of indefinitely postponing the reparation which we demanded, and which was so justly due. This negotiation, after more than a year's delay, resulted in the convention of the 11th of April, 1839, "for the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic." The joint board of commissioners created by this convention to examine and decide upon these claims was not organized until the month of August, 1840, and under the terms of the convention they were to terminate their duties within eighteen months from that time. Four of the eighteen months were consumed in preliminary discussions on frivolous and dilatory points raised by the Mexican commissioners, and it was not until the month of December, 1840, that they commenced the examination of the claims of our citizens upon Mexico. Fourteen months only remained to examine and decide upon these numerous and complicated cases. In the month of February, 1842, the term of the commission expired, leaving many claims undisposed of for want of time. The claims which were allowed by the board and by the umpire authorized by the convention to decide in case of disagreement between the Mexican and American commissioners amounted to \$2,026,139.68. There were pending before the umpire when the commission expired additional claims, which had been examined and awarded by the American commissioners and had not been allowed by the Mexican commissioners, amounting to \$928,627.88, upon which he did not decide, alleging that his authority had ceased with the termination of the joint commission. Besides these claims, there were others of American citizens amounting to \$3,336,837.05, which had been submitted to the board, and upon which they had not time to decide before their final adjournment.

The sum of \$2,026,139.68, which had been awarded to the claimants, was a liquidated and ascertained debt due by Mexico, about which there could be no dispute, and which she was bound to pay according to the terms of the convention. Soon after the final awards for this amount had been made the Mexican Government asked for a postponement of the time of making payment, alleging that it would be inconvenient to make the payment at the time stipulated. In the spirit of forbearing kindness toward a sister republic, which Mexico has so long abused, the United States promptly complied with her request. A second convention was accordingly concluded between the two Governments on the 30th of January, 1843, which upon its face declares that "this new arrangement is entered into for the accommodation of Mexico." By the terms of this convention all the interest due on the awards which had been made in favor of the claimants under the convention of the 11th of April, 1839, was to be paid to them on the 30th of April,



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1843, and “the principal of the said awards and the interest accruing thereon” was stipulated to “be paid in five years, in equal installments every three months.”

Notwithstanding this new convention was entered into at the request of Mexico and for the purpose of relieving her from embarrassment, the claimants have only received the interest due on the 30th of April, 1843, and three of the twenty installments. Although the payment of the sum thus liquidated and confessedly due by Mexico to our citizens as indemnity for acknowledged acts of outrage and wrong was secured by treaty, the obligations of which are ever held sacred by all just nations, yet Mexico has violated this solemn engagement by failing and refusing to make the payment. The two installments due in April and July, 1844, under the peculiar circumstances connected with them, have been assumed by the United States and discharged to the claimants, but they are still due by Mexico. But this is not all of which we have just cause of complaint. To provide a remedy for the claimants whose cases were not decided by the joint commission under the convention of April 11, 1839, it was expressly stipulated by the sixth article of the convention of the 30th of January, 1843, that—

A new convention shall be entered into for the settlement of all claims of the Government and citizens of the United States against the Republic of Mexico which were not finally decided by the late commission which met in the city of Washington, and of all claims of the Government and citizens of Mexico against the United States.

In conformity with this stipulation, a third convention was concluded and signed at the city of Mexico on the 20th of November, 1843, by the plenipotentiaries of the two Governments, by which provision was made for ascertaining and paying these claims. In January, 1844, this convention was ratified by the Senate of the United States with two amendments, which were manifestly reasonable in their character. Upon a reference of the amendments proposed to the Government of Mexico, the same evasions, difficulties, and delays were interposed which have so long marked the policy of that Government toward the United States. It has not even yet decided whether it would or would not accede to them, although the subject has been repeatedly pressed upon its consideration. Mexico has thus violated a second time the faith of treaties by failing or refusing to carry into effect the sixth article of the convention of January, 1843.

Such is the history of the wrongs which we have suffered and patiently endured from Mexico through a long series of years. So far from affording reasonable satisfaction for the injuries and insults we had borne, a great aggravation of them consists in the fact that while the United States, anxious to preserve a good understanding with Mexico, have been constantly but vainly employed in seeking redress for past wrongs, new outrages were



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constantly occurring, which have continued to increase our causes of complaint and to swell the amount of our demands. While the citizens of the United States were conducting a lawful commerce with Mexico under the guaranty of a treaty of “amity, commerce, and navigation,” many of them have suffered all the injuries which would have resulted from open war. This treaty, instead of affording protection to our citizens, has been the means of inviting them into the ports of Mexico that they might be, as they have been in numerous instances, plundered of their property and deprived of their personal liberty if they dared insist on their rights. Had the unlawful seizures of American property and the violation of the personal liberty of our citizens, to say nothing of the insults to our flag, which have occurred in the ports of Mexico taken place on the high seas, they would themselves long since have constituted a state of actual war between the two countries. In so long suffering Mexico to violate her most solemn treaty obligations, plunder our citizens of their property, and imprison their persons without affording them any redress we have failed to perform one of the first and highest duties which every government owes to its citizens, and the consequence has been that many of them have been reduced from a state of affluence to bankruptcy. The proud name of American citizen, which ought to protect all who bear it from insult and injury throughout the world, has afforded no such protection to our citizens in Mexico. We had ample cause of war against Mexico long before the breaking out of hostilities; but even then we forbore to take redress into our own hands until Mexico herself became the aggressor by invading our soil in hostile array and shedding the blood of our citizens.

Such are the grave causes of complaint on the part of the United States against Mexico—causes which existed long before the annexation of Texas to the American Union; and yet, animated by the love of peace and a magnanimous moderation, we did not adopt those measures of redress which under such circumstances are the justified resort of injured nations.

The annexation of Texas to the United States constituted no just cause of offense to Mexico. The pretext that it did so is wholly inconsistent and irreconcilable with well-authenticated facts connected with the revolution by which Texas became independent of Mexico. That this may be the more manifest, it may be proper to advert to the causes and to the history of the principal events of that revolution.

Texas constituted a portion of the ancient Province of Louisiana, ceded to the United States by France in the year 1803. In the year 1819 the United States, by the Florida treaty, ceded to Spain all that part of Louisiana within the present limits of Texas, and Mexico, by the revolution which separated her from Spain and rendered her an independent nation, succeeded to the rights of the mother country over

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this territory. In the year 1824 Mexico established a federal constitution, under which the Mexican Republic was composed of a number of sovereign States confederated together in a federal union similar to our own. Each of these States had its own executive, legislature, and judiciary, and for all except federal purposes was as independent of the General Government and that of the other States as is Pennsylvania or Virginia under our Constitution. Texas and Coahuila united and formed one of these Mexican States. The State constitution which they adopted, and which was approved by the Mexican Confederacy, asserted that they were “free and independent of the other Mexican United States and of every other power and dominion whatsoever,” and proclaimed the great principle of human liberty that “the sovereignty of the state resides originally and essentially in the general mass of the individuals who compose it.” To the Government under this constitution, as well as to that under the federal constitution, the people of Texas owed allegiance.

Emigrants from foreign countries, including the United States, were invited by the colonization laws of the State and of the Federal Government to settle in Texas. Advantageous terms were offered to induce them to leave their own country and become Mexican citizens. This invitation was accepted by many of our citizens in the full faith that in their new home they would be governed by laws enacted by representatives elected by themselves, and that their lives, liberty, and property would be protected by constitutional guaranties similar to those which existed in the Republic they had left. Under a Government thus organized they continued until the year 1835, when a military revolution broke out in the City of Mexico which entirely subverted the federal and State constitutions and placed a military dictator at the head of the Government. By a sweeping decree of a Congress subservient to the will of the Dictator the several State constitutions were abolished and the States themselves converted into mere departments of the central Government. The people of Texas were unwilling to submit to this usurpation. Resistance to such tyranny became a high duty. Texas was fully absolved from all allegiance to the central Government of Mexico from the moment that Government had abolished her State constitution and in its place substituted an arbitrary and despotic central government. Such were the principal causes of the Texan revolution. The people of Texas at once determined upon resistance and flew to arms. In the midst of these important and exciting events, however, they did not omit to place their liberties upon a secure and permanent foundation. They elected members to a convention, who in the month of March, 1836, issued a formal declaration that their “political connection with the Mexican nation has forever ended, and that the people of Texas do now constitute a *free, sovereign, and independent*

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*Republic*, and are fully invested with all the rights and attributes which properly belong to independent nations.” They also adopted for their government a liberal republican constitution. About the same time Santa Anna, then the Dictator of Mexico, invaded Texas with a numerous army for the purpose of subduing her people and enforcing obedience to his arbitrary and despotic Government. On the 21st of April, 1836, he was met by the Texan citizen soldiers, and on that day was achieved by them the memorable victory of San Jacinto, by which they conquered their independence. Considering the numbers engaged on the respective sides, history does not record a more brilliant achievement. Santa Anna himself was among the captives.

In the month of May, 1836, Santa Anna acknowledged by a treaty with the Texan authorities in the most solemn form “the full, entire, and perfect independence of the Republic of Texas.” It is true he was then a prisoner of war, but it is equally true that he had failed to reconquer Texas, and had met with signal defeat; that his authority had not been revoked, and that by virtue of this treaty he obtained his personal release. By it hostilities were suspended, and the army which had invaded Texas under his command returned in pursuance of this arrangement unmolested to Mexico.

From the day that the battle of San Jacinto was fought until the present hour Mexico has never possessed the power to reconquer Texas. In the language of the Secretary of State of the United States in a dispatch to our minister in Mexico under date of the 8th of July, 1842—

Mexico may have chosen to consider, and may still choose to consider, Texas as having been at all times since 1835, and as still continuing, a rebellious province; but the world has been obliged to take a very different view of the matter. From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent, acknowledged as a political sovereignty by the principal powers of the world, no hostile foot finding rest within her territory for six or seven years, and Mexico herself refraining for all that period from any further attempt to reestablish her own authority over that territory, it can not but be surprising to find Mr. De Bocanegra [the secretary of foreign affairs of Mexico] complaining that for that whole period citizens of the United States or its Government have been favoring the rebels of Texas and supplying them with vessels, ammunition, and money, as if the war for the reduction of the Province of Texas had been constantly prosecuted by Mexico, and her success prevented by these influences from abroad.

In the same dispatch the Secretary of State affirms that—

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Since 1837 the United States have regarded Texas as an independent sovereignty as much as Mexico, and that trade and commerce with citizens of a government at war with Mexico can not on that account be regarded as an intercourse by which assistance and succor are given to Mexican rebels. The whole current of Mr. De Bocanegra's remarks runs in the same direction, as if the independence of Texas had not been acknowledged. It has been acknowledged; it was acknowledged in 1837 against the remonstrance and protest of Mexico, and most of the acts of any importance of which Mr. De Bocanegra complains flow necessarily from that recognition. He speaks of Texas as still being "an integral part of the territory of the Mexican Republic," but he can not but understand that the United States do not so regard it. The real complaint of Mexico, therefore, is in substance neither more nor less than a complaint against the recognition of Texan independence. It may be thought rather late to repeat that complaint, and not quite just to confine it to the United States to the exemption of England, France, and Belgium, unless the United States, having been the first to acknowledge the independence of Mexico herself, are to be blamed for setting an example for the recognition of that of Texas.

And he added that—

The Constitution, public treaties, and the laws oblige the President to regard Texas as an independent state, and its territory as no part of the territory of Mexico.

Texas had been an independent state, with an organized government, defying the power of Mexico to overthrow or reconquer her, for more than ten years before Mexico commenced the present war against the United States. Texas had given such evidence to the world of her ability to maintain her separate existence as an independent nation that she had been formally recognized as such not only by the United States, but by several of the principal powers of Europe. These powers had entered into treaties of amity, commerce, and navigation with her. They had received and accredited her ministers and other diplomatic agents at their respective courts, and they had commissioned ministers and diplomatic agents on their part to the Government of Texas. If Mexico, notwithstanding all this and her utter inability to subdue or reconquer Texas, still stubbornly refused to recognize her as an independent nation, she was none the less so on that account. Mexico herself had been recognized as an independent nation by the United States and by other powers many years before Spain, of which before her revolution she had been a colony, would agree to recognize her as such; and yet Mexico was at that time in the estimation of the civilized world, and in fact, none the less an independent power because Spain still claimed her as a colony. If Spain had continued until the present period to assert that Mexico was one of her colonies in rebellion against her, this would not

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have made her so or changed the fact of her independent existence. Texas at the period of her annexation to the United States bore the same relation to Mexico that Mexico had borne to Spain for many years before Spain acknowledged her independence, with this important difference, that before the annexation of Texas to the United States was consummated Mexico herself, by a formal act of her Government, had acknowledged the independence of Texas as a nation. It is true that in the act of recognition she prescribed a condition which she had no power or authority to impose—that Texas should not annex herself to any other power—but this could not detract in any degree from the recognition which Mexico then made of her actual independence. Upon this plain statement of facts, it is absurd for Mexico to allege as a pretext for commencing hostilities against the United States that Texas is still a part of her territory.

But there are those who, conceding all this to be true, assume the ground that the true western boundary of Texas is the Nueces instead of the Rio Grande, and that therefore in marching our Army to the east bank of the latter river we passed the Texan line and invaded the territory of Mexico. A simple statement of facts known to exist will conclusively refute such an assumption. Texas, as ceded to the United States by France in 1803, has been always claimed as extending west to the Rio Grande or Rio Bravo. This fact is established by the authority of our most eminent statesmen at a period when the question was as well, if not better, understood than it is at present. During Mr. Jefferson's Administration Messrs. Monroe and Pinckney, who had been sent on a special mission to Madrid, charged among other things with the adjustment of boundary between the two countries, in a note addressed to the Spanish minister of foreign affairs under date of the 28th of January, 1805, assert that the boundaries of Louisiana, as ceded to the United States by France, "are the river Perdido on the east and the river Bravo on the west," and they add that "the facts and principles which justify this conclusion are so satisfactory to our Government as to convince it that the United States have not a better right to the island of New Orleans under the cession referred to than they have to the whole district of territory which is above described." Down to the conclusion of the Florida treaty, in February, 1819, by which this territory was ceded to Spain, the United States asserted and maintained their territorial rights to this extent. In the month of June, 1818, during Mr. Monroe's Administration, information having been received that a number of foreign adventurers had landed at Galveston with the avowed purpose of forming a settlement in that vicinity, a special messenger was dispatched by the Government of the United States with instructions from the Secretary of State to warn them to desist, should they be found there, "or any other place north of the Rio Bravo, and within

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the territory claimed by the United States.” He was instructed, should they be found in the country north of that river, to make known to them “the surprise with which the President has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful settlement can be made without their sanction.” He was instructed to call upon them to “avow under what national authority they profess to act,” and to give them due warning “that the place is within the United States, who will suffer no permanent settlement to be made there under any authority other than their own.” As late as the 8th of July, 1842, the Secretary of State of the United States, in a note addressed to our minister in Mexico, maintains that by the Florida treaty of 1819 the territory as far west as the Rio Grande was confirmed to Spain. In that note he states that—

By the treaty of the 22d of February, 1819, between the United States and Spain, the Sabine was adopted as the line of boundary between the two powers. Up to that period no considerable colonization had been effected in Texas; but the territory between the Sabine and the Rio Grande being confirmed to Spain by the treaty, applications were made to that power for grants of land, and such grants or permissions of settlement were in fact made by the Spanish authorities in favor of citizens of the United States proposing to emigrate to Texas in numerous families before the declaration of independence by Mexico.

The Texas which was ceded to Spain by the Florida treaty of 1819 embraced all the country now claimed by the State of Texas between the Nueces and the Rio Grande. The Republic of Texas always claimed this river as her western boundary, and in her treaty made with Santa Anna in May, 1836, he recognized it as such. By the constitution which Texas adopted in March, 1836, senatorial and representative districts were organized extending west of the Nueces. The Congress of Texas on the 19th of December, 1836, passed “An act to define the boundaries of the Republic of Texas,” in which they declared the Rio Grande from its mouth to its source to be their boundary, and by the said act they extended their “civil and political jurisdiction” over the country up to that boundary. During a period of more than nine years which intervened between the adoption of her constitution and her annexation as one of the States of our Union Texas asserted and exercised many acts of sovereignty and jurisdiction over the territory and inhabitants west of the Nueces. She organized and defined the limits of counties extending to the Rio Grande; she established courts of justice and extended her judicial system over the territory; she established a custom-house and collected duties, and also post-offices and post-roads, in it; she established a land office and issued numerous grants for land within its limits; a senator and a representative residing



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in it were elected to the Congress of the Republic and served as such before the act of annexation took place. In both the Congress and convention of Texas which gave their assent to the terms of annexation to the United States proposed by our Congress were representatives residing west of the Nueces, who took part in the act of annexation itself. This was the Texas which by the act of our Congress of the 29th of December, 1845, was admitted as one of the States of our Union. That the Congress of the United States understood the State of Texas which they admitted into the Union to extend beyond the Nueces is apparent from the fact that on the 31st of December, 1845, only two days after the act of admission, they passed a law "to establish a collection district in the State of Texas," by which they created a port of delivery at Corpus Christi, situated west of the Nueces, and being the same point at which the Texas custom-house under the laws of that Republic had been located, and directed that a surveyor to collect the revenue should be appointed for that port by the President, by and with the advice and consent of the Senate. A surveyor was accordingly nominated, and confirmed by the Senate, and has been ever since in the performance of his duties. All these acts of the Republic of Texas and of our Congress preceded the orders for the advance of our Army to the east bank of the Rio Grande. Subsequently Congress passed an act "establishing certain post routes" extending west of the Nueces. The country west of that river now constitutes a part of one of the Congressional districts of Texas and is represented in the House of Representatives. The Senators from that State were chosen by a legislature in which the country west of that river was represented. In view of all these facts it is difficult to conceive upon what ground it can be maintained that in occupying the country west of the Nueces with our Army, with a view solely to its security and defense, we invaded the territory of Mexico. But it would have been still more difficult to justify the Executive, whose duty it is to see that the laws be faithfully executed, if in the face of all these proceedings, both of the Congress of Texas and of the United States, he had assumed the responsibility of yielding up the territory west of the Nueces to Mexico or of refusing to protect and defend this territory and its inhabitants, including Corpus Christi as well as the remainder of Texas, against the threatened Mexican invasion.

But Mexico herself has never placed the war which she has waged upon the ground that our Army occupied the intermediate territory between the Nueces and the Rio Grande. Her refuted pretension that Texas was not in fact an independent state, but a rebellious province, was obstinately persevered in, and her avowed purpose in commencing a war with the United States was to reconquer Texas and to restore Mexican authority over the whole territory—not to the Nueces

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only, but to the Sabine. In view of the proclaimed menaces of Mexico to this effect, I deemed it my duty, as a measure of precaution and defense, to order our Army to occupy a position on our frontier as a military post, from which our troops could best resist and repel any attempted invasion which Mexico might make. Our Army had occupied a position at Corpus Christi, west of the Nueces, as early as August, 1845, without complaint from any quarter. Had the Nueces been regarded as the true western boundary of Texas, that boundary had been passed by our Army many months before it advanced to the eastern bank of the Rio Grande. In my annual message of December last I informed Congress that upon the invitation of both the Congress and convention of Texas I had deemed it proper to order a strong squadron to the coasts of Mexico and to concentrate an efficient military force on the western frontier of Texas to protect and defend the inhabitants against the menaced invasion of Mexico. In that message I informed Congress that the moment the terms of annexation offered by the United States were accepted by Texas the latter became so far a part of our own country as to make it our duty to afford such protection and defense, and that for that purpose our squadron had been ordered to the Gulf and our Army to take a "position between the Nueces and the Del Norte" or Rio Grande and to "repel any invasion of the Texan territory which might be attempted by the Mexican forces."

It was deemed proper to issue this order, because soon after the President of Texas, in April, 1845, had issued his proclamation convening the Congress of that Republic for the purpose of submitting to that body the terms of annexation proposed by the United States the Government of Mexico made serious threats of invading the Texan territory. These threats became more imposing as it became more apparent in the progress of the question that the people of Texas would decide in favor of accepting the terms of annexation, and finally they had assumed such a formidable character as induced both the Congress and convention of Texas to request that a military force should be sent by the United States into her territory for the purpose of protecting and defending her against the threatened invasion. It would have been a violation of good faith toward the people of Texas to have refused to afford the aid which they desired against a threatened invasion to which they had been exposed by their free determination to annex themselves to our Union in compliance with the overture made to them by the joint resolution of our Congress. Accordingly, a portion of the Army was ordered to advance into Texas. Corpus Christi was the position selected by General Taylor. He encamped at that place in August, 1845, and the Army remained in that position until the 11th of March, 1846, when it moved westward, and on the 28th of that month reached the east bank of the Rio Grande opposite to Matamoras. This movement



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was made in pursuance of orders from the War Department, issued on the 13th of January, 1846. Before these orders were issued the dispatch of our minister in Mexico transmitting the decision of the council of government of Mexico advising that he should not be received, and also the dispatch of our consul residing in the City of Mexico, the former bearing date on the 17th and the latter on the 18th of December, 1845, copies of both of which accompanied my message to Congress of the 11th of May last, were received at the Department of State. These communications rendered it highly probable, if not absolutely certain, that our minister would not be received by the Government of General Herrera. It was also well known that but little hope could be entertained of a different result from General Paredes in case the revolutionary movement which he was prosecuting should prove successful, as was highly probable. The partisans of Paredes, as our minister in the dispatch referred to states, breathed the fiercest hostility against the United States, denounced the proposed negotiation as treason, and openly called upon the troops and the people to put down the Government of Herrera by force. The reconquest of Texas and war with the United States were openly threatened. These were the circumstances existing when it was deemed proper to order the Army under the command of General Taylor to advance to the western frontier of Texas and occupy a position on or near the Rio Grande.

The apprehensions of a contemplated Mexican invasion have been since fully justified by the event. The determination of Mexico to rush into hostilities with the United States was afterwards manifested from the whole tenor of the note of the Mexican minister of foreign affairs to our minister bearing date on the 12th of March, 1846. Paredes had then revolutionized the Government, and his minister, after referring to the resolution for the annexation of Texas which had been adopted by our Congress in March, 1845, proceeds to declare that—

A fact such as this, or, to speak with greater exactness, so notable an act of usurpation, created an imperious necessity that Mexico, for her own honor, should repel it with proper firmness and dignity. The supreme Government had beforehand declared that it would look upon such an act as a *casus belli*, and as a consequence of this declaration negotiation was by its very nature at an end, and war was the only recourse of the Mexican Government.

It appears also that on the 4th of April following General Paredes, through his minister of war, issued orders to the Mexican general in command on the Texan frontier to “attack” our Army “by every means which war permits.” To this General Paredes had been pledged to the army and people of Mexico during the military revolution which had brought him into power. On the 18th of April, 1846, General Paredes addressed a letter to the commander on that frontier in which he stated to him: “At the present date I suppose you, at the head of that valiant army, either fighting already or preparing for the operations of a campaign;” and, “Supposing you already on the theater of operations

and with all the forces assembled, it is indispensable that hostilities be commenced, yourself taking the initiative against the enemy.”

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The movement of our Army to the Rio Grande was made by the commanding general under positive orders to abstain from all aggressive acts toward Mexico or Mexican citizens, and to regard the relations between the two countries as peaceful unless Mexico should declare war or commit acts of hostility indicative of a state of war, and these orders he faithfully executed. Whilst occupying his position on the east bank of the Rio Grande, within the limits of Texas, then recently admitted as one of the States of our Union, the commanding general of the Mexican forces, who, in pursuance of the orders of his Government, had collected a large army on the opposite shore of the Rio Grande, crossed the river, invaded our territory, and commenced hostilities by attacking our forces. Thus, after all the injuries which we had received and borne from Mexico, and after she had insultingly rejected a minister sent to her on a mission of peace, and whom she had solemnly agreed to receive, she consummated her long course of outrage against our country by commencing an offensive war and shedding the blood of our citizens on our own soil.

The United States never attempted to acquire Texas by conquest. On the contrary, at an early period after the people of Texas had achieved their independence they sought to be annexed to the United States. At a general election in September, 1836, they decided with great unanimity in favor of "annexation," and in November following the Congress of the Republic authorized the appointment of a minister to bear their request to this Government. This Government, however, having remained neutral between Texas and Mexico during the war between them, and considering it due to the honor of our country and our fair fame among the nations of the earth that we should not at this early period consent to annexation, nor until it should be manifest to the whole world that the reconquest of Texas by Mexico was impossible, refused to accede to the overtures made by Texas. On the 12th of April, 1844, after more than seven years had elapsed since Texas had established her independence, a treaty was concluded for the annexation of that Republic to the United States, which was rejected by the Senate. Finally, on the 1st of March, 1845, Congress passed a joint resolution for annexing her to the United States upon certain preliminary conditions to which her assent was required. The solemnities which characterized the deliberations and conduct of the Government and people of Texas on the deeply interesting questions presented by these resolutions are known to the world. The Congress, the Executive, and the people of Texas, in a convention elected for that purpose, accepted with great unanimity the proposed terms of annexation, and thus consummated on her part the great act of restoring to our Federal Union a vast territory which had been ceded to Spain by the Florida treaty more than a quarter of a century before.

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After the joint resolution for the annexation of Texas to the United States had been passed by our Congress the Mexican minister at Washington addressed a note to the Secretary of State, bearing date on the 6th of March, 1845, protesting against it as “an act of aggression the most unjust which can be found recorded in the annals of modern history, namely, that of despoiling a friendly nation like Mexico of a considerable portion of her territory,” and protesting against the resolution of annexation as being an act “whereby the Province of Texas, an integral portion of the Mexican territory, is agreed and admitted into the American Union;” and he announced that as a consequence his mission to the United States had terminated, and demanded his passports, which were granted. It was upon the absurd pretext, made by Mexico (herself indebted for her independence to a successful revolution), that the Republic of Texas still continued to be, notwithstanding all that had passed, a Province of Mexico that this step was taken by the Mexican minister.

Every honorable effort has been used by me to avoid the war which followed, but all have proved vain. All our attempts to preserve peace have been met by insult and resistance on the part of Mexico. My efforts to this end commenced in the note of the Secretary of State of the 10th of March, 1845, in answer to that of the Mexican minister. Whilst declining to reopen a discussion which had already been exhausted, and proving again what was known to the whole world, that Texas had long since achieved her independence, the Secretary of State expressed the regret of this Government that Mexico should have taken offense at the resolution of annexation passed by Congress, and gave assurance that our “most strenuous efforts shall be devoted to the amicable adjustment of every cause of complaint between the two Governments and to the cultivation of the kindest and most friendly relations between the sister Republics.” That I have acted in the spirit of this assurance will appear from the events which have since occurred. Notwithstanding Mexico had abruptly terminated all diplomatic intercourse with the United States, and ought, therefore, to have been the first to ask for its resumption, yet, waiving all ceremony, I embraced the earliest favorable opportunity “to ascertain from the Mexican Government whether they would receive an envoy from the United States intrusted With full power to adjust all the questions in dispute between the two Governments.” In September, 1845, I believed the propitious moment for such an overture had arrived. Texas, by the enthusiastic and almost unanimous will of her people, had pronounced in favor of annexation. Mexico herself had agreed to acknowledge the independence of Texas, subject to a condition, it is true, which she had no right to impose and no power to enforce. The last lingering hope of Mexico, if she still could have retained any, that Texas would ever again become one of her Provinces, must have been abandoned.

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The consul of the United States at the City of Mexico was therefore instructed by the Secretary of State on the 15th of September, 1845, to make the inquiry of the Mexican Government. The inquiry was made, and on the 15th of October, 1845, the minister of foreign affairs of the Mexican Government, in a note addressed to our consul, gave a favorable response, requesting at the same time that our naval force might be withdrawn from Vera Cruz while negotiations should be pending. Upon the receipt of this note our naval force was promptly withdrawn from Vera Cruz. A minister was immediately appointed, and departed to Mexico. Everything bore a promising aspect for a speedy and peaceful adjustment of all our difficulties. At the date of my annual message to Congress in December last no doubt was entertained but that he would be received by the Mexican Government, and the hope was cherished that all cause of misunderstanding between the two countries would be speedily removed. In the confident hope that such would be the result of his mission, I informed Congress that I forbore at that time to "recommend such ulterior measures of redress for the wrongs and injuries we had so long borne as it would have been proper to make had no such negotiation been instituted." To my surprise and regret the Mexican Government, though solemnly pledged to do so, upon the arrival of our minister in Mexico refused to receive and accredit him. When he reached Vera Cruz, on the 30th of November, 1845, he found that the aspect of affairs had undergone an unhappy change. The Government of General Herrera, who was at that time President of the Republic, was tottering to its fall. General Paredes, a military leader, had manifested his determination to overthrow the Government of Herrera by a military revolution, and one of the principal means which he employed to effect his purpose and render the Government of Herrera odious to the army and people of Mexico was by loudly condemning its determination to receive a minister of peace from the United States, alleging that it was the intention of Herrera, by a treaty with the United States, to dismember the territory of Mexico by ceding away the department of Texas. The Government of Herrera is believed to have been well disposed to a pacific adjustment of existing difficulties, but probably alarmed for its own security, and in order to ward off the danger of the revolution led by Paredes, violated its solemn agreement and refused to receive or accredit our minister; and this although informed that he had been invested with full power to adjust all questions in dispute between the two Governments. Among the frivolous pretexts for this refusal, the principal one was that our minister had not gone upon a special mission confined to the question of Texas alone, leaving all the outrages upon our flag and our citizens unredressed. The Mexican Government well knew that both our national honor and the protection due to our citizens imperatively required that the

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two questions of boundary and indemnity should be treated of together, as naturally and inseparably blended, and they ought to have seen that this course was best calculated to enable the United States to extend to them the most liberal justice. On the 30th of December, 1845, General Herrera resigned the Presidency and yielded up the Government to General Paredes without a struggle. Thus a revolution was accomplished solely by the army commanded by Paredes, and the supreme power in Mexico passed into the hands of a military usurper who was known to be bitterly hostile to the United States.

Although the prospect of a pacific adjustment with the new Government was unpromising from the known hostility of its head to the United States, yet, determined that nothing should be left undone on our part to restore friendly relations between the two countries, our minister was instructed to present his credentials to the new Government and ask to be accredited by it in the diplomatic character in which he had been commissioned. These instructions he executed by his note of the 1st of March, 1846, addressed to the Mexican minister of foreign affairs, but his request was insultingly refused by that minister in his answer of the 12th of the same month. No alternative remained for our minister but to demand his passports and return to the United States.

Thus was the extraordinary spectacle presented to the civilized world of a Government, in violation of its own express agreement, having twice rejected a minister of peace invested with full powers to adjust all the existing differences between the two countries in a manner just and honorable to both. I am not aware that modern history presents a parallel case in which in time of peace one nation has refused even to hear propositions from another for terminating existing difficulties between them. Scarcely a hope of adjusting our difficulties, even at a remote day, or of preserving peace with Mexico, could be cherished while Paredes remained at the head of the Government. He had acquired the supreme power by a military revolution and upon the most solemn pledges to wage war against the United States and to reconquer Texas, which he claimed as a revolted province of Mexico. He had denounced as guilty of treason all those Mexicans who considered Texas as no longer constituting a part of the territory of Mexico and who were friendly to the cause of peace. The duration of the war which he waged against the United States was indefinite, because the end which he proposed of the reconquest of Texas was hopeless. Besides, there was good reason to believe from all his conduct that it was his intention to convert the Republic of Mexico into a monarchy and to call a foreign European prince to the throne. Preparatory to this end, he had during his short rule destroyed the liberty of the press, tolerating that portion of it only which openly advocated the establishment of a monarchy. The better to secure the success of his ultimate designs, he had by an arbitrary decree convoked a Congress, not to be elected by the free voice of the people, but to be chosen in a manner to make them subservient to his will and to give him absolute control over their deliberations.

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Under all these circumstances it was believed that any revolution in Mexico founded upon opposition to the ambitious projects of Paredes would tend to promote the cause of peace as well as prevent any attempted European interference in the affairs of the North American continent, both objects of deep interest to the United States. Any such foreign interference, if attempted, must have been resisted by the United States. My views upon that subject were fully communicated to Congress in my last annual message. In any event, it was certain that no change whatever in the Government of Mexico which would deprive Paredes of power could be for the worse so far as the United States were concerned, while it was highly probable that any change must be for the better. This was the state of affairs existing when Congress, on the 13th of May last, recognized the existence of the war which had been commenced by the Government of Paredes; and it became an object of much importance, with a view to a speedy settlement of our difficulties and the restoration of an honorable peace, that Paredes should not retain power in Mexico.

Before that time there were symptoms of a revolution in Mexico, favored, as it was understood to be, by the more liberal party, and especially by those who were opposed to foreign interference and to the monarchical form of government. Santa Anna was then in exile in Havana, having been expelled from power and banished from his country by a revolution which occurred in December, 1844; but it was known that he had still a considerable party in his favor in Mexico. It was also equally well known that no vigilance which could be exerted by our squadron would in all probability have prevented him from effecting a landing somewhere on the extensive Gulf coast of Mexico if he desired to return to his country. He had openly professed an entire change of policy, had expressed his regret that he had subverted the federal constitution of 1824, and avowed that he was now in favor of its restoration. He had publicly declared his hostility, in strongest terms, to the establishment of a monarchy and to European interference in the affairs of his country. Information to this effect had been received, from sources believed to be reliable, at the date of the recognition of the existence of the war by Congress, and was afterwards fully confirmed by the receipt of the dispatch of our consul in the City of Mexico, with the accompanying documents, which are herewith transmitted. Besides, it was reasonable to suppose that he must see the ruinous consequences to Mexico of a war with the United States, and that it would be his interest to favor peace.



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It was under these circumstances and upon these considerations that it was deemed expedient not to obstruct his return to Mexico should he attempt to do so. Our object was the restoration of peace, and, with that view, no reason was perceived why we should take part with Paredes and aid him by means of our blockade in preventing the return of his rival to Mexico. On the contrary, it was believed that the intestine divisions which ordinary sagacity could not but anticipate as the fruit of Santa Anna's return to Mexico, and his contest with Paredes, might strongly tend to produce a disposition with both parties to restore and preserve peace with the United States. Paredes was a soldier by profession and a monarchist in principle. He had but recently before been successful in a military revolution, by which he had obtained power. He was the sworn enemy of the United States, with which he had involved his country in the existing war. Santa Anna had been expelled from power by the army, was known to be in open hostility to Paredes, and publicly pledged against foreign intervention and the restoration of monarchy in Mexico. In view of these facts and circumstances it was that when orders were issued to the commander of our naval forces in the Gulf, on the 13th day of May last, the same day on which the existence of the war was recognized by Congress, to place the coasts of Mexico under blockade, he was directed not to obstruct the passage of Santa Anna to Mexico should he attempt to return.

A revolution took place in Mexico in the early part of August following, by which the power of Paredes was overthrown, and he has since been banished from the country, and is now in exile. Shortly afterwards Santa Anna returned. It remains to be seen whether his return may not yet prove to be favorable to a pacific adjustment of the existing difficulties, it being manifestly his interest not to persevere in the prosecution of a war commenced by Paredes to accomplish a purpose so absurd as the reconquest of Texas to the Sabine. Had Paredes remained in power, it is morally certain that any pacific adjustment would have been hopeless.

Upon the commencement of hostilities by Mexico against the United States the indignant spirit of the nation was at once aroused. Congress promptly responded to the expectations of the country, and by the act of the 13th of May last recognized the fact that war existed, by the act of Mexico, between the United States and that Republic, and granted the means necessary for its vigorous prosecution. Being involved in a war thus commenced by Mexico, and for the justice of which on our part we may confidently appeal to the whole world, I resolved to prosecute it with the utmost vigor. Accordingly the ports of Mexico on the Gulf and on the Pacific have been placed under blockade and her territory invaded at several important points. The reports from the Departments of War and of the Navy will inform you more in detail of the measures adopted in the emergency in which our country was placed and of the gratifying results which have been accomplished.



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The various columns of the Army have performed their duty under great disadvantages with the most distinguished skill and courage. The victories of Palo Alto and Resaca de la Palma and of Monterey, won against greatly superior numbers and against most decided advantages in other respects on the part of the enemy, were brilliant in their execution, and entitle our brave officers and soldiers to the grateful thanks of their country. The nation deplores the loss of the brave officers and men who have gallantly fallen while vindicating and defending their country's rights and honor.

It is a subject of pride and satisfaction that our volunteer citizen soldiers, who so promptly responded to their country's call, with an experience of the discipline of a camp of only a few weeks, have borne their part in the hard-fought battle of Monterey with a constancy and courage equal to that of veteran troops and worthy of the highest admiration. The privations of long marches through the enemy's country and through a wilderness have been borne without a murmur. By rapid movements the Province of New Mexico, with Santa Fe, its capital, has been captured without bloodshed. The Navy has cooperated with the Army and rendered important services; if not so brilliant, it is because the enemy had no force to meet them on their own element and because of the defenses which nature has interposed in the difficulties of the navigation on the Mexican coast. Our squadron in the Pacific, with the cooperation of a gallant officer of the Army and a small force hastily collected in that distant country, has acquired bloodless possession of the Californias, and the American flag has been raised at every important point in that Province.

I congratulate you on the success which has thus attended our military and naval operations. In less than seven months after Mexico commenced hostilities, at a time selected by herself, we have taken possession of many of her principal ports, driven back and pursued her invading army, and acquired military possession of the Mexican Provinces of New Mexico, New Leon, Coahuila, Tamaulipas, and the Californias, a territory larger in extent than that embraced in the original thirteen States of the Union, inhabited by a considerable population, and much of it more than 1,000 miles from the points at which we had to collect our forces and commence our movements. By the blockade the import and export trade of the enemy has been cut off. Well may the American people be proud of the energy and gallantry of our regular and volunteer officers and soldiers. The events of these few months afford a gratifying proof that our country can under any emergency confidently rely for the maintenance of her honor and the defense of her rights on an effective force, ready at all times voluntarily to relinquish the comforts of home for the perils and privations of the camp. And though such a force may be for the time expensive, it is in the end economical, as the ability to command it removes the necessity of employing a large standing army in time of peace, and proves that our people love their institutions and are ever ready to defend and protect them.

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While the war was in a course of vigorous and successful prosecution, being still anxious to arrest its evils, and considering that after the brilliant victories of our arms on the 8th and 9th of May last the national honor could not be compromised by it, another overture was made to Mexico, by my direction, on the 27th of July last to terminate hostilities by a peace just and honorable to both countries. On the 31st of August following the Mexican Government declined to accept this friendly overture, but referred it to the decision of a Mexican Congress to be assembled in the early part of the present month. I communicate to you herewith a copy of the letter of the Secretary of State proposing to reopen negotiations, of the answer of the Mexican Government, and of the reply thereto of the Secretary of State.

The war will continue to be prosecuted with vigor as the best means of securing peace. It is hoped that the decision of the Mexican Congress, to which our last overture has been referred, may result in a speedy and honorable peace. With our experience, however, of the unreasonable course of the Mexican authorities, it is the part of wisdom not to relax in the energy of our military operations until the result is made known. In this view it is deemed important to hold military possession of all the Provinces which have been taken until a definitive treaty of peace shall have been concluded and ratified by the two countries.

The war has not been waged with a view to conquest, but, having been commenced by Mexico, it has been carried into the enemy's country and will be vigorously prosecuted there with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico.

By the laws of nations a conquered country is subject to be governed by the conqueror during his military possession and until there is either a treaty of peace or he shall voluntarily withdraw from it. The old civil government being necessarily superseded, it is the right and duty of the conqueror to secure his conquest and to provide for the maintenance of civil order and the rights of the inhabitants. This right has been exercised and this duty performed by our military and naval commanders by the establishment of temporary governments in some of the conquered Provinces of Mexico, assimilating them as far as practicable to the free institutions of our own country. In the Provinces of New Mexico and of the Californias little, if any, further resistance is apprehended from the inhabitants to the temporary governments which have thus, from the necessity of the case and according to the laws of war, been established. It may be proper to provide for the security of these important conquests by making an adequate appropriation for the purpose of erecting fortifications and defraying the expenses necessarily incident to the maintenance of our possession and authority over them.

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Near the close of your last session, for reasons communicated to Congress, I deemed it important as a measure for securing a speedy peace with Mexico, that a sum of money should be appropriated and placed in the power of the Executive, similar to that which had been made upon two former occasions during the Administration of President Jefferson.

On the 26th of February, 1803, an appropriation of \$2,000,000 was made and placed at the disposal of the President. Its object is well known. It was at that time in contemplation to acquire Louisiana from France, and it was intended to be applied as a part of the consideration which might be paid for that territory. On the 13th of February, 1806, the same sum was in like manner appropriated, with a view to the purchase of the Floridas from Spain. These appropriations were made to facilitate negotiations and as a means to enable the President to accomplish the important objects in view. Though it did not become necessary for the President to use these appropriations, yet a state of things might have arisen in which it would have been highly important for him to do so, and the wisdom of making them can not be doubted. It is believed that the measure recommended at your last session met with the approbation of decided majorities in both Houses of Congress. Indeed, in different forms, a bill making an appropriation of \$2,000,000 passed each House, and it is much to be regretted that it did not become a law. The reasons which induced me to recommend the measure at that time still exist, and I again submit the subject for your consideration and suggest the importance of early action upon it. Should the appropriation be made and be not needed, it will remain in the Treasury; should it be deemed proper to apply it in whole or in part, it will be accounted for as other public expenditures.

Immediately after Congress had recognized the existence of the war with Mexico my attention was directed to the danger that privateers might be fitted out in the ports of Cuba and Porto Rico to prey upon the commerce of the United States, and I invited the special attention of the Spanish Government to the fourteenth article of our treaty with that power of the 27th of October, 1795, under which the citizens and subjects of either nation who shall take commissions or letters of marque to act as privateers against the other "shall be punished as pirates."

It affords me pleasure to inform you that I have received assurances from the Spanish Government that this article of the treaty shall be faithfully observed on its part. Orders for this purpose were immediately transmitted from that Government to the authorities of Cuba and Porto Rico to exert their utmost vigilance in preventing any attempts to fit out privateers in those islands against the United States. From the good faith of Spain I am fully satisfied that this treaty will be executed in its spirit as well as its letter, whilst the United States will on their part faithfully perform all the obligations which it imposes on them.

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Information has been recently received at the Department of State that the Mexican Government has sent to Havana blank commissions to privateers and blank certificates of naturalization signed by General Salas, the present head of the Mexican Government. There is also reason to apprehend that similar documents have been transmitted to other parts of the world. Copies of these papers, in translation, are herewith transmitted.

As the preliminaries required by the practice of civilized nations for commissioning privateers and regulating their conduct appear not to have been observed, and as these commissions are in blank, to be filled up with the names of citizens and subjects of all nations who may be willing to purchase them, the whole proceeding can only be construed as an invitation to all the freebooters upon earth who are willing to pay for the privilege to cruise against American commerce. It will be for our courts of justice to decide whether under such circumstances these Mexican letters of marque and reprisal shall protect those who accept them, and commit robberies upon the high seas under their authority, from the pains and penalties of piracy.

If the certificates of naturalization thus granted be intended by Mexico to shield Spanish subjects from the guilt and punishment of pirates under our treaty with Spain, they will certainly prove unavailing. Such a subterfuge would be but a weak device to defeat the provisions of a solemn treaty.

I recommend that Congress should immediately provide by law for the trial and punishment as pirates of Spanish subjects who, escaping the vigilance of their Government, shall be found guilty of privateering against the United States. I do not apprehend serious danger from these privateers. Our Navy will be constantly on the alert to protect our commerce. Besides, in case prizes should be made of American vessels, the utmost vigilance will be exerted by our blockading squadron to prevent the captors from taking them into Mexican ports, and it is not apprehended that any nation will violate its neutrality by suffering such prizes to be condemned and sold within its jurisdiction.

I recommend that Congress should immediately provide by law for granting letters of marque and reprisal against vessels under the Mexican flag. It is true that there are but few, if any, commercial vessels of Mexico upon the high seas, and it is therefore not probable that many American privateers would be fitted out in case a law should pass authorizing this mode of warfare. It is, notwithstanding, certain that such privateers may render good service to the commercial interests of the country by recapturing our merchant ships should any be taken by armed vessels under the Mexican flag, as well as by capturing these vessels themselves. Every means within our power should be rendered available for the protection of our commerce.

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The annual report of the Secretary of the Treasury will exhibit a detailed statement of the condition of the finances. The imports for the fiscal year ending on the 30th of June last were of the value of \$121,691,797, of which the amount exported was \$11,346,623, leaving the amount retained in the country for domestic consumption \$110,345,174. The value of the exports for the same period was \$113,488,516, of which \$102,141,893 consisted of domestic productions and \$11,346,623 of foreign articles.

The receipts into the Treasury for the same year were \$29,499,247.06, of which there was derived from customs \$26,712,667.87, from the sales of public lands \$2,694,452.48, and from incidental and miscellaneous sources \$92,126.71. The expenditures for the same period were \$28,031,114.20, and the balance in the Treasury on the 1st day of July last was \$9,126,439.08.

The amount of the public debt, including Treasury notes, on the 1st of the present month was \$24,256,494.60, of which the sum of \$17,788,799.62 was outstanding on the 4th of March, 1845, leaving the amount incurred since that time \$6,467,694.98.

In order to prosecute the war with Mexico with vigor and energy, as the best means of bringing it to a speedy and honorable termination, a further loan will be necessary to meet the expenditures for the present and the next fiscal year. If the war should be continued until the 30th of June, 1848, being the end of the next fiscal year, it is estimated that an additional loan of \$23,000,000 will be required. This estimate is made upon the assumption that it will be necessary to retain constantly in the Treasury \$4,000,000 to guard against contingencies. If such surplus were not required to be retained, then a loan of \$19,000,000 would be sufficient. If, however, Congress should at the present session impose a revenue duty on the principal articles now embraced in the free list, it is estimated that an additional annual revenue of about two millions and a half, amounting, it is estimated, on the 30th of June, 1848, to \$4,000,000, would be derived from that source, and the loan required would be reduced by that amount. It is estimated also that should Congress graduate and reduce the price of such of the public lands as have been long in the market the additional revenue derived from that source would be annually, for several years to come, between half a million and a million dollars; and the loan required may be reduced by that amount also. Should these measures be adopted, the loan required would not probably exceed \$18,000,000 or \$19,000,000, leaving in the Treasury a constant surplus of \$4,000,000. The loan proposed, it is estimated, will be sufficient to cover the necessary expenditures both for the war and for all other purposes up to the 30th of June, 1848, and an amount of this loan not exceeding one-half may be required during the present fiscal year, and the greater part of the remainder during the first half of the fiscal year succeeding.

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In order that timely notice may be given and proper measures taken to effect the loan, or such portion of it as may be required, it is important that the authority of Congress to make it be given at an early period of your present session. It is suggested that the loan should be contracted for a period of twenty years, with authority to purchase the stock and pay it off at an earlier period at its market value out of any surplus which may at any time be in the Treasury applicable to that purpose. After the establishment of peace with Mexico, it is supposed that a considerable surplus will exist, and that the debt may be extinguished in a much shorter period than that for which it may be contracted. The period of twenty years, as that for which the proposed loan may be contracted, in preference to a shorter period, is suggested, because all experience, both at home and abroad, has shown that loans are effected upon much better terms upon long time than when they are reimbursable at short dates.

Necessary as this measure is to sustain the honor and the interests of the country engaged in a foreign war, it is not doubted but that Congress will promptly authorize it.

The balance in the Treasury on the 1st July last exceeded \$9,000,000, notwithstanding considerable expenditures had been made for the war during the months of May and June preceding. But for the war the whole public debt could and would have been extinguished within a short period; and it was a part of my settled policy to do so, and thus relieve the people from its burden and place the Government in a position which would enable it to reduce the public expenditures to that economical standard which is most consistent with the general welfare and the pure and wholesome progress of our institutions.

Among our just causes of complaint against Mexico arising out of her refusal to treat for peace, as well before as since the war so unjustly commenced on her part, are the extraordinary expenditures in which we have been involved. Justice to our own people will make it proper that Mexico should be held responsible for these expenditures.

Economy in the public expenditures is at all times a high duty which all public functionaries of the Government owe to the people. This duty becomes the more imperative in a period of war, when large and extraordinary expenditures become unavoidable. During the existence of the war with Mexico all our resources should be husbanded, and no appropriations made except such as are absolutely necessary for its vigorous prosecution and the due administration of the Government. Objects of appropriation which in peace may be deemed useful or proper, but which are not indispensable for the public service, may when the country is engaged in a foreign war be well postponed to a future period. By the observance of this policy at your present session large amounts may be saved to the Treasury and be applied to objects of pressing and urgent necessity, and thus the creation of a corresponding amount of public debt may be avoided.



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It is not meant to recommend that the ordinary and necessary appropriations for the support of Government should be withheld; but it is well known that at every session of Congress appropriations are proposed for numerous objects which may or may not be made without materially affecting the public interests, and these it is recommended should not be granted.

The act passed at your last session “reducing the duties on imports” not having gone into operation until the 1st of the present month, there has not been time for its practical effect upon the revenue and the business of the country to be developed. It is not doubted, however, that the just policy which it adopts will add largely to our foreign trade and promote the general prosperity. Although it can not be certainly foreseen what amount of revenue it will yield, it is estimated that it will exceed that produced by the act of 1842, which it superseded. The leading principles established by it are to levy the taxes with a view to raise revenue and to impose them upon the articles imported according to their actual value.

The act of 1842, by the excessive rates of duty which it imposed on many articles, either totally excluded them from importation or greatly reduced the amount imported, and thus diminished instead of producing revenue. By it the taxes were imposed not for the legitimate purpose of raising revenue, but to afford advantages to favored classes at the expense of a large majority of their fellow-citizens. Those employed in agriculture, mechanical pursuits, commerce, and navigation were compelled to contribute from their substance to swell the profits and overgrown wealth of the comparatively few who had invested their capital in manufactures. The taxes were not levied in proportion to the value of the articles upon which they were imposed, but, widely departing from this just rule, the lighter taxes were in many cases levied upon articles of luxury and high price and the heavier taxes on those of necessity and low price, consumed by the great mass of the people. It was a system the inevitable effect of which was to relieve favored classes and the wealthy few from contributing their just proportion for the support of Government, and to lay the burden on the labor of the many engaged in other pursuits than manufactures.

A system so unequal and unjust has been superseded by the existing law, which imposes duties not for the benefit or injury of classes or pursuits, but distributes and, as far as practicable, equalizes the public burdens among all classes and occupations. The favored classes who under the unequal and unjust system which has been repealed have heretofore realized large profits, and many of them amassed large fortunes at the expense of the many who have been made tributary to them, will have no reason to complain if they shall be required to bear their just proportion of the taxes necessary for the support of Government. So far

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from it, it will be perceived by an examination of the existing law that discriminations in the rates of duty imposed within the revenue principle have been retained in their favor. The incidental aid against foreign competition which they still enjoy gives them an advantage which no other pursuits possess, but of this none others will complain, because the duties levied are necessary for revenue. These revenue duties, including freights and charges, which the importer must pay before he can come in competition with the home manufacturer in our markets, amount on nearly all our leading branches of manufacture to more than one-third of the value of the imported article, and in some cases to almost one-half its value. With such advantages it is not doubted that our domestic manufacturers will continue to prosper, realizing in well-conducted establishments even greater profits than can be derived from any other regular business. Indeed, so far from requiring the protection of even incidental revenue duties, our manufacturers in several leading branches are extending their business, giving evidence of great ingenuity and skill and of their ability to compete, with increased prospect of success, for the open market of the world. Domestic manufactures to the value of several millions of dollars, which can not find a market at home, are annually exported to foreign countries. With such rates of duty as those established by the existing law the system will probably be permanent, and capitalists who are made or shall hereafter make their investments in manufactures will know upon what to rely. The country will be satisfied with these rates, because the advantages which the manufacturers still enjoy result necessarily from the collection of revenue for the support of Government. High protective duties, from their unjust operation upon the masses of the people, can not fail to give rise to extensive dissatisfaction and complaint and to constant efforts to change or repeal them, rendering all investments in manufactures uncertain and precarious. Lower and more permanent rates of duty, at the same time that they will yield to the manufacturer fair and remunerating profits, will secure him against the danger of frequent changes in the system, which can not fail to ruinously affect his interests.

Simultaneously with the relaxation of the restrictive policy by the United States, Great Britain, from whose example we derived the system, has relaxed hers. She has modified her corn laws and reduced many other duties to moderate revenue rates. After ages of experience the statesmen of that country have been constrained by a stern necessity and by a public opinion having its deep foundation in the sufferings and wants of impoverished millions to abandon a system the effect of which was to build up immense fortunes in the hands of the few and to reduce the laboring millions to pauperism and misery. Nearly in the same ratio that labor was depressed capital was increased and concentrated by the British protective policy.



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The evils of the system in Great Britain were at length rendered intolerable, and it has been abandoned, but not without a severe struggle on the part of the protected and favored classes to retain the unjust advantages which they have so long enjoyed. It was to be expected that a similar struggle would be made by the same classes in the United States whenever an attempt was made to modify or abolish the same unjust system here. The protective policy had been in operation in the United States for a much shorter period, and its pernicious effects were not, therefore, so clearly perceived and felt. Enough, however, was known of these effects to induce its repeal.

It would be strange if in the face of the example of *Great Britain*, our principal foreign customer, and of the evils of a system rendered manifest in that country by long and painful experience, and in the face of the immense advantages which under a more liberal commercial policy we are already deriving, and must continue to derive, by supplying her starving population with food, the United States should restore a policy which she has been compelled to abandon, and thus diminish her ability to purchase from us the food and other articles which she so much needs and we so much desire to sell. By the simultaneous abandonment of the protective policy by Great Britain and the United States new and important markets have already been opened for our agricultural and other products, commerce and navigation have received a new impulse, labor and trade have been released from the artificial trammels which have so long fettered them, and to a great extent reciprocity in the exchange of commodities has been introduced at the same time by both countries, and greatly for the benefit of both. Great Britain has been forced by the pressure of circumstances at home to abandon a policy which has been upheld for ages, and to open her markets for our immense surplus of breadstuffs, and it is confidently believed that other powers of Europe will ultimately see the wisdom, if they be not compelled by the pauperism and sufferings of their crowded population, to pursue a similar policy.

Our farmers are more deeply interested in maintaining the just and liberal policy of the existing law than any other class of our citizens. They constitute a large majority of our population, and it is well known that when they prosper all other pursuits prosper also. They have heretofore not only received none of the bounties or favors of Government, but by the unequal operations of the protective policy have been made by the burdens of taxation which it imposed to contribute to the bounties which have enriched others.

When a foreign as well as a home market is opened to them, they must receive, as they are now receiving, increased prices for their products. They will find a readier sale, and at better prices, for their wheat, flour, rice, Indian corn, beef, pork, lard, butter, cheese, and other articles which they produce. The home market alone is inadequate to enable them to dispose of the immense surplus of food and other articles which they are capable of producing, even at the most reduced prices, for the manifest reason that they can not be consumed in the country. The United States can from their immense surplus supply not only the home demand, but the deficiencies of food required by the whole world.

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That the reduced production of some of the chief articles of food in Great Britain and other parts of Europe may have contributed to increase the demand for our breadstuffs and provisions is not doubted, but that the great and efficient cause of this increased demand and of increased prices consists in the removal of artificial restrictions heretofore imposed is deemed to be equally certain. That our exports of food, already increased and increasing beyond former example under the more liberal policy which has been adopted, will be still vastly enlarged unless they be checked or prevented by a restoration of the protective policy can not be doubted. That our commercial and navigating interests will be enlarged in a corresponding ratio with the increase of our trade is equally certain, while our manufacturing interests will still be the favored interests of the country and receive the incidental protection afforded them by revenue duties; and more than this they can not justly demand.

In my annual message of December last a tariff of revenue duties based upon the principles of the existing law was recommended, and I have seen no reason to change the opinions then expressed. In view of the probable beneficial effects of that law, I recommend that the policy established by it be maintained. It has but just commenced to operate, and to abandon or modify it without giving it a fair trial would be inexpedient and unwise. Should defects in any of its details be ascertained by actual experience to exist, these may be hereafter corrected; but until such defects shall become manifest the act should be fairly tested.

It is submitted for your consideration whether it may not be proper, as a war measure, to impose revenue duties on some of the articles now embraced in the free list. Should it be deemed proper to impose such duties with a view to raise revenue to meet the expenses of the war with Mexico or to avoid to that extent the creation of a public debt, they may be repealed when the emergency which gave rise to them shall cease to exist, and constitute no part of the permanent policy of the country.

The act of the 6th of August last, "to provide for the better organization of the Treasury and for the collection, safe-keeping, transfer, and disbursement of the public revenue," has been carried into execution as rapidly as the delay necessarily arising out of the appointment of new officers, taking and approving their bonds, and preparing and securing proper places for the safe-keeping of the public money would permit. It is not proposed to depart in any respect from the principles or policy on which this great measure is founded. There are, however, defects in the details of the measure, developed by its practical operation, which are fully set forth in the report of the Secretary of the Treasury, to which the attention of Congress is invited. These defects would impair to some extent the successful operation of the law at all times, but are especially embarrassing when the country is engaged in a war, when the expenditures are greatly increased, when loans are to be effected and the disbursements are to be made at points many hundred miles distant, in some cases, from any depository, and a large portion of them in a foreign country. The modifications suggested in the report of the Secretary of the Treasury are recommended to your favorable consideration.

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In connection with this subject I invite your attention to the importance of establishing a branch of the Mint of the United States at New York. Two-thirds of the revenue derived from customs being collected at that point, the demand for specie to pay the duties will be large, and a branch mint where foreign coin and bullion could be immediately converted into American coin would greatly facilitate the transaction of the public business, enlarge the circulation of gold and silver, and be at the same time a safe depository of the public money.

The importance of graduating and reducing the price of such of the public lands as have been long offered in the market at the minimum rate authorized by existing laws, and remain unsold, induces me again to recommend the subject to your favorable consideration. Many millions of acres of these lands have been offered in the market for more than thirty years and larger quantities for more than ten or twenty years, and, being of an inferior quality, they must remain unsalable for an indefinite period unless the price at which they may be purchased shall be reduced. To place a price upon them above their real value is not only to prevent their sale, and thereby deprive the Treasury of any income from that source, but is unjust to the States in which they lie, because it retards their growth and increase of population, and because they have no power to levy a tax upon them as upon other lands within their limits, held by other proprietors than the United States, for the support of their local governments.

The beneficial effects of the graduation principle have been realized by some of the States owning the lands within their limits in which it has been adopted. They have been demonstrated also by the United States acting as the trustee of the Chickasaw tribe of Indians in the sale of their lands lying within the States of Mississippi and Alabama. The Chickasaw lands, which would not command in the market the minimum price established by the laws of the United States for the sale of their lands, were, in pursuance of the treaty of 1834 with that tribe, subsequently offered for sale at graduated and reduced rates for limited periods. The result was that large quantities of these lands were purchased which would otherwise have remained unsold. The lands were disposed of at their real value, and many persons of limited means were enabled to purchase small tracts, upon which they have settled with their families. That similar results would be produced by the adoption of the graduation policy by the United States in all the States in which they are the owners of large bodies of lands which have been long in the market can not be doubted. It can not be a sound policy to withhold large quantities of the public lands from the use and occupation of our citizens by fixing upon them prices which experience has shown they will not command. On the contrary, it is a wise policy to afford facilities to our citizens to become the owners at low and moderate rates of freeholds of their own instead of being the tenants and dependents of others. If it be apprehended that these lands if reduced in price would be secured in large quantities by speculators or capitalists, the sales may be restricted in limited quantities to actual settlers or persons purchasing for purposes of cultivation.

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In my last annual message I submitted for the consideration of Congress the present system of managing the mineral lands of the United States, and recommended that they should be brought into market and sold upon such terms and under such restrictions as Congress might prescribe. By the act of the 11th of July last "the reserved lead mines and contiguous lands in the States of Illinois and Arkansas and Territories of Wisconsin and Iowa" were authorized to be sold. The act is confined in its operation to "lead mines and contiguous lands." A large portion of the public lands, containing copper and other ores, is represented to be very valuable, and I recommend that provision be made authorizing the sale of these lands upon such terms and conditions as from their supposed value may in the judgment of Congress be deemed advisable, having due regard to the interests of such of our citizens as may be located upon them.

It will be important during your present session to establish a Territorial government and to extend the jurisdiction and laws of the United States over the Territory of Oregon. Our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains should be extended to the Pacific Ocean; and for the purpose of executing them and preserving friendly relations with the Indian tribes within our limits, an additional number of Indian agencies will be required, and should be authorized by law. The establishment of custom-houses and of post-offices and post-roads and provision for the transportation of the mail on such routes as the public convenience will suggest require legislative authority. It will be proper also to establish a surveyor-general's office in that Territory and to make the necessary provision for surveying the public lands and bringing them into market. As our citizens who now reside in that distant region have been subjected to many hardships, privations, and sacrifices in their emigration, and by their improvements have enhanced the value of the public lands in the neighborhood of their settlements, it is recommended that liberal grants be made to them of such portions of these lands as they may occupy, and that similar grants or rights of preemption be made to all who may emigrate thither within a limited period, prescribed by law.

The report of the Secretary of War contains detailed information relative to the several branches of the public service connected with that Department. The operations of the Army have been of a satisfactory and highly gratifying character. I recommend to your early and favorable consideration the measures proposed by the Secretary of War for speedily filling up the rank and file of the Regular Army, for its greater efficiency in the field, and for raising an additional force to serve during the war with Mexico.

Embarrassment is likely to arise for want of legal provision authorizing compensation to be made to the agents employed in the several States and Territories to pay the Revolutionary and other pensioners the amounts allowed them by law. Your attention is invited to the recommendations of the Secretary of War on this subject. These agents incur heavy responsibilities and perform important duties, and no reason exists why they should not be placed on the same footing as to compensation with other disbursing officers.

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Our relations with the various Indian tribes continue to be of a pacific character. The unhappy dissensions which have existed among the Cherokees for many years past have been healed. Since my last annual message important treaties have been negotiated with some of the tribes, by which the Indian title to large tracts of valuable land within the limits of the States and Territories has been extinguished and arrangements made for removing them to the country west of the Mississippi. Between 3,000 and 4,000 of different tribes have been removed to the country provided for them by treaty stipulations, and arrangements have been made for others to follow.

In our intercourse with the several tribes particular attention has been given to the important subject of education. The number of schools established among them has been increased, and additional means provided not only for teaching them the rudiments of education, but of instructing them in agriculture and the mechanic arts.

I refer you to the report of the Secretary of the Navy for a satisfactory view of the operations of the Department under his charge during the past year. It is gratifying to perceive that while the war with Mexico has rendered it necessary to employ an unusual number of our armed vessels on her coasts, the protection due to our commerce in other quarters of the world has not proved insufficient. No means will be spared to give efficiency to the naval service in the prosecution of the war; and I am happy to know that the officers and men anxiously desire to devote themselves to the service of their country in any enterprise, however difficult of execution.

I recommend to your favorable consideration the proposition to add to each of our foreign squadrons an efficient sea steamer, and, as especially demanding attention, the establishment at Pensacola of the necessary means of repairing and refitting the vessels of the Navy employed in the Gulf of Mexico.

There are other suggestions in the report which deserve and I doubt not will receive your consideration.

The progress and condition of the mail service for the past year are fully presented in the report of the Postmaster-General. The revenue for the year ending on the 30th of June last amounted to \$3,487,199, which is \$802,642.45 less than that of the preceding year. The payments for that Department during the same time amounted to \$4,084,297.22. Of this sum \$597,097.80 have been drawn from the Treasury. The disbursements for the year were \$236,434.77 less than those of the preceding year. While the disbursements have been thus diminished, the mail facilities have been enlarged by new mail routes of 5,739 miles, an increase of transportation of 1,764,145 miles, and the establishment of 418 new post-offices. Contractors, postmasters, and others engaged in this branch of the service have performed their duties with energy and faithfulness deserving commendation. For

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many interesting details connected with the operations of this establishment you are referred to the report of the Postmaster-General, and his suggestions for improving its revenues are recommended to your favorable consideration. I repeat the opinion expressed in my last annual message that the business of this Department should be so regulated that the revenues derived from it should be made to equal the expenditures, and it is believed that this may be done by proper modifications of the present laws, as suggested in the report of the Postmaster-General, without changing the present rates of postage.

With full reliance upon the wisdom and patriotism of your deliberations, it, will be my duty, as it will be my anxious desire, to cooperate with you in every constitutional effort to promote the welfare and maintain the honor of our common country.

JAMES K. POLK.

### **SPECIAL MESSAGES.**

WASHINGTON, *December 14, 1846.*

*To the Senate of the United States:*

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention for the mutual surrender of criminals between the United States and the Swiss Confederation, signed by their respective plenipotentiaries on the 15th of September last at Paris.

I transmit also a copy of a dispatch from the plenipotentiary of the United States, with the accompanying documents.

JAMES K. POLK.

WASHINGTON, *December 22, 1846.*

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

In compliance with the request contained in the resolution of the House of Representatives of the 15th instant, I communicate herewith reports from the Secretary of War and the Secretary of the Navy, with the documents which accompany them.

These documents contain all the "orders or instructions" to any military, naval, or other officer of the Government "in relation to the establishment or organization of civil

government in any portion of the territory of Mexico which has or might be taken possession of by the Army or Navy of the United States.”

These orders and instructions were given to regulate the exercise of the rights of a belligerent engaged in actual war over such portions of the territory of our enemy as by military conquest might be “taken possession of” and be occupied by our armed forces—rights necessarily resulting from a state of war and clearly recognized by the laws of nations. This was all the authority which could be delegated to our military and naval commanders, and its exercise was indispensable to the secure occupation and possession of territory of the enemy which might be conquered. The regulations authorized were temporary, and dependent on the rights acquired by conquest. They were authorized as belligerent rights, and were to be carried into effect by military or naval officers. They were but the amelioration of martial law, which modern civilization requires, and were due as well to the security of the conquest as to the inhabitants of the conquered territory.



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The documents communicated also contain the reports of several highly meritorious officers of our Army and Navy who have conquered and taken possession of portions of the enemy's territory.

Among the documents accompanying the report of the Secretary of War will be found a "form of government" "established and organized" by the military commander who conquered and occupied with his forces the Territory of New Mexico. This document was received at the War Department in the latter part of the last month, and, as will be perceived by the report of the Secretary of War, was not, for the reasons stated by that officer, brought to my notice until after my annual message of the 8th instant was communicated to Congress.

It is declared on its face to be a "temporary government of the said Territory," but there are portions of it which purport to "establish and organize" a permanent Territorial government of the United States over the Territory and to impart to its inhabitants political rights which under the Constitution of the United States can be enjoyed permanently only by citizens of the United States. These have not been "approved and recognized" by me. Such organized regulations as have been established in any of the conquered territories for the security of our conquest, for the preservation of order, for the protection of the rights of the inhabitants, and for depriving the enemy of the advantages of these territories while the military possession of them by the forces of the United States continues will be recognized and approved.

It will be apparent from the reports of the officers who have been required by the success which has crowned their arms to exercise the powers of temporary government over the conquered territories that if any excess of power has been exercised the departure has been the offspring of a patriotic desire to give to the inhabitants the privileges and immunities so cherished by the people of our own country, and which they believed calculated to improve their condition and promote their prosperity. Any such excess has resulted in no practical injury, but can and will be early corrected in a manner to alienate as little as possible the good feelings of the inhabitants of the conquered territory.

JAMES K. POLK.

WASHINGTON, *December 29, 1846.*

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

In order to prosecute the war against Mexico with vigor and success, it is necessary that authority should be promptly given by Congress to increase the Regular Army and to remedy existing defects in its organization. With this view your favorable attention is invited to the annual report of the Secretary of War, which accompanied my message of



the 8th instant, in which he recommends that ten additional regiments of regular troops shall be raised, to serve during the war.

Of the additional regiments of volunteers which have been called for from several of the States, some have been promptly raised; but this has not been the case in regard to all. The existing law, requiring that they should be organized by the independent action of the State governments, has in some instances occasioned considerable delay, and it is yet uncertain when the troops required can be ready for service in the field.

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It is our settled policy to maintain in time of peace as small a Regular Army as the exigencies of the public service will permit. In a state of war, notwithstanding the great advantage with which our volunteer citizen soldiers can be brought into the field, this small Regular Army must be increased in its numbers in order to render the whole force more efficient.

Additional officers as well as men then become indispensable. Under the circumstances of our service a peculiar propriety exists for increasing the officers, especially in the higher grades. The number of such officers who from age and other causes are rendered incapable of active service in the field has seriously impaired the efficiency of the Army.

From the report of the Secretary of War it appears that about two-thirds of the whole number of regimental field officers are either permanently disabled or are necessarily detached from their commands on other duties. The long enjoyment of peace has prevented us from experiencing much embarrassment from this cause, but now, in a state of war, conducted in a foreign country, it has produced serious injury to the public service.

An efficient organization of the Army, composed of regulars and volunteers, whilst prosecuting the war in Mexico, it is believed would require the appointment of a general officer to take the command of all our military forces in the field. Upon the conclusion of the war the services of such an officer would no longer be necessary, and should be dispensed with upon the reduction of the Army to a peace establishment.

I recommend that provision be made by law for the appointment of such a general officer to serve during the war.

It is respectfully recommended that early action should be had by Congress upon the suggestions submitted for their consideration, as necessary to insure active and efficient service in prosecuting the war, before the present favorable season for military operations in the enemy's country shall have passed away.

JAMES K. POLK.

WASHINGTON, *January 4, 1847.*

*To the Senate of the United States:*

I communicate herewith a report of the Postmaster-General, which contains the information called for by the resolution of the Senate of the 16th instant, in relation to the means which have been taken for the transmission of letters and papers to and from the officers and soldiers now in the service of the United States in Mexico. In answer to the inquiry whether any legislation is necessary to secure the speedy transmission and

delivery of such letters and papers, I refer you to the suggestions of the Postmaster-General, which are recommended to your favorable consideration.

JAMES K. POLK.

WASHINGTON, *January 11, 1847.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 22d ultimo, calling for information relative to the negotiation of the treaty of commerce with the Republic of New Granada signed on the 20th of December, 1844, I transmit a report from the Secretary of State and the documents by which it was accompanied.

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JAMES K. POLK.

WASHINGTON, *January 19, 1847.*

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

I transmit herewith a report of the Secretary of War, with the accompanying report from the Adjutant-General of the Army, made in compliance with the resolution of the House of Representatives of the 5th instant, requesting the President to communicate to the House "the whole number of volunteers which have been mustered into the service of the United States since the 1st day of May last, designating the number mustered for three months, six months, and twelve months; the number of those who have been discharged before they served two months, number discharged after two months' service, and the number of volunteer officers who have resigned, and the dates of their resignations."

JAMES K. POLK.

WASHINGTON, *January 20, 1847.*

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

I communicate herewith a letter received from the president of the convention of delegates of the people of Wisconsin, transmitting a certified copy of the constitution adopted by the delegates of the people of Wisconsin in convention assembled, also a copy of the act of the legislature of the Territory of Wisconsin providing for the calling of said convention, and also a copy of the last census, showing the number of inhabitants in said Territory, requesting the President to "lay the same before the Congress of the United States with the request that Congress act upon the same at its present session."

JAMES K. POLK.

WASHINGTON, *January 25, 1847.*

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

I communicate herewith a report of the Secretary of the Treasury, accompanied by a statement of the Register of the Treasury prepared in compliance with a resolution of the House of Representatives of the 7th instant, requesting the President "to furnish the House with a statement showing the whole amount allowed and paid at the Treasury during the year ending 30th June, 1846, for postages of the Executive Departments of the Government and for the several officers and persons authorized by the act approved 3d March, 1846, to send or receive matter through the mails free, including the amount allowed or allowable, if charged in the postages of any officers or agents, military, naval, or civil, employed in or by any of said Departments." It will be perceived

that said statement is as full and accurate as can be made during the present session of Congress.

JAMES K. POLK.

WASHINGTON, *January 29, 1847.*

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

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I communicate herewith a report of the Secretary of War, together with reports of the Adjutant-General and Paymaster-General of the Army, in answer to a resolution of the House of Representatives of the 20th instant, requesting the President to communicate to the House "whether any, and, if any, which, of the Representatives named in the list annexed have held any office or offices under the United States since the commencement of the Twenty-ninth Congress, designating the office or offices held by each, and whether the same are now so held, and including in said information the names of all who are now serving in the Army of the United States as officers and receiving pay as such, and when and by whom they were commissioned."

JAMES K. POLK.

WASHINGTON, *February 3, 1847.*

*To the Senate of the United States:*

I communicate herewith reports of the Secretary of War and the Secretary of the Treasury, with accompanying documents, in answer to a resolution of the Senate "requesting the President to inform the Senate whether any funds of the Government, and, if any, what amount, have been remitted from the Atlantic States to New Orleans or to the disbursing officers of the American Army in Mexico since the 1st of September last, and, if any remitted, in what funds remitted, whether in gold or silver coin, Treasury notes, bank notes, or bank checks, and, if in whole or in part remitted in gold and silver, what has been the expense to the Government of each of said remittances."

JAMES K. POLK.

WASHINGTON, *February 10, 1847.*

*To the Senate of the United States:*

I transmit to the Senate, for their advice with regard to its ratification, "a general treaty of peace, amity, navigation, and commerce between the United States of America and the Republic of New Granada," concluded at Bogota on the 12th December last by Benjamin A. Bidlack, charge d'affaires of the United States, on their part, and by Manuel Maria Mallarino, secretary of state and foreign relations, on the part of that Republic.

It will be perceived by the thirty-fifth article of this treaty that New Granada proposes to guarantee to the Government and citizens of the United States the right of passage across the Isthmus of Panama over the natural roads and over any canal or railroad which may be constructed to unite the two seas, on condition that the United States shall make a similar guaranty to New Granada of the neutrality of this portion of her territory and her sovereignty over the same.

The reasons which caused the insertion of this important stipulation in the treaty will be fully made known to the Senate by the accompanying documents. From these it will appear that our charge d'affaires acted in this particular upon his own responsibility and without instructions. Under such circumstances it became my duty to decide whether I would submit the treaty to the Senate, and after mature consideration I have determined to adopt this course.

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The importance of this concession to the commercial and political interests of the United States can not easily be overrated. The route by the Isthmus of Panama is the shortest between the two oceans, and from the information herewith communicated it would seem to be the most practicable for a railroad or canal.

The vast advantages to our commerce which would result from such a communication, not only with the west coast of America, but with Asia and the islands of the Pacific, are too obvious to require any detail. Such a passage would relieve us from a long and dangerous navigation of more than 9,000 miles around Cape Horn and render our communication with our possessions on the northwest coast of America comparatively easy and speedy.

The communication across the Isthmus has attracted the attention of the Government of the United States ever since the independence of the South American Republics. On the 3d of March, 1835, a resolution passed the Senate in the following words:

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

No person can be more deeply sensible than myself of the danger of entangling alliances with any foreign nation. That we should avoid such alliances has become a maxim of our policy consecrated by the most venerated names which adorn our history and sanctioned by the unanimous voice of the American people. Our own experience has taught us the wisdom of this maxim in the only instance, that of the guaranty to France of her American possessions, in which we have ever entered into such an alliance. If, therefore, the very peculiar circumstances of the present case do not greatly impair, if not altogether destroy, the force of this objection, then we ought not to enter into the stipulation, whatever may be its advantages. The general considerations which have induced me to transmit the treaty to the Senate for their advice may be summed up in the following particulars:

1. The treaty does not propose to guarantee a territory to a foreign nation in which the United States will have no common interest with that nation. On the contrary, we are more deeply and directly interested in the subject of this guaranty than New Granada herself or any other country.



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2. The guaranty does not extend to the territories of New Granada generally, but is confined to the single Province of the Isthmus of Panama, where we shall acquire by the treaty a common and coextensive right of passage with herself.

3. It will constitute no alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest.

4. In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus. If the United States, as the chief of the American nations, should first become a party to this guaranty, it can not be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guaranties will be given to that Republic by Great Britain and France. Should the proposition thus tendered be rejected we may deprive the United States of the just influence which its acceptance might secure to them and confer the glory and benefits of being the first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not be doubted, because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guaranty of great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

Besides, such a guaranty is almost indispensable to the construction of a railroad or canal across the territory. Neither sovereign states nor individuals would expend their capital in the construction of these expensive works without some such security for their investments.

The guaranty of the sovereignty of New Granada over the Isthmus is a natural consequence of the guaranty of its neutrality, and there does not seem to be any other practicable mode of securing the neutrality of this territory. New Granada would not consent to yield up this Province in order that it might become a neutral state, and if she should it is not sufficiently populous or wealthy to establish and maintain an independent sovereignty. But a civil government must exist there in order to protect the works which shall be constructed. New Granada is a power which will not excite the jealousy of any nation. If Great Britain, France, or the United States held the sovereignty over the Isthmus, other nations might apprehend that in case of war the Government would close up the passage against the enemy, but no such fears can ever be entertained in regard to New Granada.

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This treaty removes the heavy discriminating duties against us in the ports of New Granada, which have nearly destroyed our commerce and navigation with that Republic, and which we have been in vain endeavoring to abolish for the last twenty years.

It may be proper also to call the attention of the Senate to the twenty-fifth article of the treaty, which prohibits privateering in case of war between the two Republics, and also to the additional article, which nationalizes all vessels of the parties which "shall be provided by the respective Governments with a patent issued according to its laws," and in this particular goes further than any of our former treaties.

JAMES K. POLK.

WASHINGTON, *February 13, 1847.*

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

Congress, by the act of the 13th of May last, declared that "by the act of the Republic of Mexico a state of war exists between that Government and the United States" and "for the purpose of enabling the Government of the United States to prosecute said war to a speedy and successful termination" authority was vested in the President to employ the "naval and military forces of the United States."

It has been my unalterable purpose since the commencement of hostilities by Mexico and the declaration of the existence of war by Congress to prosecute the war in which the country was unavoidably involved with the utmost energy, with a view to its "speedy and successful termination" by an honorable peace.

Accordingly all the operations of our naval and military forces have been directed with this view. While the sword has been held in one hand and our military movements pressed forward into the enemy's country and its coasts invested by our Navy, the tender of an honorable peace has been constantly presented to Mexico in the other.

Hitherto the overtures of peace which have been made by this Government have not been accepted by Mexico. With a view to avoid a protracted war, which hesitancy and delay on our part would be so well calculated to produce, I informed you in my annual message of the 8th December last that the war would "continue to be prosecuted with vigor, as the best means of securing peace," and recommended to your early and favorable consideration the measures proposed by the Secretary of War in his report accompanying that message.

In my message of the 4th January last these and other measures deemed to be essential to the "speedy and successful termination" of the war and the attainment of a just and honorable peace were recommended to your early and favorable consideration.

The worst state of things which could exist in a war with such a power as Mexico would be a course of indecision and inactivity on our part. Being charged by the Constitution and the laws with the conduct of the war, I have availed myself of all the means at my command to prosecute it with energy and vigor.

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The act "to raise for a limited time an additional military force, and for other purposes," and which authorizes the raising of ten additional regiments to the Regular Army, to serve during the war and to be disbanded at its termination, which was presented to me on the 11th instant and approved on that day, will constitute an important part of our military force. These regiments will be raised and moved to the seat of war with the least practicable delay.

It will be perceived that this act makes no provision for the organization into brigades and divisions of the increased force which it authorizes, nor for the appointment of general officers to command it. It will be proper that authority be given by law to make such organization, and to appoint, by and with the advice and consent of the Senate, such number of major-generals and brigadier-generals as the efficiency of the service may demand. The number of officers of these grades now in service are not more than are required for their respective commands; but further legislative action during your present session will, in my judgment, be required, and to which it is my duty respectfully to invite your attention.

Should the war, contrary to my earnest desire, be protracted to the close of the term of service of the volunteers now in Mexico, who engaged for twelve months, an additional volunteer force will probably become necessary to supply their place. Many of the volunteers now serving in Mexico, it is not doubted, will cheerfully engage at the conclusion of their present term to serve during the war. They would constitute a more efficient force than could be speedily obtained by accepting the services of any new corps who might offer their services. They would have the advantage of the experience and discipline of a year's service, and will have become accustomed to the climate and be in less danger than new levies of suffering from the diseases of the country. I recommend, therefore, that authority be given to accept the services of such of the volunteers now in Mexico as the state of the public service may require, and who may at the termination of their present term voluntarily engage to serve during the war with Mexico, and that provision be made for commissioning the officers. Should this measure receive the favorable consideration of Congress, it is recommended that a bounty be granted to them upon their voluntarily extending their term of service. This would not only be due to these gallant men, but it would be economy to the Government, because if discharged at the end of the twelve months the Government would be bound to incur a heavy expense in bringing them back to their homes and in sending to the seat of war new corps of fresh troops to supply their place.

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By the act of the 13th of May last the President was authorized to accept the services of volunteers "in companies, battalions, squadrons, and regiments," but no provision was made for filling up vacancies which might occur by death or discharges from the service on account of sickness or other casualties. In consequence of this omission many of the corps now in service have been much reduced in numbers. Nor was any provision made for filling vacancies of regimental or company officers who might die or resign. Information has been received at the War Department of the resignation of more than 100 of these officers. They were appointed by the State authorities, and no information has been received except in a few instances that their places have been filled; and the efficiency of the service has been impaired from this cause. To remedy these defects, I recommend that authority be given to accept the services of individual volunteers to fill up the places of such as may die or become unfit for the service and be discharged, and that provision be also made for filling the places of regimental and company officers who may die or resign. By such provisions the volunteer corps may be constantly kept full or may approximate the maximum number authorized and called into service in the first instance.

While it is deemed to be our true policy to prosecute the war in the manner indicated, and thus make the enemy feel its pressure and its evils, I shall be at all times ready, with the authority conferred on me by the Constitution and with all the means which may be placed at my command by Congress, to conclude a just and honorable peace.

Of equal importance with an energetic and vigorous prosecution of the war are the means required to defray its expenses and to uphold and maintain the public credit.

In my annual message of the 8th December last I submitted for the consideration of Congress the propriety of imposing, as a war measure, revenue duties on some of the articles now embraced in the free list. The principal articles now exempt from duty from which any considerable revenue could be derived are tea and coffee. A moderate revenue duty on these articles it is estimated would produce annually an amount exceeding \$2,500,000. Though in a period of peace, when ample means could be derived from duties on other articles for the support of the Government, it may have been deemed proper not to resort to a duty on these articles, yet when the country is engaged in a foreign war and all our resources are demanded to meet the unavoidable increased expenditure in maintaining our armies in the field no sound reason is perceived why we should not avail ourselves of the revenues which may be derived from this source. The objections which have heretofore existed to the imposition of these duties were applicable to a state of peace, when they were not needed. We are now, however, engaged in a foreign war. We need money to prosecute

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it and to maintain the public honor and credit. It can not be doubted that the patriotic people of the United States would cheerfully and without complaint submit to the payment of this additional duty or any other that may be necessary to maintain the honor of the country, provide for the unavoidable expenses of the Government, and to uphold the public credit. It is recommended that any duties which may be imposed on these articles be limited in their duration to the period of the war.

An additional annual revenue, it is estimated, of between half a million and a million of dollars would be derived from the graduation and reduction of the price of such of the public lands as have been long offered in the market at the minimum price established by the existing laws and have remained unsold. And in addition to other reasons commending the measure to favorable consideration, it is recommended as a financial measure. The duty suggested on tea and coffee and the graduation and reduction of the price of the public lands would secure an additional annual revenue to the Treasury of not less than \$3,000,000, and would thereby prevent the necessity of incurring a public debt annually to that amount, the interest on which must be paid semiannually, and ultimately the debt itself by a tax on the people.

It is a sound policy and one which has long been approved by the Government and people of the United States never to resort to loans unless in cases of great public emergency, and then only for the smallest amount which the public necessities will permit.

The increased revenues which the measures now recommended would produce would, moreover, enable the Government to negotiate a loan for any additional sum which may be found to be needed with more facility and at cheaper rates than can be done without them.

Under the injunction of the Constitution which makes it my duty "from time to time to give to Congress information of the state of the Union and to recommend to their consideration such measures" as shall be judged "necessary and expedient," I respectfully and earnestly invite the action of Congress on the measures herein presented for their consideration. The public good, as well as a sense of my responsibility to our common constituents, in my judgment imperiously demands that I should present them for your enlightened consideration and invoke favorable action upon them before the close of your present session.

JAMES K. POLK.

WASHINGTON, *February 13, 1847.*

*To the Senate of the United States:*



I nominate the officers named in the accompanying communication for regular promotion in the Army of the United States, as proposed by the Secretary of War.

JAMES K. POLK.

**WAR DEPARTMENT,**

*Washington, February 13, 1847.*

THE PRESIDENT OF THE UNITED STATES.

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SIR: I have the honor respectfully to propose for your approbation the following-named captains[10] for promotion to the rank of major in the existing regiments of the Army, in conformity with the third section of the act approved February 11, 1847, which authorizes one additional major to each of the regiments of dragoons, artillery, infantry, and riflemen.

The promotions are all regular with one exception, that of Captain Washington Seawell, of the Seventh Infantry, instead of Captain Edgar Hawkins, of the same regiment, who stands at the head of the list of his grade in the infantry arm. Captain Hawkins, who distinguished himself in the defense of Fort Brown, is passed over on the ground of mental alienation, it being officially reported that he is "insane," on which account he was recently sent from the Army in Mexico. He is now in New York, and is reported to be "unable to perform any duty." An officer just returned from the Army in Mexico, and who had recently served with Captain Hawkins, informed the Adjutant-General that he was quite deranged, but that he had hopes of his recovery, as the malady was probably caused by sickness. Should these hopes be realized at some future day, Captain Hawkins will then of course be promoted without loss of rank; meanwhile I respectfully recommend that he be passed over, as the declared object of these additional majors (as set forth in the Adjutant-General's report to this Department of the 30th of July last) was to insure the presence of an adequate number of *efficient* field officers for duty with the marching regiments, which object would be neutralized in part should Captain Hawkins now receive the appointment.

I am, sir, with great respect, your obedient servant,

**W.L. MARCY**

[Footnote 10: List omitted.]

WASHINGTON, *February 20, 1847.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of State, with the accompanying documents, in answer to a resolution of the Senate of the 2d instant, requesting the President to communicate such information in possession of the Executive Departments in relation to the importation of foreign criminals and paupers as he may deem consistent with the public interests to communicate.

JAMES K. POLK.

WASHINGTON, *February 26, 1847.*

*To the Senate of the United States:*



I nominate the persons named in the accompanying list<sup>[11]</sup> of promotions and appointments in the Army of the United States to the several grades annexed to their names, as proposed by the Secretary of War.

JAMES K. POLK.

[Footnote 11: Omitted.]

WAR DEPARTMENT,  
*February 26, 1847.*

The PRESIDENT OF THE UNITED STATES.

SIR: I have the honor respectfully to propose for your approbation the annexed list<sup>[12]</sup> of officers for regular promotion and persons for appointment in the Army of the United States.

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It having been decided to be just and proper to restore Grafton D. Hanson, late a lieutenant in the Eighth Infantry, to his former regiment and rank, whose resignation was accepted in June, 1845, contrary to his wish, he having in due time recalled the same, it will be seen that he is reappointed accordingly. I deem it proper to state that the vacancy of first lieutenant in the Eighth Infantry, now proposed to be filled by Mr. Hanson's restoration and reappointment, has been occasioned by the appointment of the senior captain of the regiment to be major under the recent act authorizing an additional major to each regiment, being an original vacancy, and therefore the less reason for any objection in respect to the general principles and usages of the service, which guarantee regular promotions to fill vacancies which occur by accident, *etc.*

I am, sir, with great respect, your obedient servant,

W.L. MARCY.

[Footnote 12: Omitted.]

WASHINGTON, *February 26, 1847.*

*To the Senate of the United States:*

I nominate the officers named in the accompanying list[13] for brevet promotion in the Army of the United States, for gallant conduct in the actions at Monterey.

JAMES K. POLK.

[Footnote 13: Omitted.]

WAR DEPARTMENT,  
*February 19, 1847.*

The PRESIDENT.

SIR: I present to you the following list[14] of officers engaged in the actions at Monterey, whose distinguished conduct therein entitles them, in my judgment, to the promotion by brevet. This list has been prepared after a particular and careful examination of all the documents in this Department in relation to the military operations at that place.

Lieutenant-Colonel Garland and Brevet Lieutenant-Colonel Childs (then a captain of the line) also behaved in the actions of Monterey in a manner deserving of particular notice, but as their names are now before the Senate for colonelcies by brevet, I have not presented them for further promotion. I am not aware that any officer below the lineal rank of colonel has ever been made a brigadier-general by brevet.

I have the honor to be, very respectfully, your obedient servant,

W.L. MARCY.

[Footnote 14: Omitted.]

WASHINGTON, *February 27, 1847.*

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

I communicate herewith a report of the Secretary of War, with the accompanying documents, in answer to the resolution of the House of Representatives of the 1st instant, requesting the President "to communicate to the House of Representatives all the correspondence with General Taylor since the commencement of hostilities with Mexico which has not yet been published, and the publication of which may not be deemed detrimental to the public service; also the correspondence of the Quartermaster-General in relation to transportation for General Taylor's Army; also the reports of Brigadier-Generals Hamer and Quitman of the operations of their respective brigades on the 21st of September last."

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As some of these documents relate to military operations of our forces which may not have been fully executed, I might have deemed it proper to withhold parts of them under the apprehension that their publication at this time would be detrimental to the public service; but I am satisfied that these operations are now so far advanced and that the enemy has already received so much information from other sources in relation to the intended movements of our Army as to render this precaution unnecessary.

JAMES K. POLK.

WASHINGTON, *March 2, 1847.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of War, with the accompanying documents, in answer to the resolution of the Senate of the 27th ultimo, requesting to be informed "why the name of Captain Theophilus H. Holmes was not sent in for brevet promotion amongst the other officers who distinguished themselves at the military operations at Monterey."

The report of the Secretary of War discloses the reasons for the omission of the name of Captain Holmes in the list of brevet promotions in my message of the \_\_\_\_ ultimo. Upon the additional testimony in Captain Holmes's case which has been received at the War Department, and to which the Secretary of War refers in his report, I deem it proper to nominate him for brevet promotion.

I therefore nominate Captain Theophilus H. Holmes, of the Seventh Regiment of Infantry, to be major by brevet from the 23d September, 1846, in the Army of the United States.

JAMES K. POLK.

WAR DEPARTMENT,  
*March, 1 1847.*

The PRESIDENT OF THE UNITED STATES.

SIR: With a special reference to the resolution of the Senate of the 27th ultimo, requesting to be informed "why the name of Captain Theophilus H. Holmes was not sent in for brevet promotion amongst the other officers who distinguished themselves at the military operations at Monterey," I have again examined the official reports of those operations. I do not find that Captain Holmes is mentioned in General Taylor's report, nor in that of any other officer except the report of Brigadier-General Worth. The following extract from the latter contains all that is said having relation to the conduct of Captain Holmes:

“My thanks are also especially due to Lieutenant-Colonel Stanford, Eighth, commanding First Brigade; Major Munroe, chief of artillery, general staff; Brevet Major Brown and Captain J.R. Vinton, artillery battalion; Captain J.B. Scott, artillery battalion, light troops; Major Scott (commanding) and Captain Merrill, Fifth; Captain Miles (commanding), Holmes, and Ross, Seventh Infantry, and Captain Screven, commanding Eighth Infantry; to Lieutenant-Colonel Walker, captain of rifles; Major Chevalier and Captain McCulloch, of the Texan, and Captain Blanchard, of the Louisiana, Volunteers; to Lieutenant Mackall, commanding battery; Roland, Martin, Hays, Irons, Clark, and Curd, horse artillery; Lieutenant Longstreet, commanding light company, Eighth; Lieutenant Ayers, artillery battalion, who was among the first in the assault upon the place and who secured the colors. Each of the officers named either headed special detachments, columns of attack, storming parties, or detached guns, and all were conspicuous for conduct and courage.”

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It will be perceived that in this list there are twenty-one officers (besides the medical staff and officers of volunteers) who are highly commended by General Worth for gallant conduct. That they were justly entitled to the praise bestowed on them is not doubted; but if I had recommended all of them to be brevetted, together with all those in the reports of other generals also in like manner highly commended, the number of officers in my list submitted for your consideration would have been probably trebled. Indeed, the whole Army behaved most gallantly on that occasion. It was deemed proper to discriminate and select from among the well deserving those who had peculiar claims to distinction. In making this selection I exercised my best judgment, regarding the official reports as the authentic source of information. Six or seven only of the officers named in the foregoing extract from General Worth's report were placed on the list. A close examination of the reports will, I think, disclose the ground for the discrimination, and I hope justify the distinction which I felt it my duty to make. Without disparagement to Captain Holmes, whose conduct was highly creditable, it appears to me that a rule of selection which would have brought him upon the list for promotion by brevet would also have placed on the same list nearly everyone named with him in General Worth's report, and many of the reports of other generals not presented in my report to you of the 19th ultimo. There is not time before the adjournment of the Senate to make the thorough examination which a due regard to the relative claims of the gallant officers engaged in the actions of Monterey would require if the list of brevet promotions is to be enlarged to this extent. Such enlargement would not accord with my own views on the subject of bestowing brevet rewards.

There are on file other papers relative to Captain Holmes. They were not written with reference to his brevet promotion, but for an appointment in the new regiments. Copies of those are herewith transmitted. The letter of the Hon. W.P. Mangum inclosing the statement from Generals Twiggs and Smith is dated the 26th, and my report the 19th ultimo, and was not, consequently, received at this Department until some days after the list for brevets was made out and presented to you.

From the facts and recommendations of the official reports of the actions at Monterey I should not feel warranted in presenting Captain Holmes for brevet promotion without at the same time including on the same list many others not recommended in my report of the 19th ultimo; but as his conduct fell under the immediate observation of General Smith (General Twiggs commanded in a different part of the town), it may be proper to regard their statement, received since my former report was prepared and handed to you, as additional evidence of his gallantry and of claims to your particular notice. I therefore recommend him to be promoted major by brevet.

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I have the honor to be, very respectfully, your obedient servant,

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

### PROCLAMATIONS.

[From Statutes at Large (Little & Brown), Vol. IX, p. 1001.]

### BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION.

Whereas by an act of the Congress of the United States approved the 3d day of March, 1845, entitled "An act regulating commercial intercourse within the islands of Miquelon and St. Pierre," it is provided that all French vessels coming directly from those islands, either in ballast or laden with articles the growth or manufacture of either of said islands, and which are permitted to be exported therefrom in American vessels, may be admitted into the ports of the United States on payment of no higher duties of tonnage or on their cargoes aforesaid than are imposed on American vessels and on like cargoes imported in American vessels, provided that this act shall not take effect until the President of the United States shall have received satisfactory information that similar privileges have been allowed to American vessels and their cargoes at said islands by the Government of France and shall have made proclamation accordingly; and

Whereas satisfactory information has been received by me that similar privileges have been allowed to American vessels and their cargoes at said islands by the Government of France:

Now, therefore, I, James K. Polk, President of the United States of America, do hereby declare and proclaim that all French vessels coming directly from the islands of Miquelon and St. Pierre, either in ballast or laden with articles the growth or manufacture of either of said islands, and which are permitted to be exported therefrom in American vessels, shall from this date be admitted into the ports of the United States on payment of no higher duties on tonnage or on their cargoes aforesaid than are imposed on American vessels and on like cargoes imported in American vessels.

Given under my hand, at the city of Washington, the 20th day of April, A.D. 1847, and of the Independence of the United States the seventy-first.

JAMES K. POLK.

By the President:  
JAMES BUCHANAN,  
*Secretary of State.*

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

### A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are



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imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes as aforesaid shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Majesty the Emperor of Brazil, through an official communication of Mr. Felipe Jose Pereira Leal, his charge d'affaires in the United States, under date of the 25th of October, 1847, that no other or higher duties of tonnage and impost are imposed or levied in the ports of Brazil upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Brazilian ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, James K. Polk, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of Brazil and the produce, manufactures, and merchandise imported into the United States in the same from Brazil and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into Brazil in the same as aforesaid shall be continued on the part of the Government of Brazil.

Given under my hand, at the city of Washington, this 4th day of November, A.D. 1847, and the seventy-second of the Independence of the United States.

JAMES K. POLK.

By the President:

JAMES BUCHANAN,  
*Secretary of State.*

## **EXECUTIVE ORDERS.**

WASHINGTON, *March 23, 1847.*

The SECRETARY OF THE TREASURY.

SIR: The Government of Mexico having repeatedly rejected the friendly overtures of the United States to open negotiations with a view to the restoration of peace, sound policy and a just regard to the interests of our own country require that the enemy should be made, as far as practicable, to bear the expenses of a war of which they are the authors, and which they obstinately persist in protracting.

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It is the right of the conqueror to levy contribution upon the enemy in their seaports, towns, or provinces which may be in his military possession by conquest and to apply the same to defray the expenses of the war. The conqueror possesses the right also to establish a temporary military government over such seaports, towns, or provinces and to prescribe the conditions and restrictions upon which commerce with such places may be permitted. He may, in his discretion, exclude all trade, or admit it with limitation or restriction, or impose terms the observance of which will be the condition of carrying it on. One of these conditions may be the payment of a prescribed rate of duties on tonnage and imports.

In the exercise of these unquestioned rights of war, I have, on full consideration, determined to order that all the ports or places in Mexico which now are or hereafter may be in the actual possession of our land and naval forces by conquest shall be opened while our military occupation may continue to the commerce of all neutral nations, as well as our own, in articles not contraband of war, upon the payment of prescribed rates of duties, which will be made known and enforced by our military and naval commanders.

While the adoption of this policy will be to impose a burden on the enemy, and at the same time to deprive them of the revenue to be derived from trade at such ports or places, as well as to secure it to ourselves, whereby the expenses of the war maybe diminished, a just regard to the general interests of commerce and the obvious advantages of uniformity in the exercise of these belligerent rights require that well-considered regulations and restrictions should be prepared for the guidance of those who may be charged with carrying it into effect.

You are therefore instructed to examine the existing Mexican tariff of duties and report to me a schedule of articles of trade to be admitted at such ports or places as may be at any time in our military possession, with such rates of duty on them and also on tonnage as will be likely to produce the greatest amount of revenue. You will also communicate the considerations which may recommend the scale of duties which you may propose, and will submit such regulations as you may deem advisable in order to enforce their collection.

As the levy of the contribution proposed is a military right, derived from the laws of nations, the collection and disbursement of the duties will be made, under the orders of the Secretary of War and the Secretary of the Navy, by the military and naval commanders at the ports or places in Mexico which may be in possession of our arms. The report requested is therefore necessary in order to enable me to give the proper directions to the War and Navy Departments.

JAMES K POLK.

TREASURY DEPARTMENT, *March 30, 1847.*

The PRESIDENT.

SIR: Your instructions of the 23d instant have been received by this Department, and in conformity thereto I present you herewith, for your consideration, a scale of duties proposed to be collected as a military contribution during the war in the ports of Mexico in possession of our Army or Navy by conquest, with regulations for the ascertainment and collection of such duties, together with the reasons which appear to me to recommend their adoption.

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It is clear that we must either adopt our own tariff or that of Mexico, or establish a new system of duties. Our own tariff could not be adopted, because the Mexican exports and imports are so different from our own that different rates of duties are indispensable in order to collect the largest revenue. Thus upon many articles produced in great abundance here duties must be imposed at the lowest rate in order to collect any revenue, whereas many of the same articles are not produced in Mexico, or to a very inconsiderable extent, and would therefore bear there a much higher duty for revenue. A great change is also rendered necessary by the proposed exaction of duties on all imports to any Mexican port in our possession from any other Mexican port occupied by us in the same manner. This measure would largely increase the revenue which we might collect. It is recommended, however, for reasons of obvious safety, that this Mexican coastwise trade should be confined to our own vessels, as well as the interior trade above any port of entry in our possession, but that in all other respects the ports of Mexico held by us should be freely opened at the rate of duties herein recommended to the vessels and commerce of all the world. The *ad valorem* system of duties adopted by us, although by far the most just and equitable, yet requires an appraisement to ascertain the actual value of every article. This demands great mercantile skill, knowledge, and experience, and therefore, for the want of skillful appraisers (a class of officers wholly unknown in Mexico), could not at once be put into successful operation there. If also, as proposed, these duties are to be ascertained and collected as a military contribution through the officers of our Army and Navy, those brave men would more easily perform almost any other duty than that of estimating the value of every description of goods, wares, and merchandise.

The system of specific duties already prevails in Mexico, and may be put by us into immediate operation; and if, as conceded, specific duties should be more burdensome upon the people of Mexico, the more onerous the operation of these duties upon them the sooner it is likely that they will force their military rulers to agree to a peace. It is certain that a mild and forbearing system of warfare, collecting no duties in their ports in our possession on the Gulf and levying no contributions, whilst our armies purchase supplies from them at high prices, by rendering the war a benefit to the people of Mexico rather than an injury has not hastened the conclusion of a peace. It may be, however, that specific duties, onerous as they are, and heavy contributions, accompanied by a vigorous prosecution of the war, may more speedily insure that peace which we have failed to obtain from magnanimous forbearance, from brilliant victories, or from proffered negotiation. The duties, however, whilst they may be specific, and therefore more onerous than *ad valorem* duties, should not be so high as to defeat revenue.

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It is impossible to adopt as a basis the tariff of Mexico, because the duties are extravagantly high, defeating importation, commerce, and revenue and producing innumerable frauds and smuggling. There are also sixty articles the importation of which into Mexico is strictly prohibited by their tariff, embracing most of the necessities of life and far the greater portion of our products and fabrics.

Among the sixty prohibited articles are sugar, rice, cotton, boots and half-boots, coffee, nails of all kinds, leather of most kinds, flour, cotton yarn and thread, soap of all kinds, common earthenware, lard, molasses, timber of all kinds, saddles of all kinds, coarse woolen cloth, cloths for cloaks, ready-made clothing of all kinds, salt, tobacco of all kinds, cotton goods or textures, chiefly such as are made by ourselves; pork, fresh or salted, smoked or corned; woolen or cotton blankets or counterpanes, shoes and slippers, wheat and grain of all kinds. Such is a list of but part of the articles whose importation is prohibited by the Mexican tariff. These prohibitions should not be permitted to continue, because they exclude most of our products and fabrics and prevent the collection of revenue. We turn from the prohibitions to the actual duties imposed by Mexico. The duties are specific throughout, and almost universally by weight, irrespective of value; are generally protective or exorbitant, and without any discrimination for revenue. The duties proposed to be substituted are moderate when compared with those imposed by Mexico, being generally reduced to a standard more than one-half below the Mexican duties. The duties are also based upon a discrimination throughout for revenue, and, keeping in view the customs and habits of the people of Mexico, so different from our own, are fixed in each case at that rate which it is believed will produce in the Mexican ports the largest amount of revenue.

In order to realize from this system the largest amount of revenue, it would be necessary that our Army and Navy should seize every important port or place upon the Gulf of Mexico or California, or on the Pacific, and open the way through the interior for the free transit of exports and imports, and especially that the interior passage through the Mexican isthmus should be secured from ocean to ocean, for the benefit of our commerce and that of all the world. This measure, whilst it would greatly increase our revenue from these duties and facilitate communication between our forces upon the eastern and western coasts of Mexico, would probably lead at the conclusion of a peace to results of incalculable importance to our own commerce and to that of all the world.

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In the meantime the Mexican Government monopoly in tobacco, from which a considerable revenue is realized by Mexico, together with the culture there which yields that revenue, should be abolished, so as to diminish the resources of that Government and augment our own by collecting the duty upon all the imported tobacco. The Mexican interior transit duties should also be abolished, and also their internal Government duty on coin and bullion. The prohibition of exports and the duties upon exports should be annulled, and especially the heavy export duty on coin and bullion, so as to cheapen and facilitate the purchase of imports and permit the precious metals, untaxed, to flow out freely from Mexico into general circulation. Quicksilver and machinery for working the mines of precious metals in Mexico, for the same reasons, should also be admitted duty free, which, with the measures above indicated, would largely increase the production and circulation of the precious metals, improve our own commerce and industry and that of all neutral powers.

In thus opening the ports of Mexico to the commerce of the world you will present to all nations with whom we are at peace the best evidence of your desire to maintain with them our friendly relations, to render the war to them productive of as little injury as possible, and even to advance their interests, so far as it safely can be done, by affording to them in common with ourselves the advantages of a liberal commerce with Mexico. To extend this commerce, you will have unsealed the ports of Mexico, repealed their interior transit duties, which obstruct the passage of merchandise to and from the coast; you will have annulled the Government duty on coin and bullion and abolished the heavy export duties on the precious metals, so as to permit them to flow out freely for the benefit of mankind; you will have expunged the long list of their prohibited articles and reduced more than one-half their duties on imports, whilst the freest scope would be left for the mining of the precious metals. These are great advantages which would be secured to friendly nations, especially when compared with the exclusion of their commerce by rigorous blockades. It is true, the duties collected from these imports would be for the benefit of our own Government, but it is equally true that the expenses of the war, which Mexico insists upon prosecuting, are borne exclusively by ourselves, and not by foreign nations. It can not be doubted but that all neutral nations will see in the adoption of such a course by you a manifestation of your good will toward them and a strong desire to advance those just and humane principles which make it the duty of belligerents, as we have always contended, to render the war in which they are engaged as little injurious as practicable to neutral powers.

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These duties would not be imposed upon any imports into our own country, but only upon imports into Mexico, and the tax would fall upon the people of Mexico in the enhancement to them of the prices of these imports. Nearly all our own products are excluded by the Mexican tariff even in time of peace; they are excluded also during the war so far as we continue the system of blockading any of the ports of Mexico; and they are also excluded even from the ports not blockaded in possession of Mexico; whereas the new system would soon open to our commerce all the ports of Mexico as they shall fall into our military possession. Neither our own nor foreign merchants are required to send any goods to Mexico, and if they do so voluntarily it will be because they can make a profit upon the importation there, and therefore they will have no right to complain of the duties levied in the ports of Mexico upon the consumers of those goods—the people of Mexico. The whole money collected would inure to the benefit of our own Government and people, to sustain the war and to prevent to that extent new loans and increased taxation. Indeed, in view of the fact that the Government is thrown upon the ordinary revenues for peace, with no other additional resources but loans to carry on the war, the income to be derived from the new system, which it is believed will be large if these suggestions are adopted, would be highly important to sustain the credit of the Government, to prevent the embarrassment of the Treasury, and to save the country from such ruinous sacrifices as occurred during the last war, including the inevitable legacy to posterity of a large public debt and onerous taxation. The new system would not only arrest the expensive transfer and ruinous drain of specie to Mexico, but would cause it, in duties and in return for our exports, to reflow into our country to an amount, perhaps, soon exceeding the \$9,000,000 which it had reached in 1835 even under the restrictive laws of Mexico, thus relieving our own people from a grievous tax and imposing it where it should fall, upon our enemies, the people of Mexico, as a contribution levied upon them to conquer a peace as well as to defray the expenses of the war; whereas by admitting our exports freely, without duty, into the Mexican ports which we may occupy from time to time, and affording those goods, including the necessities of life, at less than one-half the prices which they had heretofore paid for them, the war might in time become a benefit instead of a burden to the people of Mexico, and they would therefore be unwilling to terminate the contest. It is hoped also that Mexico, after a peace, will never renew her present prohibitory and protective system, so nearly resembling that of ancient China or Japan, but that, liberalized, enlightened, and regenerated by the contact and intercourse with our people and those of other civilized nations, she will continue the far more moderate system of duties resembling that prescribed by these regulations.



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In the meantime it is not just that Mexico, by her obstinate persistence in this contest, should compel us to overthrow our own financial policy and arrest this great nation in her high and prosperous career. To reimpose high duties would be alike injurious to ourselves and to all neutral powers, and, unless demanded by a stern necessity, ungenerous to those enlightened nations which have adopted contemporaneously with us a more liberal commercial policy. The system you now propose of imposing the burden as far as practicable upon our enemies, the people of Mexico, and not upon ourselves or upon friendly nations, appears to be most just in itself, and is further recommended as the only policy which is likely to hasten the conclusion of a just and honorable peace.

A tonnage duty on all vessels, whether our own or of neutral powers, of \$1 per ton, which is greatly less than that imposed by Mexico, is recommended in lieu of all port duties and charges. Appended to these regulations are tables of the rates at which foreign money is fixed by law, as also a separate table of currencies by usage, in which a certificate of value is required to be attached to the invoice. There is also annexed a table of foreign weights and measures reduced to the standard of the United States, together with blank forms to facilitate the transaction of business.

It is recommended that the duties herein suggested shall be collected exclusively in gold or silver coin. These duties can only be collected as a military contribution through the agency of our brave officers of the Army and Navy, who will no doubt cheerfully and faithfully collect and keep these moneys and account for them, not to the Treasury, but to the Secretaries of War or of the Navy, respectively.

It is recommended that these duties be performed by the commandant of the port, whether naval or military, aided by the paymaster or purser or other officer, the accounts of each being countersigned by the other, as a check upon mistakes or error, in the same manner as is now the case with the collector and naval officer of our several principal ports, which has introduced so much order and accuracy in our system. It is suggested that as in some cases the attention of the commandant of the port might be necessary for the performance of other duties that he be permitted to substitute some other officer, making known the fact to the Secretaries of War or of the Navy, and subject to their direction.

I have the honor to be, with great respect, your obedient servant,

R.J. WALKER,  
*Secretary of the Treasury.*

WASHINGTON, *March 31, 1847.*

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SIR:[15] Being charged by the Constitution with the prosecution of the existing war with Mexico, I deem it proper, in the exercise of an undoubted belligerent right, to order that military contributions be levied upon the enemy in such of their ports or other places as now are or may be hereafter in the possession of our land and naval forces by conquest, and that the same be collected and applied toward defraying the expenses of the war. As one means of effecting this object, the blockade at such conquered ports will be raised, and they will be opened to our own commerce and that of all neutral nations in articles not contraband of war during our military occupation of them, and duties on tonnage and imports will be levied and collected through the agency of our military and naval officers in command at such ports, acting under orders from the War and Navy Departments.

I transmit to you herewith, for your information and guidance, a copy of a communication addressed by me to the Secretary of the Treasury on the 23d instant, instructing him to examine the existing Mexican tariff and to report to me, for my consideration, a scale of duties which he would recommend to be levied on tonnage and imports in such conquered ports, together with such regulations as he would propose as necessary and proper in order to carry this policy into effect; and also a copy of the report of the Secretary of the Treasury made on the 30th instant in answer to my communication to him. The scale of duties and the regulations for their collection as military contributions exacted from the enemy, recommended by the Secretary of the Treasury in this report, have been approved by me.

You will, after consulting with the Secretary of the Navy, so as to secure concert of action between the War and Navy Departments, issue the necessary orders to carry the measure proposed into immediate effect.

JAMES K. POLK.

[Footnote 15: Addressed to the Secretaries of War and of the Navy.]

TREASURY DEPARTMENT, *June 10, 1847.*

The PRESIDENT.

SIR: In compliance with your directions, I have examined the questions presented by the Secretary of War in regard to the military contributions proposed to be levied in Mexico under the tariff and regulations sanctioned by you on the 31st of March last, and respectfully recommend the following modifications, namely:

First. On all manufactures of cotton, or of cotton mixed with any other material except wool, worsted, and silk, in the piece or in any other form, a duty, as a military contribution, of 30 per cent *ad valorem*.

Second. When goods on which the duties are levied by weight are imported into said ports in the package, the duties shall be collected on the net weight only; and in all cases an allowance shall be made for all deficiencies, leakage, breakage, or damage proved to have actually occurred during the voyage of importation, and made known before the goods are warehoused.

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Third. The period named in the eighth of said regulations during which the goods may remain in warehouse before the payment of duties is extended from thirty to ninety days, and within said period of ninety days any portion of the said goods on which the duties, as a military contribution, have been paid may be taken, after such payment, from the warehouse and entered free of any further duty at any other port or ports of Mexico in our military possession, the facts of the case, with a particular description of said goods and a statement that the duties thereon have been paid, being certified by the proper officer of the port or ports of reshipment.

Fourth. It is intended to provide by the treaty of peace that all goods imported during the war into any of the Mexican ports in our military possession shall be exempt from any new import duty or confiscation by Mexico in the same manner as if said goods had been imported and paid the import duties prescribed by the Government of Mexico.

Most respectfully, your obedient servant,

R.J. WALKER,  
*Secretary of the Treasury.*

**JUNE 11, 1847.**

The modifications as above recommended by the Secretary of the Treasury are approved by me, and the Secretary of War and the Secretary of the Navy will give the proper orders to carry them into effect.

JAMES K. POLK.

TREASURY DEPARTMENT, *November 5, 1847.*

The PRESIDENT.

SIR: The military contributions in the form of duties upon imports into Mexican ports have been levied by the Departments of War and of the Navy during the last six months under your order of the 31st of March last, and in view of the experience of the practical operation of the system I respectfully recommend the following modifications in some of its details, which will largely augment the revenue:

That the duty on silk, flax, hemp or grass, cotton, wool, worsted or any manufactures of the same, or of either or mixtures thereof; coffee, teas, sugar, molasses, tobacco and all manufactures thereof, including cigars and cigarritos; glass, china, and stoneware, iron and steel and all manufactures of either not prohibited, be 30 per cent *ad valorem*; on copper and all manufactures thereof, tallow, tallow candles, soap, fish, beef, pork, hams, bacon, tongues, butter, lard, cheese, rice, Indian corn and meal, potatoes, wheat, rye, oats, and all other grain, rye meal and oat meal, flour, whale and sperm oil, clocks,



boots and shoes, pumps, bootees and slippers, bonnets, hats, caps, beer, ale, porter, cider, timber, boards, planks, scantling, shingles, laths, pitch, tar, rosin, turpentine, spirits of turpentine, vinegar, apples, ship bread, hides, leather and manufactures thereof, and paper of all kinds, 20 per cent *ad valorem*; and these reduced rates shall also apply to all goods on which the duties are not paid remaining not exceeding ninety days in deposit in the Mexican ports, introduced under previous regulations enforcing military contributions.

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Yours, most respectfully,

R.J. WALKER,  
*Secretary of the Treasury.*

### NOVEMBER 6, 1847.

The modifications as above recommended by the Secretary of the Treasury are approved by me, and the Secretary of War and the Secretary of the Navy will give the proper orders to carry them into effect.

JAMES K. POLK.

TREASURY DEPARTMENT, *November 16, 1847.*

The PRESIDENT.

SIR: With a view to augment the military contributions now collected by the Departments of War and of the Navy under your order of the 31st of March last, I recommend that the export duty exacted before the war by the Government of Mexico be now collected at the port of exportation by the same officers of the Army or Navy of the United States in the Mexican ports in our possession who are authorized to collect the import duties, abolishing, however, the prohibition of export established in certain cases by the Mexican Government, as also all interior transit duties; dispensing also with the necessity of any certificate of having paid any duty to the Mexican Government.

The export duty would then be as follows:

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Per cent.

|  |   |
|--|---|
| Gold, coined or wrought  | 3 |
| Silver, coined   | 6 |
| Silver, wrought, with or without certificate<br>of having paid any duty to the Mexican Government                        | 7 |
| Silver, refined or pure, wrought in ingots,<br>with or without certificate of having paid<br>the Mexican Government duty | 7 |
| Gold, unwrought or in a state of ore or dust   | 3 |
| Silver, unwrought or in a state of ore   | 7 |

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Where gold or silver in any form is taken from any interior Mexican city in our military possession, the export duty must be paid there to the officer of the United States commanding, and his certificate of such prepayment must be produced at the Mexican port of exportation; otherwise a double duty will be collected upon the arrival of such gold or silver at the Mexican port of exportation. Whenever it is practicable, all internal taxes of every description, whether upon persons or property, exacted by the Government of Mexico, or by any department, town, or city thereof, should be collected by our military officers in possession and appropriated as a military contribution toward defraying the expenses of the war, excluding however, all duties on the transit of goods from one department to another, which duties, being prejudicial to revenue and restrictive of the exchange of imports for exports, were abolished by your order of the 31st of March last.

Yours, most respectfully,

R.J. WALKER  
*Secretary of the Treasury.*

**NOVEMBER 16, 1847.**

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The modifications and military contributions as above recommended by the Secretary of the Treasury are approved by me, and the Secretary of War and the Secretary of the Navy will give the proper orders to carry them into effect.

JAMES K. POLK.

### THIRD ANNUAL MESSAGE.

WASHINGTON, *December 7, 1847.*

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

The annual meeting of Congress is always an interesting event. The representatives of the States and of the people come fresh from their constituents to take counsel together for the common good.

After an existence of near three-fourths of a century as a free and independent Republic, the problem no longer remains to be solved whether man is capable of self-government. The success of our admirable system is a conclusive refutation of the theories of those in other countries who maintain that a "favored few" are born to rule and that the mass of mankind must be governed by force. Subject to no arbitrary or hereditary authority, the people are the only sovereigns recognized by our Constitution.

Numerous emigrants, of every lineage and language, attracted by the civil and religious freedom we enjoy and by our happy condition, annually crowd to our shores, and transfer their heart, not less than their allegiance, to the country whose dominion belongs alone to the people.

No country has been so much favored, or should acknowledge with deeper reverence the manifestations of the divine protection. An all-wise Creator directed and guarded us in our infant struggle for freedom and has constantly watched over our surprising progress until we have become one of the great nations of the earth.

It is in a country thus favored, and under a Government in which the executive and legislative branches hold their authority for limited periods alike from the people, and where all are responsible to their respective constituencies, that it is again my duty to communicate with Congress upon the state of the Union and the present condition of public affairs.

During the past year the most gratifying proofs are presented that our country has been blessed with a widespread and universal prosperity. There has been no period since the Government was founded when all the industrial pursuits of our people have been more successful or when labor in all branches of business has received a fairer or better



reward. From our abundance we have been enabled to perform the pleasing duty of furnishing food for the starving millions of less favored countries.

In the enjoyment of the bounties of Providence at home such as have rarely fallen to the lot of any people, it is cause of congratulation that our intercourse with all the powers of the earth except Mexico continues to be of an amicable character.

It has ever been our cherished policy to cultivate peace and good will with all nations, and this policy has been steadily pursued by me.

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No change has taken place in our relations with Mexico since the adjournment of the last Congress. The war in which the United States were forced to engage with the Government of that country still continues.

I deem it unnecessary, after the full exposition of them contained in my message of the 11th of May, 1846, and in my annual message at the commencement of the session of Congress in December last, to reiterate the serious causes of complaint which we had against Mexico before she commenced hostilities.

It is sufficient on the present occasion to say that the wanton violation of the rights of person and property of our citizens committed by Mexico, her repeated acts of bad faith through a long series of years, and her disregard of solemn treaties stipulating for indemnity to our injured citizens not only constituted ample cause of war on our part, but were of such an aggravated character as would have justified us before the whole world in resorting to this extreme remedy. With an anxious desire to avoid a rupture between the two countries, we forbore for years to assert our clear rights by force, and continued to seek redress for the wrongs we had suffered by amicable negotiation in the hope that Mexico might yield to pacific counsels and the demands of justice. In this hope we were disappointed. Our minister of peace sent to Mexico was insultingly rejected. The Mexican Government refused even to hear the terms of adjustment which he was authorized to propose, and finally, under wholly unjustifiable pretexts, involved the two countries in war by invading the territory of the State of Texas, striking the first blow, and shedding the blood of our citizens on our own soil.

Though the United States were the aggrieved nation, Mexico commenced the war, and we were compelled in self-defense to repel the invader and to vindicate the national honor and interests by prosecuting it with vigor until we could obtain a just and honorable peace.

On learning that hostilities had been commenced by Mexico I promptly communicated that fact, accompanied with a succinct statement of our other causes of complaint against Mexico, to Congress, and that body, by the act of the 13th of May, 1846, declared that "by the act of the Republic of Mexico a state of war exists between that Government and the United States." This act declaring "the war to exist by the act of the Republic of Mexico," and making provision for its prosecution "to a speedy and successful termination," was passed with great unanimity by Congress, there being but two negative votes in the Senate and but fourteen in the House of Representatives.

The existence of the war having thus been declared by Congress, it became my duty under the Constitution and the laws to conduct and prosecute it. This duty has been performed, and though at every stage of its progress I have manifested a willingness to terminate it by a just peace, Mexico has refused to accede to any terms which could be accepted by the United States consistently with the national honor and interest.

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The rapid and brilliant successes of our arms and the vast extent of the enemy's territory which had been overrun and conquered before the close of the last session of Congress were fully known to that body. Since that time the war has been prosecuted with increased energy, and, I am gratified to state, with a success which commands universal admiration. History presents no parallel of so many glorious victories achieved by any nation within so short a period. Our Army, regulars and volunteers, have covered themselves with imperishable honors. Whenever and wherever our forces have encountered the enemy, though he was in vastly superior numbers and often intrenched in fortified positions of his own selection and of great strength, he has been defeated. Too much praise can not be bestowed upon our officers and men, regulars and volunteers, for their gallantry, discipline, indomitable courage, and perseverance, all seeking the post of danger and vying with each other in deeds of noble daring.

While every patriot's heart must exult and a just national pride animate every bosom in beholding the high proofs of courage, consummate military skill, steady discipline, and humanity to the vanquished enemy exhibited by our gallant Army, the nation is called to mourn over the loss of many brave officers and soldiers, who have fallen in defense of their country's honor and interests. The brave dead met their melancholy fate in a foreign land, nobly discharging their duty, and with their country's flag waving triumphantly in the face of the foe. Their patriotic deeds are justly appreciated, and will long be remembered by their grateful countrymen. The parental care of the Government they loved and served should be extended to their surviving families.

Shortly after the adjournment of the last session of Congress the gratifying intelligence was received of the signal victory of Buena Vista, and of the fall of the city of Vera Cruz, and with it the strong castle of San Juan de Ulloa, by which it was defended. Believing that after these and other successes so honorable to our arms and so disastrous to Mexico the period was propitious to afford her another opportunity, if she thought proper to embrace it, to enter into negotiations for peace, a commissioner was appointed to proceed to the headquarters of our Army with full powers to enter upon negotiations and to conclude a just and honorable treaty of peace. He was not directed to make any new overtures of peace, but was the bearer of a dispatch from the Secretary of State of the United States to the minister of foreign affairs of Mexico, in reply to one received from the latter of the 22d of February, 1847, in which the Mexican Government was informed of his appointment and of his presence at the headquarters of our Army, and that he was invested with full powers to conclude a definitive treaty of peace whenever the Mexican Government might signify a desire to do so. While I was unwilling to subject the United States to another indignant refusal, I was yet resolved that the evils of the war should not be protracted a day longer than might be rendered absolutely necessary by the Mexican Government.

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Care was taken to give no instructions to the commissioner which could in any way interfere with our military operations or relax our energies in the prosecution of the war. He possessed no authority in any manner to control these operations. He was authorized to exhibit his instructions to the general in command of the Army, and in the event of a treaty being concluded and ratified on the part of Mexico he was directed to give him notice of that fact. On the happening of such contingency, and on receiving notice thereof, the general in command was instructed by the Secretary of War to suspend further active military operations until further orders. These instructions were given with a view to intermit hostilities until the treaty thus ratified by Mexico could be transmitted to Washington and receive the action of the Government of the United States. The commissioner was also directed on reaching the Army to deliver to the general in command the dispatch which he bore from the Secretary of State to the minister of foreign affairs of Mexico, and on receiving it the general was instructed by the Secretary of War to cause it to be transmitted to the commander of the Mexican forces, with a request that it might be communicated to his Government.

The commissioner did not reach the headquarters of the Army until after another brilliant victory had crowned our arms at Cerro Gordo.

The dispatch which he bore from the Secretary of War to the general in command of the Army was received by that officer, then at Jalapa, on the 7th of May, 1847, together with the dispatch from the Secretary of State to the minister of foreign affairs of Mexico, having been transmitted to him from Vera Cruz. The commissioner arrived at the headquarters of the Army a few days afterwards. His presence with the Army and his diplomatic character were made known to the Mexican Government from Puebla on the 12th of June, 1847, by the transmission of the dispatch from the Secretary of State to the minister of foreign affairs of Mexico.

Many weeks elapsed after its receipt, and no overtures were made nor was any desire expressed by the Mexican Government to enter into negotiations for peace.

Our Army pursued its march upon the capital, and as it approached it was met by formidable resistance. Our forces first encountered the enemy, and achieved signal victories in the severely contested battles of Contreras and Churubusco. It was not until after these actions had resulted in decisive victories and the capital of the enemy was within our power that the Mexican Government manifested any disposition to enter into negotiations for peace, and even then, as events have proved, there is too much reason to believe they were insincere, and that in agreeing to go through the forms of negotiation the object was to gain time to strengthen the defenses of their capital and to prepare for fresh resistance.

The general in command of the Army deemed it expedient to suspend hostilities temporarily by entering into an armistice with a view to the opening of negotiations. Commissioners were appointed on the part of Mexico to meet the commissioner on the

part of the United States. The result of the conferences which took place between these functionaries of the two Governments was a failure to conclude a treaty of peace.

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The commissioner of the United States took with him the project of a treaty already prepared, by the terms of which the indemnity required by the United States was a cession of territory.

It is well known that the only indemnity which it is in the power of Mexico to make in satisfaction of the just and long-deferred claims of our citizens against her and the only means by which she can reimburse the United States for the expenses of the war is a cession to the United States of a portion of her territory. Mexico has no money to pay, and no other means of making the required indemnity. If we refuse this, we can obtain nothing else. To reject indemnity by refusing to accept a cession of territory would be to abandon all our just demands, and to wage the war, bearing all its expenses, without a purpose or definite object.

A state of war abrogates treaties previously existing between the belligerents and a treaty of peace puts an end to all claims for indemnity for tortious acts committed under the authority of one government against the citizens or subjects of another unless they are provided for in its stipulations. A treaty of peace which would terminate the existing war without providing for indemnity would enable Mexico, the acknowledged debtor and herself the aggressor in the war, to relieve herself from her just liabilities. By such a treaty our citizens who hold just demands against her would have no remedy either against Mexico or their own Government. Our duty to these citizens must forever prevent such a peace, and no treaty which does not provide ample means of discharging these demands can receive my sanction.

A treaty of peace should settle all existing differences between the two countries. If an adequate cession of territory should be made by such a treaty, the United States should release Mexico from all her liabilities and assume their payment to our own citizens. If instead of this the United States were to consent to a treaty by which Mexico should again engage to pay the heavy amount of indebtedness which a just indemnity to our Government and our citizens would impose on her, it is notorious that she does not possess the means to meet such an undertaking. From such a treaty no result could be anticipated but the same irritating disappointments which have heretofore attended the violations of similar treaty stipulations on the part of Mexico. Such a treaty would be but a temporary cessation of hostilities, without the restoration of the friendship and good understanding which should characterize the future intercourse between the two countries.

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That Congress contemplated the acquisition of territorial indemnity when that body made provision for the prosecution of the war is obvious. Congress could not have meant when, in May, 1846, they appropriated \$10,000,000 and authorized the President to employ the militia and naval and military forces of the United States and to accept the services of 50,000 volunteers to enable him to prosecute the war, and when, at their last session, and after our Army had invaded Mexico, they made additional appropriations and authorized the raising of additional troops for the same purpose, that no indemnity was to be obtained from Mexico at the conclusion of the war; and yet it was certain that if no Mexican territory was acquired no indemnity could be obtained. It is further manifest that Congress contemplated territorial indemnity from the fact that at their last session an act was passed, upon the Executive recommendation, appropriating \$3,000,000 with that express object. This appropriation was made "to enable the President to conclude a treaty of peace, limits, and boundaries with the Republic of Mexico, to be used by him in the event that said treaty, when signed by the authorized agents of the two Governments and duly ratified by Mexico, shall call for the expenditure of the same or any part thereof." The object of asking this appropriation was distinctly stated in the several messages on the subject which I communicated to Congress. Similar appropriations made in 1803 and 1806, which were referred to, were intended to be applied in part consideration for the cession of Louisiana and the Floridas. In like manner it was anticipated that in settling the terms of a treaty of "limits and boundaries" with Mexico a cession of territory estimated to be of greater value than the amount of our demands against her might be obtained, and that the prompt payment of this sum in part consideration for the territory ceded, on the conclusion of a treaty and its ratification on her part, might be an inducement with her to make such a cession of territory as would be satisfactory to the United States; and although the failure to conclude such a treaty has rendered it unnecessary to use any part of the \$3,000,000 appropriated by that act, and the entire sum remains in the Treasury, it is still applicable to that object should the contingency occur making such application proper.

The doctrine of no territory is the doctrine of no indemnity, and if sanctioned would be a public acknowledgment that our country was wrong and that the war declared by Congress with extraordinary unanimity was unjust and should be abandoned—an admission unfounded in fact and degrading to the national character.

The terms of the treaty proposed by the United States were not only just to Mexico, but, considering the character and amount of our claims, the unjustifiable and unprovoked commencement of hostilities by her, the expenses of the war to which we have been subjected, and the success which had attended our arms, were deemed to be of a most liberal character.

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The commissioner of the United States was authorized to agree to the establishment of the Rio Grande as the boundary from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in north latitude about 32 deg., and to obtain a cession to the United States of the Provinces of New Mexico and the Californias and the privilege of the right of way across the Isthmus of Tehuantepec. The boundary of the Rio Grande and the cession to the United States of New Mexico and Upper California constituted an ultimatum which our commissioner was under no circumstances to yield.

That it might be manifest, not only to Mexico, but to all other nations, that the United States were not disposed to take advantage of a feeble power by insisting upon wresting from her all the other Provinces, including many of her principal towns and cities, which we had conquered and held in our military occupation, but were willing to conclude a treaty in a spirit of liberality, our commissioner was authorized to stipulate for the restoration to Mexico of all our other conquests.

As the territory to be acquired by the boundary proposed might be estimated to be of greater value than a fair equivalent for our just demands, our commissioner was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed reasonable.

The terms of a treaty proposed by the Mexican commissioners were wholly inadmissible. They negotiated as if Mexico were the victorious, and not the vanquished, party. They must have known that their ultimatum could never be accepted. It required the United States to dismember Texas by surrendering to Mexico that part of the territory of that State lying between the Nueces and the Rio Grande, included within her limits by her laws when she was an independent republic, and when she was annexed to the United States and admitted by Congress as one of the States of our Union. It contained no provision for the payment by Mexico of the just claims of our citizens. It required indemnity to Mexican citizens for injuries they may have sustained by our troops in the prosecution of the war. It demanded the right for Mexico to levy and collect the Mexican tariff of duties on goods imported into her ports while in our military occupation during the war, and the owners of which had paid to officers of the United States the military contributions which had been levied upon them; and it offered to cede to the United States, for a pecuniary consideration, that part of Upper California lying north of latitude 37 deg.. Such were the unreasonable terms proposed by the Mexican commissioners.

The cession to the United States by Mexico of the Provinces of New Mexico and the Californias, as proposed by the commissioner of the United States, it was believed would be more in accordance with the convenience and interests of both nations than any other cession of territory which it was probable Mexico could be induced to make.



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It is manifest to all who have observed the actual condition of the Mexican Government for some years past and at present that if these Provinces should be retained by her she could not long continue to hold and govern them. Mexico is too feeble a power to govern these Provinces, lying as they do at a distance of more than 1,000 miles from her capital, and if attempted to be retained by her they would constitute but for a short time even nominally a part of her dominions. This would be especially the case with Upper California.

The sagacity of powerful European nations has long since directed their attention to the commercial importance of that Province, and there can be little doubt that the moment the United States shall relinquish their present occupation of it and their claim to it as indemnity an effort would be made by some foreign power to possess it, either by conquest or by purchase. If no foreign government should acquire it in either of these modes, an independent revolutionary government would probably be established by the inhabitants and such foreigners as may remain in or remove to the country as soon as it shall be known that the United States have abandoned it. Such a government would be too feeble long to maintain its separate independent existence, and would finally become annexed to or be a dependent colony of some more powerful state.

Should any foreign government attempt to possess it as a colony, or otherwise to incorporate it with itself, the principle avowed by President Monroe in 1824, and reaffirmed in my first annual message, that no foreign power shall with our consent be permitted to plant or establish any new colony or dominion on any part of the North American continent must be maintained. In maintaining this principle and in resisting its invasion by any foreign power we might be involved in other wars more expensive and more difficult than that in which we are now engaged.

The Provinces of New Mexico and the Californias are contiguous to the territories of the United States, and if brought under the government of our laws their resources—mineral, agricultural, manufacturing, and commercial—would soon be developed.

Upper California is bounded on the north by our Oregon possessions, and if held by the United States would soon be settled by a hardy, enterprising, and intelligent portion of our population. The Bay of San Francisco and other harbors along the Californian coast would afford shelter for our Navy, for our numerous whale ships, and other merchant vessels employed in the Pacific Ocean, and would in a short period become the marts of an extensive and profitable commerce with China and other countries of the East.

These advantages, in which the whole commercial world would participate, would at once be secured to the United States by the cession of this territory; while it is certain that as long as it remains a part of the Mexican dominions they can be enjoyed neither by Mexico herself nor by any other nation.

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New Mexico is a frontier Province, and has never been of any considerable value to Mexico. From its locality it is naturally connected with our Western settlements. The territorial limits of the State of Texas, too, as defined by her laws before her admission into our Union, embrace all that portion of New Mexico lying east of the Rio Grande, while Mexico still claims to hold this territory as a part of her dominions. The adjustment of this question of boundary is important.

There is another consideration which induced the belief that the Mexican Government might even desire to place this Province under the protection of the Government of the United States. Numerous bands of fierce and warlike savages wander over it and upon its borders. Mexico has been and must continue to be too feeble to restrain them from committing depredations, robberies, and murders, not only upon the inhabitants of New Mexico itself, but upon those of the other northern States of Mexico. It would be a blessing to all these northern States to have their citizens protected against them by the power of the United States. At this moment many Mexicans, principally females and children, are in captivity among them. If New Mexico were held and governed by the United States, we could effectually prevent these tribes from committing such outrages, and compel them to release these captives and restore them to their families and friends.

In proposing to acquire New Mexico and the Californias, it was known that but an inconsiderable portion of the Mexican people would be transferred with them, the country embraced within these Provinces being chiefly an uninhabited region.

These were the leading considerations which induced me to authorize the terms of peace which were proposed to Mexico. They were rejected, and, negotiations being at an end, hostilities were renewed. An assault was made by our gallant Army upon the strongly fortified places near the gates of the City of Mexico and upon the city itself, and after several days of severe conflict the Mexican forces, vastly superior in number to our own, were driven from the city, and it was occupied by our troops.

Immediately after information was received of the unfavorable result of the negotiations, believing that his continued presence with the Army could be productive of no good, I determined to recall our commissioner. A dispatch to this effect was transmitted to him on the 6th of October last. The Mexican Government will be informed of his recall, and that in the existing state of things I shall not deem it proper to make any further overtures of peace, but shall be at all times ready to receive and consider any proposals which may be made by Mexico.

Since the liberal proposition of the United States was authorized to be made, in April last, large expenditures have been incurred and the precious blood of many of our patriotic fellow-citizens has been shed in the prosecution of the war. This consideration and the obstinate perseverance of Mexico in protracting the war must influence the terms of peace which it may be deemed proper hereafter to accept.

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Our arms having been everywhere victorious, having subjected to our military occupation a large portion of the enemy's country, including his capital, and negotiations for peace having failed, the important questions arise, in what manner the war ought to be prosecuted and what should be our future policy. I can not doubt that we should secure and render available the conquests which we have already made, and that with this view we should hold and occupy by our naval and military forces all the ports, towns, cities, and Provinces now in our occupation or which may hereafter fall into our possession; that we should press forward our military operations and levy such military contributions on the enemy as may, as far as practicable, defray the future expenses of the war.

Had the Government of Mexico acceded to the equitable and liberal terms proposed, that mode of adjustment would have been preferred. Mexico having declined to do this and failed to offer any other terms which could be accepted by the United States, the national honor, no less than the public interests, requires that the war should be prosecuted with increased energy and power until a just and satisfactory peace can be obtained. In the meantime, as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves by appropriating permanently a portion of her territory. Early after the commencement of the war New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

These Provinces are now in our undisputed occupation, and have been so for many months, all resistance on the part of Mexico having ceased within their limits. I am satisfied that they should never be surrendered to Mexico. Should Congress concur with me in this opinion, and that they should be retained by the United States as indemnity, I can perceive no good reason why the civil jurisdiction and laws of the United States should not at once be extended over them. To wait for a treaty of peace such as we are willing to make, by which our relations toward them would not be changed, can not be good policy; whilst our own interest and that of the people inhabiting them require that a stable, responsible, and free government under our authority should as soon as possible be established over them. Should Congress, therefore, determine to hold these Provinces permanently, and that they shall hereafter be considered as constituent parts of our country, the early establishment of Territorial governments over them will be important for the more perfect protection of persons and property; and I recommend that such Territorial governments be established. It will promote peace and tranquillity among the inhabitants, by allaying all apprehension that they may still entertain of being again subjected to the jurisdiction of Mexico. I invite the early and favorable consideration of Congress to this important subject.

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Besides New Mexico and the Californias, there are other Mexican Provinces which have been reduced to our possession by conquest. These other Mexican Provinces are now governed by our military and naval commanders under the general authority which is conferred upon a conqueror by the laws of war. They should continue to be held, as a means of coercing Mexico to accede to just terms of peace. Civil as well as military officers are required to conduct such a government. Adequate compensation, to be drawn from contributions levied on the enemy, should be fixed by law for such officers as may be thus employed. What further provision may become necessary and what final disposition it may be proper to make of them must depend on the future progress of the war and the course which Mexico may think proper hereafter to pursue.

With the views I entertain I can not favor the policy which has been suggested, either to withdraw our Army altogether or to retire to a designated line and simply hold and defend it. To withdraw our Army altogether from the conquests they have made by deeds of unparalleled bravery, and at the expense of so much blood and treasure, in a just war on our part, and one which, by the act of the enemy, we could not honorably have avoided, would be to degrade the nation in its own estimation and in that of the world. To retire to a line and simply hold and defend it would not terminate the war. On the contrary, it would encourage Mexico to persevere and tend to protract it indefinitely. It is not to be expected that Mexico, after refusing to establish such a line as a permanent boundary when our victorious Army are in possession of her capital and in the heart of her country, would permit us to hold it without resistance. That she would continue the war, and in the most harassing and annoying forms, there can be no doubt. A border warfare of the most savage character, extending over a long line, would be unceasingly waged. It would require a large army to be kept constantly in the field, stationed at posts and garrisons along such a line, to protect and defend it. The enemy, relieved from the pressure of our arms on his coasts and in the populous parts of the interior, would direct his attention to this line, and, selecting an isolated post for attack, would concentrate his forces upon it. This would be a condition of affairs which the Mexicans, pursuing their favorite system of guerrilla warfare, would probably prefer to any other. Were we to assume a defensive attitude on such a line, all the advantages of such a state of war would be on the side of the enemy. We could levy no contributions upon him, or in any other way make him feel the pressure of the war, but must remain inactive and await his approach, being in constant uncertainty at what point on the line or at what time he might make an assault. He may assemble and organize an overwhelming force in the interior on his own side of the line, and, concealing his purpose, make a sudden assault upon

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some one of our posts so distant from any other as to prevent the possibility of timely succor or reinforcements, and in this way our gallant Army would be exposed to the danger of being cut off in detail; or if by their unequalled bravery and prowess everywhere exhibited during this war they should repulse the enemy, their numbers stationed at any one post may be too small to pursue him. If the enemy be repulsed in one attack, he would have nothing to do but to retreat to his own side of the line, and, being in no fear of a pursuing army, may reenforce himself at leisure for another attack on the same or some other post. He may, too, cross the line between our posts, make rapid incursions into the country which we hold, murder the inhabitants, commit depredations on them, and then retreat to the interior before a sufficient force can be concentrated to pursue him. Such would probably be the harassing character of a mere defensive war on our part. If our forces when attacked, or threatened with attack, be permitted to cross the line, drive back the enemy, and conquer him, this would be again to invade the enemy's country after having lost all the advantages of the conquests we have already made by having voluntarily abandoned them.

To hold such a line successfully and in security it is far from being certain that it would not require as large an army as would be necessary to hold all the conquests we have already made and to continue the prosecution of the war in the heart of the enemy's country. It is also far from being certain that the expenses of the war would be diminished by such a policy.

I am persuaded that the best means of vindicating the national honor and interest and of bringing the war to an honorable close will be to prosecute it with increased energy and power in the vital parts of the enemy's country.

In my annual message to Congress of December last I declared that—

The war has not been waged with a view to conquest, but, having been commenced by Mexico, it has been carried into the enemy's country and will be vigorously prosecuted there with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico.

Such, in my judgment, continues to be our true policy; indeed, the only policy which will probably secure a permanent peace.

It has never been contemplated by me, as an object of the war, to make a permanent conquest of the Republic of Mexico or to annihilate her separate existence as an independent nation. On the contrary, it has ever been my desire that she should maintain her nationality, and under a good government adapted to her condition be a free, independent, and prosperous Republic. The United States were the first among

the nations to recognize her independence, and have always desired to be on terms of amity and good neighborhood

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with her. This she would not suffer. By her own conduct we have been compelled to engage in the present war. In its prosecution we seek not her overthrow as a nation, but in vindicating our national honor we seek to obtain redress for the wrongs she has done us and indemnity for our just demands against her. We demand an honorable peace, and that peace must bring with it indemnity for the past and security for the future. Hitherto Mexico has refused all accommodation by which such a peace could be obtained.

Whilst our armies have advanced from victory to victory from the commencement of the war, it has always been with the olive branch of peace in their hands, and it has been in the power of Mexico at every step to arrest hostilities by accepting it.

One great obstacle to the attainment of peace has undoubtedly arisen from the fact that Mexico has been so long held in subjection by one faction or military usurper after another, and such has been the condition of insecurity in which their successive governments have been placed that each has been deterred from making peace lest for this very cause a rival faction might expel it from power. Such was the fate of President Herrera's administration in 1845 for being disposed even to listen to the overtures of the United States to prevent the war, as is fully confirmed by an official correspondence which took place in the month of August last between him and his Government, a copy of which is herewith communicated. "For this cause alone the revolution which displaced him from power was set on foot" by General Paredes. Such may be the condition of insecurity of the present Government.

There can be no doubt that the peaceable and well-disposed inhabitants of Mexico are convinced that it is the true interest of their country to conclude an honorable peace with the United States, but the apprehension of becoming the victims of some military faction or usurper may have prevented them from manifesting their feelings by any public act. The removal of any such apprehension would probably cause them to speak their sentiments freely and to adopt the measures necessary for the restoration of peace. With a people distracted and divided by contending factions and a Government subject to constant changes by successive revolutions, the continued successes of our arms may fail to secure a satisfactory peace. In such event it may become proper for our commanding generals in the field to give encouragement and assurances of protection to the friends of peace in Mexico in the establishment and maintenance of a free republican government of their own choice, able and willing to conclude a peace which would be just to them and secure to us the indemnity we demand. This may become the only mode of obtaining such a peace. Should such be the result, the war which Mexico has forced upon us would thus be converted into an enduring blessing to herself. After finding her torn and distracted by factions, and ruled by military usurpers, we should then leave her with a republican government in the enjoyment of real independence and domestic peace and prosperity, performing all her relative duties in

the great family of nations and promoting her own happiness by wise laws and their faithful execution.



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If, after affording this encouragement and protection, and after all the persevering and sincere efforts we have made from the moment Mexico commenced the war, and prior to that time, to adjust our differences with her, we shall ultimately fail, then we shall have exhausted all honorable means in pursuit of peace, and must continue to occupy her country with our troops, taking the full measure of indemnity into our own hands, and must enforce the terms which our honor demands.

To act otherwise in the existing state of things in Mexico, and to withdraw our Army without a peace, would not only leave all the wrongs of which we complain unredressed, but would be the signal for new and fierce civil dissensions and new revolutions—all alike hostile to peaceful relations with the United States. Besides, there is danger, if our troops were withdrawn before a peace was concluded, that the Mexican people, wearied with successive revolutions and deprived of protection for their persons and property, might at length be inclined to yield to foreign influences and to cast themselves into the arms of some European monarch for protection from the anarchy and suffering which would ensue. This, for our own safety and in pursuance of our established policy, we should be compelled to resist. We could never consent that Mexico should be thus converted into a monarchy governed by a foreign prince.

Mexico is our near neighbor, and her boundaries are coterminous with our own through the whole extent across the North American continent, from ocean to ocean. Both politically and commercially we have the deepest interest in her regeneration and prosperity. Indeed, it is impossible that, with any just regard to our own safety, we can ever become indifferent to her fate.

It may be that the Mexican Government and people have misconstrued or misunderstood our forbearance and our objects in desiring to conclude an amicable adjustment of the existing differences between the two countries. They may have supposed that we would submit to terms degrading to the nation, or they may have drawn false inferences from the supposed division of opinion in the United States on the subject of the war, and may have calculated to gain much by protracting it, and, indeed, that we might ultimately abandon it altogether without insisting on any indemnity, territorial or otherwise. Whatever may be the false impressions under which they have acted, the adoption and prosecution of the energetic policy proposed must soon undeceive them.

In the future prosecution of the war the enemy must be made to feel its pressure more than they have heretofore done. At its commencement it was deemed proper to conduct it in a spirit of forbearance and liberality. With this end in view, early measures were adopted to conciliate, as far as a state of war would permit, the mass of the Mexican population; to convince them that the war was waged, not against the peaceful inhabitants

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of Mexico, but against their faithless Government, which had commenced hostilities; to remove from their minds the false impressions which their designing and interested rulers had artfully attempted to make, that the war on our part was one of conquest, that it was a war against their religion and their churches, which were to be desecrated and overthrown, and that their rights of person and private property would be violated. To remove these false impressions, our commanders in the field were directed scrupulously to respect their religion, their churches, and their church property, which were in no manner to be violated; they were directed also to respect the rights of persons and property of all who should not take up arms against us.

Assurances to this effect were given to the Mexican people by Major-General Taylor in a proclamation issued in pursuance of instructions from the Secretary of War in the month of June, 1846, and again by Major-General Scott, who acted upon his own convictions of the propriety of issuing it, in a proclamation of the 11th of May, 1847. In this spirit of liberality and conciliation, and with a view to prevent the body of the Mexican population from taking up arms against us, was the war conducted on our part. Provisions and other supplies furnished to our Army by Mexican citizens were paid for at fair and liberal prices, agreed upon by the parties. After the lapse of a few months it became apparent that these assurances and this mild treatment had failed to produce the desired effect upon the Mexican population. While the war had been conducted on our part according to the most humane and liberal principles observed by civilized nations, it was waged in a far different spirit on the part of Mexico. Not appreciating our forbearance, the Mexican people generally became hostile to the United States, and availed themselves of every opportunity to commit the most savage excesses upon our troops. Large numbers of the population took up arms, and, engaging in guerrilla warfare, robbed and murdered in the most cruel manner individual soldiers or small parties whom accident or other causes had separated from the main body of our Army; bands of guerrilleros and robbers infested the roads, harassed our trains, and whenever it was in their power cut off our supplies.

The Mexicans having thus shown themselves to be wholly incapable of appreciating our forbearance and liberality, it was deemed proper to change the manner of conducting the war, by making them feel its pressure according to the usages observed under similar circumstances by all other civilized nations.

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Accordingly, as early as the 22d of September, 1846, instructions were given by the Secretary of War to Major-General Taylor to "draw supplies" for our Army "from the enemy without paying for them, and to require contributions for its support, if in that way he was satisfied he could get abundant supplies for his forces." In directing the execution of these instructions much was necessarily left to the discretion of the commanding officer, who was best acquainted with the circumstances by which he was surrounded, the wants of the Army, and the practicability of enforcing the measure. General Taylor, on the 26th of October, 1846, replied from Monterey that "it would have been impossible hitherto, and is so now, to sustain the Army to any extent by forced contributions of money or supplies." For the reasons assigned by him, he did not adopt the policy of his instructions, but declared his readiness to do so "should the Army in its future operations reach a portion of the country which may be made to supply the troops with advantage." He continued to pay for the articles of supply which were drawn from the enemy's country.

Similar instructions were issued to Major-General Scott on the 3d of April, 1847, who replied from Jalapa on the 20th of May, 1847, that if it be expected "that the Army is to support itself by forced contributions levied upon the country we may ruin and exasperate the inhabitants and starve ourselves." The same discretion was given to him that had been to General Taylor in this respect. General Scott, for the reasons assigned by him, also continued to pay for the articles of supply for the Army which were drawn from the enemy.

After the Army had reached the heart of the most wealthy portion of Mexico it was supposed that the obstacles which had before that time prevented it would not be such as to render impracticable the levy of forced contributions for its support, and on the 1st of September and again on the 6th of October, 1847, the order was repeated in dispatches addressed by the Secretary of War to General Scott, and his attention was again called to the importance of making the enemy bear the burdens of the war by requiring them to furnish the means of supporting our Army, and he was directed to adopt this policy unless by doing so there was danger of depriving the Army of the necessary supplies. Copies of these dispatches were forwarded to General Taylor for his government.

On the 31st of March last I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions toward defraying the expenses of the war. By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports or permit it upon such terms and conditions as he may prescribe.

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Before the principal ports of Mexico were blockaded by our Navy the revenue derived from import duties under the laws of Mexico was paid into the Mexican treasury. After these ports had fallen into our military possession the blockade was raised and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico, and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our military and naval officers and applied to the use of our Army and Navy. Care was taken that the officers, soldiers, and sailors of our Army and Navy should be exempted from the operations of the order, and, as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were in effect the seizure of the public revenues of Mexico and the application of them to our own use. In directing this measure the object was to compel the enemy to contribute as far as practicable toward the expenses of the war.

For the amount of contributions which have been levied in this form I refer you to the accompanying reports of the Secretary of War and of the Secretary of the Navy, by which it appears that a sum exceeding half a million of dollars has been collected. This amount would undoubtedly have been much larger but for the difficulty of keeping open communications between the coast and the interior, so as to enable the owners of the merchandise imported to transport and vend it to the inhabitants of the country. It is confidently expected that this difficulty will to a great extent be soon removed by our increased forces which have been sent to the field.

Measures have recently been adopted by which the internal as well as the external revenues of Mexico in all places in our military occupation will be seized and appropriated to the use of our Army and Navy.

The policy of levying upon the enemy contributions in every form consistently with the laws of nations, which it may be practicable for our military commanders to adopt, should, in my judgment, be rigidly enforced, and orders to this effect have accordingly been given. By such a policy, at the same time that our own Treasury will be relieved from a heavy drain, the Mexican people will be made to feel the burdens of the war, and, consulting their own interests, may be induced the more readily to require their rulers to accede to a just peace.

After the adjournment of the last session of Congress events transpired in the prosecution of the war which in my judgment required a greater number of troops in the field than had been anticipated. The strength of the Army was accordingly increased by "accepting" the services of all the volunteer forces authorized by the act of the 13th of May, 1846, without putting a construction on that act the correctness of which

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was seriously questioned. The volunteer forces now in the field, with those which had been "accepted" to "serve for twelve months" and were discharged at the end of their term of service, exhaust the 50,000 men authorized by that act. Had it been clear that a proper construction of the act warranted it, the services of an additional number would have been called for and accepted; but doubts existing upon this point, the power was not exercised. It is deemed important that Congress should at an early period of their session confer the authority to raise an additional regular force to serve during the war with Mexico and to be discharged upon the conclusion and ratification of a treaty of peace. I invite the attention of Congress to the views presented by the Secretary of War in his report upon this subject.

I recommend also that authority be given by law to call for and accept the services of an additional number of volunteers, to be exercised at such time and to such extent as the emergencies of the service may require.

In prosecuting the war with Mexico, whilst the utmost care has been taken to avoid every just cause of complaint on the part of neutral nations, and none has been given, liberal privileges have been granted to their commerce in the ports of the enemy in our military occupation.

The difficulty with the Brazilian Government, which at one time threatened to interrupt the friendly relations between the two countries, will, I trust, be speedily adjusted. I have received information that an envoy extraordinary and minister plenipotentiary to the United States will shortly be appointed by His Imperial Majesty, and it is hoped that he will come instructed and prepared to adjust all remaining differences between the two Governments in a manner acceptable and honorable to both. In the meantime, I have every reason to believe that nothing will occur to interrupt our amicable relations with Brazil.

It has been my constant effort to maintain and cultivate the most intimate relations of friendship with all the independent powers of South America, and this policy has been attended with the happiest results. It is true that the settlement and payment of many just claims of American citizens against these nations have been long delayed. The peculiar position in which they have been placed and the desire on the part of my predecessors as well as myself to grant them the utmost indulgence have hitherto prevented these claims from being urged in a manner demanded by strict justice. The time has arrived when they ought to be finally adjusted and liquidated, and efforts are now making for that purpose.

It is proper to inform you that the Government of Peru has in good faith paid the first two installments of the indemnity of \$30,000 each, and the greater portion of the interest due thereon, in execution of the convention between that Government and the United



States the ratifications of which were exchanged at Lima on the 31st of October, 1846. The Attorney-General of the United States early in August last completed the adjudication of the claims under this convention, and made his report thereon in pursuance of the act of the 8th of August, 1846. The sums to which the claimants are respectively entitled will be paid on demand at the Treasury.

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I invite the early attention of Congress to the present condition of our citizens in China. Under our treaty with that power American citizens are withdrawn from the jurisdiction, whether civil or criminal, of the Chinese Government and placed under that of our public functionaries in that country. By these alone can our citizens be tried and punished for the commission of any crime; by these alone can questions be decided between them involving the rights of persons and property, and by these alone can contracts be enforced into which they may have entered with the citizens or subjects of foreign powers. The merchant vessels of the United States lying in the waters of the five ports of China open to foreign commerce are under the exclusive jurisdiction of officers of their own Government. Until Congress shall establish competent tribunals to try and punish crimes and to exercise jurisdiction in civil cases in China, American citizens there are subject to no law whatever. Crimes may be committed with impunity and debts may be contracted without any means to enforce their payment. Inconveniences have already resulted from the omission of Congress to legislate upon the subject, and still greater are apprehended. The British authorities in China have already complained that this Government has not provided for the punishment of crimes or the enforcement of contracts against American citizens in that country, whilst their Government has established tribunals by which an American citizen can recover debts due from British subjects.

Accustomed, as the Chinese are, to summary justice, they could not be made to comprehend why criminals who are citizens of the United States should escape with impunity, in violation of treaty obligations, whilst the punishment of a Chinese who had committed any crime against an American citizen would be rigorously exacted. Indeed, the consequences might be fatal to American citizens in China should a flagrant crime be committed by any one of them upon a Chinese, and should trial and punishment not follow according to the requisitions of the treaty. This might disturb, if not destroy, our friendly relations with that Empire and cause an interruption of our valuable commerce.

Our treaties with the Sublime Porte, Tripoli, Tunis, Morocco, and Muscat also require the legislation of Congress to carry them into execution, though the necessity for immediate action may not be so urgent as in regard to China.

The Secretary of State has submitted an estimate to defray the expense of opening diplomatic relations with the Papal States. The interesting political events now in progress in these States, as well as a just regard to our commercial interests, have, in my opinion, rendered such a measure highly expedient.

Estimates have also been submitted for the outfits and salaries of charges d'affaires to the Republics of Bolivia, Guatemala, and Ecuador. The manifest importance of cultivating the most friendly relations with all the independent States upon this continent has induced me to recommend appropriations necessary for the maintenance of these missions.



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I recommend to Congress that an appropriation be made to be paid to the Spanish Government for the purpose of distribution among the claimants in the *Amistad* case. I entertain the conviction that this is due to Spain under the treaty of the 20th of October, 1795, and, moreover, that from the earnest manner in which the claim continues to be urged so long as it shall remain unsettled it will be a source of irritation and discord between the two countries, which may prove highly prejudicial to the interests of the United States. Good policy, no less than a faithful compliance with our treaty obligations, requires that the inconsiderable appropriation demanded should be made.

A detailed statement of the condition of the finances will be presented in the annual report of the Secretary of the Treasury. The imports for the last fiscal year, ending on the 30th of June, 1847, were of the value of \$146,545,638, of which the amount exported was \$8,011,158, leaving \$138,534,480 in the country for domestic use. The value of the exports for the same period was \$158,648,622, of which \$150,637,464 consisted of domestic productions and \$8,011,158 of foreign articles.

The receipts into the Treasury for the same period amounted to \$26,346,790.37, of which there was derived from customs \$23,747,864.66, from sales of public lands \$2,498,335.20, and from incidental and miscellaneous sources \$100,570.51. The last fiscal year, during which this amount was received, embraced five months under the operation of the tariff act of 1842 and seven months during which the tariff act of 1846 was in force. During the five months under the act of 1842 the amount received from customs was \$7,842,306.90, and during the seven months under the act of 1846 the amount received was \$15,905,557.76.

The net revenue from customs during the year ending on the 1st of December, 1846, being the last year under the operation of the tariff act of 1842, was \$22,971,403.10, and the net revenue from customs during the year ending on the 1st of December, 1847, being the first year under the operations of the tariff act of 1846, was about \$31,500,000, being an increase of revenue for the first year under the tariff of 1846 of more than \$8,500,000 over that of the last year under the tariff of 1842.

The expenditures during the fiscal year ending on the 30th of June last were \$59,451,177.65, of which \$3,522,082.37 was on account of payment of principal and interest of the public debt, including Treasury notes redeemed and not funded. The expenditures exclusive of payment of public debt were \$55,929,095.28.

It is estimated that the receipts into the Treasury for the fiscal year ending on the 30th of June, 1848, including the balance in the Treasury on the 1st of July last, will amount to \$42,886,545.80, of which \$31,000,000, it is estimated, will be derived from customs, \$3,500,000 from the sale of the public lands, \$400,000 from incidental sources, including sales made by the Solicitor of the Treasury, and \$6,285,294.55 from loans already authorized by law, which, together with the balance in the Treasury on the 1st of July last, make the sum estimated.



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The expenditures for the same period, if peace with Mexico shall not be concluded and the Army shall be increased as is proposed, will amount, including the necessary payments on account of principal and interest of the public debt and Treasury notes, to \$58,615,660.07.

On the 1st of the present month the amount of the public debt actually incurred, including Treasury notes, was \$45,659,659.40. The public debt due on the 4th of March, 1845, including Treasury notes, was \$17,788,799.62, and consequently the addition made to the public debt since that time is \$27,870,859.78.

Of the loan of twenty-three millions authorized by the act of the 28th of January, 1847, the sum of five millions was paid out to the public creditors or exchanged at par for specie; the remaining eighteen millions was offered for specie to the highest bidder not below par, by an advertisement issued by the Secretary of the Treasury and published from the 9th of February until the 10th of April, 1847, when it was awarded to the several highest bidders at premiums varying from one-eighth of 1 per cent to 2 per cent above par. The premium has been paid into the Treasury and the sums awarded deposited in specie in the Treasury as fast as it was required by the wants of the Government.

To meet the expenditures for the remainder of the present and for the next fiscal year, ending on the 30th of June, 1849, a further loan in aid of the ordinary revenues of the Government will be necessary. Retaining a sufficient surplus in the Treasury, the loan required for the remainder of the present fiscal year will be about \$18,500,000. If the duty on tea and coffee be imposed and the graduation of the price of the public lands shall be made at an early period of your session, as recommended, the loan for the present fiscal year may be reduced to \$17,000,000. The loan may be further reduced by whatever amount of expenditures can be saved by military contributions collected in Mexico. The most vigorous measures for the augmentation of these contributions have been directed and a very considerable sum is expected from that source. Its amount can not, however, be calculated with any certainty. It is recommended that the loan to be made be authorized upon the same terms and for the same time as that which was authorized under the provisions of the act of the 28th of January, 1847.

Should the war with Mexico be continued until the 30th of June, 1849, it is estimated that a further loan of \$20,500,000 will be required for the fiscal year ending on that day, in case no duty be imposed on tea and coffee, and the public lands be not reduced and graduated in price, and no military contributions shall be collected in Mexico. If the duty on tea and coffee be imposed and the lands be reduced and graduated in price as proposed, the loan may be reduced to \$17,000,000, and will be subject to be still further reduced by the amount of the military contributions which may be collected in Mexico.

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It is not proposed, however, at present to ask Congress for authority to negotiate this loan for the next fiscal year, as it is hoped that the loan asked for the remainder of the present fiscal year, aided by military contributions which may be collected in Mexico, may be sufficient. If, contrary to my expectation, there should be a necessity for it, the fact will be communicated to Congress in time for their action during the present session. In no event will a sum exceeding \$6,000,000 of this amount be needed before the meeting of the session of Congress in December, 1848.

The act of the 30th of July, 1846, "reducing the duties on imports," has been in force since the 1st of December last, and I am gratified to state that all the beneficial effects which were anticipated from its operation have been fully realized. The public revenue derived from customs during the year ending on the 1st of December, 1847, exceeds by more than \$8,000,000 the amount received in the preceding year under the operation of the act of 1842, which was superseded and repealed by it. Its effects are visible in the great and almost unexampled prosperity which prevails in every branch of business.

While the repeal of the prohibitory and restrictive duties of the act of 1842 and the substitution in their place of reasonable revenue rates levied on articles imported according to their actual value has increased the revenue and augmented our foreign trade, all the great interests of the country have been advanced and promoted.

The great and important interests of agriculture, which had been not only too much neglected, but actually taxed under the protective policy for the benefit of other interests, have been relieved of the burdens which that policy imposed on them; and our farmers and planters, under a more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products. Our commerce is rapidly increasing, and is extending more widely the circle of international exchanges. Great as has been the increase of our imports during the past year, our exports of domestic products sold in foreign markets have been still greater.

Our navigating interest is eminently prosperous. The number of vessels built in the United States has been greater than during any preceding period of equal length. Large profits have been derived by those who have constructed as well as by those who have navigated them. Should the ratio of increase in the number of our merchant vessels be progressive, and be as great for the future as during the past year, the time is not distant when our tonnage and commercial marine will be larger than that of any other nation in the world.

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Whilst the interests of agriculture, of commerce, and of navigation have been enlarged and invigorated, it is highly gratifying to observe that our manufactures are also in a prosperous condition. None of the ruinous effects upon this interest which were apprehended by some as the result of the operation of the revenue system established by the act of 1846 have been experienced. On the contrary, the number of manufactories and the amount of capital invested in them is steadily and rapidly increasing, affording gratifying proofs that American enterprise and skill employed in this branch of domestic industry, with no other advantages than those fairly and incidentally accruing from a just system of revenue duties, are abundantly able to meet successfully all competition from abroad and still derive fair and remunerating profits. While capital invested in manufactures is yielding adequate and fair profits under the new system, the wages of labor, whether employed in manufactures, agriculture, commerce, or navigation, have been augmented. The toiling millions whose daily labor furnishes the supply of food and raiment and all the necessaries and comforts of life are receiving higher wages and more steady and permanent employment than in any other country or at any previous period of our own history.

So successful have been all branches of our industry that a foreign war, which generally diminishes the resources of a nation, has in no essential degree retarded our onward progress or checked our general prosperity.

With such gratifying evidences of prosperity and of the successful operation of the revenue act of 1846, every consideration of public policy recommends that it shall remain unchanged. It is hoped that the system of impost duties which it established may be regarded as the permanent policy of the country, and that the great interests affected by it may not again be subject to be injuriously disturbed, as they have heretofore been, by frequent and sometimes sudden changes.

For the purpose of increasing the revenue, and without changing or modifying the rates imposed by the act of 1846 on the dutiable articles embraced by its provisions, I again recommend to your favorable consideration the expediency of levying a revenue duty on tea and coffee. The policy which exempted these articles from duty during peace, and when the revenue to be derived from them was not needed, ceases to exist when the country is engaged in war and requires the use of all of its available resources. It is a tax which would be so generally diffused among the people that it would be felt oppressively by none and be complained of by none. It is believed that there are not in the list of imported articles any which are more properly the subject of war duties than tea and coffee.

It is estimated that \$3,000,000 would be derived annually by a moderate duty imposed on these articles.

Should Congress avail itself of this additional source of revenue, not only would the amount of the public loan rendered necessary by the war with Mexico be diminished to

that extent, but the public credit and the public confidence in the ability and determination of the Government to meet all its engagements promptly would be more firmly established, and the reduced amount of the loan which it may be necessary to negotiate could probably be obtained at cheaper rates.

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Congress is therefore called upon to determine whether it is wiser to impose the war duties recommended or by omitting to do so increase the public debt annually \$3,000,000 so long as loans shall be required to prosecute the war, and afterwards provide in some other form to pay the semiannual interest upon it, and ultimately to extinguish the principal. If in addition to these duties Congress should graduate and reduce the price of such of the public lands as experience has proved will not command the price placed upon them by the Government, an additional annual income to the Treasury of between half a million and a million of dollars, it is estimated, would be derived from this source. Should both measures receive the sanction of Congress, the annual amount of public debt necessary to be contracted during the continuance of the war would be reduced near \$4,000,000. The duties recommended to be levied on tea and coffee it is proposed shall be limited in their duration to the end of the war, and until the public debt rendered necessary to be contracted by it shall be discharged. The amount of the public debt to be contracted should be limited to the lowest practicable sum, and should be extinguished as early after the conclusion of the war as the means of the Treasury will permit.

With this view, it is recommended that as soon as the war shall be over all the surplus in the Treasury not needed for other indispensable objects shall constitute a sinking fund and be applied to the purchase of the funded debt, and that authority be conferred by laws for that purpose.

The act of the 6th of August, 1846, "to establish a warehousing system," has been in operation more than a year, and has proved to be an important auxiliary to the tariff act of 1846 in augmenting the revenue and extending the commerce of the country. Whilst it has tended to enlarge commerce, it has been beneficial to our manufactures by diminishing forced sales at auction of foreign goods at low prices to raise the duties to be advanced on them, and by checking fluctuations in the market. The system, although sanctioned by the experience of other countries, was entirely new in the United States, and is susceptible of improvement in some of its provisions. The Secretary of the Treasury, upon whom was devolved large discretionary powers in carrying this measure into effect, has collected and is now collating the practical results of the system in other countries where it has long been established, and will report at an early period of your session such further regulations suggested by the investigation as may render it still more effective and beneficial.

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By the act to “provide for the better organization of the Treasury and for the collection, safe-keeping, and disbursement of the public revenue” all banks were discontinued as fiscal agents of the Government, and the paper currency issued by them was no longer permitted to be received in payment of public dues. The constitutional treasury created by this act went into operation on the 1st of January last. Under the system established by it the public moneys have been collected, safely kept, and disbursed by the direct agency of officers of the Government in gold and silver, and transfers of large amounts have been made from points of collection to points of disbursement without loss to the Treasury or injury or inconvenience to the trade of the country.

While the fiscal operations of the Government have been conducted with regularity and ease under this system, it has had a salutary effect in checking and preventing an undue inflation of the paper currency issued by the banks which exist under State charters. Requiring, as it does, all dues to the Government to be paid in gold and silver, its effect is to restrain excessive issues of bank paper by the banks disproportioned to the specie in their vaults, for the reason that they are at all times liable to be called on by the holders of their notes for their redemption in order to obtain specie for the payment of duties and other public dues. The banks, therefore, must keep their business within prudent limits, and be always in a condition to meet such calls, or run the hazard of being compelled to suspend specie payments and be thereby discredited. The amount of specie imported into the United States during the last fiscal year was \$24,121,289, of which there was retained in the country \$22,276,170. Had the former financial system prevailed and the public moneys been placed on deposit in the banks, nearly the whole of this amount would have gone into their vaults, not to be thrown into circulation by them, but to be withheld from the hands of the people as a currency and made the basis of new and enormous issues of bank paper. A large proportion of the specie imported has been paid into the Treasury for public dues, and after having been to a great extent recoined at the Mint has been paid out to the public creditors and gone into circulation as a currency among the people. The amount of gold and silver coin now in circulation in the country is larger than at any former period.

The financial system established by the constitutional treasury has been thus far eminently successful in its operations, and I recommend an adherence to all its essential provisions, and especially to that vital provision which wholly separates the Government from all connection with banks and excludes bank paper from all revenue receipts.

In some of its details, not involving its general principles, the system is defective and will require modification. These defects and such amendments as are deemed important were set forth in the last annual report of the Secretary of the Treasury. These amendments are again recommended to the early and favorable consideration of Congress.

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During the past year the coinage at the Mint and its branches has exceeded \$20,000,000. This has consisted chiefly in converting the coins of foreign countries into American coin.

The largest amount of foreign coin imported has been received at New York, and if a branch mint were established at that city all the foreign coin received at that port could at once be converted into our own coin without the expense, risk, and delay of transporting it to the Mint for that purpose, and the amount recoined would be much larger.

Experience has proved that foreign coin, and especially foreign gold coin, will not circulate extensively as a currency among the people. The important measure of extending our specie circulation, both of gold and silver, and of diffusing it among the people can only be effected by converting such foreign coin into American coin. I repeat the recommendation contained in my last annual message for the establishment of a branch of the Mint of the United States at the city of New York.

All the public lands which had been surveyed and were ready for market have been proclaimed for sale during the past year. The quantity offered and to be offered for sale under proclamations issued since the 1st of January last amounts to 9,138,531 acres. The prosperity of the Western States and Territories in which these lands lie will be advanced by their speedy sale. By withholding them from market their growth and increase of population would be retarded, while thousands of our enterprising and meritorious frontier population would be deprived of the opportunity of securing freeholds for themselves and their families. But in addition to the general considerations which rendered the early sale of these lands proper, it was a leading object at this time to derive as large a sum as possible from this source, and thus diminish by that amount the public loan rendered necessary by the existence of a foreign war.

It is estimated that not less than 10,000,000 acres of the public lands will be surveyed and be in a condition to be proclaimed for sale during the year 1848.

In my last annual message I presented the reasons which in my judgment rendered it proper to graduate and reduce the price of such of the public lands as have remained unsold for long periods after they had been offered for sale at public auction.

Many millions of acres of public lands lying within the limits of several of the Western States have been offered in the market and been subject to sale at private entry for more than twenty years and large quantities for more than thirty years at the lowest price prescribed by the existing laws, and it has been found that they will not command that price. They must remain unsold and uncultivated for an indefinite period unless the price demanded for them by the Government shall be reduced. No satisfactory reason is perceived why they should be longer held at rates above their real value. At the

present period an additional reason exists for adopting the measure recommended. When the country is engaged in a foreign war, and we must necessarily resort to loans, it would seem to be the dictate of wisdom that we should avail ourselves of all our resources and thus limit the amount of the public indebtedness to the lowest possible sum.



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I recommend that the existing laws on the subject of preemption rights be amended and modified so as to operate prospectively and to embrace all who may settle upon the public lands and make improvements upon them, before they are surveyed as well as afterwards, in all cases where such settlements may be made after the Indian title shall have been extinguished.

If the right of preemption be thus extended, it will embrace a large and meritorious class of our citizens. It will increase the number of small freeholders upon our borders, who will be enabled thereby to educate their children and otherwise improve their condition, while they will be found at all times, as they have ever proved themselves to be in the hour of danger to their country, among our hardiest and best volunteer soldiers, ever ready to attend to their services in cases of emergencies and among the last to leave the field as long as an enemy remains to be encountered. Such a policy will also impress these patriotic pioneer emigrants with deeper feelings of gratitude for the parental care of their Government, when they find their dearest interests secured to them by the permanent laws of the land and that they are no longer in danger of losing their homes and hard-earned improvements by being brought into competition with a more wealthy class of purchasers at the land sales.

The attention of Congress was invited at their last and the preceding session to the importance of establishing a Territorial government over our possessions in Oregon, and it is to be regretted that there was no legislation on the subject. Our citizens who inhabit that distant region of country are still left without the protection of our laws, or any regularly organized government. Before the question of limits and boundaries of the Territory of Oregon was definitely settled, from the necessity of their condition the inhabitants had established a temporary government of their own. Besides the want of legal authority for continuing such a government, it is wholly inadequate to protect them in their rights of person and property, or to secure to them the enjoyment of the privileges of other citizens, to which they are entitled under the Constitution of the United States. They should have the right of suffrage, be represented in a Territorial legislature and by a Delegate in Congress, and possess all the rights and privileges which citizens of other portions of the territories of the United States have heretofore enjoyed or may now enjoy.

Our judicial system, revenue laws, laws regulating trade and intercourse with the Indian tribes, and the protection of our laws generally should be extended over them.

In addition to the inhabitants in that Territory who had previously emigrated to it, large numbers of our citizens have followed them during the present year, and it is not doubted that during the next and subsequent years their numbers will be greatly increased.

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Congress at its last session established post routes leading to Oregon, and between different points within that Territory, and authorized the establishment of post-offices at "Astoria and such other places on the coasts of the Pacific within the territory of the United States as the public interests may require." Post-offices have accordingly been established, deputy postmasters appointed, and provision made for the transportation of the mails.

The preservation of peace with the Indian tribes residing west of the Rocky Mountains will render it proper that authority should be given by law for the appointment of an adequate number of Indian agents to reside among them.

I recommend that a surveyor-general's office be established in that Territory, and that the public lands be surveyed and brought into market at an early period.

I recommend also that grants, upon liberal terms, of limited quantities of the public lands be made to all citizens of the United States who have emigrated, or may hereafter within a prescribed period emigrate, to Oregon and settle upon them. These hardy and adventurous citizens, who have encountered the dangers and privations of a long and toilsome journey, and have at length found an abiding place for themselves and their families upon the utmost verge of our western limits, should be secured in the homes which they have improved by their labor.

I refer you to the accompanying report of the Secretary of War for a detailed account of the operations of the various branches of the public service connected with the Department under his charge. The duties devolving on this Department have been unusually onerous and responsible during the past year, and have been discharged with ability and success.

Pacific relations continue to exist with the various Indian tribes, and most of them manifest a strong friendship for the United States. Some depredations were committed during the past year upon our trains transporting supplies for the Army, on the road between the western border of Missouri and Santa Fe. These depredations, which are supposed to have been committed by bands from the region of New Mexico, have been arrested by the presence of a military force ordered out for that purpose. Some outrages have been perpetrated by a portion of the northwestern bands upon the weaker and comparatively defenseless neighboring tribes. Prompt measures were taken to prevent such occurrences in future.

Between 1,000 and 2,000 Indians, belonging to several tribes, have been removed during the year from the east of the Mississippi to the country allotted to them west of that river as their permanent home, and arrangements have been made for others to follow.

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Since the treaty of 1846 with the Cherokees the feuds among them appear to have subsided, and they have become more united and contented than they have been for many years past. The commissioners appointed in pursuance of the act of June 27, 1846, to settle claims arising under the treaty of 1835-36 with that tribe have executed their duties, and after a patient investigation and a full and fair examination of all the cases brought before them closed their labors in the month of July last. This is the fourth board of commissioners which has been organized under this treaty. Ample opportunity has been afforded to all those interested to bring forward their claims. No doubt is entertained that impartial justice has been done by the late board, and that all valid claims embraced by the treaty have been considered and allowed. This result and the final settlement to be made with this tribe under the treaty of 1846, which will be completed and laid before you during your session, will adjust all questions of controversy between them and the United States and produce a state of relations with them simple, well defined, and satisfactory.

Under the discretionary authority conferred by the act of the 3d of March last the annuities due to the various tribes have been paid during the present year to the heads of families instead of to their chiefs or such persons as they might designate, as required by the law previously existing. This mode of payment has given general satisfaction to the great body of the Indians. Justice has been done to them, and they are grateful to the Government for it. A few chiefs and interested persons may object to this mode of payment, but it is believed to be the only mode of preventing fraud and imposition from being practiced upon the great body of common Indians, constituting a majority of all the tribes.

It is gratifying to perceive that a number of the tribes have recently manifested an increased interest in the establishment of schools among them, and are making rapid advances in agriculture, some of them producing a sufficient quantity of food for their support and in some cases a surplus to dispose of to their neighbors. The comforts by which those who have received even a very limited education and have engaged in agriculture are surrounded tend gradually to draw off their less civilized brethren from the precarious means of subsistence by the chase to habits of labor and civilization.

The accompanying report of the Secretary of the Navy presents a satisfactory and gratifying account of the condition and operations of the naval service during the past year. Our commerce has been pursued with increased activity and with safety and success in every quarter of the globe under the protection of our flag, which the Navy has caused to be respected in the most distant seas.

In the Gulf of Mexico and in the Pacific the officers and men of our squadrons have displayed distinguished gallantry and performed valuable services. In the early stages of the war with Mexico her ports on both coasts were blockaded, and more recently many of them have been captured and held by the Navy. When acting in cooperation with the land forces, the naval officers and men have performed gallant and

distinguished services on land as well as on water, and deserve the high commendation of the country.

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While other maritime powers are adding to their navies large numbers of war steamers, it was a wise policy on our part to make similar additions to our Navy. The four war steamers authorized by the act of the 3d of March, 1847, are in course of construction.

In addition to the four war steamers authorized by this act, the Secretary of the Navy has, in pursuance of its provisions, entered into contracts for the construction of five steamers to be employed in the transportation of the United States mail “from New York to New Orleans, touching at Charleston, Savannah, and Havana, and from Havana to Chagres;” for three steamers to be employed in like manner from Panama to Oregon, “so as to connect with the mail from Havana to Chagres across the Isthmus;” and for five steamers to be employed in like manner from New York to Liverpool. These steamers will be the property of the contractors, but are to be built “under the superintendence and direction of a naval constructor in the employ of the Navy Department, and to be so constructed as to render them convertible at the least possible expense into war steamers of the first class.” A prescribed number of naval officers, as well as a post-office agent, are to be on board of them, and authority is reserved to the Navy Department at all times to “exercise control over said steamships” and “to have the right to take them for the exclusive use and service of the United States upon making proper compensation to the contractors therefor.”

Whilst these steamships will be employed in transporting the mails of the United States coastwise and to foreign countries upon an annual compensation to be paid to the owners, they will be always ready, upon an emergency requiring it, to be converted into war steamers; and the right reserved to take them for public use will add greatly to the efficiency and strength of this description of our naval force. To the steamers authorized under contracts made by the Secretary of the Navy should be added five other steamers authorized under contracts made in pursuance of laws by the Postmaster-General, making an addition, in the whole, of eighteen war steamers subject to be taken for public use. As further contracts for the transportation of the mail to foreign countries may be authorized by Congress, this number may be enlarged indefinitely.

The enlightened policy by which a rapid communication with the various distant parts of the globe is established, by means of American-built sea steamers, would find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam navigation and of having the privilege of taking the ships already equipped for immediate service at a moment's notice, and will be cheaply purchased by the compensation to be paid for the transportation of the mail in them over and above the postages received.

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A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels. They can be built in our country cheaper and in greater numbers than in any other in the world.

I refer you to the accompanying report of the Postmaster-General for a detailed and satisfactory account of the condition and operations of that Department during the past year. It is gratifying to find that within so short a period after the reduction in the rates of postage, and notwithstanding the great increase of mail service, the revenue received for the year will be sufficient to defray all the expenses, and that no further aid will be required from the Treasury for that purpose.

The first of the American mail steamers authorized by the act of the 3d of March, 1845, was completed and entered upon the service on the 1st of June last, and is now on her third voyage to Bremen and other intermediate ports. The other vessels authorized under the provisions of that act are in course of construction, and will be put upon the line as soon as completed. Contracts have also been made for the transportation of the mail in a steamer from Charleston to Havana.

A reciprocal and satisfactory postal arrangement has been made by the Postmaster-General with the authorities of Bremen, and no difficulty is apprehended in making similar arrangements with all other powers with which we may have communications by mail steamers, except with Great Britain.

On the arrival of the first of the American steamers bound to Bremen at Southampton, in the month of June last, the British post-office directed the collection of discriminating postages on all letters and other mailable matter which she took out to Great Britain or which went into the British post-office on their way to France and other parts of Europe. The effect of the order of the British post-office is to subject all letters and other matter transported by American steamers to double postage, one postage having been previously paid on them to the United States, while letters transported in British steamers are subject to pay but a single postage. This measure was adopted with the avowed object of protecting the British line of mail steamers now running between Boston and Liverpool, and if permitted to continue must speedily put an end to the transportation of all letters and other matter by American steamers and give to British steamers a monopoly of the business. A just and fair reciprocity is all that we desire, and on this we must insist. By our laws no such discrimination is made against British steamers bringing letters into our ports, but all letters arriving in the United States are subject to the same rate of postage, whether brought in British or American vessels. I refer you to the report of the Postmaster-General for a full statement of the facts of the case and of the steps taken by him to correct this inequality. He has exerted all the power conferred upon him by the existing laws.

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The minister of the United States at London has brought the subject to the attention of the British Government, and is now engaged in negotiations for the purpose of adjusting reciprocal postal arrangements which shall be equally just to both countries. Should he fail in concluding such arrangements, and should Great Britain insist on enforcing the unequal and unjust measure she has adopted, it will become necessary to confer additional powers on the Postmaster-General in order to enable him to meet the emergency and to put our own steamers on an equal footing with British steamers engaged in transporting the mails between the two countries, and I recommend that such powers be conferred.

In view of the existing state of our country, I trust it may not be inappropriate, in closing this communication, to call to mind the words of wisdom and admonition of the first and most illustrious of my predecessors in his Farewell Address to his countrymen.

That greatest and best of men, who served his country so long and loved it so much, foresaw with “serious concern” the danger to our Union of “characterizing parties by *geographical* discriminations—*Northern* and *Southern*, *Atlantic* and *Western*—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views,” and warned his countrymen against it.

So deep and solemn was his conviction of the importance of the Union and of preserving harmony between its different parts, that he declared to his countrymen in that address:

It is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

After the lapse of half a century these admonitions of Washington fall upon us with all the force of truth. It is difficult to estimate the “immense value” of our glorious Union of confederated States, to which we are so much indebted for our growth in population and wealth and for all that constitutes us a great and a happy nation. How unimportant are all our differences of opinion upon minor questions of public policy compared with its preservation, and how scrupulously should we avoid all agitating topics which may tend to distract and divide us into contending parties, separated by geographical lines, whereby it may be weakened or endangered.

Invoking the blessing of the Almighty Ruler of the Universe upon your deliberations, it will be my highest duty, no less than my sincere pleasure, to cooperate with you in all

measures which may tend to promote the honor and enduring welfare of our common country.



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JAMES K. POLK.

### SPECIAL MESSAGES.

WASHINGTON, *December 20, 1847.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for their consideration and advice with regard to its ratification, a convention between the United States and the Swiss Confederation, signed in this city by their respective plenipotentiaries on the 18th day of May last, for the mutual abolition of the *droit d'aubaine* and of taxes on emigration.

JAMES K. POLK.

WASHINGTON, *December 21, 1847.*

*To the Senate of the United States:*

I submit herewith, for the consideration and constitutional action of the Senate, two treaties with the Chippewa Indians of Lake Superior and the Upper Mississippi, for a portion of the lands possessed by those Indians west of the Mississippi River. The treaties are accompanied by communications from the Secretary of War and Commissioner of Indian Affairs, which fully explain their nature and objects.

JAMES K. POLK.

WASHINGTON, *December 22, 1847.*

*To the Senate and House of Representatives:*

I communicate herewith a report of the Secretary of the Navy, containing a statement of the measures which have been taken in execution of the act of 3d March last, relating to the construction of floating dry docks at Pensacola, Philadelphia, and Kittery.

JAMES K. POLK.

WASHINGTON, *January 4, 1848.*

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

I communicate herewith a report of the Secretary of War, with accompanying documents, being in addition to a report made on the 27th of February, 1847, in answer to a resolution of the House of Representatives of the 1st of that month, requesting the

President “to communicate to the House of Representatives all the correspondence with General Taylor since the commencement of hostilities with Mexico which has not yet been published, and the publication of which may not be deemed detrimental to the public service; also the correspondence of the Quartermaster-General in relation to transportation for General Taylor’s Army; also the reports of Brigadier-Generals Hamer and Quitman of the operations of their respective brigades on the 21st of September last” (1846).

JAMES K. POLK.

WASHINGTON, *January 12, 1848.*

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

I have carefully considered the resolution of the House of Representatives of the 4th instant, requesting the President to communicate to that House “any instructions which may have been given to any of the officers of the Army or Navy of the United States, or other persons, in regard to the return of President General Lopez de Santa Anna, or any other Mexican, to the Republic of Mexico prior or subsequent to the

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order of the President or Secretary of War issued in January, 1846, for the march of the Army from the Nueces River, across the 'stupendous deserts' which intervene, to the Rio Grande; that the date of all such instructions, orders, and correspondence be set forth, together with the instructions and orders issued to Mr. Slidell at any time prior or subsequent to his departure for Mexico as minister plenipotentiary of the United States to that Republic;" and requesting the President also to "communicate all the orders and correspondence of the Government in relation to the return of General Paredes to Mexico."

I transmit herewith reports from the Secretary of State, the Secretary of War, and the Secretary of the Navy, with the documents accompanying the same, which contain all the information in the possession of the Executive which it is deemed compatible with the public interests to communicate.

For further information relating to the return of Santa Anna to Mexico I refer you to my annual message of December 8, 1846. The facts and considerations stated in that message induced the order of the Secretary of the Navy to the commander of our squadron in the Gulf of Mexico a copy of which is herewith communicated. This order was issued simultaneously with the order to blockade the coasts of Mexico, both bearing date the 13th of May, 1846, the day on which the existence of the war with Mexico was recognized by Congress. It was issued solely upon the views of policy presented in that message, and without any understanding on the subject, direct or indirect, with Santa Anna or any other person.

General Paredes evaded the vigilance of our combined forces by land and sea, and made his way back to Mexico from the exile into which he had been driven, landing at Vera Cruz after that city and the castle of San Juan de Ulloa were in our military occupation, as will appear from the accompanying reports and documents.

The resolution calls for the "instructions and orders issued to Mr. Slidell at any time prior or subsequent to his departure for Mexico as minister plenipotentiary of the United States to that Republic." The customary and usual reservation contained in calls of either House of Congress upon the Executive for information relating to our intercourse with foreign nations has been omitted in the resolution before me. The call of the House is unconditional. It is that the information requested be communicated, and thereby be made public, whether in the opinion of the Executive (who is charged by the Constitution with the duty of conducting negotiations with foreign powers) such information, when disclosed, would be prejudicial to the public interest or not. It has been a subject of serious deliberation with me whether I could, consistently with my constitutional duty and my sense of the public interests involved and to be affected by it, violate an important principle, always heretofore held sacred by my predecessors, as I should do by

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a compliance with the request of the House. President Washington, in a message to the House of Representatives of the 30th of March, 1796, declined to comply with a request contained in a resolution of that body, to lay before them “a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and other documents relative to that treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed.” In assigning his reasons for declining to comply with the call he declared that—

The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle on which that body was formed confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and to have as a matter of course all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent.

In that case the instructions and documents called for related to a treaty which had been concluded and ratified by the President and Senate, and the negotiations in relation to it had been terminated. There was an express reservation, too, “excepting” from the call all such papers as related to “any existing negotiations” which it might be improper to disclose. In that case President Washington deemed it to be a violation of an important principle, the establishment of a “dangerous precedent,” and prejudicial to the public interests to comply with the call of the House. Without deeming it to be necessary on the present occasion to examine or decide upon the other reasons assigned by him for his refusal to communicate the information requested by the House, the one which is herein recited is in my judgment conclusive in the case under consideration.

Indeed, the objections to complying with the request of the House contained in the resolution before me are much stronger than those which existed in the case of the resolution in 1796. This resolution calls for the “instructions and orders” to the minister of the United States to Mexico which relate to negotiations which have not been terminated, and which may be resumed. The information called for respects negotiations which the United States offered to open with Mexico immediately preceding the commencement of the existing war. The instructions given to the minister of the United States relate

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to the differences between the two countries out of which the war grew and the terms of adjustment which we were prepared to offer to Mexico in our anxiety to prevent the war. These differences still remain unsettled, and to comply with the call of the House would be to make public through that channel, and to communicate to Mexico, now a public enemy engaged in war, information which could not fail to produce serious embarrassment in any future negotiation between the two countries. I have heretofore communicated to Congress all the correspondence of the minister of the United States to Mexico which in the existing state of our relations with that Republic can, in my judgment, be at this time communicated without serious injury to the public interest.

Entertaining this conviction, and with a sincere desire to furnish any information which may be in possession of the executive department, and which either House of Congress may at any time request, I regard it to be my constitutional right and my solemn duty under the circumstances of this case to decline a compliance with the request of the House contained in their resolution.

JAMES K. POLK.

WASHINGTON, *January 21, 1848.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration, a declaration of the Government of the Grand Duchy of Mecklenburg-Schwerin, bearing date at the city of Schwerin on the 9th December, 1847, acceding substantially to the stipulations of our treaty of commerce and navigation with Hanover of the 10th June, 1846.

Under the twelfth article of this treaty—

The United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic Confederation which may wish to accede to them, by means of an official exchange of declarations, provided that such State or States shall confer similar favors upon the said United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations.

This declaration of the Grand Duchy of Mecklenburg-Schwerin is submitted to the Senate, because in its eighth and eleventh articles it is not the same in terms with the corresponding articles of our treaty with Hanover. The variations, however, are deemed unimportant, while the admission of our “paddy,” or rice in the husk, into Mecklenburg-Schwerin free of import duty is an important concession not contained in the Hanoverian treaty. Others might be mentioned, which will appear upon inspection. Still, as the

stipulations in the two articles just mentioned in the declaration are not the same as those contained in the corresponding articles of our treaty with Hanover, I deem it proper to submit this declaration to the Senate for their consideration before issuing a proclamation to give it effect.

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I also communicate a dispatch from the special agent on the part of the United States, which accompanied the declaration.

JAMES K. POLK.

WASHINGTON, *January 24, 1848.*

*To the Senate of the United States:*

In compliance with the request of the Senate in their resolution of the 13th instant, I herewith communicate a report from the Secretary of War, with the accompanying correspondence, containing the information called for, in relation to forced contributions in Mexico.

JAMES K. POLK.

WASHINGTON, *January 31, 1848.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of War, containing the information called for in the resolution of the Senate of the 20th instant, in relation to General Orders, No. 376,[16] issued by General Scott at headquarters, Mexico, bearing date the 15th December last.

JAMES K. POLK.

[Footnote 16: Relating to the levying of taxes and duties upon Mexican products, *etc.*, for the support of the United States Army in Mexico.]

WASHINGTON, *January 31, 1848.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of War, with the accompanying documents, in answer to the resolution of the Senate of the 24th instant, requesting to be furnished with "copies of the letters, reports, or other communications which are referred to in the letter of General Zachary Taylor dated at New Orleans, 20th July, 1845, and addressed to the Secretary of War, and which are so referred to as containing the views of General Taylor, previously communicated, in regard to the line proper to be occupied at that time by the troops of the United States; and any similar communication from any officer of the Army on the same subject."

JAMES K. POLK.

WASHINGTON, *February 2, 1848.*

*To the Senate of the United States:*

In answer to a resolution of the Senate of the 13th January, 1848, calling for information on the subject of the negotiation between the commissioner of the United States and the commissioners of Mexico during the suspension of hostilities after the battles of Contreras and Churubusco, I transmit a report from the Secretary of State and the documents which accompany it.

I deem it proper to add that the invitation from the commissioner of the United States to submit the proposition of boundary referred to in his dispatch (No. 15) of the 4th of September, 1847, herewith communicated, was unauthorized by me, and was promptly disapproved; and this disapproval was communicated to the commissioner of the United States with the least possible delay.

JAMES K. POLK.

WASHINGTON, *February 3, 1848.*

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

In compliance with the request of the House of Representatives contained in their resolution of the 31st of January, 1848, I communicate herewith a report of the Secretary of War, transmitting "a copy of General Taylor's answer<sup>[17]</sup> to the letter dated January 27, 1847," addressed to him by the Secretary of War.



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JAMES K. POLK.

[Footnote 17: Relating to the publication of a letter from General Taylor to General Gaines concerning the operations of the United States forces in Mexico.]

WASHINGTON, *February 8, 1848.*

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

In compliance with the resolution of the House of Representatives of the 31st January last, I communicate herewith the report of the Secretary of State, accompanied by “the documents and correspondence not already published relating to the final adjustment of the difficulties between Great Britain and the United States concerning rough rice and paddy.”

JAMES K. POLK.

WASHINGTON, *February 10, 1848.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 1st instant, requesting to be informed whether “any taxes, duties, or imposts” have been “laid and collected upon goods and merchandise belonging to citizens of the United States exported by such citizens from the United States to Mexico, and, if so, what is the rate of such duties, and what amount has been collected, and also by what authority of law the same have been laid and collected,” I refer the Senate to my annual message of the 7th of December last, in which I informed Congress that orders had been given to our military and naval commanders in Mexico to adopt the policy, as far as practicable, of levying military contributions upon the enemy for the support of our Army.

As one of the modes adopted for levying such contributions, it was stated in that message that—

On the 31st of March last I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions toward defraying the expenses of the war. By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our Navy the revenue derived from import duties under the laws of Mexico was paid into the Mexican treasury. After these ports had fallen into our military possession the blockade was raised and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all



nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico, and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our military and naval officers and applied to the use of our Army and Navy. Care was taken that the officers, soldiers, and sailors of our Army and Navy should be exempted from the operations of the order, and,

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as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were in effect the seizure of the public revenues of Mexico and the application of them to our own use. In directing this measure the object was to compel the enemy to contribute as far as practicable toward the expenses of the war.

A copy of the order referred to, with the documents accompanying it, has been communicated to Congress.

The order operated upon the vessels and merchandise of all nations, whether belonging to citizens of the United States or to foreigners, arriving in any of the ports in Mexico in our military occupation. The contributions levied were a tax upon Mexican citizens, who were the consumers of the merchandise imported. But for the permit or license granted by the order all vessels and merchandise belonging to citizens of the United States were necessarily excluded from all commerce with Mexico from the commencement of the war. The coasts and ports of Mexico were ordered to be placed under blockade on the day Congress declared the war to exist, and by the laws of nations the blockade applied to the vessels of the United States as well as to the vessels of all other nations. Had no blockade been declared, or had any of our merchant vessels entered any of the ports of Mexico not blockaded, they would have been liable to be seized and condemned as lawful prize by the Mexican authorities. When the order was issued, it operated as a privilege to the vessels of the United States as well as to those of foreign countries to enter the ports held by our arms upon prescribed terms and conditions. It was altogether optional with citizens of the United States and foreigners to avail themselves of the privileges granted upon the terms prescribed.

Citizens of the United States and foreigners have availed themselves of these privileges.

No principle is better established than that a nation at war has the right of shifting the burden off itself and imposing it on the enemy by exacting military contributions. The mode of making such exactions must be left to the discretion of the conqueror, but it should be exercised in a manner conformable to the rules of civilized warfare.

The right to levy these contributions is essential to the successful prosecution of war in an enemy's country, and the practice of nations has been in accordance with this principle. It is as clearly necessary as the right to fight battles, and its exercise is often essential to the subsistence of the army.

Entertaining no doubt that the military right to exclude commerce altogether from the ports of the enemy in our military occupation included the minor right of admitting it under prescribed conditions, it became an important question at the date of the order

whether there should be a discrimination between vessels and cargoes belonging to citizens of the United States and vessels and cargoes belonging to neutral nations.

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Had the vessels and cargoes belonging to citizens of the United States been admitted without the payment of any duty, while a duty was levied on foreign vessels and cargoes, the object of the order would have been defeated. The whole commerce would have been conducted in American vessels, no contributions could have been collected, and the enemy would have been furnished with goods without the exaction from him of any contribution whatever, and would have been thus benefited by our military occupation, instead of being made to feel the evils of the war. In order to levy these contributions and to make them available for the support of the Army, it became, therefore, absolutely necessary that they should be collected upon imports into Mexican ports, whether in vessels belonging to citizens of the United States or to foreigners.

It was deemed proper to extend the privilege to vessels and their cargoes belonging to neutral nations. It has been my policy since the commencement of the war with Mexico to act justly and liberally toward all neutral nations, and to afford to them no just cause of complaint; and we have seen the good consequences of this policy by the general satisfaction which it has given.

In answer to the inquiry contained in the resolution as to the rates of duties imposed, I refer you to the documents which accompanied my annual message of the 7th of December last, which contain the information.

From the accompanying reports of the Secretary of War and the Secretary of the Navy it will be seen that the contributions have been collected on all vessels and cargoes, whether American or foreign; but the returns to the Departments do not show with exactness the amounts collected on American as distinguishable from foreign vessels and merchandise.

JAMES K. POLK.

WASHINGTON, *February 10, 1848.*

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

In answer to the resolution of the House of Representatives of the 7th instant, I transmit herewith a report from the Secretary of State.

No communication has been received from Mexico "containing propositions from the Mexican authorities or commissioners for a treaty of peace," except the "counter projet" presented by the Mexican commissioners to the commissioners of the United States on the 6th of September last, a copy of which, with the documents accompanying it, I communicated to the Senate of the United States on the 2d instant. A copy of my communication to the Senate embracing this "projet" is herewith communicated.

JAMES K. POLK.

WASHINGTON, *February 14, 1848.*

*To the Senate of the United States:*

I transmit, for the consideration of the Senate with a view to ratification, a treaty of peace, friendship, commerce, and navigation between the United States and the Republic of Peru, concluded and signed in this city on the 9th instant by the Secretary of State and the minister plenipotentiary of Peru, in behalf of their respective Governments. I also transmit a copy of the correspondence between them which led to the treaty.

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JAMES K. POLK.

WASHINGTON, *February 15, 1848.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of War, together with the accompanying report of the Adjutant-General, in answer to the resolution of the Senate of the 7th instant, calling for information in regard to the order or law by virtue of which certain words "in relation to the promotion of cadets have been inserted in the Army Register of the United States, page 45, in the year 1847."

JAMES K. POLK.

WASHINGTON, *February 22, 1848.*

*To the Senate of the United States:*

I lay before the Senate, for their consideration and advice as to its ratification, a treaty of peace, friendship, limits, and settlement, signed at the city of Guadalupe Hidalgo on the 2d day of February, 1848, by N.P. Trist on the part of the United States, and by plenipotentiaries appointed for that purpose on the part of the Mexican Government.

I deem it to be my duty to state that the recall of Mr. Trist as commissioner of the United States, of which Congress was informed in my annual message, was dictated by a belief that his continued presence with the Army could be productive of no good, but might do much harm by encouraging the delusive hopes and false impressions of the Mexicans, and that his recall would satisfy Mexico that the United States had no terms of peace more favorable to offer. Directions were given that any propositions for peace which Mexico might make should be received and transmitted by the commanding general of our forces to the United States.

It was not expected that Mr. Trist would remain in Mexico or continue in the exercise of the functions of the office of commissioner after he received his letter of recall. He has, however, done so, and the plenipotentiaries of the Government of Mexico, with a knowledge of the fact, have concluded with him this treaty. I have examined it with a full sense of the extraneous circumstances attending its conclusion and signature, which might be objected to, but conforming as it does substantially on the main questions of boundary and indemnity to the terms which our commissioner, when he left the United States in April last, was authorized to offer, and animated as I am by the spirit which has governed all my official conduct toward Mexico, I have felt it to be my duty to submit it to the Senate for their consideration with a view to its ratification.

To the tenth article of the treaty there are serious objections, and no instructions given to Mr. Trist contemplated or authorized its insertion. The public lands within the limits of

Texas belong to that State, and this Government has no power to dispose of them or to change the conditions of grants already made. All valid titles to lands within the other territories ceded to the United States will remain unaffected by the change of sovereignty; and I therefore submit that this article should not be ratified as a part of the treaty.



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There may be reason to apprehend that the ratification of the “additional and secret article” might unreasonably delay and embarrass the final action on the treaty by Mexico. I therefore submit whether that article should not be rejected by the Senate.

If the treaty shall be ratified as proposed to be amended, the cessions of territory made by it to the United States as indemnity, the provision for the satisfaction of the claims of our injured citizens, and the permanent establishment of the boundary of one of the States of the Union are objects gained of great national importance, while the magnanimous forbearance exhibited toward Mexico, it is hoped, may insure a lasting peace and good neighborhood between the two countries.

I communicate herewith a copy of the instructions given to Mr. Slidell in November, 1845, as envoy extraordinary and minister plenipotentiary to Mexico; a copy of the instructions given to Mr. Trist in April last, and such of the correspondence of the latter with the Department of State, not heretofore communicated to Congress, as will enable the Senate to understand the action which has been had with a view to the adjustment of our difficulties with Mexico.

JAMES K. POLK.

WASHINGTON, *February 28, 1848.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 24th instant, requesting to be informed whether the active operations of the Army of the United States in Mexico have been, and now are, suspended, and, if so, by whose agency and in virtue of what authority such armistice has been effected, I have to state that I have received no information relating to the subject other than that communicated to the Senate with my executive message of the 22d instant.

JAMES K. POLK.

WASHINGTON, *February 29, 1848.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate passed in “executive session” on yesterday, requesting the President “to communicate to the Senate, *in confidence*, the entire correspondence between Mr. Trist and the Mexican commissioners from the time of his arrival in Mexico until the time of the negotiation of the treaty submitted to the Senate; and also the entire correspondence between Mr. Trist and the Secretary of State in relation to his negotiations with the Mexican commissioners; also all the correspondence between General Scott and the Government and between General Scott and Mr. Trist since the arrival of Mr. Trist in Mexico which may be in the

possession of the Government," I transmit herewith the correspondence called for. These documents are very voluminous, and presuming that the Senate desired them in reference to early action on the treaty with Mexico submitted to the consideration of that body by my message of the 22d instant, the originals of several of the letters of Mr. Trist are herewith, communicated, in order to save the time which would necessarily be required to make copies of them. These original letters, it is requested, may be returned when the Senate shall have no further use for them.

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The letters of Mr. Trist to the Secretary of State, and especially such of them as bear date subsequent to the receipt by him of his letter of recall as commissioner, it will be perceived, contain much matter that is impertinent, irrelevant, and highly exceptionable. Four of these letters, bearing date, respectively, the 29th December, 1847, January 12, January 22, and January 25, 1848, have been received since the treaty was submitted to the Senate. In the latter it is stated that the Mexican commissioners who signed the treaty derived "their full powers, bearing date on the 30th December, 1847, from the President *ad interim* of the Republic (General Anaya), constitutionally elected to that office in November by the Sovereign Constituent Congress" of Mexico. It is impossible that I can approve the conduct of Mr. Trist in disobeying the positive orders of his Government contained in the letter recalling him, or do otherwise than condemn much of the matter with which he has chosen to encumber his voluminous correspondence. Though all of his acts since his recall might have been disavowed by his Government, yet Mexico can take no such exception. The treaty which the Mexican commissioners have negotiated with him, with a full knowledge on their part that he had been recalled from his mission, *is* binding on Mexico.

Looking at the actual condition of Mexico, and believing that if the present treaty be rejected the war will probably be continued at great expense of life and treasure for an indefinite period, and considering that the terms, with the exceptions mentioned in my message of the 22d instant, conform substantially, so far as relates to the main question of boundary, to those authorized by me in April last, I considered it to be my solemn duty to the country, uninfluenced by the exceptionable conduct of Mr. Trist, to submit the treaty to the Senate with a recommendation that it be ratified, with the modifications suggested.

Nothing contained in the letters received from Mr. Trist since it was submitted to the Senate has changed my opinion on the subject.

The resolution also calls for "all the correspondence between General Scott and the Government since the arrival of Mr. Trist in Mexico." A portion of that correspondence, relating to Mr. Trist and his mission, accompanies this communication. The remainder of the "correspondence between General Scott and the Government" relates mainly, if not exclusively, to military operations. A part of it was communicated to Congress with my annual message, and the whole of it will be sent to the Senate if it shall be desired by that body. As coming within the purview of the resolution, I also communicate copies of the letters of the Secretary of War to Major-General Butler in reference to Mr. Trist's remaining at the headquarters of the Army in the assumed exercise of his powers of commissioner.

JAMES K. POLK.

WASHINGTON, *March 2, 1848.*

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*To the Senate of the United States:*

In answer to a resolution of the Senate of the 3d of January, 1848, I communicate herewith a report from the Secretary of State, with the accompanying documents, containing the correspondence of Mr. Wise, late minister of the United States at the Court of Brazil, relating to the subject of the slave trade.

JAMES K. POLK.

WASHINGTON, *March 2, 1848.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of War, with the accompanying documents, in answer to the resolution of the Senate of the 28th February, 1848, requesting the President to communicate "any information he may at any time have received of the desire of any considerable portion of the people of any of the States of Mexico to be incorporated within the limits of any territory to be acquired from the Republic of Mexico, and particularly that he communicate any late proposition which has been made to that effect through General Wool or any other military officer in Mexico."

JAMES K. POLK.

WASHINGTON, *March 7, 1848.*

*To the Senate of the United States:*

I lay before the Senate a letter of the 12th February, 1848, from N.P. Trist, together with the authenticated map of the United Mexican States and of the plan of the port of San Diego, referred to in the fifth article of the treaty "of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic," which treaty was transmitted to the Senate with my message of the 22d ultimo.

JAMES K. POLK.

WASHINGTON, *March 8, 1848.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of this date, requesting the President "to inform the Senate of the terms of the authority given to Mr. Trist to draw for the \$3,000,000 authorized by the act of the 2d of March, 1847," I communicate herewith a report from the Secretary of State, with the accompanying documents, which contain the information called for.

JAMES K. POLK.

WASHINGTON, *March 8, 1848.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of this date, requesting the President to communicate to that body, "confidentially, any additional dispatches which may have been received from Mr. Trist, and especially those which are promised by him in his letter to Mr. Buchanan of the 2d of February last, if the same have been received," I have to state that all the dispatches which have been received from Mr. Trist have been heretofore communicated to the Senate.

JAMES K. POLK.

WASHINGTON, *March 10, 1848.*

*To the House of Representatives:*

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I transmit herewith reports from the Secretary of State and the Secretary of War, with the accompanying documents, in compliance with the resolution of the House of Representatives of the 7th February, 1848, requesting the President to communicate to that House "copies of all correspondence between the Secretary of War and Major-General Scott, and between the Secretary of War and Major-General Taylor, and between Major-General Scott and N.P. Trist, late commissioner of the United States to Mexico, and between the latter and Secretary of State, which has not heretofore been published, and the publication of which may not be incompatible with the public interest."

JAMES K. POLK.

*To the House of Representatives:*

I communicate herewith a copy of the constitution of State government formed by a convention of the people of the Territory of Wisconsin in pursuance of the act of Congress of August 6, 1846, entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union."

I communicate also the documents accompanying the constitution, which have been transmitted to me by the president of the convention.

JAMES K. POLK.

MARCH 16, 1848.

WASHINGTON, *March 18, 1848.*

*To the Senate of the United States:*

Sudden and severe indisposition has prevented, and may for an indefinite period continue to prevent, Ambrose H. Sevier, recently appointed commissioner to Mexico, from departing on his mission. The public interest requires that a diplomatic functionary should proceed without delay to Mexico, bearing with him the treaty between the United States and the Mexican Republic, lately ratified, with amendments, by and with the advice and consent of the Senate of the United States. It is deemed proper, with this view, to appoint an associate commissioner, with full powers to act separately or jointly with Mr. Sevier.

I therefore nominate Nathan Clifford, of the State of Maine, to be a commissioner, with the rank of envoy extraordinary and minister plenipotentiary, of the United States to the Mexican Republic.

JAMES K. POLK.

WASHINGTON, *March 22, 1848.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, with the accompanying documents, in compliance with the resolution of the Senate of the 24th January, 1848, requesting the President to communicate to the Senate, if not inconsistent with the public interest, the correspondence of Mr. Wise, late minister of the United States at the Court of Brazil, with the Department of State of the United States.

JAMES K. POLK.

WASHINGTON, *March 24, 1848.*

*To the Senate of the United States:*

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In answer to the resolution of the Senate of the 17th instant, requesting the President to transmit to that body "a copy of a dispatch to the United States consul at Monterey, T.O. Larkin, esq., forwarded in November, 1845, by Captain Gillespie, of the Marine Corps, and which was by him destroyed before entering the port of Vera Cruz, if a communication of the same be not, in his opinion, incompatible with the public interests," I communicate herewith a report of the Secretary of State, with a copy of the dispatch referred to. The resolution of the Senate appears to have been passed in legislative session. Entertaining the opinion that the publication of this dispatch at this time will not be "compatible with the public interests," but unwilling to withhold from the Senate information deemed important by that body, I communicate a copy of it to the Senate in executive session.

JAMES K. POLK.

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

I transmit herewith a report from the Secretary of State, with the accompanying documents, in compliance with the resolution of the House of Representatives of the 8th instant, calling for "any correspondence which may have recently taken place with the British Government relative to the adoption of principles of reciprocity in the trade and shipping of the two countries."

JAMES K. POLK.

MARCH 24, 1848.

*To the Senate of the United States:*

I transmit herewith a report of the Secretary of State, with accompanying documents, in compliance with the resolution of the Senate of the 17th instant, requesting the President to communicate to that body "copies of the correspondence between the minister of the United States at London and any authorities of the British Government in relation to a postal arrangement between the two countries."

JAMES K. POLK.

MARCH 27, 1848.

WASHINGTON, *April 3, 1848.*

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

I communicate to Congress, for their information, a copy of a dispatch, with the accompanying documents, received at the Department of State from the envoy extraordinary and minister plenipotentiary of the United States at Paris, giving official



information of the overthrow of the French Monarchy, and the establishment in its stead of a “provisional government based on republican principles.”

This great event occurred suddenly, and was accomplished almost without bloodshed. The world has seldom witnessed a more interesting or sublime spectacle than the peaceful rising of the French people, resolved to secure for themselves enlarged liberty, and to assert, in the majesty of their strength, the great truth that in this enlightened age man is capable of governing himself.

The prompt recognition of the new Government by the representative of the United States at the French Court meets my full and unqualified approbation, and he has been authorized in a suitable manner to make known this fact to the constituted authorities of the French Republic.

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Called upon to act upon a sudden emergency, which could not have been anticipated by his instructions, he judged rightly of the feelings and sentiments of his Government and of his countrymen, when, in advance of the diplomatic representatives of other countries, he was the first to recognize, so far as it was in his power, the free Government established by the French people.

The policy of the United States has ever been that of nonintervention in the domestic affairs of other countries, leaving to each to establish the form of government of its own choice. While this wise policy will be maintained toward France, now suddenly transformed from a monarchy into a republic, all our sympathies are naturally enlisted on the side of a great people who, imitating our example, have resolved to be free. That such sympathy should exist on the part of the people of the United States with the friends of free government in every part of the world, and especially in France, is not remarkable. We can never forget that France was our early friend in our eventful Revolution, and generously aided us in shaking off a foreign yoke and becoming a free and independent people.

We have enjoyed the blessings of our system of well-regulated self-government for near three-fourths of a century, and can properly appreciate its value. Our ardent and sincere congratulations are extended to the patriotic people of France upon their noble and thus far successful efforts to found for their future government liberal institutions similar to our own.

It is not doubted that under the benign influence of free institutions the enlightened statesmen of republican France will find it to be for her true interests and permanent glory to cultivate with the United States the most liberal principles of international intercourse and commercial reciprocity, whereby the happiness and prosperity of both nations will be promoted.

JAMES K. POLK.

WASHINGTON, *April 7, 1848.*

*To the Senate of the United States:*

In answer to a resolution of the Senate of the 29th of March, 1848, I transmit herewith a report of the Secretary of War, with the accompanying documents, containing the information called for, relative to the services of Captain McClellan's company of Florida volunteers in the year 1840.

JAMES K. POLK.

WASHINGTON, *April 7, 1848.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of War, transmitting a copy of the proceedings of the general court-martial in the case of Lieutenant-Colonel Fremont, called for by a resolution of the Senate of the 29th February, 1848.

JAMES K. POLK.

WASHINGTON, *April 10, 1848.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of State, together with a copy of the correspondence between the Secretary of State and "the Brazilian charge d'affaires at Washington," called for by the resolution of the Senate of the 28th of March, 1848.

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JAMES K. POLK.

WASHINGTON, *April 13, 1848.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 28th of March, 1848, I communicate herewith a report of the Secretary of War, transmitting a report of the head of the Ordnance Bureau, with the accompanying papers, relative to "the repeating firearms invented by Samuel Colt."

Such is the favorable opinion entertained of the value of this arm, particularly for a mounted corps, that the Secretary of War, as will be seen by his report, has contracted with Mr. Colt for 2,000 of his pistols. He has offered to contract for an additional number at liberal prices, but the inventor is unwilling to furnish them at the prices offered.

The invention for the construction of these arms being patented, the United States can not manufacture them at the Government armories without a previous purchase of the right so to do. The right to use his patent by the United States the inventor is unwilling to dispose of at a price deemed reasonable.

JAMES K. POLK.

WASHINGTON, *April 25, 1848.*

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

I communicate herewith a report of the Secretary of War, with accompanying documents, submitted by him as embracing the papers and the correspondence<sup>[18]</sup> between the Secretary of War and Major-General Scott, called for by the resolution of the House of Representatives of the 17th instant.

JAMES K. POLK.

[Footnote 18: Relating to the conduct of the war in Mexico and the recall of General Scott from the command of the Army.]

WASHINGTON, *April 29, 1848.*

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

I submit for the consideration of Congress several communications received at the Department of State from Mr. Justo Sierra, commissioner of Yucatan, and also a communication from the Governor of that State, representing the condition of extreme

suffering to which their country has been reduced by an insurrection of the Indians within its limits, and asking the aid of the United States.

These communications present a case of human suffering and misery which can not fail to excite the sympathies of all civilized nations. From these and other sources of information it appears that the Indians of Yucatan are waging a war of extermination against the white race. In this civil war they spare neither age nor sex, but put to death, indiscriminately, all who fall within their power. The inhabitants, panic stricken and destitute of arms, are flying before their savage pursuers toward the coast, and their expulsion from their country or their extermination would seem to be inevitable unless they can obtain assistance from abroad.

In this condition they have, through their constituted authorities, implored the aid of this Government to save them from destruction, offering in case this should be granted to transfer the "dominion and sovereignty of the peninsula" to the United States. Similar appeals for aid and protection have been made to the Spanish and the English Governments.

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Whilst it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the “dominion and sovereignty” over Yucatan, yet, according to our established policy, we could not consent to a transfer of this “dominion and sovereignty” either to Spain, Great Britain, or any other European power. In the language of President Monroe in his message of December, 1823—

We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

In my annual message of December, 1845, I declared that—

Near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my predecessors, that “the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.” This principle will apply with greatly increased force should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected, but it is due alike to our safety and our interests that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy that no future European colony or dominion shall with our consent be planted or established on any part of the North American continent.

Our own security requires that the established policy thus announced should guide our conduct, and this applies with great force to the peninsula of Yucatan. It is situate in the Gulf of Mexico, on the North American continent, and, from its vicinity to Cuba, to the capes of Florida, to New Orleans, and, indeed, to our whole southwestern coast, it would be dangerous to our peace and security if it should become a colony of any European nation.

We have now authentic information that if the aid asked from the United States be not granted such aid will probably be obtained from some European power, which may hereafter assert a claim to “dominion and sovereignty” over Yucatan.

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Our existing relations with Yucatan are of a peculiar character, as will be perceived from the note of the Secretary of State to their commissioner dated on the 24th of December last, a copy of which is herewith transmitted. Yucatan has never declared her independence, and we treated her as a State of the Mexican Republic. For this reason we have never officially received her commissioner; but whilst this is the case, we have to a considerable extent recognized her as a neutral in our war with Mexico. Whilst still considering Yucatan as a portion of Mexico, if we had troops to spare for this purpose I would deem it proper, during the continuance of the war with Mexico, to occupy and hold military possession of her territory and to defend the white inhabitants against the incursions of the Indians, in the same way that we have employed our troops in other States of the Mexican Republic in our possession in repelling the attacks of savages upon the inhabitants who have maintained their neutrality in the war. But, unfortunately, we can not at the present time, without serious danger, withdraw our forces from other portions of the Mexican territory now in our occupation and send them to Yucatan. All that can be done under existing circumstances is to employ our naval forces in the Gulf not required at other points to afford them relief; but it is not to be expected that any adequate protection can thus be afforded, as the operations of such naval forces must of necessity be confined to the coast.

I have considered it proper to communicate the information contained in the accompanying correspondence, and I submit to the wisdom of Congress to adopt such measures as in their judgment may be expedient to prevent Yucatan from becoming a colony of any European power, which in no event could be permitted by the United States, and at the same time to rescue the white race from extermination or expulsion from their country.

JAMES K. POLK.

WASHINGTON, *May 5, 1848.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of State, together with the correspondence "between the Secretary of State and Don Justo Sierra, the representative of Yucatan," called for by the resolution of the Senate of the 4th instant.

I communicate also additional documents relating to the same subject.

JAMES K. POLK.

WASHINGTON, *May 8, 1848.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of War, together with the accompanying documents, in compliance with the resolution of the Senate of the 25th April, requesting the President to cause to be sent to the Senate a copy of the opinion of the Attorney-General, with copies of the accompanying papers, on the claim made by the Choctaw Indians for \$5,000, with interest thereon from the date of the transfer, being the difference between the cost of the stock and the par value thereof transferred to them by the Chickasaws under the convention of the 17th of January, 1837.



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JAMES K. POLK.

WASHINGTON, *May 9, 1848.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 8th instant, requesting further information in relation to the condition of Yucatan, I transmit herewith a report of the Secretary of the Navy, with the accompanying copies of communications from officers of the Navy on the subject.

JAMES K. POLK.

WASHINGTON, *May 9, 1848.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for their consideration with a view to its ratification, a convention for the extension of certain stipulations[19] contained in the treaty of commerce and navigation of August 27, 1829, between the United States and Austria, concluded and signed in this city on the 8th instant by the respective plenipotentiaries.

JAMES K. POLK.

[Footnote 19: Relating to disposal of property, *etc.*]

WASHINGTON, *May 15, 1848.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of the Navy, together with the accompanying documents, in compliance with the resolution of the Senate of the 13th instant, requesting information as to the measures taken for the protection of the white population of Yucatan by the naval forces of the United States.

JAMES K. POLK.

WASHINGTON, *May 19, 1848.*

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

I transmit for the information of Congress a communication from the Secretary of War and a report from the Commissioner of Indian Affairs, showing the result of the

settlement required by the treaty of August, 1846, with the Cherokees, and the appropriations requisite to carry the provisions of that treaty into effect.

JAMES K. POLK.

WASHINGTON, *May 29, 1848.*

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

I lay before Congress the accompanying memorial and papers, which have been transmitted to me, by a special messenger employed for that purpose, by the governor and legislative assembly of Oregon Territory, who constitute the temporary government which the inhabitants of that distant region of our country have, from the necessity of their condition, organized for themselves. The memorialists are citizens of the United States. They express ardent attachment to their native land, and in their present perilous and distressed situation they earnestly invoke the aid and protection of their Government.

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They represent that “the proud and powerful tribes of Indians” residing in their vicinity have recently raised “the war whoop and crimsoned their tomahawks in the blood of their citizens;” that they apprehend that “many of the powerful tribes inhabiting the upper valley of the Columbia have formed an alliance for the purpose of carrying on hostilities against their settlements;” that the number of the white population is far inferior to that of the savages; that they are deficient in arms and money, and fear that they do not possess strength to repel the “attack of so formidable a foe and protect their families and property from violence and rapine.” They conclude their appeal to the Government of the United States for relief by declaring:

If it be at all the intention of our honored parent to spread her guardian wing over her sons and daughters in Oregon, she surely will not refuse to do it now, when they are struggling with all the ills of a weak and temporary government, and when perils are daily thickening around them and preparing to burst upon their heads. When the ensuing summer’s sun shall have dispelled the snow from the mountains, we shall look with glowing hope and restless anxiety for the coming of your laws and your arms.

In my message of the 5th of August, 1846, communicating “a copy of the convention for the settlement and adjustment of the Oregon boundary,” I recommended to Congress that “provision should be made by law, at the earliest practicable period, for the organization of a Territorial government in Oregon.” In my annual message of December, 1846, and again in December, 1847, this recommendation was repeated.

The population of Oregon is believed to exceed 12,000 souls, and it is known that it will be increased by a large number of emigrants during the present season. The facts set forth in the accompanying memorial and papers show that the dangers to which our fellow-citizens are exposed are so imminent that I deem it to be my duty again to impress on Congress the strong claim which the inhabitants of that distant country have to the benefit of our laws and to the protection of our Government.

I therefore again invite the attention of Congress to the subject, and recommend that laws be promptly passed establishing a Territorial government and granting authority to raise an adequate volunteer force for the defense and protection of its inhabitants. It is believed that a regiment of mounted men, with such additional force as may be raised in Oregon, will be sufficient to afford the required protection. It is recommended that the forces raised for this purpose should engage to serve for twelve months, unless sooner discharged. No doubt is entertained that, with proper inducements in land bounties, such a force can be raised in a short time. Upon the expiration of their service many of them will doubtless desire to remain in the country and settle upon the land which they may receive as bounty. It is deemed important that provision be made for the appointment of a suitable number of Indian agents to reside among the various tribes in Oregon, and that appropriations be made to enable them to treat with these tribes with a view to restore and preserve peace between them and the white inhabitants.

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Should the laws recommended be promptly passed, the measures for their execution may be completed during the present season, and before the severity of winter will interpose obstacles in crossing the Rocky Mountains. If not promptly passed, a delay of another year will be the consequence, and may prove destructive to the white settlements in Oregon.

JAMES K. POLK.

WASHINGTON, *May 31, 1848.*

*To the Senate of the United States:*

I transmit herewith reports from the Secretary of State and the Secretary of the Navy, with the accompanying correspondence, which contains the information called for by the Senate in their resolution of the 30th instant, relating to the existing condition of affairs in Yucatan.

JAMES K. POLK.

WASHINGTON, *June 12, 1848.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of State, together with the accompanying documents, in compliance with the resolution of the Senate of the 31st ultimo, "requesting the President to communicate the correspondence not heretofore communicated between the Secretary of State and the minister of the United States at Paris since the recent change in the Government of France."

JAMES K. POLK.

WASHINGTON, *June 23, 1848.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of War, with the accompanying documents, in answer to a resolution of the Senate of the 21st instant, requesting the President to communicate to the Senate, in executive session, as early as practicable, the papers heretofore in the possession of the Senate and returned to the War Department, together with a statement from the Adjutant-General of the Army as to the merits or demerits of the claim of James W. Schaumburg to be restored to rank in the Army.

JAMES K. POLK.

WASHINGTON, *July 5, 1848.*

*To the Senate of the United States:*

I submit herewith, for such action as the Senate shall deem proper, a report of the Secretary of War, suggesting a discrepancy between the resolutions of the Senate of the 15th and the 27th ultimo, advising and consenting to certain appointments and promotions in the Army of the United States.

JAMES K. POLK.

## **WAR DEPARTMENT,**

*Washington, July 1, 1848.*

The PRESIDENT OF THE UNITED STATES.

SIR: I have the honor to submit herewith a report from the Adjutant-General of the Army, inviting attention to a difficulty arising from the terms of certain confirmations made by the resolutions of the Senate of the 15th and 27th ultimo, the former advising and consenting to the reappointment of Captain Edward Deas, Fourth Artillery, who had been dismissed the service, and the latter advising and consenting to the promotion of First Lieutenant Joseph Roberts to be captain, *vice* Deas, dismissed, and Second Lieutenant John A. Brown to be first lieutenant, *vice* Roberts, promoted.

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Very respectfully, your obedient servant,

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

ADJUTANT-GENERAL'S OFFICE,  
*Washington, June 29, 1848.*

Hon. W.L. MARCY,  
*Secretary of War.*

SIR: In a list of confirmations of regular promotions just received from the Senate, dated the 27th instant, it is observed, under the heading "Fourth Regiment of Artillery," that First Lieutenant Joseph Roberts is confirmed as a captain, *vice* Deas, dismissed, and Second Lieutenant John A. Brown as first lieutenant, *vice* Roberts, promoted.

The President, having decided to reinstate Captain Deas, nominated him for restoration to the Senate the 12th instant, withdrawing, as the records show, at the same time the names of Lieutenants Roberts and Brown. This nomination of Captain Deas was confirmed the 15th of June, and he has been commissioned accordingly. I respectfully bring this matter to your notice under the impression that as the resolutions of June 15 and June 27 conflict with each other it may be the wish of the Senate to reconcile them by rescinding that portion of the latter which advises and consents to the promotions of Lieutenants Roberts and Brown.

Respectfully submitted.

R. JONES,  
*Adjutant-General.*

WASHINGTON, *July 6, 1848.*

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

I lay before Congress copies of a treaty of peace, friendship, limits, and settlement between the United States and the Mexican Republic, the ratifications of which were duly exchanged at the city of Queretaro, in Mexico, on the 30th day of May, 1848.

The war in which our country was reluctantly involved, in the necessary vindication of the national rights and honor, has been thus terminated, and I congratulate Congress and our common constituents upon the restoration of an honorable peace.

The extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past, and the brilliant achievements and signal successes of our arms will be a guaranty of security for the future, by convincing all nations that our rights must

be respected. The results of the war with Mexico have given to the United States a national character abroad which our country never before enjoyed. Our power and our resources have become known and are respected throughout the world, and we shall probably be saved from the necessity of engaging in another foreign war for a long series of years. It is a subject of congratulation that we have passed through a war of more than two years' duration with the business of the country uninterrupted, with our resources unexhausted, and the public credit unimpaired.

I communicate for the information of Congress the accompanying documents and correspondence, relating to the negotiation and ratification of the treaty.

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Before the treaty can be fully executed on the part of the United States legislation will be required.

It will be proper to make the necessary appropriations for the payment of the \$12,000,000 stipulated by the twelfth article to be paid to Mexico in four equal annual installments. Three million dollars were appropriated by the act of March 3, 1847, and that sum was paid to the Mexican Government after the exchange of the ratifications of the treaty.

The fifth article of the treaty provides that—

In order to designate the boundary line with due precision upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte.

It will be necessary that provision should be made by law for the appointment of a commissioner and surveyor on the part of the United States to act in conjunction with a commissioner and surveyor appointed by Mexico in executing the stipulations of this article.

It will be proper also to provide by law for the appointment of a “board of commissioners” to adjudicate and decide upon all claims of our citizens against the Mexican Government, which by the treaty have been assumed by the United States.

New Mexico and Upper California have been ceded by Mexico to the United States, and now constitute a part of our country. Embracing nearly ten degrees of latitude, lying adjacent to the Oregon Territory, and extending from the Pacific Ocean to the Rio Grande, a mean distance of nearly 1,000 miles, it would be difficult to estimate the value of these possessions to the United States. They constitute of themselves a country large enough for a great empire, and their acquisition is second only in importance to that of Louisiana in 1803. Rich in mineral and agricultural resources, with a climate of great salubrity, they embrace the most important ports on the whole Pacific coast of the continent of North America. The possession of the ports of San Diego and Monterey and the Bay of San Francisco will enable the United States to command the already valuable and rapidly increasing commerce of the Pacific. The number of our whale ships alone now employed in that sea exceeds 700, requiring more than 20,000 seamen to navigate them, while the capital invested in this particular branch of commerce is estimated at not less than \$40,000,000. The excellent harbors of Upper California will under our flag afford security and repose to our commercial marine, and



American mechanics will soon furnish ready means of shipbuilding and repair, which are now so much wanted in that distant sea.

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By the acquisition of these possessions we are brought into immediate proximity with the west coast of America, from Cape Horn to the Russian possessions north of Oregon, with the islands of the Pacific Ocean, and by a direct voyage in steamers we will be in less than thirty days of Canton and other ports of China.

In this vast region, whose rich resources are soon to be developed by American energy and enterprise, great must be the augmentation of our commerce, and with it new and profitable demands for mechanic labor in all its branches and new and valuable markets for our manufactures and agricultural products.

While the war has been conducted with great humanity and forbearance and with complete success on our part, the peace has been concluded on terms the most liberal and magnanimous to Mexico. In her hands the territories now ceded had remained, and, it is believed, would have continued to remain, almost unoccupied, and of little value to her or to any other nation, whilst as a part of our Union they will be productive of vast benefits to the United States, to the commercial world, and the general interests of mankind.

The immediate establishment of Territorial governments and the extension of our laws over these valuable possessions are deemed to be not only important, but indispensable to preserve order and the due administration of justice within their limits, to afford protection to the inhabitants, and to facilitate the development of the vast resources and wealth which their acquisition has added to our country.

The war with Mexico having terminated, the power of the Executive to establish or to continue temporary civil governments over these territories, which existed under the laws of nations whilst they were regarded as conquered provinces in our military occupation, has ceased. By their cession to the United States Mexico has no longer any power over them, and until Congress shall act the inhabitants will be without any organized government. Should they be left in this condition, confusion and anarchy will be likely to prevail.

Foreign commerce to a considerable amount is now carried on in the ports of Upper California, which will require to be regulated by our laws. As soon as our system shall be extended over this commerce, a revenue of considerable amount will be at once collected, and it is not doubted that it will be annually increased. For these and other obvious reasons I deem it to be my duty earnestly to recommend the action of Congress on the subject at the present session.

In organizing governments over these territories, fraught with such vast advantages to every portion of our Union, I invoke that spirit of concession, conciliation, and compromise in your deliberations in which the Constitution was framed, in which it should be administered, and which is so indispensable to preserve and perpetuate the harmony and union of the States. We should never forget that this Union of

confederated States was established and cemented by kindred blood and by the common toils, sufferings, dangers, and triumphs of all its parts, and has been the ever-augmenting source of our national greatness and of all our blessings.

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There has, perhaps, been no period since the warning so impressively given to his countrymen by Washington to guard against geographical divisions and sectional parties which appeals with greater force than the present to the patriotic, sober-minded, and reflecting of all parties and of all sections of our country. Who can calculate the value of our glorious Union? It is a model and example of free government to all the world, and is the star of hope and haven of rest to the oppressed of every clime. By its preservation we have been rapidly advanced as a nation to a height of strength, power, and happiness without a parallel in the history of the world. As we extend its blessings over new regions, shall we be so unwise as to endanger its existence by geographical divisions and dissensions?

With a view to encourage the early settlement of these distant possessions, I recommend that liberal grants of the public lands be secured to all our citizens who have settled or may in a limited period settle within their limits.

In execution of the provisions of the treaty, orders have been issued to our military and naval forces to evacuate without delay the Mexican Provinces, cities, towns, and fortified places in our military occupation, and which are not embraced in the territories ceded to the United States. The Army is already on its way to the United States. That portion of it, as well regulars as volunteers, who engaged to serve during the war with Mexico will be discharged as soon as they can be transported or marched to convenient points in the vicinity of their homes. A part of the Regular Army will be employed in New Mexico and Upper California to afford protection to the inhabitants and to guard our interests in these territories.

The old Army, as it existed before the commencement of the war with Mexico, especially if authority be given to fill up the rank and file of the several corps to the maximum number authorized during the war, it is believed, will be a sufficient force to be retained in service during a period of peace. A few additional officers in the line and staff of the Army have been authorized, and these, it is believed, will be necessary in the peace establishment, and should be retained in the service.

The number of the general officers may be reduced, as vacancies occur by the casualties of the service, to what it was before the war.

While the people of other countries who live under forms of government less free than our own have been for ages oppressed by taxation to support large standing armies in periods of peace, our experience has shown that such establishments are unnecessary in a republic. Our standing army is to be found in the bosom of society. It is composed of free citizens, who are ever ready to take up arms in the service of their country when an emergency requires it. Our experience in the war just closed fully confirms the opinion that such

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an army may be raised upon a few weeks' notice, and that our citizen soldiers are equal to any troops in the world. No reason, therefore, is perceived why we should enlarge our land forces and thereby subject the Treasury to an annual increased charge. Sound policy requires that we should avoid the creation of a large standing army in a period of peace. No public exigency requires it. Such armies are not only expensive and unnecessary, but may become dangerous to liberty.

Besides making the necessary legislative provisions for the execution of the treaty and the establishment of Territorial governments in the ceded country, we have, upon the restoration of peace, other important duties to perform. Among these I regard none as more important than the adoption of proper measures for the speedy extinguishment of the national debt. It is against sound policy and the genius of our institutions that a public debt should be permitted to exist a day longer than the means of the Treasury will enable the Government to pay it off. We should adhere to the wise policy laid down by President Washington, of "avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear."

At the commencement of the present Administration the public debt amounted to \$17,788,799.62. In consequence of the war with Mexico, it has been necessarily increased, and now amounts to \$65,778,450.41, including the stock and Treasury notes which may yet be issued under the act of January 28, 1847, and the \$16,000,000 loan recently negotiated under the act of March 31, 1848.

In addition to the amount of the debt, the treaty stipulates that \$12,000,000 shall be paid to Mexico, in four equal annual installments of \$3,000,000 each, the first of which will fall due on the 30th day of May, 1849. The treaty also stipulates that the United States shall "assume and pay" to our own citizens "the claims already liquidated and decided against the Mexican Republic," and "all claims not heretofore decided against the Mexican Government," "to an amount not exceeding three and a quarter millions of dollars." The "liquidated" claims of citizens of the United States against Mexico, as decided by the joint board of commissioners under the convention between the United States and Mexico of the 11th of April, 1839, amounted to \$2,026,139.68. This sum was payable in twenty equal annual installments. Three of them have been paid to the claimants by the Mexican Government and two by the United States, leaving to be paid of the principal of the liquidated amount assumed by the United States the sum of \$1,519,604.76, together with the interest thereon. These several amounts of "liquidated" and unliquidated claims assumed by the United States, it is believed, may be paid as they fall due out of the accruing revenue, without the issue of stock or the creation of any additional public debt.

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I can not too strongly recommend to Congress the importance of husbanding all our national resources, of limiting the public expenditures to necessary objects, and of applying all the surplus at any time in the Treasury to the redemption of the debt. I recommend that authority be vested in the Executive by law to anticipate the period of reimbursement of such portion of the debt as may not be now redeemable, and to purchase it at par, or at the premium which it may command in the market, in all cases in which that authority has not already been granted. A premium has been obtained by the Government on much the larger portion of the loans, and if when the Government becomes a purchaser of its own stock it shall command a premium in the market, it will be sound policy to pay it rather than to pay the semiannual interest upon it. The interest upon the debt, if the outstanding Treasury notes shall be funded, from the end of the last fiscal year until it shall fall due and be redeemable will be very nearly equal to the principal, which must itself be ultimately paid.

Without changing or modifying the present tariff of duties, so great has been the increase of our commerce under its benign operation that the revenue derived from that source and from the sales of the public lands will, it is confidently believed, enable the Government to discharge annually several millions of the debt and at the same time possess the means of meeting necessary appropriations for all other proper objects. Unless Congress shall authorize largely increased expenditures for objects not of absolute necessity, the whole public debt existing before the Mexican war and that created during its continuance may be paid off without any increase of taxation on the people long before it falls due.

Upon the restoration of peace we should adopt the policy suited to a state of peace. In doing this the earliest practicable payment of the public debt should be a cardinal principle of action. Profiting by the experience of the past, we should avoid the errors into which the country was betrayed shortly after the close of the war with Great Britain in 1815. In a few years after that period a broad and latitudinous construction of the powers of the Federal Government unfortunately received but too much countenance. Though the country was burdened with a heavy public debt, large, and in some instances unnecessary and extravagant, expenditures were authorized by Congress. The consequence was that the payment of the debt was postponed for more than twenty years, and even then it was only accomplished by the stern will and unbending policy of President Jackson, who made its payment a leading measure of his Administration. He resisted the attempts which were made to divert the public money from that great object and apply it in wasteful and extravagant expenditures for other objects, some of them of more than doubtful constitutional authority and expediency.

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If the Government of the United States shall observe a proper economy in its expenditures, and be confined in its action to the conduct of our foreign relations and to the few general objects of its care enumerated in the Constitution, leaving all municipal and local legislation to the States, our greatness as a nation, in moral and physical power and in wealth and resources, can not be calculated.

By pursuing this policy oppressive measures, operating unequally and unjustly upon sections and classes, will be avoided, and the people, having no cause of complaint, will pursue their own interests under the blessings of equal laws and the protection of a just and paternal Government. By abstaining from the exercise of all powers not clearly conferred, the current of our glorious Union, now numbering thirty States, will be strengthened as we grow in age and increase in population, and our future destiny will be without a parallel or example in the history of nations.

JAMES K. POLK.

WASHINGTON, *July 7, 1848.*

*To the Senate of the United States:*

For the reasons mentioned in the accompanying letter of the Secretary of War, I ask that the date in the promotion of Captain W.J. Hardee, Second Dragoons, to be major by brevet for gallant and meritorious conduct in the affair at Madellin, Mexico, be changed to the 25th of March, 1847, the day on which the action occurred.

JAMES K. POLK.

## WAR DEPARTMENT,

*Washington, July 7, 1848.*

The PRESIDENT OF THE UNITED STATES.

SIR: Captain W.J. Hardee, Second Dragoons, has been promoted to be major by brevet for gallant and meritorious conduct in the affair at Madellin, Mexico, to date from the 26th of March, 1847. As this affair took place on the 25th of that month, I respectfully recommend that the Senate be asked to change the date of Captain Hardee's brevet rank so as to correspond with the date of the action, to wit, the 25th of March, 1847. Brevets which have been conferred upon other officers in the same affair take the latter date.

Very respectfully, your obedient servant,



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

WASHINGTON, *July 12, 1848.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate, of the 21st June, 1848, I herewith communicate to the Senate a report of the Secretary of War, with the accompanying documents, containing the proceedings of a court of inquiry which convened at Saltillo, Mexico, January 12, 1848, and which was instituted for the purpose of obtaining full information relative to an alleged mutiny in the camp of Buena Vista, Mexico, on or about the 15th of August, 1847.

JAMES K. POLK.

WASHINGTON, *July 14, 1848.*

*To the Senate of the United States:*



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In compliance with the resolution of the Senate of July 13, 1848, I transmit herewith a report of the Secretary of War and accompanying documents, containing all the proceedings of the two courts of inquiry in the case of Major-General Pillow, the one commenced and terminated in Mexico, the other commenced in Mexico and terminated in the United States.

JAMES K. POLK.

WASHINGTON, *July 24, 1848.*

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

In answer to the resolutions of the House of Representatives of the 10th instant, requesting information in relation to New Mexico and California, I communicate herewith reports from the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, with the documents which accompany the same. These reports and documents contain information upon the several points of inquiry embraced by the resolutions. "The proper limits and boundaries of New Mexico and California" are delineated on the map referred to in the late treaty with Mexico, an authentic copy of which is herewith transmitted; and all the additional information upon that subject, and also the most reliable information in respect to the population of these respective Provinces, which is in the possession of the Executive will be found in the accompanying report of the Secretary of State.

The resolutions request information in regard to the existence of civil governments in New Mexico and California, their "form and character," by "whom instituted," by "what authority," and how they are "maintained and supported."

In my message of December 22, 1846, in answer to a resolution of the House of Representatives calling for information "in relation to the establishment or organization of civil government in any portion of the territory of Mexico which has or might be taken possession of by the Army or Navy of the United States," I communicated the orders which had been given to the officers of our Army and Navy, and stated the general authority upon which temporary military governments had been established over the conquered portion of Mexico then in our military occupation.

The temporary governments authorized were instituted by virtue of the rights of war. The power to declare war against a foreign country, and to prosecute it according to the general laws of war, as sanctioned by civilized nations, it will not be questioned, exists under our Constitution. When Congress has declared that war exists with a foreign nation, "the general laws of war apply to our situation," and it becomes the duty of the President, as the constitutional "Commander in Chief of the Army and Navy of the United States," to prosecute it.

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In prosecuting a foreign war thus duly declared by Congress, we have the right, by "conquest and military occupation," to acquire possession of the territories of the enemy, and, during the war, to "exercise the fullest rights of sovereignty over it." The sovereignty of the enemy is in such case "suspended," and his laws can "no longer be rightfully enforced" over the conquered territory "or be obligatory upon the inhabitants who remain and submit to the conqueror. By the surrender the inhabitants pass under a temporary allegiance" to the conqueror, and are "bound by such laws, and such only, as" he may choose to recognize and impose. "From the nature of the case, no other laws could be obligatory upon them, for where there is no protection or allegiance or sovereignty there can be no claim to obedience." These are well-established principles of the laws of war, as recognized and practiced by civilized nations, and they have been sanctioned by the highest judicial tribunal of our own country.

The orders and instructions issued to the officers of our Army and Navy, applicable to such portions of the Mexican territory as had been or might be conquered by our arms, were in strict conformity to these principles. They were, indeed, ameliorations of the rigors of war upon which we might have insisted. They substituted for the harshness of military rule something of the mildness of civil government, and were not only the exercise of no excess of power, but were a relaxation in favor of the peaceable inhabitants of the conquered territory who had submitted to our authority, and were alike politic and humane.

It is from the same source of authority that we derive the unquestioned right, after the war has been declared by Congress, to blockade the ports and coasts of the enemy, to capture his towns, cities, and provinces, and to levy contributions upon him for the support of our Army. Of the same character with these is the right to subject to our temporary military government the conquered territories of our enemy. They are all belligerent rights, and their exercise is as essential to the successful prosecution of a foreign war as the right to fight battles.

New Mexico and Upper California were among the territories conquered and occupied by our forces, and such temporary governments were established over them. They were established by the officers of our Army and Navy in command, in pursuance of the orders and instructions accompanying my message to the House of Representatives of December 22, 1846. In their form and detail, as at first established, they exceeded in some respects, as was stated in that message, the authority which had been given, and instructions for the correction of the error were issued in dispatches from the War and Navy Departments of the 11th of January, 1847, copies of which are herewith transmitted. They have been maintained and supported out of the military exactions and contributions levied upon the enemy, and no part of the expense has been paid out of the Treasury of the United States.

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In the routine of duty some of the officers of the Army and Navy who first established temporary governments in California and New Mexico have been succeeded in command by other officers, upon whom light duties devolved; and the agents employed or designated by them to conduct the temporary governments have also, in some instances, been superseded by others. Such appointments for temporary civil duty during our military occupation were made by the officers in command in the conquered territories, respectively.

On the conclusion and exchange of ratifications of a treaty of peace with Mexico, which was proclaimed on the 4th instant, these temporary governments necessarily ceased to exist. In the instructions to establish a temporary government over New Mexico, no distinction was made between that and the other Provinces of Mexico which might be conquered and held in our military occupation.

The Province of New Mexico, according to its ancient boundaries, as claimed by Mexico, lies on both sides of the Rio Grande. That part of it on the east of that river was in dispute when the war between the United States and Mexico commenced. Texas, by a successful revolution in April, 1836, achieved, and subsequently maintained, her independence. By an act of the Congress of Texas passed in December, 1836, her western boundary was declared to be the Rio Grande from its mouth to its source, and thence due north to the forty-second degree of north latitude. Though the Republic of Texas, by many acts of sovereignty which she asserted and exercised, some of which were stated in my annual message of December, 1846, had established her clear title to the country west of the Nueces, and bordering upon that part of the Rio Grande which lies below the Province of New Mexico, she had never conquered or reduced to actual possession and brought under her Government and laws that part of New Mexico lying east of the Rio Grande, which she claimed to be within her limits. On the breaking out of the war we found Mexico in possession of this disputed territory. As our Army approached Sante Fe (the capital of New Mexico) it was found to be held by a governor under Mexican authority, with an armed force collected to resist our advance. The inhabitants were Mexicans, acknowledging allegiance to Mexico. The boundary in dispute was the line between the two countries engaged in actual war, and the settlement of it of necessity depended on a treaty of peace. Finding the Mexican authorities and people in possession, our forces conquered them, and extended military rule over them and the territory which they actually occupied, in lieu of the sovereignty which was displaced. It was not possible to disturb or change the practical boundary line in the midst of the war, when no negotiation for its adjustment could be opened, and when Texas was not present, by her constituted authorities, to establish and maintain government over a hostile Mexican population who acknowledged no allegiance to her. There was, therefore, no alternative left but to establish and maintain military rule during the war over the conquered people in the disputed territory who had submitted to our arms, or to forbear the exercise of our belligerent rights and leave them in a state of anarchy and without control.

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Whether the country in dispute rightfully belonged to Mexico or to Texas, it was our right in the first case, and our duty as well as our right in the latter, to conquer and hold it. Whilst this territory was in our possession as conquerors, with a population hostile to the United States, which more than once broke out in open insurrection, it was our unquestionable duty to continue our military occupation of it until the conclusion of the war, and to establish over it a military government, necessary for our own security as well as for the protection of the conquered people.

By the joint resolution of Congress of March 1, 1845, "for annexing Texas to the United States," the "adjustment of all questions of boundary which may arise with other governments" was reserved to this Government. When the conquest of New Mexico was consummated by our arms, the question of boundary remained still unadjusted. Until the exchange of the ratifications of the late treaty, New Mexico never became an undisputed portion of the United States, and it would therefore have been premature to deliver over to Texas that portion of it on the east side of the Rio Grande, to which she asserted a claim. However just the right of Texas may have been to it, that right had never been reduced into her possession, and it was contested by Mexico.

By the cession of the whole of New Mexico, on both sides of the Rio Grande, to the United States, the question of disputed boundary, so far as Mexico is concerned, has been settled, leaving the question as to the true limits of Texas in New Mexico to be adjusted between that State and the United States.

Under the circumstances existing during the pendency of the war, and while the whole of New Mexico, as claimed by our enemy, was in our military occupation, I was not unmindful of the rights of Texas to that portion of it which she claimed to be within her limits. In answer to a letter from the governor of Texas dated on the 4th of January, 1847, the Secretary of State, by my direction, informed him in a letter of the 12th of February, 1847, that in the President's annual message of December, 1846—

You have already perceived that New Mexico is at present in the temporary occupation of the troops of the United States, and the government over it is military in its character. It is merely such a government as must exist under the laws of nations and of war to preserve order and protect the rights of the inhabitants, and will cease on the conclusion of a treaty of peace with Mexico. Nothing, therefore, can be more certain than that this temporary government, resulting from necessity, can never injuriously affect the right which the President believes to be justly asserted by Texas to the whole territory on this side of the Rio Grande whenever the Mexican claim to it shall have been extinguished by treaty. But this is a subject which more properly belongs to the legislative than the executive branch

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of the Government.

The result of the whole is that Texas had asserted a right to that part of New Mexico east of the Rio Grande, which is believed, under the acts of Congress for the annexation and admission of Texas into the Union as a State, and under the constitution and laws of Texas, to be well founded; but this right had never been reduced to her actual possession and occupancy. The General Government, possessing exclusively the war-making power, had the right to take military possession of this disputed territory, and until the title to it was perfected by a treaty of peace it was their duty to hold it and to establish a temporary military government over it for the preservation of the conquest itself, the safety of our Army, and the security of the conquered inhabitants.

The resolutions further request information whether any persons have been tried and condemned for "treason against the United States in that part of New Mexico lying east of the Rio Grande since the same has been in the occupancy of our Army," and, if so, before "what tribunal" and "by what authority of law such tribunal was established." It appears that after the territory in question was "in the occupancy of our Army" some of the conquered Mexican inhabitants, who had at first submitted to our authority, broke out in open insurrection, murdering our soldiers and citizens and committing other atrocious crimes. Some of the principal offenders who were apprehended were tried and condemned by a tribunal invested with civil and criminal jurisdiction, which had been established in the conquered country by the military officer in command. That the offenders deserved the punishment inflicted upon them there is no reason to doubt, and the error in the proceedings against them consisted in designating and describing their crimes as "treason against the United States." This error was pointed out, and its recurrence thereby prevented, by the Secretary of War in a dispatch to the officer in command in New Mexico dated on the 26th of June, 1847, a copy of which, together with copies of all communications relating to the subject which have been received at the War Department, is herewith transmitted.

The resolutions call for information in relation to the quantity of the public lands acquired within the ceded territory, and "how much of the same is within the boundaries of Texas as defined by the act of the Congress of the Republic of Texas of the 19th day of December, 1836." No means of making an accurate estimate on the subject is in the possession of the executive department. The information which is possessed will be found in the accompanying report of the Secretary of the Treasury.

The country ceded to the United States lying west of the Rio Grande, and to which Texas has no title, is estimated by the commissioner of the General Land Office to contain 526,078 square miles, or 336,689,920 acres.

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The period since the exchange of ratifications of the treaty has been too short to enable the Government to have access to or to procure abstracts or copies of the land titles issued by Spain or by the Republic of Mexico. Steps will be taken to procure this information at the earliest practicable period. It is estimated, as appears from the accompanying report of the Secretary of the Treasury, that much the larger portion of the land within the territories ceded remains vacant and unappropriated, and will be subject to be disposed of by the United States. Indeed, a very inconsiderable portion of the land embraced in the cession, it is believed, has been disposed of or granted either by Spain or Mexico.

What amount of money the United States may be able to realize from the sales of these vacant lands must be uncertain, but it is confidently believed that with prudent management, after making liberal grants to emigrants and settlers, it will exceed the cost of the war and all the expenses to which we have been subjected in acquiring it.

The resolutions also call for "the evidence, or any part thereof, that the 'extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past.'"

The immense value of the ceded country does not consist alone in the amount of money for which the public lands may be sold. If not a dollar could be realized from the sale of these lands, the cession of the jurisdiction over the country and the fact that it has become a part of our Union and call not be made subject to any European power constitute ample "indemnity for the past" in the immense value and advantages which its acquisition must give to the commercial, navigating, manufacturing, and agricultural interests of our country.

The value of the public lands embraced within the limits of the ceded territory, great as that value may be, is far less important to the people of the United States than the sovereignty over the country. Most of our States contain no public lands owned by the United States, and yet the sovereignty and jurisdiction over them is of incalculable importance to the nation. In the State of New York the United States is the owner of no public lands, and yet two-thirds of our whole revenue is collected at the great port of that State, and within her limits is found about one-seventh of our entire population. Although none of the future cities on our coast of California may ever rival the city of New York in wealth, population, and business, yet that important cities will grow up on the magnificent harbors of that coast, with a rapidly increasing commerce and population, and yielding a large revenue, would seem to be certain. By the possession of the safe and capacious harbors on the Californian coast we shall have great advantages in securing the rich commerce of the East, and shall thus obtain for our products new and increased markets and greatly enlarge our coasting and foreign trade, as well as augment our tonnage and revenue.



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These great advantages, far more than the simple value of the public lands in the ceded territory, "constitute our indemnity for the past."

JAMES K. POLK.

WASHINGTON, *July 28, 1848.*

*To the Senate of the United States:*

I have received from the Senate the "convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded on the 29th of January, 1845, between the United States on the one part and Prussia and other States of the German Confederation on the other part," with a copy of their resolution of the 21st of June last, advising and consenting to its ratification, with an amendment extending the period for the exchange of ratifications until the 28th of September, 1848.

I have taken this subject into serious and deliberate consideration, and regret that I can not ratify this convention, in conformity with the advice of the Senate, without violating my convictions of duty. Having arrived at this conclusion, I deem it proper and respectful, considering the peculiar circumstances of the present case and the intimate relations which the Constitution has established between the President and Senate, to make known to you the reasons which influence me to come to this determination.

On the 16th of December, 1845, I communicated this convention to the Senate for its consideration, at the same time stating my objections to the third article. I deemed this to be a more proper and respectful course toward the Senate, as well as toward Prussia and the other parties to it, than if I had withheld it and disapproved it altogether. Had the Senate concurred with me in opinion and rejected the third article, then the convention thus amended would have conformed to our treaties of extradition with Great Britain and France.

But the Senate did not act upon it within the period limited for the exchange of ratifications. From this I concluded that they had concurred with me in opinion in regard to the third article, and had for this and other reasons deemed it proper to take no proceedings upon the convention. After this date, therefore, I considered the affair as terminated.

Upon the presumption that this was the fact, new negotiations upon the subject were commenced, and several conferences were held between the Secretary of State and the Prussian minister. These resulted in a protocol signed at the Department of State on the 27th of April, 1847, in which the Secretary proposed either that the two Governments might agree to extend the time for the exchange of ratifications, and thus revive the convention, provided the Prussian Government would previously intimate its consent to the omission of the third article, or he "expressed his willingness immediately

to conclude with Mr. Gerolt a new convention, if he possessed the requisite powers from his Government, embracing all the provisions contained in that of the 29th January, 1845, with the exception of the third article. To this Mr. Gerolt observed that he had no powers to conclude such a convention, but would submit the propositions of Mr. Buchanan to the Prussian Government for further instructions."



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Mr. Gerolt has never yet communicated in writing to the Department of State the answer of his Government to these propositions, but the Secretary of State, a few months after the date of the protocol, learned from him in conversation that they insisted upon the third article of the convention as a *sine qua non*. Thus the second negotiation had finally terminated by a disagreement between the parties, when, more than a year afterwards, on the 21st June, 1848, the Senate took the original convention into consideration and ratified it, retaining the third article.

After the second negotiation with the Prussian Government, in which the objections to the third article were stated, as they had been previously in my message of the 16th December, 1845, a strong additional difficulty was interposed to the ratification of the convention; but I might overcome this difficulty if my objections to the third article had not grown stronger by further reflection. For a statement of them in detail I refer you to the accompanying memorandum, prepared by the Secretary of State by my direction.

I can not believe that the sovereign States of this Union, whose administration of justice would be almost exclusively affected by such a convention, will ever be satisfied with a treaty of extradition under which if a German subject should commit murder or any other high crime in New York or New Orleans, and could succeed in escaping to his own country, he would thereby be protected from trial and punishment under the jurisdiction of our State laws which he had violated. It is true, as has been stated, that the German States, acting upon a principle springing from the doctrine of perpetual allegiance, still assert the jurisdiction of trying and punishing their subjects for crimes committed in the United States or any other portion of the world. It must, however, be manifest that individuals throughout our extended country would rarely, if ever, follow criminals to Germany with the necessary testimony for the purpose of prosecuting them to conviction before German courts for crimes committed in the United States.

On the other hand, the Constitution and laws of the United States, as well as of the several States, would render it impossible that crimes committed by our citizens in Germany could be tried and punished in any portion of this Union.

But if no other reason existed for withholding my ratification from this treaty, the great change which has recently occurred in the organization of the Government of the German States would be sufficient. By the last advices we learn that the German Parliament, at Frankfort, have already established a federal provisional Executive for all the States of Germany, and have elected the Archduke John of Austria to be "Administrator of the Empire." One of the attributes of this Executive is "to represent the Confederation in its relations with foreign nations and to appoint diplomatic agents, ministers, and consuls."

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Indeed, our minister at Berlin has already suggested the propriety of his transfer to Frankfort. In case this convention with nineteen of the thirty-nine German States should be ratified, this could amount to nothing more than a proposition on the part of the Senate and President to these nineteen States who were originally parties to the convention to negotiate anew on the subject of extradition. In the meantime a central German Government has been provisionally established, which extinguishes the right of these separate parties to enter into negotiations with foreign Governments on subjects of several interest to the whole.

Admitting such a treaty as that which has been ratified by the Senate to be desirable, the obvious course would now be to negotiate with the General Government of Germany. A treaty concluded with it would embrace all the thirty-nine States of Germany, and its authority, being coextensive with the Empire, fugitives from justice found in any of these States would be surrendered up on the requisition of our minister at Frankfort. This would be more convenient and effectual than to address such separate requisitions to each of the nineteen German States with which the convention was concluded.

I communicate herewith, for the information of the Senate, copies of a dispatch from our minister at Berlin and a communication from our consul at Darmstadt.

JAMES K. POLK.

WASHINGTON, *July 29, 1848.*

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

In answer to the resolution of the House of Representatives of the 17th instant, requesting the President "to communicate, if not inconsistent with the public interests, copies of all instructions given to the Hon. Ambrose H. Sevier and Nathan Clifford, commissioners appointed to conduct negotiations for the ratification of the treaty lately concluded between the United States and the Republic of Mexico," I have to state that in my opinion it would be "inconsistent with the public interests" to give publicity to these instructions at the present time.

I avail myself of this occasion to observe that, as a general rule applicable to all our important negotiations with foreign powers, it could not fail to be prejudicial to the public interest to publish the instructions to our ministers until some time had elapsed after the conclusion of such negotiations.

In the present case the object of the mission of our commissioners to Mexico has been accomplished. The treaty, as amended by the Senate of the United States, has been

ratified. The ratifications have been exchanged and the treaty has been proclaimed as the supreme law of the land. No contingency occurred which made it either necessary or proper for our commissioners to enter upon any negotiations with the Mexican Government further than to urge upon that Government the ratification of the treaty in its amended form.

JAMES K. POLK.

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WASHINGTON, *July 31, 1848*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of State, containing the information called for by the resolution of the Senate of the 24th of April, 1848, in relation "to the claim of the owners of the ship *Miles*, of Warren, in the State of Rhode Island, upon the Government of Portugal for the payment of a cargo of oil taken by the officers and applied to the uses of that Government."

JAMES K. POLK.

WASHINGTON, *July 31, 1848.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 28th instant, requesting the President to communicate to that body, "in confidence, if not inconsistent with the public interest, what steps, if any, have been taken by the Executive to extinguish the rights of the Hudsons Bay and Puget Sound Land Company within the Territory of Oregon, and such communications, if any, which may have been received from the British Government in relation to this subject," I communicate herewith a report from the Secretary of State, with the accompanying documents.

JAMES K. POLK.

WASHINGTON, *August 1, 1848.*

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

I communicate herewith a report from the Secretary of War, containing the information called for by the resolution of the House of Representatives of the 17th July, 1848, in relation to the number of Indians in Oregon, California, and New Mexico, the number of military posts, the number of troops which will be required in each, and "the whole military force which should constitute the peace establishment."

I have seen no reason to change the opinion expressed in my message to Congress of the 6th July, 1848, transmitting the treaty of peace with Mexico, that "the old Army, as it existed before the commencement of the war with Mexico, especially if authority be given to fill up the rank and file of the several corps to the maximum number authorized during the war, will be a sufficient force to be retained in service during a period of peace."

The old Army consists of fifteen regiments. By the act of the 13th of May, 1846, the President was authorized, by "voluntary enlistments, to increase the number of privates



in each or any of the companies of the existing regiments of dragoons, artillery, and infantry to any number not exceeding 100," and to "reduce the same to 64 when the exigencies requiring the present increase shall cease." Should this act remain in force, the maximum number of the rank and file of the Army authorized by it would be over 16,000 men, exclusive of officers. Should the authority conferred by this act be continued, it would depend on the exigencies of the service whether the number of the rank and file should be increased, and, if so, to what amount beyond the minimum number of 64 privates to a company.

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Allowing 64 privates to a company, the Army would be over 10,000 men, exclusive of commissioned and noncommissioned officers, a number which, it is believed, will be sufficient; but, as a precautionary measure, it is deemed expedient that the Executive should possess the power of increasing the strength of the respective corps should the exigencies of the service be such as to require it. Should these exigencies not call for such increase, the discretionary power given by the act to the President will not be exercised.

It will be seen from the report of the Secretary of War that a portion of the forces will be employed in Oregon, New Mexico, and Upper California; a portion for the protection of the Texas frontier adjoining the Mexican possessions, and bordering on the territory occupied by the Indian tribes within her limits. After detailing the force necessary for these objects, it is believed a sufficient number of troops will remain to afford security and protection to our Indian frontiers in the West and Northwest and to occupy with sufficient garrisons the posts on our northern and Atlantic borders.

I have no reason at present to believe that any increase of the number of regiments or corps will be required during a period of peace.

JAMES K. POLK.

WASHINGTON, *August 3, 1848.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of War, together with the accompanying documents, in compliance with the resolution of the Senate of the 24th July, 1848, requesting the President "to transmit to the Senate the proceedings of the two courts of inquiry in the case of Major-General Pillow, the one commenced and terminated in Mexico, and the other commenced in Mexico and terminated in the United States."

JAMES K. POLK.

WASHINGTON, *August 5, 1848.*

*To the Senate of the United States:*

I nominate Andrew J. Donelson, of Tennessee, to be envoy extraordinary and minister plenipotentiary of the United States to the Federal Government of Germany.

In submitting this nomination I transmit, for the information of the Senate, an official dispatch received from the consul of the United States at Darmstadt, dated July 10, 1848. I deem it proper also to state that no such diplomatic agent as that referred to by

the consul has been appointed by me. Mr. Deverre, the person alluded to, is unknown to me and has no authority to represent this Government in any capacity whatever.

JAMES K. POLK.

WASHINGTON, *August 5, 1848.*

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

I communicate herewith a report from the Secretary of War, together with the accompanying documents, in compliance with a resolution of the House of Representatives of the 17th of July, 1848, requesting the President to communicate to the House of Representatives "a copy of the proceedings of the court of inquiry in Mexico touching the matter which led to the dismissal from the public service of Lieutenants Joseph S. Pendee and George E.B. Singletary, of the North Carolina regiment of volunteers, and all the correspondence between the War Department and Generals Taylor and Wool in relation to the same."

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JAMES K. POLK.

WASHINGTON, *August 8, 1848.*

*To the Senate of the United States:*

In reply to the resolution of the Senate of the 7th instant, requesting the President to inform that body "whether he has any information that any citizen or citizens of the United States is or are now preparing or intending to prepare within the United States an expedition to revolutionize by force any part of the Republic of Mexico, or to assist in so doing, and, if he has, what is the extent of such preparation, and whether he has or is about to take any steps to arrest the same," I have to state that the Executive is not in possession of any information of the character called for by the resolution.

The late treaty of peace with Mexico has been and will be faithfully observed on our part.

JAMES K. POLK.

WASHINGTON, *August 8, 1848.*

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

It affords me satisfaction to communicate herewith, for the information of Congress, copies of a decree adopted by the National Assembly of France in response to the resolution of the Congress of the United States passed on the 13th of April last, "tendering the congratulations of the American to the French people upon the success of their recent efforts to consolidate the principles of liberty in a republican form of government."

JAMES K. POLK.

WASHINGTON, *August 10, 1848.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of the Navy, together with the accompanying documents, in answer to a resolution of the Senate of the 18th July, 1848, requesting the President to communicate to that body "any information which may be in the possession of the Executive relating to the seizure or capture of the American ship *Admittance* on the coast of California by a vessel of war of the United States, and whether any, and what, proceedings have occurred in regard to said vessel or her cargo, and to furnish the Senate with copies of all documents, papers, and communications in the possession of the Executive relating to the same."



JAMES K. POLK.

WASHINGTON, *August 10, 1848.*

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

I communicate herewith reports from the Secretary of the Treasury and the Secretary of War, together with the accompanying documents, in answer to a resolution of the House of Representatives of the 17th of July, 1848, requesting the President to inform that body what amount of public moneys had been respectively paid to Lewis Cass and Zachary Taylor from the time of their first entrance into the public service up to this time, distinguishing between regular and extra compensation; that he also state what amount of extra compensation has been claimed by either; the items composing the same; when filed; when and by whom allowed; if disallowed, when and by whom; the reasons for such disallowance; and whether or not any items so disallowed were subsequently presented for payment, and, if allowed, when and by whom.

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JAMES K. POLK.

WASHINGTON, *August 14, 1848.*

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

When the President has given his official sanction to a bill which has passed Congress, usage requires that he shall notify the House in which it originated of that fact. The mode of giving this notification has been by an oral message delivered by his private secretary.

Having this day approved and signed an act entitled "An act to establish the Territorial government of Oregon," I deem it proper, under the existing circumstances, to communicate the fact in a more solemn form. The deeply interesting and protracted discussions which have taken place in both Houses of Congress and the absorbing interest which the subject has excited throughout the country justify, in my judgment, this departure from the form of notice observed in other cases. In this communication with a coordinate branch of the Government, made proper by the considerations referred to, I shall frankly and without reserve express the reasons which have constrained me not to withhold my signature from the bill to establish a government over Oregon, even though the two territories of New Mexico and California are to be left for the present without governments. None doubt that it is proper to establish a government in Oregon. Indeed, it has been too long delayed. I have made repeated recommendations to Congress to this effect. The petitions of the people of that distant region have been presented to the Government, and ought not to be disregarded. To give to them a regularly organized government and the protection of our laws, which, as citizens of the United States, they claim, is a high duty on our part, and one which we are bound to perform, unless there be controlling reasons to prevent it.

In the progress of all governments questions of such transcendent importance occasionally arise as to cast in the shade all those of a mere party character. But one such question can now be agitated in this country, and this may endanger our glorious Union, the source of our greatness and all our political blessings. This question is slavery. With the slaveholding States this does not embrace merely the rights of property, however valuable, but it ascends far higher, and involves the domestic peace and security of every family.

The fathers of the Constitution, the wise and patriotic men who laid the foundation of our institutions, foreseeing the danger from this quarter, acted in a spirit of compromise and mutual concession on this dangerous and delicate subject, and their wisdom ought to be the guide of their successors. Whilst they left to the States exclusively the question of domestic slavery within their respective limits, they provided that slaves who might escape into other States not recognizing the institution of slavery shall be "delivered up on the claim of the party to whom such service or labor may be due."

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Upon this foundation the matter rested until the Missouri question arose.

In December, 1819, application was made to Congress by the people of the Missouri Territory for admission into the Union as a State. The discussion upon the subject in Congress involved the question of slavery, and was prosecuted with such violence as to produce excitements alarming to every patriot in the Union. But the good genius of conciliation, which presided at the birth of our institutions, finally prevailed, and the Missouri compromise was adopted. The eighth section of the act of Congress of the 6th of March, 1820, "to authorize the people of the Missouri Territory to form a constitution and State government," etc., provides:

That in all that territory ceded by France to the United States under the name of Louisiana which lies north of 36 degrees 30 minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

This compromise had the effect of calming the troubled waves and restoring peace and good will throughout the States of the Union.

The Missouri question had excited intense agitation of the public mind, and threatened to divide the country into geographical parties, alienating the feelings of attachment which each portion of our Union should bear to every other. The compromise allayed the excitement, tranquilized the popular mind, and restored confidence and fraternal feelings. Its authors were hailed as public benefactors.

I do not doubt that a similar adjustment of the questions which now agitate the public mind would produce the same happy results. If the legislation of Congress on the subject of the other Territories shall not be adopted in a spirit of conciliation and compromise, it is impossible that the country can be satisfied or that the most disastrous consequences shall fail to ensue.

When Texas was admitted into the Union, the same spirit of compromise which guided our predecessors in the admission of Missouri a quarter of a century before prevailed without any serious opposition. The joint resolution for annexing Texas to the United States, approved March 1, 1845, provides that—

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Such States as may be formed out of that portion of said territory lying south of 36 degrees 30 minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of said territory north of the Missouri compromise line slavery or involuntary servitude (except for crime) shall be prohibited.

The Territory of Oregon lies far north of 36 degrees 30 minutes, the Missouri and Texas compromise line. Its southern boundary is the parallel of 42 degrees, leaving the intermediate distance to be 330 geographical miles. And it is because the provisions of this bill are not inconsistent with the laws of the Missouri compromise, if extended from the Rio Grande to the Pacific Ocean, that I have not felt at liberty to withhold my sanction. Had it embraced territories south of that compromise, the question presented for my consideration would have been of a far different character, and my action upon it must have corresponded with my convictions.

Ought we now to disturb the Missouri and Texas compromises? Ought we at this late day, in attempting to annul what has been so long established and acquiesced in, to excite sectional divisions and jealousies, to alienate the people of different portions of the Union from each other, and to endanger the existence of the Union itself?

From the adoption of the Federal Constitution, during a period of sixty years, our progress as a nation has been without example in the annals of history. Under the protection of a bountiful Providence, we have advanced with giant strides in the career of wealth and prosperity. We have enjoyed the blessings of freedom to a greater extent than any other people, ancient or modern, under a Government which has preserved order and secured to every citizen life, liberty, and property. We have now become an example for imitation to the whole world. The friends of freedom in every clime point with admiration to our institutions. Shall we, then, at the moment when the people of Europe are devoting all their energies in the attempt to assimilate their institutions to our own, peril all our blessings by despising the lessons of experience and refusing to tread in the footsteps which our fathers have trodden? And for what cause would we endanger our glorious Union? The Missouri compromise contains a prohibition of slavery throughout all that vast region extending twelve and a half degrees along the Pacific, from the parallel of 36 degrees 30 minutes to that of 49 degrees, and east from that ocean to and beyond the summit of the Rocky Mountains. Why, then, should our institutions be endangered because it is proposed to submit to the people of the remainder of our newly acquired territory lying south of 36 degrees 30 minutes, embracing less than four degrees of latitude, the

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question whether, in the language of the Texas compromise, they “shall be admitted [as a State] into the Union with or without slavery.” Is this a question to be pushed to such extremities by excited partisans on the one side or the other, in regard to our newly acquired distant possessions on the Pacific, as to endanger the Union of thirty glorious States, which constitute our Confederacy? I have an abiding confidence that the sober reflection and sound patriotism of the people of all the States will bring them to the conclusion that the dictate of wisdom is to follow the example of those who have gone before us, and settle this dangerous question on the Missouri compromise, or some other equitable compromise which would respect the rights of all and prove satisfactory to the different portions of the Union.

Holding as a sacred trust the Executive authority for the whole Union, and bound to guard the rights of all, I should be constrained by a sense of duty to withhold my official sanction from any measure which would conflict with these important objects.

I can not more appropriately close this message than by quoting from the Farewell Address of the Father of his Country. His warning voice can never be heard in vain by the American people. If the spirit of prophecy had distinctly presented to his view more than a half century ago the present distracted condition of his country, the language which he then employed could not have been more appropriate than it is to the present occasion. He declared:

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts. For this you have every inducement of

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sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

\* \* \* \* \*

With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands. In contemplating the causes which may disturb our union it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by *geographical* discriminations—*Northern* and *Southern*, *Atlantic* and *Western*—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection.

JAMES K. POLK.

### VETO MESSAGE.[20]

[Footnote 20: Pocket veto.]

WASHINGTON, *December 15, 1847.*

*To the House of Representatives:*

On the last day of the last session of Congress a bill entitled “An act to provide for continuing certain works in the Territory of Wisconsin, and for other purposes,” which had passed both Houses, was presented to me for my approval. I entertained insuperable objections to its becoming a law, but the short period of the session which remained afforded me no sufficient opportunity to prepare my objections and communicate them with the bill to the House of Representatives, in which it originated. For this reason the bill was retained, and I deem it proper now to state my objections to it.

Although from the title of the bill it would seem that its main object was to make provision for continuing certain works already commenced in the Territory of Wisconsin, it appears on examination of its provisions that it contains only a single appropriation of \$6,000 to be applied within that Territory, while it appropriates more than half a million of dollars for the improvement of numerous harbors and rivers lying within, the limits and jurisdiction of several of the States of the Union.

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At the preceding session of Congress it became my duty to return with my objections to the House in which it originated a bill making similar appropriations and involving like principles, and the views then expressed remain unchanged.

The circumstances under which this heavy expenditure of public money was proposed were of imposing weight in determining upon its expediency. Congress had recognized the existence of war with Mexico, and to prosecute it to "a speedy and successful termination" had made appropriations exceeding our ordinary revenues. To meet the emergency and provide for the expenses of the Government, a loan of \$23,000,000 was authorized at the same session, which has since been negotiated. The practical effect of this bill, had it become a law, would have been to add the whole amount appropriated by it to the national debt. It would, in fact, have made necessary an additional loan to that amount as effectually as if in terms it had required the Secretary of the Treasury to borrow the money therein appropriated. The main question in that aspect is whether it is wise, while all the means and credit of the Government are needed to bring the existing war to an honorable close, to impair the one and endanger the other by borrowing money to be expended in a system of internal improvements capable of an expansion sufficient to swallow up the revenues not only of our own country, but of the civilized world? It is to be apprehended that by entering upon such a career at this moment confidence at home and abroad in the wisdom and prudence of the Government would be so far impaired as to make it difficult, without an immediate resort to heavy taxation, to maintain the public credit and to preserve the honor of the nation and the glory of our arms in prosecuting the existing war to a successful conclusion. Had this bill become a law, it is easy to foresee that largely increased demands upon the Treasury would have been made at each succeeding session of Congress for the improvements of numerous other harbors, bays, inlets, and rivers of equal importance with those embraced by its provisions. Many millions would probably have been added to the necessary amount of the war debt, the annual interest on which must also have been borrowed, and finally a permanent national debt been fastened on the country and entailed on posterity.

The policy of embarking the Federal Government in a general system of internal improvements had its origin but little more than twenty years ago. In a very few years the applications to Congress for appropriations in furtherance of such objects exceeded \$200,000,000. In this alarming crisis President Jackson refused to approve and sign the Maysville road bill, the Wabash River bill, and other bills of similar character. His interposition put a check upon the new policy of throwing the cost of local improvements upon the National Treasury, preserved the revenues of the nation for their legitimate objects, by which



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he was enabled to extinguish the then existing public debt and to present to an admiring world the unprecedented spectacle in modern times of a nation free from debt and advancing to greatness with unequaled strides under a Government which was content to act within its appropriate sphere in protecting the States and individuals in their own chosen career of improvement and of enterprise. Although the bill under consideration proposes no appropriation for a road or canal, it is not easy to perceive the difference in principle or mischievous tendency between appropriations for making roads and digging canals and appropriations to deepen rivers and improve harbors. All are alike within the limits and jurisdiction of the States, and rivers and harbors alone open an abyss of expenditure sufficient to swallow up the wealth of the nation and load it with a debt which may fetter its energies and tax its industry for ages to come.

The experience of several of the States, as well as that of the United States, during the period that Congress exercised the power of appropriating the public money for internal improvements is full of eloquent warnings. It seems impossible, in the nature of the subject, as connected with local representation, that the several objects presented for improvement shall be weighed according to their respective merits and appropriations confined to those whose importance would justify a tax on the whole community to effect their accomplishment.

In some of the States systems of internal improvements have been projected, consisting of roads and canals, many of which, taken separately, were not of sufficient public importance to justify a tax on the entire population of the State to effect their construction, and yet by a combination of local interests, operating on a majority of the legislature, the whole have been authorized and the States plunged into heavy debts. To an extent so ruinous has this system of legislation been carried in some portions of the Union that the people have found it necessary to their own safety and prosperity to forbid their legislatures, by constitutional restrictions, to contract public debts for such purposes without their immediate consent.

If the abuse of power has been so fatal in the States, where the systems of taxation are direct and the representatives responsible at short periods to small masses of constituents, how much greater danger of abuse is to be apprehended in the General Government, whose revenues are raised by indirect taxation and whose functionaries are responsible to the people in larger masses and for longer terms.

Regarding only objects of improvement of the nature of those embraced in this bill, how inexhaustible we shall find them. Let the imagination run along our coast from the river St. Croix to the Rio Grande and trace every river emptying into the Atlantic and Gulf of Mexico to its source; let it coast along our lakes and ascend all their tributaries; let it pass to Oregon and explore all its bays, inlets, and streams; and then let it raise the curtain of the future and contemplate the extent of this Republic and the objects of

improvement it will embrace as it advances to its high destiny, and the mind will be startled at the immensity and danger of the power which the principle of this bill involves.

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Already our Confederacy consists of twenty-nine States. Other States may at no distant period be expected to be formed on the west of our present settlements. We own an extensive country in Oregon, stretching many hundreds of miles from east to west and seven degrees of latitude from south to north. By the admission of Texas into the Union we have recently added many hundreds of miles to our seacoast. In all this vast country, bordering on the Atlantic and Pacific, there are many thousands of bays, inlets, and rivers equally entitled to appropriations for their improvement with the objects embraced in this bill.

We have seen in our States that the interests of individuals or neighborhoods, combining against the general interest, have involved their governments in debts and bankruptcy; and when the system prevailed in the General Government, and was checked by President Jackson, it had begun to be considered the highest merit in a member of Congress to be able to procure appropriations of public money to be expended within his district or State, whatever might be the object. We should be blind to the experience of the past if we did not see abundant evidences that if this system of expenditure is to be indulged in combinations of individual and local interests will be found strong enough to control legislation, absorb the revenues of the country, and plunge the Government into a hopeless indebtedness.

What is denominated a harbor by this system does not necessarily mean a bay, inlet, or arm of the sea on the ocean or on our lake shores, on the margin of which may exist a commercial city or town engaged in foreign or domestic trade, but is made to embrace waters, where there is not only no such city or town, but no commerce of any kind. By it a bay or sheet of shoal water is called a *harbor*, and appropriations demanded from Congress to deepen it with a View to draw commerce to it or to enable individuals to build up a town or city on its margin upon speculation and for their own private advantage.

What is denominated a river which may be improved in the system is equally undefined in its meaning. It may be the Mississippi or it may be the smallest and most obscure and unimportant stream bearing the name of river which is to be found in any State in the Union.

Such a system is subject, moreover, to be perverted to the accomplishment of the worst of political purposes. During the few years it was in full operation, and which immediately preceded the veto of President Jackson of the Maysville road bill, instances were numerous of public men seeking to gain popular favor by holding out to the people interested in particular localities the promise of large disbursements of public money. Numerous reconnoissances and surveys were made during that period for roads and canals through many parts of the Union, and the people in the vicinity of each were led to believe that their property would be enhanced in value and they themselves be enriched by the large expenditures which they were promised by the advocates of the system should be made from the Federal Treasury in their neighborhood. Whole

sections of the country were thus sought to be influenced, and the system was fast becoming one not only of profuse and wasteful expenditure, but a potent political engine.

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If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes and make harbors where there are none can be denied. If the power to clear out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain head and make them navigable to their sources can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power when an inlet is deep enough to admit a schooner to deepen it still more, so that it will admit ships of heavy burden, and has it not the power when an inlet will admit a boat to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats, and has it no power to improve those which are navigable only for flatboats and barges? May the General Government exercise power and jurisdiction over the soil of a State consisting of rocks and sand bars in the beds of its rivers, and may it not excavate a canal around its waterfalls or across its lands for precisely the same object?

Giving to the subject the most serious and candid consideration of which my mind is capable, I can not perceive any intermediate grounds. The power to improve harbors and rivers for purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canalling, must be admitted without any other limitation than the discretion of Congress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuses is the power thus vested in the General Government! There is not an inlet of the ocean or the Lakes, not a river, creek, or streamlet within the States, which is not brought for this purpose within the power and jurisdiction of the General Government.

Speculation, disguised under the cloak of public good, will call on Congress to deepen shallow inlets, that it may build up new cities on their shores, or to make streams navigable which nature has closed by bars and rapids, that it may sell at a profit its lands upon their banks. To enrich neighborhoods by spending within them the moneys of the nation will be the aim and boast of those who prize their local interests above the good of the nation, and millions upon millions will be abstracted by tariffs and taxes from the earnings of the whole people to foster speculation and subserve the objects of private ambition.

Such a system could not be administered with any approach to equality among the several States and sections of the Union. There is no equality among them in the objects of expenditure, and if the funds were distributed according to the merits of those objects some would be enriched at the expense of their neighbors. But a greater practical evil would be found in the art and industry by which appropriations would be sought and obtained. The most artful and industrious would be the most successful. The true interests of the country would be lost sight of in an annual scramble for the contents of the Treasury, and the Member of Congress who could procure the largest appropriations to be expended in his district would claim the reward of victory from his

enriched constituents. The necessary consequence would be sectional discontents and heartburnings, increased taxation, and a national debt never to be extinguished.

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In view of these portentous consequences, I can not but think that this course of legislation should be arrested, even were there nothing to forbid it in the fundamental laws of our Union. This conclusion is fortified by the fact that the Constitution itself indicates a process by which harbors and rivers within the States may be improved—a process not susceptible of the abuses necessarily to flow from the assumption of the power to improve them by the General Government, just in its operation, and actually practiced upon, without complaint or interruption, during more than thirty years from the organization of the present Government.

The Constitution provides that “no State shall, without the consent of Congress, lay any duty of tonnage.” With the “consent” of Congress, such duties may be levied, collected, and expended by the States. We are not left in the dark as to the objects of this reservation of power to the States. The subject was fully considered by the Convention that framed the Constitution. It appears in Mr. Madison’s report of the proceedings of that body that one object of the reservation was that the States should not be restrained from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates, and among them the support of seamen. Mr. Madison, treating on this subject in the *Federalist*, declares that—

The restraint on the power of the States over imports and exports is enforced by all the arguments which prove the necessity of submitting the regulation of trade to the Federal councils. It is needless, therefore, to remark further on this head than that the manner in which the restraint is qualified seems well calculated at once to secure to the States a reasonable discretion in providing for the conveniency of their imports and exports, and to the United States a reasonable check against the abuse of this discretion.

The States may lay tonnage duties for clearing harbors, improving rivers, or for other purposes, but are restrained from abusing the power, because before such duties can take effect the “consent” of Congress must be obtained. Here is a safe provision for the improvement of harbors and rivers in the reserved powers of the States and in the aid they may derive from duties of tonnage levied with the consent of Congress. Its safeguards are, that both the State legislatures and Congress have to concur in the act of raising the funds; that they are in every instance to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure, being in the hands of those who are to pay the money and be immediately benefited, will be more carefully managed and more productive of good than if the funds were drawn from the National Treasury and disbursed by the officers of the General Government; that such a system will carry with it no enlargement of Federal power and patronage, and leave the States to be the sole judges of their own wants and interests, with only a conservative negative in Congress upon any abuse of the power which the States may attempt.

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Under this wise system the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present Constitution. Many acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, it may be instructive to refer to some of them, as illustrative of the mode of improving harbors and rivers in the early periods of our Government, as to the constitutionality of which there can be no doubt.

In January, 1790, the State of Rhode Island passed a law levying a tonnage duty on vessels arriving in the port of Providence, "for the purpose of clearing and deepening the channel of Providence River and making the same more navigable."

On the 2d of February, 1798, the State of Massachusetts passed a law levying a tonnage duty on all vessels, whether employed in the foreign or coasting trade, which might enter into the Kennebunk River, for the improvement of the same by "rendering the passage in and out of said river less difficult and dangerous."

On the 1st of April, 1805, the State of Pennsylvania passed a law levying a tonnage duty on vessels, "to remove the obstructions to the navigation of the river Delaware below the city of Philadelphia."

On the 23d of January, 1804, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of James River."

On the 22d of February, 1826, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of James River from Warwick to Rocketts landing."

On the 8th of December, 1824, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of Appomattox River from Pocahontas Bridge to Broadway."

In November, 1821, the State of North Carolina passed a law levying a tonnage duty on vessels, "for the purpose of opening an inlet at the lower end of Albemarle Sound, near a place called Nags Head, and improving the navigation of said sound, with its branches;" and in November, 1828, an amendatory law was passed.

On the 21st of December, 1804, the State of South Carolina passed a law levying a tonnage duty, for the purpose of "building a marine hospital in the vicinity of Charleston," and on the 17th of December, 1816, another law was passed by the legislature of that State for the "maintenance of a marine hospital."



On the 10th of February, 1787, the State of Georgia passed a law levying a tonnage duty on all vessels entering into the port of Savannah, for the purpose of “clearing” the Savannah River of “wrecks and other obstructions” to the navigation.

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On the 12th of December, 1804, the State of Georgia passed a law levying a tonnage duty on vessels, "to be applied to the payment of the fees of the harbor master and health officer of the ports of Savannah and St. Marys."

In April, 1783, the State of Maryland passed a law laying a tonnage duty on vessels, for the improvement of the "basin" and "harbor" of Baltimore and the "river Patapsco."

On the 26th of December, 1791, the State of Maryland passed a law levying a tonnage duty on vessels, for the improvement of the "harbor and port of Baltimore."

On the 28th of December, 1793, the State of Maryland passed a law authorizing the appointment of a health officer for the port of Baltimore, and laying a tonnage duty on vessels to defray the expenses.

Congress has passed many acts giving its "consent" to these and other State laws, the first of which is dated in 1790 and the last in 1843. By the latter act the "consent" of Congress was given to the law of the legislature of the State of Maryland laying a tonnage duty on vessels for the improvement of the harbor of Baltimore, and continuing it in force until the 1st day of June, 1850. I transmit herewith copies of such of the acts of the legislatures of the States on the subject, and also the acts of Congress giving its "consent" thereto, as have been collated.

That the power was constitutionally and rightfully exercised in these cases does not admit of a doubt.

The injustice and inequality resulting from conceding the power to both Governments is illustrated by several of the acts enumerated. Take that for the improvement of the harbor of Baltimore. That improvement is paid for exclusively by a tax on the commerce of that city, but if an appropriation be made from the National Treasury for the improvement of the harbor of Boston it must be paid in part out of taxes levied on the commerce of Baltimore. The result is that the commerce of Baltimore pays the full cost of the harbor improvement designed for its own benefit, and in addition contributes to the cost of all other harbor and river improvements in the Union. The facts need but be stated to prove the inequality and injustice which can not but flow from the practice embodied in this bill. Either the subject should be left as it was during the first third of a century, or the practice of levying tonnage duties by the States should be abandoned altogether and all harbor and river improvements made under the authority of the United States, and by means of direct appropriations. In view not only of the constitutional difficulty, but as a question of policy, I am clearly of opinion that the whole subject should be left to the States, aided by such tonnage duties on vessels navigating their waters as their respective legislatures may think proper to propose and Congress see fit to sanction. This "consent" of Congress would never be refused in any case where the duty proposed to

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be levied by the State was reasonable and where the object of improvement was one of importance. The funds required for the improvement of harbors and rivers may be raised in this mode, as was done in the earlier periods of the Government, and thus avoid a resort to a strained construction of the Constitution not warranted by its letter. If direct appropriations be made of the money in the Federal Treasury for such purposes, the expenditures will be unequal and unjust. The money in the Federal Treasury is paid by a tax on the whole people of the United States, and if applied to the purposes of improving harbors and rivers it will be partially distributed and be expended for the advantage of particular States, sections, or localities at the expense of others.

By returning to the early and approved construction of the Constitution and to the practice under it this inequality and injustice will be avoided and at the same time all the really important improvements be made, and, as our experience has proved, be better made and at less cost than they would be by the agency of officers of the United States. The interests benefited by these improvements, too, would bear the cost of making them, upon the same principle that the expenses of the Post-Office establishment have always been defrayed by those who derive benefits from it. The power of appropriating money from the Treasury for such improvements was not claimed or exercised for more than thirty years after the organization of the Government in 1789, when a more latitudinous construction was indicated, though it was not broadly asserted and exercised until 1825. Small appropriations were first made in 1820 and 1821 for surveys. An act was passed on the 3d of March, 1823, authorizing the President to "cause an examination and survey to be made of the obstructions between the harbor of Gloucester and the harbor of Squam, in the State of Massachusetts," and of "the entrance of the harbor of the port of Presque Isle, in Pennsylvania," with a view to their removal, and a small appropriation was made to pay the necessary expenses. This appears to have been the commencement of harbor improvements by Congress, thirty-four years after the Government went into operation under the present Constitution. On the 30th of April, 1824, an act was passed making an appropriation of \$30,000, and directing "surveys and estimates to be made of the routes of such roads and canals" as the President "may deem of national importance in a commercial or military point of view or necessary for the transportation of the mails." This act evidently looked to the adoption of a general system of internal improvements, to embrace roads and canals as well as harbors and rivers. On the 26th May, 1824, an act was passed making appropriations for "deepening the channel leading into the harbor of Presque Isle, in the State of Pennsylvania," and to "repair Plymouth Beach, in the State of Massachusetts, and thereby prevent the harbor at that place from being destroyed."

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President Monroe yielded his approval to these measures, though he entertained, and had, in a message to the House of Representatives on the 4th of May, 1822, expressed, the opinion that the Constitution had not conferred upon Congress the power to “adopt and execute a system of internal improvements.” He placed his approval upon the ground, not that Congress possessed the power to “adopt and execute” such a system by virtue of any or all of the enumerated grants of power in the Constitution, but upon the assumption that the power to make appropriations of the public money was limited and restrained only by the discretion of Congress. In coming to this conclusion he avowed that “in the more early stage of the Government” he had entertained a different opinion. He avowed that his first opinion had been that “as the National Government is a Government of limited powers, it has no right to expend money except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers,” and that the power to make appropriations gave to Congress no discretionary authority to apply the public money to any other purposes or objects except to “carry into effect the powers contained in the other grants.” These sound views, which Mr. Monroe entertained “in the early stage of the Government,” he gave up in 1822, and declared that—

The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

But it is impossible to conceive on what principle the power of appropriating public money when in the Treasury can be construed to extend to objects for which the Constitution does not authorize Congress to levy taxes or imposts to raise money. The power of appropriation is but the consequence of the power to raise money; and the true inquiry is whether Congress has the right to levy taxes for the object over which power is claimed.

During the four succeeding years embraced by the Administration of President Adams the power not only to appropriate money, but to apply it, under the direction and authority of the General Government, as well to the construction of roads as to the improvement of harbors and rivers, was fully asserted and exercised.

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Among other acts assuming the power was one passed on the 20th of May, 1826, entitled "An act for improving certain harbors and the navigation of certain rivers and creeks, and for authorizing surveys to be made of certain bays, sounds, and rivers therein mentioned." By that act large appropriations were made, which were to be "applied, under the direction of the President of the United States," to numerous improvements in ten of the States. This act, passed thirty-seven years after the organisation of the present Government, contained the first appropriation ever made for the improvement of a navigable river, unless it be small appropriations for examinations and surveys in 1820. During the residue of that Administration many other appropriations of a similar character were made, embracing roads, rivers, harbors, and canals, and objects claiming the aid of Congress multiplied without number.

This was the first breach effected in the barrier which the universal opinion of the framers of the Constitution had for more than thirty years thrown in the way of the assumption of this power by Congress. The general mind of Congress and the country did not appreciate the distinction taken by President Monroe between the right to appropriate money for an object and the right to apply and expend it without the embarrassment and delay of applications to the State governments. Probably no instance occurred in which such an application was made, and the flood gates being thus hoisted the principle laid down by him was disregarded, and applications for aid from the Treasury, virtually to make harbors as well as improve them, clear out rivers, cut canals, and construct roads, poured into Congress in torrents until arrested by the veto of President Jackson. His veto of the Maysville road bill was followed up by his refusal to sign the "Act making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, improving harbors, and directing surveys;" "An act authorizing subscriptions for stock in the Louisville and Portland Canal Company;" "An act for the improvement of certain harbors and the navigation of certain rivers;" and, finally, "An act to improve the navigation of the Wabash River." In his objections to the act last named he says:

The desire to embark the Federal Government in works of internal improvement prevailed in the highest degree during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees of Internal Improvements bills containing appropriations for such objects, inclusive of those for the Cumberland road and for harbors and light-houses, to the amount of \$106,000,000. In this amount was included authority to the Secretary of the Treasury to subscribe for

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the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government, in addition to these projects, which had been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees and in memorials to Congress presented but not referred different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded \$100,000,000.

Thus, within the brief period of less than ten years after the commencement of internal improvements by the General Government the sum asked for from the Treasury for various projects amounted to more than \$200,000,000. President Jackson's powerful and disinterested appeals to his country appear to have put down forever the assumption of power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers in any degree navigable within the control of the General Government. But an immense field for expending the public money and increasing the power and patronage of this Government was left open in the concession of even a limited power of Congress to improve harbors and rivers—a field which millions will not fertilize to the satisfaction of those local and speculating interests by which these projects are in general gotten up. There can not be a just and equal distribution of public burdens and benefits under such a system, nor can the States be relieved from the danger of fatal encroachment, nor the United States from the equal danger of consolidation, otherwise than by an arrest of the system and a return to the doctrines and practices which prevailed during the first thirty years of the Government.

How forcibly does the history of this subject illustrate the tendency of power to concentration in the hands of the General Government. The power to improve their own harbors and rivers was clearly reserved to the States, who were to be aided by tonnage duties levied and collected by themselves, with the consent of Congress. For thirty-four years improvements were carried on under that system, and so careful was Congress not to interfere, under any implied power, with the soil or jurisdiction of the States that they did not even assume the power to erect lighthouses or build piers without first purchasing the ground, with the consent of the States, and obtaining jurisdiction over it. At length, after the lapse of thirty-three years, an act is passed providing for the examination of certain obstructions at the mouth of one or two harbors almost unknown. It is followed by acts making small appropriations for the removal of those obstructions. The obstacles interposed by President Monroe, after conceding the power to appropriate, were soon swept away. Congress virtually assumed jurisdiction of the soil and waters of the States,

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without their consent, for the purposes of internal improvement, and the eyes of eager millions were turned from the State governments to Congress as the fountain whose golden streams were to deepen their harbors and rivers, level their mountains, and fill their valleys with canals. To what consequences this assumption of power was rapidly leading is shown by the veto messages of President Jackson, and to what end it is again tending is witnessed by the provisions of this bill and bills of similar character.

In the proceedings and debates of the General Convention which formed the Constitution and of the State conventions which adopted it nothing is found to countenance the idea that the one intended to propose or the others to concede such a grant of power to the General Government as the building up and maintaining of a system of internal improvements within the States necessarily implies. Whatever the General Government may constitutionally create, it may lawfully protect. If it may make a road upon the soil of the States, it may protect it from destruction or injury by penal laws. So of canals, rivers, and harbors. If it may put a dam in a river, it may protect that dam from removal or injury, in direct opposition to the laws, authorities, and people of the State in which it is situated. If it may deepen a harbor, it may by its own laws protect its agents, and contractors from being driven from their work even by the laws and authorities of the State. The power to make a road or canal or to dig up the bottom of a harbor or river implies a right in the soil of the State and a jurisdiction over it, for which it would be impossible to find any warrant.

The States were particularly jealous of conceding to the General Government any right of jurisdiction over their soil, and in the Constitution restricted the exclusive legislation of Congress to such places as might be "purchased with the consent of the States in which the same shall be, for the erection of forts, magazines, dockyards, and other needful buildings." That the United States should be prohibited from purchasing lands within the States without their consent, even for the most essential purposes of national defense, while left at liberty to purchase or seize them for roads, canals, and other improvements of immeasurably less importance, is not to be conceived.

A proposition was made in the Convention to provide for the appointment of a "Secretary of Domestic Affairs," and make it his duty, among other things, "to attend to the opening of roads and navigation and the facilitating communications through the United States." It was referred to a committee, and that appears to have been the last of it. On a subsequent occasion a proposition was made to confer on Congress the power to "provide for the cutting of canals when deemed necessary," which was rejected by the strong majority of eight States to three. Among the reasons given for the rejection of this proposition, it was urged that "the expense in such cases will fall on the United States and the benefits accrue to the places where the canals may be cut."



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During the consideration of this proposition a motion was made to enlarge the proposed power for “cutting canals” into a power “to grant charters of incorporation when the interest of the United States might require and the legislative provisions of the individual States may be incompetent;” and the reason assigned by Mr. Madison for the proposed enlargement of the power was that it would “secure an easy communication between the States, which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones, as far as possible, ought to follow.”

The original proposition and all the amendments were rejected, after deliberate discussion, not on the ground, as so much of that discussion as has been preserved indicates, that no direct grant was necessary, but because it was deemed inexpedient to grant it at all. When it is considered that some of the members of the Convention, who afterwards participated in the organization and administration of the Government, advocated and practiced upon a very liberal construction of the Constitution, grasping at many high powers as implied in its various provisions, not one of them, it is believed, at that day claimed the power to make roads and canals, or improve rivers and harbors, or appropriate money for that purpose. Among our early statesmen of the strict-construction class the opinion was universal, when the subject was first broached, that Congress did not possess the power, although some of them thought it desirable.

President Jefferson, in his message to Congress in 1806, recommended an amendment of the Constitution, with a view to apply an anticipated surplus in the Treasury “to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers.” And he adds:

I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.

In 1825 he repeated, in his published letters, the opinion that no such power has been conferred upon Congress.

President Madison, in a message to the House of Representatives of the 3d of March, 1817, assigning his objections to a bill entitled “An act to set apart and pledge certain funds for internal improvements,” declares that—

“The power to regulate commerce among the several States” can not include a power to construct roads and canals and to *improve the navigation of water courses* in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.



President Monroe, in a message to the House of Representatives of the 4th of May, 1822, containing his objections to a bill entitled "An act for the preservation and repair of the Cumberland road," declares:

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Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution, equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted. If we recur to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the States respectively and the advantages anticipated from the transfer of the power to Congress were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the States individually had commenced a system of restraint on each other whereby the interests of foreign powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign power to countervail the regulations of such power, the next adjoining States imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States; and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself and with it all hope of realizing those blessings which we had anticipated from the glorious Revolution which had been so recently achieved. From this deplorable dilemma, or, rather, certain ruin, we were happily rescued by the adoption of the Constitution. Among the first and most important effects of this great Revolution was the complete abolition of this pernicious policy. The States were brought together by the Constitution, as to commerce, into one community, equally in regard to foreign nations and each other. The regulations that were adopted regarded us in both respects as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State. This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781 Congress recommended it to the States to vest in the United States a power to levy a duty of 5 per cent on all goods imported from foreign countries into the United States for the term of fifteen years. In 1783 this recommendation, with alterations as to the kind of duties and an extension of this

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term to twenty-five years, was repeated and more earnestly urged. In 1784 it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786 a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report a convention was formed at Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present Constitution. In none of these measures was the subject of internal improvement mentioned or even glanced at. Those of 1784, 1785, 1786, and 1787, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second no reason has been assigned which appears to have the least weight.

Such is a brief history of the origin, progress, and consequences of a system which for more than thirty years after the adoption of the Constitution was unknown. The greatest embarrassment upon the subject consists in the departure which has taken place from the early construction of the Constitution and the precedents which are found in the legislation of Congress in later years. President Jackson, in his veto of the Wabash River bill, declares that "to inherent embarrassments have been added others resulting from the course of our legislation concerning it." In his vetoes on the Maysville road bill, the Rockville road bill, the Wabash River bill, and other bills of like character he reversed the precedents which existed prior to that time on the subject of internal improvements. When our experience, observation, and reflection have convinced us that a legislative precedent is either unwise or unconstitutional, it should not be followed.

No express grant of this power is found in the Constitution. Its advocates have differed among themselves as to the source from which it is derived as an incident. In the progress of the discussions upon this subject the power to regulate commerce seems now to be chiefly relied upon, especially in reference to the improvement of harbors and rivers.

In relation to the regulation of commerce, the language of the grant in the Constitution is:

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Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

That to “regulate commerce” does not mean to make a road, or dig a canal, or clear out a river, or deepen a harbor would seem to be obvious to the common understanding. To “regulate” admits or affirms the preexistence of the thing to be regulated. In this case it presupposes the existence of commerce, and, of course, the means by which and the channels through which commerce is carried on. It confers no creative power; it only assumes control over that which may have been brought into existence through other agencies, such as State legislation and the industry and enterprise of individuals. If the definition of the word “regulate” is to include the provision of means to carry on commerce, then have Congress not only power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehicles, all of which are necessary to commerce. There is no middle ground. If the power to regulate can be legitimately construed into a power to create or facilitate, then not only the bays and harbors, but the roads and canals and all the means of transporting merchandise among the several States, are put at the disposition of Congress. This power to regulate commerce was construed and exercised immediately after the adoption of the Constitution, and has been exercised to the present day, by prescribing general rules by which commerce should be conducted. With foreign nations it has been regulated by treaties defining the rights of citizens and subjects, as well as by acts of Congress imposing duties and restrictions embracing vessels, seamen, cargoes, and passengers. It has been regulated among the States by acts of Congress relating to the coasting trade and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon internal trade. It has been regulated, with the Indian tribes by our intercourse laws, prescribing the manner in which it shall be carried on. Thus each branch of this grant of power was exercised soon after the adoption of the Constitution, and has continued to be exercised to the present day. If a more extended construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the power other than the will and discretion of Congress. It sweeps into the vortex of national power and jurisdiction not only harbors and inlets, rivers and little streams, but canals, turnpikes, and railroads—every species of improvement which can facilitate or create trade and intercourse “with foreign nations, and among the several States, and with the Indian tribes.”

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Should any great object of improvement exist in our widely extended country which can not be effected by means of tonnage duties levied by the States with the concurrence of Congress, it is safer and wiser to apply to the States in the mode prescribed by the Constitution for an amendment of that instrument whereby the powers of the General Government may be enlarged, with such limitations and restrictions as experience has shown to be proper, than to assume and exercise a power which has not been granted, or which may be regarded as doubtful in the opinion of a large portion of our constituents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson, and I fully concur with them in opinion. If an enlargement of power should be deemed proper, it will unquestionably be granted by the States; if otherwise, it will be withheld; and in either case their decision should be final. In the meantime I deem it proper to add that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this Government and the happiness of the millions over whom it spreads its protection will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the Constitution.

JAMES K. POLK.

## PROCLAMATION.

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

A PROCLAMATION.

Whereas a treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic was concluded and signed at the city of Guadalupe Hidalgo on the 2d day of February, 1848, which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows:

[Here follows the treaty.]

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Queretaro on the 30th day of May last by Ambrose H. Sevier and Nathan Clifford, commissioners on the part of the Government of the United States, and by Senor Don Luis de la Rosa, minister of relations of the Mexican Republic, on the part of that Government:

Now, therefore, be it known that I, James K. Polk, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

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

[SEAL.]

Done at the city of Washington, this 4th day of July, 1848, and of the Independence of the United States the seventy-third.

JAMES K. POLK.

By the President:

JAMES BUCHANAN,  
*Secretary of State.*

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## EXECUTIVE ORDER.

GENERAL ORDERS, No. 9.

WAR DEPARTMENT, Adjutant-General's Office,

*Washington, February 24, 1848.*

I. The following orders of the President of the United States and Secretary of War announce to the Army the death of the illustrious ex-President John Quincy Adams:

BY THE PRESIDENT OF THE UNITED STATES.

WASHINGTON, *February 24, 1848.*

It has pleased Divine Providence to call hence a great and patriotic citizen. John Quincy Adams is no more. At the advanced age of more than fourscore years, he was suddenly stricken from his seat in the House of Representatives by the hand of disease on the 21st, and expired in the Capitol a few minutes after 7 o'clock on the evening of the 23d of February, 1848.

He had for more than half a century filled the most important public stations, and among them that of President of the United States. The two Houses of Congress, of one of which he was a venerable and most distinguished member, will doubtless prescribe appropriate ceremonies to be observed as a mark of respect for the memory of this eminent citizen.

The nation mourns his loss; and as a further testimony of respect for his memory I direct that all the executive offices at Washington be placed in mourning and that all business be suspended during this day and to-morrow.

JAMES K. POLK.

WAR DEPARTMENT, *February 24, 1848.*

The President of the United States with deep regret announces to the Army the death of John Quincy Adams, our eminent and venerated fellow-citizen.

While occupying his seat as a member of the House of Representatives, on the 21st instant he was suddenly prostrated by disease, and on the 23d expired, without having been removed from the Capitol. He had filled many honorable and responsible stations in the service of his country, and among them that of President of the United States; and he closed his long and eventful life in the actual discharge of his duties as one of the Representatives of the people.



From sympathy with his relatives and the American people for his loss and from respect for his distinguished public services, the President orders that funeral honors shall be paid to his memory at each of the military stations.

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

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

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

The national flag will be displayed at half-staff.

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



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

By order:

R. JONES,  
*Adjutant-General.*

### FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 5, 1848.*

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

Under the benignant providence of Almighty God the representatives of the States and of the people are again brought together to deliberate for the public good. The gratitude of the nation to the Sovereign Arbiter of All Human Events should be commensurate with the boundless blessings which we enjoy.

Peace, plenty, and contentment reign throughout our borders, and our beloved country presents a sublime moral spectacle to the world.

The troubled and unsettled condition of some of the principal European powers has had a necessary tendency to check and embarrass trade and to depress prices throughout all commercial nations, but notwithstanding these causes, the United States, with their abundant products, have felt their effects less severely than any other country, and all our great interests are still prosperous and successful.

In reviewing the great events of the past year and contrasting the agitated and disturbed state of other countries with our own tranquil and happy condition, we may congratulate ourselves that we are the most favored people on the face of the earth. While the people of other countries are struggling to establish free institutions, under which man may govern himself, we are in the actual enjoyment of them—a rich inheritance from our fathers. While enlightened nations of Europe are convulsed and distracted by civil war or intestine strife, we settle all our political controversies by the peaceful exercise of the rights of freemen at the ballot box.

The great republican maxim, so deeply engraven on the hearts of our people, that the will of the majority, constitutionally expressed, shall prevail, is our sure safeguard against force and violence. It is a subject of just pride that our fame and character as a nation continue rapidly to advance in the estimation of the civilized world.

To our wise and free institutions it is to be attributed that while other nations have achieved glory at the price of the suffering, distress, and impoverishment of their

people, we have won our honorable position in the midst of an uninterrupted prosperity and of an increasing individual comfort and happiness.

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I am happy to inform you that our relations with all nations are friendly and pacific. Advantageous treaties of commerce have been concluded within the last four years with New Granada, Peru, the Two Sicilies, Belgium, Hanover, Oldenburg, and Mecklenburg-Schwerin. Pursuing our example, the restrictive system of Great Britain, our principal foreign customer, has been relaxed, a more liberal commercial policy has been adopted by other enlightened nations, and our trade has been greatly enlarged and extended. Our country stands higher in the respect of the world than at any former period. To continue to occupy this proud position, it is only necessary to preserve peace and faithfully adhere to the great and fundamental principle of our foreign policy of noninterference in the domestic concerns of other nations. We recognize in all nations the right which we enjoy ourselves, to change and reform their political institutions according to their own will and pleasure. Hence we do not look behind existing governments capable of maintaining their own authority. We recognize all such actual governments, not only from the dictates of true policy, but from a sacred regard for the independence of nations. While this is our settled policy, it does not follow that we can ever be indifferent spectators of the progress of liberal principles. The Government and people of the United States hailed with enthusiasm and delight the establishment of the French Republic, as we now hail the efforts in progress to unite the States of Germany in a confederation similar in many respects to our own Federal Union. If the great and enlightened German States, occupying, as they do, a central and commanding position in Europe, shall succeed in establishing such a confederated government, securing at the same time to the citizens of each State local governments adapted to the peculiar condition of each, with unrestricted trade and intercourse with each other, it will be an important era in the history of human events. Whilst it will consolidate and strengthen the power of Germany, it must essentially promote the cause of peace, commerce, civilization, and constitutional liberty throughout the world.

With all the Governments on this continent our relations, it is believed, are now on a more friendly and satisfactory footing than they have ever been at any former period.

Since the exchange of ratifications of the treaty of peace with Mexico our intercourse with the Government of that Republic has been of the most friendly character. The envoy extraordinary and minister plenipotentiary of the United States to Mexico has been received and accredited, and a diplomatic representative from Mexico of similar rank has been received and accredited by this Government. The amicable relations between the two countries, which had been suspended, have been happily restored, and are destined, I trust, to be long preserved. The two Republics, both situated on this continent, and with coterminous territories, have every motive of sympathy and of interest to bind them together in perpetual amity.

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This gratifying condition of our foreign relations renders it unnecessary for me to call your attention more specifically to them.

It has been my constant aim and desire to cultivate peace and commerce with all nations. Tranquillity at home and peaceful relations abroad constitute the true permanent policy of our country. War, the scourge of nations, sometimes becomes inevitable, but is always to be avoided when it can be done consistently with the rights and honor of a nation.

One of the most important results of the war into which we were recently forced with a neighboring nation is the demonstration it has afforded of the military strength of our country. Before the late war with Mexico European and other foreign powers entertained imperfect and erroneous views of our physical strength as a nation and of our ability to prosecute war, and especially a war waged out of our own country. They saw that our standing Army on the peace establishment did not exceed 10,000 men. Accustomed themselves to maintain in peace large standing armies for the protection of thrones against their own subjects, as well as against foreign enemies, they had not conceived that it was possible for a nation without such an army, well disciplined and of long service, to wage war successfully. They held in low repute our militia, and were far from regarding them as an effective force, unless it might be for temporary defensive operations when invaded on our own soil. The events of the late war with Mexico have not only undeceived them, but have removed erroneous impressions which prevailed to some extent even among a portion of our own countrymen. That war has demonstrated that upon the breaking out of hostilities not anticipated, and for which no previous preparation had been made, a volunteer army of citizen soldiers equal to veteran troops, and in numbers equal to any emergency, can in a short period be brought into the field. Unlike what would have occurred in any other country, we were under no necessity of resorting to drafts or conscriptions. On the contrary, such was the number of volunteers who patriotically tendered their services that the chief difficulty was in making selections and determining who should be disappointed and compelled to remain at home. Our citizen soldiers are unlike those drawn from the population of any other country. They are composed indiscriminately of all professions and pursuits—of farmers, lawyers, physicians, merchants, manufacturers, mechanics, and laborers—and this not only among the officers, but the private soldiers in the ranks. Our citizen soldiers are unlike those of any other country in other respects. They are armed, and have been accustomed from their youth up to handle and use firearms, and a large proportion of them, especially in the Western and more newly settled States, are expert marksmen. They are men who have a reputation to maintain at home by their good conduct in the field. They are intelligent, and there is an individuality of character which is found in the ranks of no other army. In battle each private man, as well as every officer, fights not only for his country, but for glory and distinction among his fellow-citizens when he shall return to civil life.

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The war with Mexico has demonstrated not only the ability of the Government to organize a numerous army upon a sudden call, but also to provide it with all the munitions and necessary supplies with dispatch, convenience, and ease, and to direct its operations with efficiency. The strength of our institutions has not only been displayed in the valor and skill of our troops engaged in active service in the field, but in the organization of those executive branches which were charged with the general direction and conduct of the war. While too great praise can not be bestowed upon the officers and men who fought our battles, it would be unjust to withhold from those officers necessarily stationed at home, who were charged with the duty of furnishing the Army in proper time and at proper places with all the munitions of war and other supplies so necessary to make it efficient, the commendation to which they are entitled. The credit due to this class of our officers is the greater when it is considered that no army in ancient or modern times was ever better appointed or provided than our Army in Mexico. Operating in an enemy's country, removed 2,000 miles from the seat of the Federal Government, its different corps spread over a vast extent of territory, hundreds and even thousands of miles apart from each other, nothing short of the untiring vigilance and extraordinary energy of these officers could have enabled them to provide the Army at all points and in proper season with all that was required for the most efficient service.

It is but an act of justice to declare that the officers in charge of the several executive bureaus, all under the immediate eye and supervision of the Secretary of War, performed their respective duties with ability, energy, and efficiency. They have reaped less of the glory of the war, not having been personally exposed to its perils in battle, than their companions in arms; but without their forecast, efficient aid, and cooperation those in the field would not have been provided with the ample means they possessed of achieving for themselves and their country the unfading honors which they have won for both.

When all these facts are considered, it may cease to be a matter of so much amazement abroad how it happened that our noble Army in Mexico, regulars and volunteers, were victorious upon every battlefield, however fearful the odds against them.

The war with Mexico has thus fully developed the capacity of republican governments to prosecute successfully a just and necessary foreign war with all the vigor usually attributed to more arbitrary forms of government. It has been usual for writers on public law to impute to republics a want of that unity, concentration of purpose, and vigor of execution which are generally admitted to belong to the monarchical and aristocratic forms; and this feature of popular government has been supposed to display itself more particularly in the conduct of a war carried on in an enemy's territory. The war with Great Britain in 1812 was to a great extent confined within our own limits, and shed but little light on this subject; but the war which we have just closed by an honorable peace

evinces beyond all doubt that a popular representative government is equal to any emergency which is likely to arise in the affairs of a nation.

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The war with Mexico has developed most strikingly and conspicuously another feature in our institutions. It is that without cost to the Government or danger to our liberties we have in the bosom of our society of freemen, available in a just and necessary war, virtually a standing army of 2,000,000 armed citizen soldiers, such as fought the battles of Mexico. But our military strength does not consist alone in our capacity for extended and successful operations on land. The Navy is an important arm of the national defense. If the services of the Navy were not so brilliant as those of the Army in the late war with Mexico, it was because they had no enemy to meet on their own element. While the Army had opportunity of performing more conspicuous service, the Navy largely participated in the conduct of the war. Both branches of the service performed their whole duty to the country. For the able and gallant services of the officers and men of the Navy, acting independently as well as in cooperation with our troops, in the conquest of the Californias, the capture of Vera Cruz, and the seizure and occupation of other important positions on the Gulf and Pacific coasts, the highest praise is due. Their vigilance, energy, and skill rendered the most effective service in excluding munitions of war and other supplies from the enemy, while they secured a safe entrance for abundant supplies for our own Army. Our extended commerce was nowhere interrupted, and for this immunity from the evils of war the country is indebted to the Navy.

High praise is due to the officers of the several executive bureaus, navy-yards, and stations connected with the service, all under the immediate direction of the Secretary of the Navy, for the industry, foresight, and energy with which everything was directed and furnished to give efficiency to that branch of the service. The same vigilance existed in directing the operations of the Navy as of the Army. There was concert of action and of purpose between the heads of the two arms of the service. By the orders which were from time to time issued, our vessels of war on the Pacific and the Gulf of Mexico were stationed in proper time and in proper positions to cooperate efficiently with the Army. By this means their combined power was brought to bear successfully on the enemy.

The great results which have been developed and brought to light by this war will be of immeasurable importance in the future progress of our country. They will tend powerfully to preserve us from foreign collisions, and to enable us to pursue uninterruptedly our cherished policy of "peace with all nations, entangling alliances with none."

Occupying, as we do, a more commanding position among nations than at any former period, our duties and our responsibilities to ourselves and to posterity are correspondingly increased. This will be the more obvious when we consider the vast additions which have been recently made to our territorial possessions and their great importance and value.

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Within less than four years the annexation of Texas to the Union has been consummated; all conflicting title to the Oregon Territory south of the forty-ninth degree of north latitude, being all that was insisted on by any of my predecessors, has been adjusted, and New Mexico and Upper California have been acquired by treaty. The area of these several Territories, according to a report carefully prepared by the Commissioner of the General Land Office from the most authentic information in his possession, and which is herewith transmitted, contains 1,193,061 square miles, or 763,559,040 acres; while the area of the remaining twenty-nine States and the territory not yet organized into States east of the Rocky Mountains contains 2,059,513 square miles, or 1,318,126,058 acres. These estimates show that the territories recently acquired, and over which our exclusive jurisdiction and dominion have been extended, constitute a country more than half as large as all that which was held by the United States before their acquisition. If Oregon be excluded from the estimate, there will still remain within the limits of Texas, New Mexico, and California 851,598 square miles, or 545,012,720 acres, being an addition equal to more than one-third of all the territory owned by the United States before their acquisition, and, including Oregon, nearly as great an extent of territory as the whole of Europe, Russia only excepted. The Mississippi, so lately the frontier of our country, is now only its center. With the addition of the late acquisitions, the United States are now estimated to be nearly as large as the whole of Europe. It is estimated by the Superintendent of the Coast Survey in the accompanying report that the extent of the seacoast of Texas on the Gulf of Mexico is upward of 400 miles; of the coast of Upper California on the Pacific, of 970 miles, and of Oregon, including the Straits of Fuca, of 650 miles, making the whole extent of seacoast on the Pacific 1,620 miles and the whole extent on both the Pacific and the Gulf of Mexico 2,020 miles. The length of the coast on the Atlantic from the northern limits of the United States around the capes of Florida to the Sabine, on the eastern boundary of Texas, is estimated to be 3,100 miles; so that the addition of seacoast, including Oregon, is very nearly two-thirds as great as all we possessed before, and, excluding Oregon, is an addition of 1,370 miles, being nearly equal to one-half of the extent of coast which we possessed before these acquisitions. We have now three great maritime fronts—on the Atlantic, the Gulf of Mexico, and the Pacific—making in the whole an extent of seacoast exceeding 5,000 miles. This is the extent of the seacoast of the United States, not including bays, sounds, and small irregularities of the main shore and of the sea islands. If these be included, the length of the shore line of coast, as estimated by the Superintendent of the Coast Survey in his report, would be 33,063 miles.



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It would be difficult to calculate the value of these immense additions to our territorial possessions. Texas, lying contiguous to the western boundary of Louisiana, embracing within its limits a part of the navigable tributary waters of the Mississippi and an extensive seacoast, could not long have remained in the hands of a foreign power without endangering the peace of our southwestern frontier. Her products in the vicinity of the tributaries of the Mississippi must have sought a market through these streams, running into and through our territory, and the danger of irritation and collision of interests between Texas as a foreign state and ourselves would have been imminent, while the embarrassments in the commercial intercourse between them must have been constant and unavoidable. Had Texas fallen into the hands or under the influence and control of a strong maritime or military foreign power, as she might have done, these dangers would have been still greater. They have been avoided by her voluntary and peaceful annexation to the United States. Texas, from her position, was a natural and almost indispensable part of our territories. Fortunately, she has been restored to our country, and now constitutes one of the States of our Confederacy, "upon an equal footing with the original States." The salubrity of climate, the fertility of soil, peculiarly adapted to the production of some of our most valuable staple commodities, and her commercial advantages must soon make her one of our most populous States.

New Mexico, though situated in the interior and without a seacoast, is known to contain much fertile land, to abound in rich mines of the precious metals, and to be capable of sustaining a large population. From its position it is the intermediate and connecting territory between our settlements and our possessions in Texas and those on the Pacific Coast.

Upper California, irrespective of the vast mineral wealth recently developed there, holds at this day, in point of value and importance, to the rest of the Union the same relation that Louisiana did when that fine territory was acquired from France forty-five years ago. Extending nearly ten degrees of latitude along the Pacific, and embracing the only safe and commodious harbors on that coast for many hundred miles, with a temperate climate and an extensive interior of fertile lands, it is scarcely possible to estimate its wealth until it shall be brought under the government of our laws and its resources fully developed. From its position it must command the rich commerce of China, of Asia, of the islands of the Pacific, of western Mexico, of Central America, the South American States, and of the Russian possessions bordering on that ocean. A great emporium will doubtless speedily arise on the Californian coast which may be destined to rival in importance New Orleans itself. The depot of the vast commerce which must exist on the Pacific will probably be at some point on the Bay

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of San Francisco, and will occupy the same relation to the whole western coast of that ocean as New Orleans does to the valley of the Mississippi and the Gulf of Mexico. To this depot our numerous whale ships will resort with their cargoes to trade, refit, and obtain supplies. This of itself will largely contribute to build up a city, which would soon become the center of a great and rapidly increasing commerce. Situated on a safe harbor, sufficiently capacious for all the navies as well as the marine of the world, and convenient to excellent timber for shipbuilding, owned by the United States, it must become our great Western naval depot.

It was known that mines of the precious metals existed to a considerable extent in California at the time of its acquisition. Recent discoveries render it probable that these mines are more extensive and valuable than was anticipated. The accounts of the abundance of gold in that territory are of such an extraordinary character as would scarcely command belief were they not corroborated by the authentic reports of officers in the public service who have visited the mineral district and derived the facts which they detail from personal observation. Reluctant to credit the reports in general circulation as to the quantity of gold, the officer commanding our forces in California visited the mineral district in July last for the purpose of obtaining accurate information on the subject. His report to the War Department of the result of his examination and the facts obtained on the spot is herewith laid before Congress. When he visited the country there were about 4,000 persons engaged in collecting gold. There is every reason to believe that the number of persons so employed has since been augmented. The explorations already made warrant the belief that the supply is very large and that gold is found at various places in an extensive district of country.

Information received from officers of the Navy and other sources, though not so full and minute, confirms the accounts of the commander of our military force in California. It appears also from these reports that mines of quicksilver are found in the vicinity of the gold region. One of them is now being worked, and is believed to be among the most productive in the world.

The effects produced by the discovery of these rich mineral deposits and the success which has attended the labors of those who have resorted to them have produced a surprising change in the state of affairs in California. Labor commands a most exorbitant price, and all other pursuits but that of searching for the precious metals are abandoned. Nearly the whole of the male population of the country have gone to the gold districts. Ships arriving on the coast are deserted by their crews and their voyages suspended for want of sailors. Our commanding officer there entertains apprehensions that soldiers can not be kept in the public service without a large increase of pay. Desertions in his command have become frequent, and he recommends that those who shall withstand the strong temptation and remain faithful should be rewarded.

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This abundance of gold and the all-engrossing pursuit of it have already caused in California an unprecedented rise in the price of all the necessities of life.

That we may the more speedily and fully avail ourselves of the undeveloped wealth of these mines, it is deemed of vast importance that a branch of the Mint of the United States be authorized to be established at your present session in California. Among other signal advantages which would result from such an establishment would be that of raising the gold to its par value in that territory. A branch mint of the United States at the great commercial depot on the west coast would convert into our own coin not only the gold derived from our own rich mines, but also the bullion and specie which our commerce may bring from the whole west coast of Central and South America. The west coast of America and the adjacent interior embrace the richest and best mines of Mexico, New Granada, Central America, Chili, and Peru. The bullion and specie drawn from these countries, and especially from those of western Mexico and Peru, to an amount in value of many millions of dollars, are now annually diverted and carried by the ships of Great Britain to her own ports, to be recoined or used to sustain her national bank, and thus contribute to increase her ability to command so much of the commerce of the world. If a branch mint be established at the great commercial point upon that coast, a vast amount of bullion and specie would flow thither to be recoined, and pass thence to New Orleans, New York, and other Atlantic cities. The amount of our constitutional currency at home would be greatly increased, while its circulation abroad would be promoted. It is well known to our merchants trading to China and the west coast of America that great inconvenience and loss are experienced from the fact that our coins are not current at their par value in those countries.

The powers of Europe, far removed from the west coast of America by the Atlantic Ocean, which intervenes, and by a tedious and dangerous navigation around the southern cape of the continent of America, can never successfully compete with the United States in the rich and extensive commerce which is opened to us at so much less cost by the acquisition of California.

The vast importance and commercial advantages of California have heretofore remained undeveloped by the Government of the country of which it constituted a part. Now that this fine province is a part of our country, all the States of the Union, some more immediately and directly than others, are deeply interested in the speedy development of its wealth and resources. No section of our country is more interested or will be more benefited than the commercial, navigating, and manufacturing interests of the Eastern States. Our planting and farming interests in every part of the Union will be greatly benefited by it. As our commerce and navigation are enlarged and extended, our exports of agricultural products and of manufactures will be increased, and in the new markets thus opened they can not fail to command remunerating and profitable prices.

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The acquisition of California and New Mexico, the settlement of the Oregon boundary, and the annexation of Texas, extending to the Rio Grande, are results which, combined, are of greater consequence and will add more to the strength and wealth of the nation than any which have preceded them since the adoption of the Constitution.

But to effect these great results not only California, but New Mexico, must be brought under the control of regularly organized governments. The existing condition of California and of that part of New Mexico lying west of the Rio Grande and without the limits of Texas imperiously demands that Congress should at its present session organize Territorial governments over them.

Upon the exchange of ratifications of the treaty of peace with Mexico, on the 30th of May last, the temporary governments which had been established over New Mexico and California by our military and naval commanders by virtue of the rights of war ceased to derive any obligatory force from that source of authority, and having been ceded to the United States, all government and control over them under the authority of Mexico had ceased to exist. Impressed with the necessity of establishing Territorial governments over them, I recommended the subject to the favorable consideration of Congress in my message communicating the ratified treaty of peace, on the 6th of July last, and invoked their action at that session. Congress adjourned without making any provision for their government. The inhabitants by the transfer of their country had become entitled to the benefit of our laws and Constitution, and yet were left without any regularly organized government. Since that time the very limited power possessed by the Executive has been exercised to preserve and protect them from the inevitable consequences of a state of anarchy. The only government which remained was that established by the military authority during the war. Regarding this to be a *de facto* government, and that by the presumed consent of the inhabitants it might be continued temporarily, they were advised to conform and submit to it for the short intervening period before Congress would again assemble and could legislate on the subject. The views entertained by the Executive on this point are contained in a communication of the Secretary of State dated the 7th of October last, which was forwarded for publication to California and New Mexico, a copy of which is herewith transmitted. The small military force of the Regular Army which was serving within the limits of the acquired territories at the close of the war was retained in them, and additional forces have been ordered there for the protection of the inhabitants and to preserve and secure the rights and interests of the United States.

No revenue has been or could be collected at the ports in California, because Congress failed to authorize the establishment of custom-houses or the appointment of officers for that purpose.

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The Secretary of the Treasury, by a circular letter addressed to collectors of the customs on the 7th day of October last, a copy of which is herewith transmitted, exercised all the power with which he was invested by law.

In pursuance of the act of the 14th of August last, extending the benefit of our post-office laws to the people of California, the Postmaster-General has appointed two agents, who have proceeded, the one to California and the other to Oregon, with authority to make the necessary arrangements for carrying its provisions into effect.

The monthly line of mail steamers from Panama to Astoria has been required to "stop and deliver and take mails at San Diego, Monterey, and San Francisco." These mail steamers, connected by the Isthmus of Panama with the line of mail steamers on the Atlantic between New York and Chagres, will establish a regular mail communication with California.

It is our solemn duty to provide with the least practicable delay for New Mexico and California regularly organized Territorial governments. The causes of the failure to do this at the last session of Congress are well known and deeply to be regretted. With the opening prospects of increased prosperity and national greatness which the acquisition of these rich and extensive territorial possessions affords, how irrational it would be to forego or to reject these advantages by the agitation of a domestic question which is coeval with the existence of our Government itself, and to endanger by internal strifes, geographical divisions, and heated contests for political power, or for any other cause, the harmony of the glorious Union of our confederated States—that Union which binds us together as one people, and which for sixty years has been our shield and protection against every danger. In the eyes of the world and of posterity how trivial and insignificant will be all our internal divisions and struggles compared with the preservation of this Union of the States in all its vigor and with all its countless blessings! No patriot would foment and excite geographical and sectional divisions. No lover of his country would deliberately calculate the value of the Union. Future generations would look in amazement upon the folly of such a course. Other nations at the present day would look upon it with astonishment, and such of them as desire to maintain and perpetuate thrones and monarchical or aristocratical principles will view it with exultation and delight, because in it they will see the elements of faction, which they hope must ultimately overturn our system. Ours is the great example of a prosperous and free self-governed republic, commanding the admiration and the imitation of all the lovers of freedom throughout the world. How solemn, therefore, is the duty, how impressive the call upon us and upon all parts of our country, to cultivate a patriotic spirit of harmony, of good-fellowship, of compromise and mutual concession, in the administration of the incomparable system of government formed by our fathers in the midst of almost insuperable difficulties, and transmitted to us with the injunction that we should enjoy its blessings and hand it down unimpaired to those who may come after us.

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In view of the high and responsible duties which we owe to ourselves and to mankind, I trust you may be able at your present session to approach the adjustment of the only domestic question which seriously threatens, or probably ever can threaten, to disturb the harmony and successful operations of our system.

The immensely valuable possessions of New Mexico and California are already inhabited by a considerable population. Attracted by their great fertility, their mineral wealth, their commercial advantages, and the salubrity of the climate, emigrants from the older States in great numbers are already preparing to seek new homes in these inviting regions. Shall the dissimilarity of the domestic institutions in the different States prevent us from providing for them suitable governments? These institutions existed at the adoption of the Constitution, but the obstacles which they interposed were overcome by that spirit of compromise which is now invoked. In a conflict of opinions or of interests, real or imaginary, between different sections of our country, neither can justly demand all which it might desire to obtain. Each, in the true spirit of our institutions, should concede something to the other.

Our gallant forces in the Mexican war, by whose patriotism and unparalleled deeds of arms we obtained these possessions as an indemnity for our just demands against Mexico, were composed of citizens who belonged to no one State or section of our Union. They were men from slave-holding and nonslaveholding States, from the North and the South, from the East and the West. They were all companions in arms and fellow-citizens of the same common country, engaged in the same common cause. When prosecuting that war they were brethren and friends, and shared alike with each other common toils, dangers, and sufferings. Now, when their work is ended, when peace is restored, and they return again to their homes, put off the habiliments of war, take their places in society, and resume their pursuits in civil life, surely a spirit of harmony and concession and of equal regard for the rights of all and of all sections of the Union ought to prevail in providing governments for the acquired territories—the fruits of their common service. The whole people of the United States, and of every State, contributed to defray the expenses of that war, and it would not be just for any one section to exclude another from all participation in the acquired territory. This would not be in consonance with the just system of government which the framers of the Constitution adopted.

The question is believed to be rather abstract than practical, whether slavery ever can or would exist in any portion of the acquired territory even if it were left to the option of the slaveholding States themselves. From the nature of the climate and productions in much the larger portion of it it is certain it could never exist, and in the remainder the probabilities are it would not. But however this may be, the question, involving, as it does, a principle of equality of rights of the separate and several States as equal copartners in the Confederacy, should not be disregarded.



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In organizing governments over these territories no duty imposed on Congress by the Constitution requires that they should legislate on the subject of slavery, while their power to do so is not only seriously questioned, but denied by many of the soundest expounders of that instrument. Whether Congress shall legislate or not, the people of the acquired territories, when assembled in convention to form State constitutions, will possess the sole and exclusive power to determine for themselves whether slavery shall or shall not exist within their limits. If Congress shall abstain from interfering with the question, the people of these territories will be left free to adjust it as they may think proper when they apply for admission as States into the Union. No enactment of Congress could restrain the people of any of the sovereign States of the Union, old or new, North or South, slaveholding or nonslaveholding, from determining the character of their own domestic institutions as they may deem wise and proper. Any and all the States possess this right, and Congress can not deprive them of it. The people of Georgia might if they chose so alter their constitution as to abolish slavery within its limits, and the people of Vermont might so alter their constitution as to admit slavery within its limits. Both States would possess the right, though, as all know, it is not probable that either would exert it.

It is fortunate for the peace and harmony of the Union that this question is in its nature temporary and can only continue for the brief period which will intervene before California and New Mexico may be admitted as States into the Union. From the tide of population now flowing into them it is highly probable that this will soon occur.

Considering the several States and the citizens of the several States as equals and entitled to equal rights under the Constitution, if this were an original question it might well be insisted on that the principle of noninterference is the true doctrine and that Congress could not, in the absence of any express grant of power, interfere with their relative rights. Upon a great emergency, however, and under menacing dangers to the Union, the Missouri compromise line in respect to slavery was adopted. The same line was extended farther west in the acquisition of Texas. After an acquiescence of nearly thirty years in the principle of compromise recognized and established by these acts, and to avoid the danger to the Union which might follow if it were now disregarded, I have heretofore expressed the opinion that that line of compromise should be extended on the parallel of 36 deg. 30' from the western boundary of Texas, where it now terminates, to the Pacific Ocean. This is the middle ground of compromise, upon which the different sections of the Union may meet, as they have heretofore met. If this be done, it is confidently believed a large majority of the people of every section of the country, however widely their abstract opinions on the subject of slavery may differ, would cheerfully and patriotically acquiesce in it, and peace and harmony would again fill our borders.

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The restriction north of the line was only yielded to in the case of Missouri and Texas upon a principle of compromise, made necessary for the sake of preserving the harmony and possibly the existence of the Union.

It was upon these considerations that at the close of your last session I gave my sanction to the principle of the Missouri compromise line by approving and signing the bill to establish "the Territorial government of Oregon." From a sincere desire to preserve the harmony of the Union, and in deference for the acts of my predecessors, I felt constrained to yield my acquiescence to the extent to which they had gone in compromising this delicate and dangerous question. But if Congress shall now reverse the decision by which the Missouri compromise was effected, and shall propose to extend the restriction over the whole territory, south as well as north of the parallel of 36 deg. 30', it will cease to be a compromise, and must be regarded as an original question.

If Congress, instead of observing the course of noninterference, leaving the adoption of their own domestic institutions to the people who may inhabit these territories, or if, instead of extending the Missouri compromise line to the Pacific, shall prefer to submit the legal and constitutional questions which may arise to the decision of the judicial tribunals, as was proposed in a bill which passed the Senate at your last session, an adjustment may be effected in this mode. If the whole subject be referred to the judiciary, all parts of the Union should cheerfully acquiesce in the final decision of the tribunal created by the Constitution for the settlement of all questions which may arise under the Constitution, treaties, and laws of the United States.

Congress is earnestly invoked, for the sake of the Union, its harmony, and our continued prosperity as a nation, to adjust at its present session this, the only dangerous question which lies in our path, if not in some one of the modes suggested, in some other which may be satisfactory.

In anticipation of the establishment of regular governments over the acquired territories, a joint commission of officers of the Army and Navy has been ordered to proceed to the coast of California and Oregon for the purpose of making reconnoissances and a report as to the proper sites for the erection of fortifications or other defensive works on land and of suitable situations for naval stations. The information which may be expected from a scientific and skillful examination of the whole face of the coast will be eminently useful to Congress when they come to consider the propriety of making appropriations for these great national objects. Proper defenses on land will be necessary for the security and protection of our possessions, and the establishment of navy-yards and a dock for the repair and construction of vessels will be important alike to our Navy and commercial marine. Without such establishments every vessel, whether of the Navy or of the merchant service, requiring repair must at great expense come round Cape Horn to one of our Atlantic yards for that purpose. With such establishments vessels, it is believed, may be built or repaired as cheaply in California as upon the Atlantic coast.



They would give employment to many of our enterprising shipbuilders and mechanics and greatly facilitate and enlarge our commerce in the Pacific.

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As it is ascertained that mines of gold, silver, copper, and quicksilver exist in New Mexico and California, and that nearly all the lands where they are found belong to the United States, it is deemed important to the public interest that provision be made for a geological and mineralogical examination of these regions. Measures should be adopted to preserve the mineral lands, especially such as contain the precious metals, for the use of the United States, or, if brought into market, to separate them from the farming lands and dispose of them in such manner as to secure a large return of money to the Treasury and at the same time to lead to the development of their wealth by individual proprietors and purchasers. To do this it will be necessary to provide for an immediate survey and location of the lots. If Congress should deem it proper to dispose of the mineral lands, they should be sold in small quantities and at a fixed minimum price.

I recommend that surveyors-general's offices be authorized to be established in New Mexico and California and provision made for surveying and bringing the public lands into market at the earliest practicable period. In disposing of these lands, I recommend that the right of preemption be secured and liberal grants made to the early emigrants who have settled or may settle upon them.

It will be important to extend our revenue laws over these territories, and especially over California, at an early period. There is already a considerable commerce with California, and until ports of entry shall be established and collectors appointed no revenue can be received.

If these and other necessary and proper measures be adopted for the development of the wealth and resources of New Mexico and California and regular Territorial governments be established over them, such will probably be the rapid enlargement of our commerce and navigation and such the addition to the national wealth that the present generation may live to witness the controlling commercial and monetary power of the world transferred from London and other European emporiums to the city of New York.

The apprehensions which were entertained by some of our statesmen in the earlier periods of the Government that our system was incapable of operating with sufficient energy and success over largely extended territorial limits, and that if this were attempted it would fall to pieces by its own weakness, have been dissipated by our experience. By the division of power between the States and Federal Government the latter is found to operate with as much energy in the extremes as in the center. It is as efficient in the remotest of the thirty States which now compose the Union as it was in the thirteen States which formed our Constitution. Indeed, it may well be doubted whether if our present population had been confined within the limits of the original thirteen States the tendencies to centralization and consolidation would not have been such as to have

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encroached upon the essential reserved rights of the States, and thus to have made the Federal Government a widely different one, practically, from what it is in theory and was intended to be by its framers. So far from entertaining apprehensions of the safety of our system by the extension of our territory, the belief is confidently entertained that each new State gives strength and an additional guaranty for the preservation of the Union itself.

In pursuance of the provisions of the thirteenth article of the treaty of peace, friendship, limits, and settlement with the Republic of Mexico, and of the act of July 29, 1848, claims of our citizens, which had been "already liquidated and decided, against the Mexican Republic" amounting, with the interest thereon, to \$2,023,832.51 have been liquidated and paid. There remain to be paid of these claims \$74,192.26.

Congress at its last session having made no provision for executing the fifteenth article of the treaty, by which the United States assume to make satisfaction for the "unliquidated claims" of our citizens against Mexico to "an amount not exceeding three and a quarter millions of dollars," the subject is again recommended to your favorable consideration.

The exchange of ratifications of the treaty with Mexico took place on the 30th of May, 1848. Within one year after that time the commissioner and surveyor which each Government stipulates to appoint are required to meet "at the port of San Diego and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte." It will be seen from this provision that the period within which a commissioner and surveyor of the respective Governments are to meet at San Diego will expire on the 30th of May, 1849. Congress at the close of its last session made an appropriation for "the expenses of running and marking the boundary line" between the two countries, but did not fix the amount of salary which should be paid to the commissioner and surveyor to be appointed on the part of the United States. It is desirable that the amount of compensation which they shall receive should be prescribed by law, and not left, as at present, to Executive discretion.

Measures were adopted at the earliest practicable period to organize the "Territorial government of Oregon," as authorized by the act of the 14th of August last. The governor and marshal of the Territory, accompanied by a small military escort, left the frontier of Missouri in September last, and took the southern route, by the way of Santa Fe and the river Gila, to California, with the intention of proceeding thence in one of our vessels of war to their destination. The governor was fully advised of the great importance of his early arrival in the country, and it is confidently believed he may reach Oregon in the latter part of the present month or early in the next. The other officers for the Territory have proceeded by sea.

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In the month of May last I communicated information to Congress that an Indian war had broken out in Oregon, and recommended that authority be given to raise an adequate number of volunteers to proceed without delay to the assistance of our fellow-citizens in that Territory. The authority to raise such a force not having been granted by Congress, as soon as their services could be dispensed with in Mexico orders were issued to the regiment of mounted riflemen to proceed to Jefferson Barracks, in Missouri, and to prepare to march to Oregon as soon as the necessary provision could be made. Shortly before it was ready to march it was arrested by the provision of the act passed by Congress on the last day of the last session, which directed that all the noncommissioned officers, musicians, and privates of that regiment who had been in service in Mexico should, upon their application, be entitled to be discharged. The effect of this provision was to disband the rank and file of the regiment, and before their places could be filled by recruits the season had so far advanced that it was impracticable for it to proceed until the opening of the next spring.

In the month of October last the accompanying communication was received from the governor of the temporary government of Oregon, giving information of the continuance of the Indian disturbances and of the destitution and defenseless condition of the inhabitants. Orders were immediately transmitted to the commander of our squadron in the Pacific to dispatch to their assistance a part of the naval forces on that station, to furnish them with arms and ammunition, and to continue to give them such aid and protection as the Navy could afford until the Army could reach the country.

It is the policy of humanity, and one which has always been pursued by the United States, to cultivate the good will of the aboriginal tribes of this continent and to restrain them from making war and indulging in excesses by mild means rather than by force. That this could have been done with the tribes in Oregon had that Territory been brought under the government of our laws at an earlier period, and had other suitable measures been adopted by Congress, such as now exist in our intercourse with the other Indian tribes within our limits, can not be doubted. Indeed, the immediate and only cause of the existing hostility of the Indians of Oregon is represented to have been the long delay of the United States in making to them some trifling compensation, in such articles as they wanted, for the country now occupied by our emigrants, which the Indians claimed and over which they formerly roamed. This compensation had been promised to them by the temporary government established in Oregon, but its fulfillment had been postponed from time to time for nearly two years, whilst those who made it had been anxiously waiting for Congress to establish a Territorial government over the country. The Indians became

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at length distrustful of their good faith and sought redress by plunder and massacre, which finally led to the present difficulties. A few thousand dollars in suitable presents, as a compensation for the country which had been taken possession of by our citizens, would have satisfied the Indians and have prevented the war. A small amount properly distributed, it is confidently believed, would soon restore quiet. In this Indian war our fellow-citizens of Oregon have been compelled to take the field in their own defense, have performed valuable military services, and been subjected to expenses which have fallen heavily upon them. Justice demands that provision should be made by Congress to compensate them for their services and to refund to them the necessary expenses which they have incurred.

I repeat the recommendation heretofore made to Congress, that provision be made for the appointment of a suitable number of Indian agents to reside among the tribes of Oregon, and that a small sum be appropriated to enable these agents to cultivate friendly relations with them. If this be done, the presence of a small military force will be all that is necessary to keep them in check and preserve peace. I recommend that similar provisions be made as regards the tribes inhabiting northern Texas, New Mexico, California, and the extensive region lying between our settlements in Missouri and these possessions, as the most effective means of preserving peace upon our borders and within the recently acquired territories.

The Secretary of the Treasury will present in his annual report a highly satisfactory statement of the condition of the finances.

The imports for the fiscal year ending on the 30th of June last were of the value of \$154,977,876, of which the amount exported was \$21,128,010, leaving \$133,849,866 in the country for domestic use. The value of the exports for the same period was \$154,032,131, consisting of domestic productions amounting to \$132,904,121 and \$21,128,010 of foreign articles. The receipts into the Treasury for the same period, exclusive of loans, amounted to \$35,436,750.59, of which there was derived from customs \$31,757,070.96, from sales of public lands \$3,328,642.56, and from miscellaneous and incidental sources \$351,037.07.

It will be perceived that the revenue from customs for the last fiscal year exceeded by \$757,070.96 the estimate of the Secretary of the Treasury in his last annual report, and that the aggregate receipts during the same period from customs, lands, and miscellaneous sources also exceeded the estimate by the sum of \$536,750.59, indicating, however, a very near approach in the estimate to the actual result.

The expenditures during the fiscal year ending on the 30th of June last, including those for the war and exclusive of payments of principal and interest for the public debt, were \$42,811,970.03.

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It is estimated that the receipts into the Treasury for the fiscal year ending on the 30th of June, 1849, including the balance in the Treasury on the 1st of July last, will amount to the sum of \$57,048,969.90, of which \$32,000,000, it is estimated, will be derived from customs, \$3,000,000 from the sales of the public lands, and \$1,200,000 from miscellaneous and incidental sources, including the premium upon the loan, and the amount paid and to be paid into the Treasury on account of military contributions in Mexico, and the sales of arms and vessels and other public property rendered unnecessary for the use of the Government by the termination of the war, and \$20,695,435.30 from loans already negotiated, including Treasury notes funded, which, together with the balance in the Treasury on the 1st of July last, make the sum estimated.

The expenditures for the same period, including the necessary payment on account of the principal and interest of the public debt, and the principal and interest of the first installment due to Mexico on the 30th of May next, and other expenditures growing out of the war to be paid during the present year, will amount, including the reimbursement of Treasury notes, to the sum of \$54,195,275.06, leaving an estimated balance in the Treasury on the 1st of July, 1849, of \$2,853,694.84.

The Secretary of the Treasury will present, as required by law, the estimate of the receipts and expenditures for the next fiscal year. The expenditures as estimated for that year are \$33,213,152.73, including \$3,799,102.18 for the interest on the public debt and \$3,540,000 for the principal and interest due to Mexico on the 30th of May, 1850, leaving the sum of \$25,874,050.35, which, it is believed, will be ample for the ordinary peace expenditures.

The operations of the tariff act of 1846 have been such during the past year as fully to meet the public expectation and to confirm the opinion heretofore expressed of the wisdom of the change in our revenue system which was effected by it. The receipts under it into the Treasury for the first fiscal year after its enactment exceeded by the sum of \$5,044,403.09 the amount collected during the last fiscal year under the tariff act of 1842, ending the 30th of June, 1846. The total revenue realized from the commencement of its operation, on the 1st of December, 1846, until the close of the last quarter, on the 30th of September last, being twenty-two months, was \$56,654,563.79, being a much larger sum than was ever before received from duties during any equal period under the tariff acts of 1824, 1828, 1832, and 1842. Whilst by the repeal of highly protective and prohibitory duties the revenue has been increased, the taxes on the people have been diminished. They have been relieved from the heavy amounts with which they were burthened under former laws in the form of increased prices or bounties paid to favored classes and pursuits.

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The predictions which were made that the tariff act of 1846 would reduce the amount of revenue below that collected under the act of 1842, and would prostrate the business and destroy the prosperity of the country, have not been verified. With an increased and increasing revenue, the finances are in a highly flourishing condition. Agriculture, commerce, and navigation are prosperous; the prices of manufactured fabrics and of other products are much less injuriously affected than was to have been anticipated from the unprecedented revulsions which during the last and the present year have overwhelmed the industry and paralyzed the credit and commerce of so many great and enlightened nations of Europe.

Severe commercial revulsions abroad have always heretofore operated to depress and often to affect disastrously almost every branch of American industry. The temporary depression of a portion of our manufacturing interests is the effect of foreign causes, and is far less severe than has prevailed on all former similar occasions.

It is believed that, looking to the great aggregate of all our interests, the whole country was never more prosperous than at the present period, and never more rapidly advancing in wealth and population. Neither the foreign war in which we have been involved, nor the loans which have absorbed so large a portion of our capital, nor the commercial revulsion in Great Britain in 1847, nor the paralysis of credit and commerce throughout Europe in 1848, have affected injuriously to any considerable extent any of the great interests of the country or arrested our onward march to greatness, wealth, and power.

Had the disturbances in Europe not occurred, our commerce would undoubtedly have been still more extended, and would have added still more to the national wealth and public prosperity. But notwithstanding these disturbances, the operations of the revenue system established by the tariff act of 1846 have been so generally beneficial to the Government and the business of the country that no change in its provisions is demanded by a wise public policy, and none is recommended.

The operations of the constitutional treasury established by the act of the 6th of August, 1846, in the receipt, custody, and disbursement of the public money have continued to be successful. Under this system the public finances have been carried through a foreign war, involving the necessity of loans and extraordinary expenditures and requiring distant transfers and disbursements, without embarrassment, and no loss has occurred of any of the public money deposited under its provisions. Whilst it has proved to be safe and useful to the Government, its effects have been most beneficial upon the business of the country. It has tended powerfully to secure an exemption from that inflation and fluctuation of the paper currency so injurious to domestic industry and rendering so uncertain the rewards of labor, and,



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it is believed, has largely contributed to preserve the whole country from a serious commercial revulsion, such as often occurred under the bank deposit system. In the year 1847 there was a revulsion in the business of Great Britain of great extent and intensity, which was followed by failures in that Kingdom unprecedented in number and amount of losses. This is believed to be the first instance when such disastrous bankruptcies, occurring in a country with which we have such extensive commerce, produced little or no injurious effect upon our trade or currency. We remained but little affected in our money market, and our business and industry were still prosperous and progressive.

During the present year nearly the whole continent of Europe has been convulsed by civil war and revolutions, attended by numerous bankruptcies, by an unprecedented fall in their public securities, and an almost universal paralysis of commerce and industry; and yet, although our trade and the prices of our products must have been somewhat unfavorably affected by these causes, we have escaped a revulsion, our money market is comparatively easy, and public and private credit have advanced and improved.

It is confidently believed that we have been saved from their effect by the salutary operation of the constitutional treasury. It is certain that if the twenty-four millions of specie imported into the country during the fiscal year ending on the 30th of June, 1847, had gone into the banks, as to a great extent it must have done, it would in the absence of this system have been made the basis of augmented bank paper issues, probably to an amount not less than \$60,000,000 or \$70,000,000, producing, as an inevitable consequence of an inflated currency, extravagant prices for a time and wild speculation, which must have been followed, on the reflux to Europe the succeeding year of so much of that specie, by the prostration of the business of the country, the suspension of the banks, and most extensive bankruptcies. Occurring, as this would have done, at a period when the country was engaged in a foreign war, when considerable loans of specie were required for distant disbursements, and when the banks, the fiscal agents of the Government and the depositories of its money, were suspended, the public credit must have sunk, and many millions of dollars, as was the case during the War of 1812, must have been sacrificed in discounts upon loans and upon the depreciated paper currency which the Government would have been compelled to use.

Under the operations of the constitutional treasury not a dollar has been lost by the depreciation of the currency. The loans required to prosecute the war with Mexico were negotiated by the Secretary of the Treasury above par, realizing a large premium to the Government. The restraining effect of the system upon the tendencies to excessive paper issues by banks has saved the Government from heavy losses and thousands of our business men from bankruptcy and ruin. The wisdom of the system has been tested by the experience of the last two years, and it is the dictate of sound policy that it should remain undisturbed. The modifications in some of the details of this measure,



involving none of its essential principles, heretofore recommended, are again presented for your favorable consideration.

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In my message of the 6th of July last, transmitting to Congress the ratified treaty of peace with Mexico, I recommended the adoption of measures for the speedy payment of the public debt. In reiterating that recommendation I refer you to the considerations presented in that message in its support. The public debt, including that authorized to be negotiated in pursuance of existing laws, and including Treasury notes, amounted at that time to \$65,778,450.41.

Funded stock of the United States amounting to about half a million of dollars has been purchased, as authorized by law, since that period, and the public debt has thus been reduced, the details of which will be presented in the annual report of the Secretary of the Treasury.

The estimates of expenditures for the next fiscal year, submitted by the Secretary of the Treasury, it is believed will be ample for all necessary purposes. If the appropriations made by Congress shall not exceed the amount estimated, the means in the Treasury will be sufficient to defray all the expenses of the Government, to pay off the next installment of \$3,000,000 to Mexico, which will fall due on the 30th of May next, and still a considerable surplus will remain, which should be applied to the further purchase of the public stock and reduction of the debt. Should enlarged appropriations be made, the necessary consequence will be to postpone the payment of the debt. Though our debt, as compared with that of most other nations, is small, it is our true policy, and in harmony with the genius of our institutions, that we should present to the world the rare spectacle of a great Republic, possessing vast resources and wealth, wholly exempt from public indebtedness. This would add still more to our strength, and give to us a still more commanding position among the nations of the earth.

The public expenditures should be economical, and be confined to such necessary objects as are clearly within the powers of Congress. All such as are not absolutely demanded should be postponed, and the payment of the public debt at the earliest practicable period should be a cardinal principle of our public policy.

For the reason assigned in my last annual message, I repeat the recommendation that a branch of the Mint of the United States be established at the city of New York. The importance of this measure is greatly increased by the acquisition of the rich mines of the precious metals in New Mexico and California, and especially in the latter.

I repeat the recommendation heretofore made in favor of the graduation and reduction of the price of such of the public lands as have been long offered in the market and have remained unsold, and in favor of extending the rights of preemption to actual settlers on the unsurveyed as well as the surveyed lands.

The condition and operations of the Army and the state of other branches of the public service under the supervision of the War Department are satisfactorily presented in the accompanying report of the Secretary of War.

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On the return of peace our forces were withdrawn from Mexico, and the volunteers and that portion of the Regular Army engaged for the war were disbanded. Orders have been issued for stationing the forces of our permanent establishment at various positions in our extended country where troops may be required. Owing to the remoteness of some of these positions, the detachments have not yet reached their destination. Notwithstanding the extension of the limits of our country and the forces required in the new territories, it is confidently believed that our present military establishment is sufficient for all exigencies so long as our peaceful relations remain undisturbed.

Of the amount of military contributions collected in Mexico, the sum of \$769,650 was applied toward the payment of the first installment due under the treaty with Mexico. The further sum of \$346,369.30 has been paid into the Treasury, and unexpended balances still remain in the hands of disbursing officers and those who were engaged in the collection of these moneys. After the proclamation of peace no further disbursements were made of any unexpended moneys arising from this source. The balances on hand were directed to be paid into the Treasury, and individual claims on the fund will remain unadjusted until Congress shall authorize their settlement and payment. These claims are not considerable in number or amount.

I recommend to your favorable consideration the suggestions of the Secretary of War and the Secretary of the Navy in regard to legislation on this subject.

Our Indian relations are presented in a most favorable view in the report from the War Department. The wisdom of our policy in regard to the tribes within our limits is clearly manifested by their improved and rapidly improving condition.

A most important treaty with the Menomonies has been recently negotiated by the Commissioner of Indian Affairs in person, by which all their land in the State of Wisconsin—being about 4,000,000 acres—has been ceded to the United States. This treaty will be submitted to the Senate for ratification at an early period of your present session.

Within the last four years eight important treaties have been negotiated with different Indian tribes, and at a cost of \$1,842,000; Indian lands to the amount of more than 18,500,000 acres have been ceded to the United States, and provision has been made for settling in the country west of the Mississippi the tribes which occupied this large extent of the public domain. The title to all the Indian lands within the several States of our Union, with the exception of a few small reservations, is now extinguished, and a vast region opened for settlement and cultivation.

The accompanying report of the Secretary of the Navy gives a satisfactory exhibit of the operations and condition of that branch of the public service.



A number of small vessels, suitable for entering the mouths of rivers, were judiciously purchased during the war, and gave great efficiency to the squadron in the Gulf of Mexico. On the return of peace, when no longer valuable for naval purposes, and liable to constant deterioration, they were sold and the money placed in the Treasury.

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The number of men in the naval service authorized by law during the war has been reduced by discharges below the maximum fixed for the peace establishment. Adequate squadrons are maintained in the several quarters of the globe where experience has shown their services may be most usefully employed, and the naval service was never in a condition of higher discipline or greater efficiency.

I invite attention to the recommendation of the Secretary of the Navy on the subject of the Marine Corps. The reduction of the Corps at the end of the war required that four officers of each of the three lower grades should be dropped from the rolls. A board of officers made the selection, and those designated were necessarily dismissed, but without any alleged fault. I concur in opinion with the Secretary that the service would be improved by reducing the number of landsmen and increasing the marines. Such a measure would justify an increase of the number of officers to the extent of the reduction by dismissal, and still the Corps would have fewer officers than a corresponding number of men in the Army.

The contracts for the transportation of the mail in steamships, convertible into war steamers, promise to realize all the benefits to our commerce and to the Navy which were anticipated. The first steamer thus secured to the Government was launched in January, 1847. There are now seven, and in another year there will probably be not less than seventeen afloat. While this great national advantage is secured, our social and commercial intercourse is increased and promoted with Germany, Great Britain, and other parts of Europe, with all the countries on the west coast of our continent, especially with Oregon and California, and between the northern and southern sections of the United States. Considerable revenue may be expected from postages, but the connected line from New York to Chagres, and thence across the Isthmus to Oregon, can not fail to exert a beneficial influence, not now to be estimated, on the interests of the manufactures, commerce, navigation, and currency of the United States. As an important part of the system, I recommend to your favorable consideration the establishment of the proposed line of steamers between New Orleans and Vera Cruz. It promises the most happy results in cementing friendship between the two Republics and extending reciprocal benefits to the trade and manufactures of both.

The report of the Postmaster-General will make known to you the operations of that Department for the past year.

It is gratifying to find the revenues of the Department, under the rates of postage now established by law, so rapidly increasing. The gross amount of postages during the last fiscal year amounted to \$4,371,077, exceeding the annual average received for the nine years immediately preceding the passage of the act of the 3d of March, 1845, by the sum of \$6,453, and exceeding the amount received for the year ending the 30th of June, 1847, by the sum of \$425,184.

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The expenditures for the year, excluding the sum of \$94,672, allowed by Congress at its last session to individual claimants, and including the sum of \$100,500, paid for the services of the line of steamers between Bremen and New York, amounted to \$4,198,845, which is less than the annual average for the nine years previous to the act of 1845 by \$300,748.

The mail routes on the 30th day of June last were 163,208 miles in extent, being an increase during the last year of 9,390 miles. The mails were transported over them during the same time 41,012,579 miles, making an increase of transportation for the year of 2,124,680 miles, whilst the expense was less than that of the previous year by \$4,235.

The increase in the mail transportation within the last three years has been 5,378,310 miles, whilst the expenses were reduced \$456,738, making an increase of service at the rate of 15 per cent and a reduction in the expenses of more than 15 per cent.

During the past year there have been employed, under contracts with the Post-Office Department, two ocean steamers in conveying the mails monthly between New York and Bremen, and one, since October last, performing semimonthly service between Charleston and Havana; and a contract has been made for the transportation of the Pacific mails across the Isthmus from Chagres to Panama.

Under the authority given to the Secretary of the Navy, three ocean steamers have been constructed and sent to the Pacific, and are expected to enter upon the mail service between Panama and Oregon and the intermediate ports on the 1st of January next; and a fourth has been engaged by him for the service between Havana and Chagres, so that a regular monthly mail line will be kept up after that time between the United States and our territories on the Pacific.

Notwithstanding this great increase in the mail service, should the revenue continue to increase the present year as it did in the last, there will be received near \$450,000 more than the expenditures.

These considerations have satisfied the Postmaster-General that, with certain modifications of the act of 1845, the revenue may be still further increased and a reduction of postages made to a uniform rate of 5 cents, without an interference with the principle, which has been constantly and properly enforced, of making that Department sustain itself.

A well-digested cheap-postage system is the best means of diffusing intelligence among the people, and is of so much importance in a country so extensive as that of the United States that I recommend to your favorable consideration the suggestions of the Postmaster-General for its improvement.

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Nothing can retard the onward progress of our country and prevent us from assuming and maintaining the first rank among nations but a disregard of the experience of the past and a recurrence to an unwise public policy. We have just closed a foreign war by an honorable peace—a war rendered necessary and unavoidable in vindication of the national rights and honor. The present condition of the country is similar in some respects to that which existed immediately after the close of the war with Great Britain in 1815, and the occasion is deemed to be a proper one to take a retrospect of the measures of public policy which followed that war. There was at that period of our history a departure from our earlier policy. The enlargement of the powers of the Federal Government by *construction*, which obtained, was not warranted by any just interpretation of the Constitution. A few years after the close of that war a series of measures was adopted which, united and combined, constituted what was termed by their authors and advocates the “American system.”

The introduction of the new policy was for a time favored by the condition of the country, by the heavy debt which had been contracted during the war, by the depression of the public credit, by the deranged state of the finances and the currency, and by the commercial and pecuniary embarrassment which extensively prevailed. These were not the only causes which led to its establishment. The events of the war with Great Britain and the embarrassments which had attended its prosecution had left on the minds of many of our statesmen the impression that our Government was not strong enough, and that to wield its resources successfully in great emergencies, and especially in war, more power should be concentrated in its hands. This increased power they did not seek to obtain by the legitimate and prescribed mode—an amendment of the Constitution—but by *construction*. They saw Governments in the Old World based upon different orders of society, and so constituted as to throw the whole power of nations into the hands of a few, who taxed and controlled the many without responsibility or restraint. In that arrangement they conceived the strength of nations in war consisted. There was also something fascinating in the ease, luxury, and display of the higher orders, who drew their wealth from the toil of the laboring millions. The authors of the system drew their ideas of political economy from what they had witnessed in Europe, and particularly in Great Britain. They had viewed the enormous wealth concentrated in few hands and had seen the splendor of the overgrown establishments of an aristocracy which was upheld by the restrictive policy. They forgot to look down upon the poorer classes of the English population, upon whose daily and yearly labor the great establishments they so much admired were sustained and supported. They failed to perceive that the scantily fed and half-clad operatives were not only in abject poverty, but were bound in chains of oppressive servitude for the benefit of favored classes, who were the exclusive objects of the care of the Government.

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It was not possible to reconstruct society in the United States upon the European plan. Here there was a written Constitution, by which orders and titles were not recognized or tolerated. A system of measures was therefore devised, calculated, if not intended, to withdraw power gradually and silently from the States and the mass of the people, and by *construction* to approximate our Government to the European models, substituting an aristocracy of wealth for that of orders and titles.

Without reflecting upon the dissimilarity of our institutions and of the condition of our people and those of Europe, they conceived the vain idea of building up in the United States a system similar to that which they admired abroad. Great Britain had a national bank of large capital, in whose hands was concentrated the controlling monetary and financial power of the nation—an institution wielding almost kingly power, and exerting vast influence upon all the operations of trade and upon the policy of the Government itself. Great Britain had an enormous public debt, and it had become a part of her public policy to regard this as a “public blessing.” Great Britain had also a restrictive policy, which placed fetters and burdens on trade and trammelled the productive industry of the mass of the nation. By her combined system of policy the landlords and other property holders were protected and enriched by the enormous taxes which were levied upon the labor of the country for their advantage. Imitating this foreign policy, the first step in establishing the new system in the United States was the creation of a national bank. Not foreseeing the dangerous power and countless evils which such an institution might entail on the country, nor perceiving the connection which it was designed to form between the bank and the other branches of the miscalled “American system,” but feeling the embarrassments of the Treasury and of the business of the country consequent upon the war, some of our statesmen who had held different and sounder views were induced to yield their scruples and, indeed, settled convictions of its unconstitutionality, and to give it their sanction as an expedient which they vainly hoped might produce relief. It was a most unfortunate error, as the subsequent history and final catastrophe of that dangerous and corrupt institution have abundantly proved. The bank, with its numerous branches ramified into the States, soon brought many of the active political and commercial men in different sections of the country into the relation of debtors to it and dependents upon it for pecuniary favors, thus diffusing throughout the mass of society a great number of individuals of power and influence to give tone to public opinion and to act in concert in cases of emergency. The corrupt power of such a political engine is no longer a matter of speculation, having been displayed in numerous instances, but most signally in the political struggles of 1832, 1833, and 1834 in opposition to the public will represented by a fearless and patriotic President.



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But the bank was but one branch of the new system. A public debt of more than \$120,000,000 existed, and it is not to be disguised that many of the authors of the new system did not regard its speedy payment as essential to the public prosperity, but looked upon its continuance as no national evil. Whilst the debt existed it furnished aliment to the national bank and rendered increased taxation necessary to the amount of the interest, exceeding \$7,000,000 annually.

This operated in harmony with the next branch of the new system, which was a high protective tariff. This was to afford bounties to favored classes and particular pursuits at the expense of all others. A proposition to tax the whole people for the purpose of enriching a few was too monstrous to be openly made. The scheme was therefore veiled under the plausible but delusive pretext of a measure to protect "home industry," and many of our people were for a time led to believe that a tax which in the main fell upon labor was for the benefit of the laborer who paid it. This branch of the system involved a partnership between the Government and the favored classes, the former receiving the proceeds of the tax imposed on articles imported and the latter the increased price of similar articles produced at home, caused by such tax. It is obvious that the portion to be received by the favored classes would, as a general rule, be increased in proportion to the increase of the rates of tax imposed and diminished as those rates were reduced to the revenue standard required by the wants of the Government. The rates required to produce a sufficient revenue for the ordinary expenditures of Government for necessary purposes were not likely to give to the private partners in this scheme profits sufficient to satisfy their cupidity, and hence a variety of expedients and pretexts were resorted to for the purpose of enlarging the expenditures and thereby creating a necessity for keeping up a high protective tariff. The effect of this policy was to interpose artificial restrictions upon the natural course of the business and trade of the country, and to advance the interests of large capitalists and monopolists at the expense of the great mass of the people, who were taxed to increase their wealth.

Another branch of this system was a comprehensive scheme of internal improvements, capable of indefinite enlargement and sufficient to swallow up as many millions annually as could be exacted from the foreign commerce of the country. This was a convenient and necessary adjunct of the protective tariff. It was to be the great absorbent of any surplus which might at any time accumulate in the Treasury and of the taxes levied on the people, not for necessary revenue purposes, but for the avowed object of affording protection to the favored classes.

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Auxiliary to the same end, if it was not an essential part of the system itself, was the scheme, which at a later period obtained, for distributing the proceeds of the sales of the public lands among the States. Other expedients were devised to take money out of the Treasury and prevent its coming in from any other source than the protective tariff. The authors and supporters of the system were the advocates of the largest expenditures, whether for necessary or useful purposes or not, because the larger the expenditures the greater was the pretext for high taxes in the form of protective duties.

These several measures were sustained by popular names and plausible arguments, by which thousands were deluded. The bank was represented to be an indispensable fiscal agent for the Government; was to equalize exchanges and to regulate and furnish a sound currency, always and everywhere of uniform value. The protective tariff was to give employment to "American labor" at advanced prices; was to protect "home industry" and furnish a steady market for the farmer. Internal improvements were to bring trade into every neighborhood and enhance the value of every man's property. The distribution of the land money was to enrich the States, finish their public works, plant schools throughout their borders, and relieve them from taxation. But the fact that for every dollar taken out of the Treasury for these objects a much larger sum was transferred from the pockets of the people to the favored classes was carefully concealed, as was also the tendency, if not the ultimate design, of the system to build up an aristocracy of wealth, to control the masses of society, and monopolize the political power of the country.

The several branches of this system were so intimately blended together that in their operation each sustained and strengthened the others. Their joint operation was to add new burthens of taxation and to encourage a largely increased and wasteful expenditure of public money. It was the interest of the bank that the revenue collected and the disbursements made by the Government should be large, because, being the depository of the public money, the larger the amount the greater would be the bank profits by its use. It was the interest of the favored classes, who were enriched by the protective tariff, to have the rates of that protection as high as possible, for the higher those rates the greater would be their advantage. It was the interest of the people of all those sections and localities who expected to be benefited by expenditures for internal improvements that the amount collected should be as large as possible, to the end that the sum disbursed might also be the larger. The States, being the beneficiaries in the distribution of the land money, had an interest in having the rates of tax imposed by the protective tariff large enough to yield a sufficient revenue from that source to meet the wants of the Government without disturbing

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or taking from them the land fund; so that each of the branches constituting the system had a common interest in swelling the public expenditures. They had a direct interest in maintaining the public debt unpaid and increasing its amount, because this would produce an annual increased drain upon the Treasury to the amount of the interest and render augmented taxes necessary. The operation and necessary effect of the whole system were to encourage large and extravagant expenditures, and thereby to increase the public patronage, and maintain a rich and splendid government at the expense of a taxed and impoverished people.

It is manifest that this scheme of enlarged taxation and expenditures, had it continued to prevail, must soon have converted the Government of the Union, intended by its framers to be a plain, cheap, and simple confederation of States, united together for common protection and charged with a few specific duties, relating chiefly to our foreign affairs, into a consolidated empire, depriving the States of their reserved rights and the people of their just power and control in the administration of their Government. In this manner the whole form and character of the Government would be changed, not by an amendment of the Constitution, but by resorting to an unwarrantable and unauthorized construction of that instrument.

The indirect mode of levying the taxes by a duty on imports prevents the mass of the people from readily perceiving the amount they pay, and has enabled the few who are thus enriched, and who seek to wield the political power of the country, to deceive and delude them. Were the taxes collected by a direct levy upon the people, as is the case in the States, this could not occur.

The whole system was resisted from its inception by many of our ablest statesmen, some of whom doubted its constitutionality and its expediency, while others believed it was in all its branches a flagrant and dangerous infraction of the Constitution.

That a national bank, a protective tariff—levied not to raise the revenue needed, but for protection merely—internal improvements, and the distribution of the proceeds of the sale of the public lands are measures without the warrant of the Constitution would, upon the maturest consideration, seem to be clear. It is remarkable that no one of these measures, involving such momentous consequences, is authorized by any express grant of power in the Constitution. No one of them is “incident to, as being necessary and proper for the execution of, the specific powers” granted by the Constitution. The authority under which it has been attempted to justify each of them is derived from inferences and constructions of the Constitution which its letter and its whole object and design do not warrant. Is it to be conceived that such immense powers would have been left by the framers of the Constitution to mere inferences and doubtful constructions? Had it been intended to confer them on the Federal Government, it is but reasonable to conclude that it would have been done by plain and unequivocal

grants. This was not done; but the whole structure of which the “American system” consisted was reared on no other or better foundation than forced implications and inferences of power, which its authors assumed might be deduced by construction from the Constitution.

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But it has been urged that the national bank, which constituted so essential a branch of this combined system of measures, was not a new measure, and that its constitutionality had been previously sanctioned, because a bank had been chartered in 1791 and had received the official signature of President Washington. A few facts will show the just weight to which this precedent should be entitled as bearing upon the question of constitutionality.

Great division of opinion upon the subject existed in Congress. It is well known that President Washington entertained serious doubts both as to the constitutionality and expediency of the measure, and while the bill was before him for his official approval or disapproval so great were these doubts that he required "the opinion in writing" of the members of his Cabinet to aid him in arriving at a decision. His Cabinet gave their opinions and were divided upon the subject, *General Hamilton* being in favor of and *Mr. Jefferson* and *Mr. Randolph* being opposed to the constitutionality and expediency of the bank. It is well known also that President Washington retained the bill from Monday, the 14th, when it was presented to him, until Friday, the 25th of February, being the last moment permitted him by the Constitution to deliberate, when he finally yielded to it his reluctant assent and gave it his signature. It is certain that as late as the 23d of February, being the ninth day after the bill was presented to him, he had arrived at no satisfactory conclusion, for on that day he addressed a note to General Hamilton in which he informs him that "this bill was presented to me by the joint committee of Congress at 12 o'clock on Monday, the 14th instant," and he requested his opinion "to what precise period, by legal interpretation of the Constitution, can the President retain it in his possession before it becomes a law by the lapse of ten days." If the proper construction was that the day on which the bill was presented to the President and the day on which his action was had upon it were both to be counted inclusive, then the time allowed him within which it would be competent for him to return it to the House in which it originated with his objections would expire on Thursday, the 24th of February. General Hamilton on the same day returned an answer, in which he states:

I give it as my opinion that you have ten days exclusive of that on which the bill was delivered to you and Sundays; hence, in the present case if it is returned on Friday it will be in time.

By this construction, which the President adopted, he gained another day for deliberation, and it was not until the 25th of February that he signed the bill, thus affording conclusive proof that he had at last obtained his own consent to sign it not without great and almost insuperable difficulty. Additional light has been recently shed upon the serious doubts which he had on the subject, amounting at one time

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to a conviction that it was his duty to withhold his approval from the bill. This is found among the manuscript papers of *Mr. Madison*, authorized to be purchased for the use of the Government by an act of the last session of Congress, and now for the first time accessible to the public. From these papers it appears that President Washington, while he yet held the bank bill in his hands, actually requested *Mr. Madison*, at that time a member of the House of Representatives, to prepare the draft of a veto message for him. *Mr. Madison*, at his request, did prepare the draft of such a message, and sent it to him on the 21st of February, 1791. A copy of this original draft, in *Mr. Madison's* own handwriting, was carefully preserved by him, and is among the papers lately purchased by Congress. It is preceded by a note, written on the same sheet, which is also in *Mr. Madison's* handwriting, and is as follows:

*February 21, 1791.*—Copy of a paper made out and sent to the President, *at his request*, to be ready in case his judgment should finally decide against the bill for incorporating a national bank, the bill being then before him.

Among the objections assigned in this paper to the bill, and which were submitted for the consideration of the President, are the following:

I object to the bill, because it is an essential principle of the Government that powers not delegated by the Constitution can not be rightfully exercised; because the power proposed by the bill to be exercised is not expressly delegated, and because I can not satisfy myself that it results from any express power by fair and safe rules of interpretation.

The weight of the precedent of the bank of 1791 and the sanction of the great name of Washington, which has been so often invoked in its support, are greatly weakened by the development of these facts.

The experiment of that bank satisfied the country that it ought not to be continued, and at the end of twenty years Congress refused to recharter it. It would have been fortunate for the country, and saved thousands from bankruptcy and ruin, had our public men of 1816 resisted the temporary pressure of the times upon our financial and pecuniary interests and refused to charter the second bank. Of this the country became abundantly satisfied, and at the close of its twenty years' duration, as in the case of the first bank, it also ceased to exist. Under the repeated blows of *President Jackson* it reeled and fell, and a subsequent attempt to charter a similar institution was arrested by the veto of President Tyler.

*Mr. Madison*, in yielding his signature to the charter of 1816, did so upon the ground of the respect due to precedents; and, as he subsequently declared—

The Bank of the United States, though on the original question held to be unconstitutional, received the Executive signature.

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It is probable that neither the bank of 1791 nor that of 1816 would have been chartered but for the embarrassments of the Government in its finances, the derangement of the currency, and the pecuniary pressure which existed, the first the consequence of the War of the Revolution and the second the consequence of the War of 1812. Both were resorted to in the delusive hope that they would restore public credit and afford relief to the Government and to the business of the country.

Those of our public men who opposed the whole "American system" at its commencement and throughout its progress foresaw and predicted that it was fraught with incalculable mischiefs and must result in serious injury to the best interests of the country. For a series of years their wise counsels were unheeded, and the system was established. It was soon apparent that its practical operation was unequal and unjust upon different portions of the country and upon the people engaged in different pursuits. All were equally entitled to the favor and protection of the Government. It fostered and elevated the money power and enriched the favored few by taxing labor, and at the expense of the many. Its effect was to "make the rich richer and the poor poorer." Its tendency was to create distinctions in society based on wealth and to give to the favored classes undue control and sway in our Government. It was an organized money power, which resisted the popular will and sought to shape and control the public policy.

Under the pernicious workings of this combined system of measures the country witnessed alternate seasons of temporary apparent prosperity, of sudden and disastrous commercial revulsions, of unprecedented fluctuation of prices and depression of the great interests of agriculture, navigation, and commerce, of general pecuniary suffering, and of final bankruptcy of thousands. After a severe struggle of more than a quarter of a century, the system was overthrown.

The bank has been succeeded by a practical system of finance, conducted and controlled solely by the Government. The constitutional currency has been restored, the public credit maintained unimpaired even in a period of a foreign war, and the whole country has become satisfied that banks, national or State, are not necessary as fiscal agents of the Government. Revenue duties have taken the place of the protective tariff. The distribution of the money derived from the sale of the public lands has been abandoned and the corrupting system of internal improvements, it is hoped, has been effectually checked.



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It is not doubted that if this whole train of measures, designed to take wealth from the many and bestow it upon the few, were to prevail the effect would be to change the entire character of the Government. One only danger remains. It is the seductions of that branch of the system which consists in internal improvements, holding out, as it does, inducements to the people of particular sections and localities to embark the Government in them without stopping to calculate the inevitable consequences. This branch of the system is so intimately combined and linked with the others that as surely as an effect is produced by an adequate cause, if it be resuscitated and revived and firmly established it requires no sagacity to foresee that it will necessarily and speedily draw after it the reestablishment of a national bank, the revival of a protective tariff, the distribution of the land money, and not only the postponement to the distant future of the payment of the present national debt, but its annual increase.

I entertain the solemn conviction that if the internal-improvement branch of the "American system" be not firmly resisted at this time the whole series of measures composing it will be speedily reestablished and the country be thrown back from its present high state of prosperity, which the existing policy has produced, and be destined again to witness all the evils, commercial revulsions, depression of prices, and pecuniary embarrassments through which we have passed during the last twenty-five years.

To guard against consequences so ruinous is an object of high national importance, involving, in my judgment, the continued prosperity of the country.

I have felt it to be an imperative obligation to withhold my constitutional sanction from two bills which had passed the two Houses of Congress, involving the principle of the internal-improvement branch of the "American system" and conflicting in their provisions with the views here expressed.

This power, conferred upon the President by the Constitution, I have on three occasions during my administration of the executive department of the Government deemed it my duty to exercise, and on this last occasion of making to Congress an annual communication "of the state of the Union" it is not deemed inappropriate to review the principles and considerations which have governed my action. I deem this the more necessary because, after the lapse of nearly sixty years since the adoption of the Constitution, the propriety of the exercise of this undoubted constitutional power by the President has for the first time been drawn seriously in question by a portion of my fellow-citizens.

The Constitution provides that—



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Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve he *shall* sign it, but if not he *shall* return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it.

The preservation of the Constitution from infraction is the President's highest duty. He is bound to discharge that duty at whatever hazard of incurring the displeasure of those who may differ with him in opinion. He is bound to discharge it as well by his obligations to the people who have clothed him with his exalted trust as by his oath of office, which he may not disregard. Nor are the obligations of the President in any degree lessened by the prevalence of views different from his own in one or both Houses of Congress. It is not alone hasty and inconsiderate legislation that he is required to check; but if at any time Congress shall, after apparently full deliberation, resolve on measures which he deems subversive of the Constitution or of the vital interests of the country, it is his solemn duty to stand in the breach and resist them. The President is bound to approve or disapprove every bill which passes Congress and is presented to him for his signature. The Constitution makes this his duty, and he can not escape it if he would. He has no election. In deciding upon any bill presented to him he must exercise his own best judgment. If he can not approve, the Constitution commands him to return the bill to the House in which it originated with his objections, and if he fail to do this within ten days (Sundays excepted) it shall become a law without his signature. Right or wrong, he may be overruled by a vote of two-thirds of each House, and in that event the bill becomes a law without his sanction. If his objections be not thus overruled, the subject is only postponed, and is referred to the States and the people for their consideration and decision. The President's power is negative merely, and not affirmative. He can enact no law. The only effect, therefore, of his withholding his approval of a bill passed by Congress is to suffer the existing laws to remain unchanged, and the delay occasioned is only that required to enable the States and the people to consider and act upon the subject in the election of public agents who will carry out their wishes and instructions. Any attempt to coerce the President to yield his sanction to measures which he can not approve would be a violation of the spirit of the Constitution, palpable and flagrant, and if successful would break down the independence of the executive department and make the President, elected by the people and clothed by the Constitution with power to defend their rights, the mere instrument of a majority of Congress. A surrender on his part of the powers with which the Constitution has invested his office would effect a practical alteration of that instrument without resorting to the prescribed process of amendment.

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With the motives or considerations which may induce Congress to pass any bill the President can have nothing to do. He must presume them to be as pure as his own, and look only to the practical effect of their measures when compared with the Constitution or the public good.

But it has been urged by those who object to the exercise of this undoubted constitutional power that it assails the representative principle and the capacity of the people to govern themselves; that there is greater safety in a numerous representative body than in the single Executive created by the Constitution, and that the Executive veto is a "one-man power," despotic in its character. To expose the fallacy of this objection it is only necessary to consider the frame and true character of our system. Ours is not a consolidated empire, but a confederated union. The States before the adoption of the Constitution were coordinate, coequal, and separate independent sovereignties, and by its adoption they did not lose that character. They clothed the Federal Government with certain powers and reserved all others, including their own sovereignty, to themselves. They guarded their own rights as States and the rights of the people by the very limitations which they incorporated into the Federal Constitution, whereby the different departments of the General Government were checks upon each other. That the majority should govern is a general principle controverted by none, but they must govern according to the Constitution, and not according to an undefined and unrestrained discretion, whereby they may oppress the minority.

The people of the United States are not blind to the fact that they may be temporarily misled, and that their representatives, legislative and executive, may be mistaken or influenced in their action by improper motives. They have therefore interposed between themselves and the laws which may be passed by their public agents various representations, such as assemblies, senates, and governors in their several States, a House of Representatives, a Senate, and a President of the United States. The people can by their own direct agency make no law, nor can the House of Representatives, immediately elected by them, nor can the Senate, nor can both together without the concurrence of the President or a vote of two-thirds of both Houses.

Happily for themselves, the people in framing our admirable system of government were conscious of the infirmities of their representatives, and in delegating to them the power of legislation they have fenced them around with checks to guard against the effects of hasty action, of error, of combination, and of possible corruption. Error, selfishness, and faction have often sought to rend asunder this web of checks and subject the Government to the control of fanatic and sinister influences, but these efforts have only satisfied the people of the wisdom of the checks which they have imposed and of the necessity of preserving them unimpaired.

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The true theory of our system is not to govern by the acts or decrees of any one set of representatives. The Constitution interposes checks upon all branches of the Government, in order to give time for error to be corrected and delusion to pass away; but if the people settle down into a firm conviction different from that of their representatives they give effect to their opinions by changing their public servants. The checks which the people imposed on their public servants in the adoption of the Constitution are the best evidence of their capacity for self-government. They know that the men whom they elect to public stations are of like infirmities and passions with themselves, and not to be trusted without being restricted by coordinate authorities and constitutional limitations. Who that has witnessed the legislation of Congress for the last thirty years will say that he knows of no instance in which measures not demanded by the public good have been carried? Who will deny that in the State governments, by combinations of individuals and sections, in derogation of the general interest, banks have been chartered, systems of internal improvements adopted, and debts entailed upon the people repressing their growth and impairing their energies for years to come?

After so much experience it can not be said that absolute unchecked power is safe in the hands of any one set of representatives, or that the capacity of the people for self-government, which is admitted in its broadest extent, is a conclusive argument to prove the prudence, wisdom, and integrity of their representatives.

The people, by the Constitution, have commanded the President, as much as they have commanded the legislative branch of the Government, to execute their will. They have said to him in the Constitution, which they require he shall take a solemn oath to support, that if Congress pass any bill which he can not approve "he shall return it to the House in which it originated with his objections." In withholding from it his approval and signature he is executing the will of the people, constitutionally expressed, as much as the Congress that passed it. No bill is presumed to be in accordance with the popular will until it shall have passed through all the branches of the Government required by the Constitution to make it a law. A bill which passes the House of Representatives may be rejected by the Senate, and so a bill passed by the Senate may be rejected by the House. In each case the respective Houses exercise the veto power on the other.

Congress, and each House of Congress, hold under the Constitution a check upon the President, and he, by the power of the qualified veto, a check upon Congress. When the President recommends measures to Congress, he avows in the most solemn form his opinions, gives his voice in their favor, and pledges himself in advance to approve them if passed by Congress. If he acts without due consideration, or has been influenced

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by improper or corrupt motives, or if from any other cause Congress, or either House of Congress, shall differ with him in opinion, they exercise their veto upon his recommendations and reject them; and there is no appeal from their decision but to the people at the ballot box. These are proper checks upon the Executive, wisely interposed by the Constitution. None will be found to object to them or to wish them removed. It is equally important that the constitutional checks of the Executive upon the legislative branch should be preserved.

If it be said that the Representatives in the popular branch of Congress are chosen directly by the people, it is answered, the people elect the President. If both Houses represent the States and the people, so does the President. The President represents in the executive department the whole people of the United States, as each member of the legislative department represents portions of them.

The doctrine of restriction upon legislative and executive power, while a well-settled public opinion is enabled within a reasonable time to accomplish its ends, has made our country what it is, and has opened to us a career of glory and happiness to which all other nations have been strangers.

In the exercise of the power of the veto the President is responsible not only to an enlightened public opinion, but to the people of the whole Union, who elected him, as the representatives in the legislative branches who differ with him in opinion are responsible to the people of particular States or districts, who compose their respective constituencies. To deny to the President the exercise of this power would be to repeal that provision of the Constitution which confers it upon him. To charge that its exercise unduly controls the legislative will is to complain of the Constitution itself.

If the Presidential veto be objected to upon the ground that it checks and thwarts the popular will, upon the same principle the equality of representation of the States in the Senate should be stricken out of the Constitution. The vote of a Senator from Delaware has equal weight in deciding upon the most important measures with the vote of a Senator from New York, and yet the one represents a State containing, according to the existing apportionment of Representatives in the House of Representatives, but one thirty-fourth part of the population of the other. By the constitutional composition of the Senate a majority of that body from the smaller States represent less than one-fourth of the people of the Union. There are thirty States, and under the existing apportionment of Representatives there are 230 Members in the House of Representatives. Sixteen of the smaller States are represented in that House by but 50 Members, and yet the Senators from these States constitute a majority of the Senate. So that the President may recommend a measure to Congress, and it may receive the sanction and approval of more

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than three-fourths of the House of Representatives and of all the Senators from the large States, containing more than three-fourths of the whole population of the United States, and yet the measure may be defeated by the votes of the Senators from the smaller States. None, it is presumed, can be found ready to change the organization of the Senate on this account, or to strike that body practically out of existence by requiring that its action shall be conformed to the will of the more numerous branch.

Upon the same principle that the *veto* of the President should be practically abolished the power of the Vice-President to give the casting vote upon an equal division of the Senate should be abolished also. The Vice-President exercises the *veto* power as effectually by rejecting a bill by his casting vote as the President does by refusing to approve and sign it. This power has been exercised by the Vice-President in a few instances, the most important of which was the rejection of the bill to recharter the Bank of the United States in 1811. It may happen that a bill may be passed by a large majority of the House of Representatives, and may be supported by the Senators from the larger States, and the Vice-President may reject it by giving his vote with the Senators from the smaller States; and yet none, it is presumed, are prepared to deny to him the exercise of this power under the Constitution.

But it is, in point of fact, untrue that an act passed by Congress is conclusive evidence that it is an emanation of the popular will. A majority of the whole number elected to each House of Congress constitutes a quorum, and a majority of that quorum is competent to pass laws. It might happen that a quorum of the House of Representatives, consisting of a single member more than half of the whole number elected to that House, might pass a bill by a majority of a single vote, and in that case a fraction more than one-fourth of the people of the United States would be represented by those who voted for it. It might happen that the same bill might be passed by a majority of one of a quorum of the Senate, composed of Senators from the fifteen smaller States and a single Senator from a sixteenth State; and if the Senators voting for it happened to be from the eight of the smallest of these States, it would be passed by the votes of Senators from States having but fourteen Representatives in the House of Representatives, and containing less than one-sixteenth of the whole population of the United States. This extreme case is stated to illustrate the fact that the mere passage of a bill by Congress is no conclusive evidence that those who passed it represent the majority of the people of the United States or truly reflect their will. If such an extreme case is not likely to happen, cases that approximate it are of constant occurrence. It is believed that not a single law has been passed since the adoption of the Constitution upon which all the members elected

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to both Houses have been present and voted. Many of the most important acts which have passed Congress have been carried by a close vote in thin Houses. Many instances of this might be given. Indeed, our experience proves that many of the most important acts of Congress are postponed to the last days, and often the last hours, of a session, when they are disposed of in haste, and by Houses but little exceeding the number necessary to form a quorum.

Besides, in most of the States the members of the House of Representatives are chosen by pluralities, and not by majorities of all the voters in their respective districts, and it may happen that a majority of that House may be returned by a less aggregate vote of the people than that received by the minority.

If the principle insisted on be sound, then the Constitution should be so changed that no bill shall become a law unless it is voted for by members representing in each House a majority of the whole people of the United States. We must remodel our whole system, strike down and abolish not only the salutary checks lodged in the executive branch, But must strike out and abolish those lodged in the Senate also, and thus practically invest the whole power of the Government in a majority of a single assembly—a majority uncontrolled and absolute, and which may become despotic. To conform to this doctrine of the right of majorities to rule, independent of the checks and limitations of the Constitution, we must revolutionize our whole system; we must destroy the constitutional compact by which the several States agreed to form a Federal Union and rush into consolidation, which must end in monarchy or despotism. No one advocates such a proposition, and yet the doctrine maintained, if carried out, must lead to this result.

One great object of the Constitution in conferring upon the President a qualified negative upon the legislation of Congress was to protect minorities from injustice and oppression by majorities. The equality of their representation in the Senate and the veto power of the President are the constitutional guaranties which the smaller States have that their rights will be respected. Without these guaranties all their interests would be at the mercy of majorities in Congress representing the larger States. To the smaller and weaker States, therefore, the preservation of this power and its exercise upon proper occasions demanding it is of vital importance. They ratified the Constitution and entered into the Union, securing to themselves an equal representation with the larger States in the Senate; and they agreed to be bound by all laws passed by Congress upon the express condition, and none other, that they should be approved by the President or passed, his objections to the contrary notwithstanding, by a vote of two-thirds of both Houses. Upon this condition they have a right to insist as a part of the compact to which they gave their assent.



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A bill might be passed by Congress against the will of the whole people of a particular State and against the votes of its Senators and all its Representatives. However prejudicial it might be to the interests of such State, it would be bound by it if the President shall approve it or it shall be passed by a vote of two-thirds of both Houses; but it has a right to demand that the President shall exercise his constitutional power and arrest it if his judgment is against it. If he surrender this power, or fail to exercise it in a case where he can not approve, it would make his formal approval a mere mockery, and would be itself a violation of the Constitution, and the dissenting State would become bound by a law which had not been passed according to the sanctions of the Constitution.

The objection to the exercise of the *veto* power is founded upon an idea respecting the popular will, which, if carried out, would annihilate State sovereignty and substitute for the present Federal Government a consolidation directed by a supposed numerical majority. A revolution of the Government would be silently effected and the States would be subjected to laws to which they had never given their constitutional consent.

The Supreme Court of the United States is invested with the power to declare, and has declared, acts of Congress passed with the concurrence of the Senate, the House of Representatives, and the approval of the President to be unconstitutional and void, and yet none, it is presumed, can be found who will be disposed to strip this highest judicial tribunal under the Constitution of this acknowledged power—a power necessary alike to its independence and the rights of individuals.

For the same reason that the Executive veto should, according to the doctrine maintained, be rendered nugatory, and be practically expunged from the Constitution, this power of the court should also be rendered nugatory and be expunged, because it restrains the legislative and Executive will, and because the exercise of such a power by the court may be regarded as being in conflict with the capacity of the people to govern themselves. Indeed, there is more reason for striking this power of the court from the Constitution than there is that of the qualified veto of the President, because the decision of the court is final, and can never be reversed even though both Houses of Congress and the President should be unanimous in opposition to it, whereas the veto of the President may be overruled by a vote of two-thirds of both Houses of Congress or by the people at the polls.

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It is obvious that to preserve the system established by the Constitution each of the coordinate branches of the Government—the executive, legislative, and judicial—must be left in the exercise of its appropriate powers. If the executive or the judicial branch be deprived of powers conferred upon either as checks on the legislative, the preponderance of the latter will become disproportionate and absorbing and the others impotent for the accomplishment of the great objects for which they were established. Organized, as they are, by the Constitution, they work together harmoniously for the public good. If the Executive and the judiciary shall be deprived of the constitutional powers invested in them, and of their due proportions, the equilibrium of the system must be destroyed, and consolidation, with the most pernicious results, must ensue—a consolidation of unchecked, despotic power, exercised by majorities of the legislative branch.

The executive, legislative, and judicial each constitutes a separate coordinate department of the Government, and each is independent of the others. In the performance of their respective duties under the Constitution neither can in its legitimate action control the others. They each act upon their several responsibilities in their respective spheres. But if the doctrines now maintained be correct, the executive must become practically subordinate to the legislative, and the judiciary must become subordinate to both the legislative and the executive; and thus the whole power of the Government would be merged in a single department. Whenever, if ever, this shall occur, our glorious system of well-regulated self-government will crumble into ruins, to be succeeded, first by anarchy, and finally by monarchy or despotism. I am far from believing that this doctrine is the sentiment of the American people; and during the short period which remains in which it will be my duty to administer the executive department it will be my aim to maintain its independence and discharge its duties without infringing upon the powers or duties of either of the other departments of the Government.

The power of the Executive veto was exercised by the first and most illustrious of my predecessors and by four of his successors who preceded me in the administration of the Government, and it is believed in no instance prejudicially to the public interests. It has never been and there is but little danger that it ever can be abused. No President will ever desire unnecessarily to place his opinion in opposition to that of Congress. He must always exercise the power reluctantly, and only in cases where his convictions make it a matter of stern duty, which he can not escape. Indeed, there is more danger that the President, from the repugnance he must always feel to come in collision with Congress, may fail to exercise it in cases where the preservation of the Constitution from infraction, or the public good, may demand it than that he will ever exercise it unnecessarily or wantonly.



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During the period I have administered the executive department of the Government great and important questions of public policy, foreign and domestic, have arisen, upon which it was my duty to act. It may, indeed, be truly said that my Administration has fallen upon eventful times. I have felt most sensibly the weight of the high responsibilities devolved upon me. With no other object than the public good, the enduring fame, and permanent prosperity of my country, I have pursued the convictions of my own best judgment. The impartial arbitrament of enlightened public opinion, present and future, will determine how far the public policy I have maintained and the measures I have from time to time recommended may have tended to advance or retard the public prosperity at home and to elevate or depress the estimate of our national character abroad.

Invoking the blessings of the Almighty upon your deliberations at your present important session, my ardent hope is that in a spirit of harmony and concord you may be guided to wise results, and such as may redound to the happiness, the honor, and the glory of our beloved country.

JAMES K. POLK.

### **SPECIAL MESSAGES.**

WASHINGTON, *December 12, 1848.*

*To the Senate of the United States:*

I nominate Second Lieutenant Ulysses S. Grant (since promoted first lieutenant), of the Fourth Regiment of Infantry, to be first lieutenant by brevet for gallant and meritorious services in the battle of Chapultepec, September 13, 1847, as proposed in the accompanying communication from the Secretary of War.

JAMES K. POLK.

WAR DEPARTMENT, *December 11, 1848.*

The PRESIDENT OF THE UNITED STATES.

SIR: The brevet of captain conferred on Second Lieutenant Ulysses S. Grant (since promoted first lieutenant), of the Fourth Regiment of Infantry, and confirmed by the Senate on the 13th of July, 1848, "for gallant and meritorious conduct in the battle of Chapultepec, September 13, 1847," being the result of a misapprehension as to the grade held by that officer on the 13th of September, 1847 (he being then a second lieutenant), I have to propose that the brevet of captain be canceled and that the brevet of first lieutenant "for gallant and meritorious services in the battle of Chapultepec, September 13, 1847," be conferred in lieu thereof.

I am, sir, with great respect, your obedient servant,

W.L. MARCY.

WASHINGTON, *December 12, 1848.*

*To the Senate of the United States:*

I transmit herewith, for the consideration and advice of the Senate with regard to its ratification, a treaty concluded on the 6th of August, 1848, by L.E. Powell, on the part of the United States, and the chiefs and headmen of the confederated bands of the Pawnee Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

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JAMES K. POLK.

WASHINGTON, *December 12, 1848.*

*To the Senate of the United States:*

I transmit herewith, for the consideration and advice of the Senate with regard to its ratification, a treaty concluded on the 18th of October, 1848, by William Medill, Commissioner of Indian Affairs, on the part of the United States, and the chiefs and headmen of the Menomonee Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

JAMES K. POLK.

WASHINGTON, *December 27, 1848.*

*To the House of Representatives:*

In compliance with the resolution of the House of the 11th instant, requesting the President to inform that body "whether he has received any information that American citizens have been imprisoned or arrested by British authorities in Ireland, and, if so, what have been the causes thereof and what steps have been taken for their release, and if not, in his opinion, inconsistent with public interest to furnish this House with copies of all correspondence in relation thereto," I communicate herewith a report of the Secretary of State, together with the accompanying correspondence upon the subject.

JAMES K. POLK.

WASHINGTON, *December 27, 1848.*

*To the Senate of the United States:*

I communicate herewith, in compliance with the request contained in the resolution of the Senate of the 19th instant, a report of the Secretary of the Treasury, with the accompanying statement, prepared by the Register of the Treasury, which exhibits the annual amount appropriated on account of the Coast Survey from the commencement of said Survey.

JAMES K. POLK.

WASHINGTON, *January 2, 1849.*

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

In answer to the resolution of the House of Representatives of the 18th of December, 1848, requesting information "under what law or provision of the Constitution, or by what other authority," the Secretary of the Treasury, with the "sanction and approval" of the President, established "a tariff of duties in the ports of the Mexican Republic during the war with Mexico," and "by what legal, constitutional, or other authority" the "revenue thus derived" was appropriated to "the support of the Army in Mexico," I refer the House to my annual message of the 7th of December, 1847, to my message to the Senate of the 10th of February, 1848, responding to a call of that body, a copy of which is herewith communicated, and to my message to the House of Representatives of the 24th of July, 1848, responding to a call of that House. The resolution assumes that the Secretary of the Treasury "established a tariff of duties in the ports of the Mexican Republic." The contributions collected in this mode were not established by the Secretary of the Treasury, but by a military order issued by the President through the War and Navy Departments. For his information the President directed the Secretary of the Treasury to prepare and report to him a scale of duties. That report was made, and the President's military order of the 31st of March, 1847, was based upon it. The documents communicated to Congress with my annual message of December, 1847, show the true character of that order.

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The authority under which military contributions were exacted and collected from the enemy and applied to the support of our Army during the war with Mexico was stated in the several messages referred to. In the first of these messages I informed Congress that—

On the 31st of March last I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions toward defraying the expenses of the war. By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our Navy the revenue derived from import duties under the laws of Mexico was paid into the Mexican treasury. After these ports had fallen into our military possession the blockade was raised and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico, and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our military and naval officers and applied to the use of our Army and Navy. Care was taken that the officers, soldiers, and sailors of our Army and Navy should be exempted from the operations of the order, and, as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were in effect the seizure of the public revenues of Mexico and the application of them to our own use. In directing this measure the object was to compel the enemy to contribute as far as practicable toward the expenses of the war.

It was also stated in that message that—

Measures have recently been adopted by which the internal as well as the external revenues of Mexico in all places in our military occupation will be seized and appropriated to the use of our Army and Navy.

The policy of levying upon the enemy contributions in every form consistently with the laws of nations, which it may be practicable for our military commanders to adopt, should, in my judgment, be rigidly enforced, and orders to this effect have accordingly been given. By such a policy, at the same time that our own Treasury will be relieved from a heavy drain, the Mexican people will be made to feel the burdens of the war, and, consulting their own interests, may be induced the more readily to requite their rulers to accede to a just peace.

In the same message I informed Congress that the amount of the “loan” which would be required for the further prosecution of the war might be “reduced

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by whatever amount of expenditures can be saved by military contributions collected in Mexico,” and that “the most rigorous measures for the augmentation of these contributions have been directed, and a very considerable sum is expected from that source.” The Secretary of the Treasury, in his annual report of that year, in making his estimate of the amount of loan which would probably be required, reduced the sum in consideration of the amount which would probably be derived from these contributions, and Congress authorized the loan upon this reduced estimate.

In the message of the 10th of February, 1848, to the Senate, it was stated that—

No principle is better established than that a nation at war has the right of shifting the burden off itself and imposing it on the enemy by exacting military contributions. The mode of making such exactions must be left to the discretion of the conqueror, but it should be exercised in a manner conformable to the rules of civilized warfare. The right to levy these contributions is essential to the successful prosecution of war in an enemy's country, and the practice of nations has been in accordance with this principle. It is as clearly necessary as the right to fight battles, and its exercise is often essential to the subsistence of the army. Entertaining no doubt that the military right to exclude commerce altogether from the ports of the enemy in our military occupation included the minor right of admitting it under prescribed conditions, it became an important question at the date of the order whether there should be a discrimination between vessels and cargoes belonging to citizens of the United States and vessels and cargoes belonging to neutral nations.

In the message to the House of Representatives of the 24th of July, 1848, it was stated that—

It is from the same source of authority that we derive the unquestioned right, after the war has been declared by Congress, to blockade the ports and coasts of the enemy, to capture his towns, cities, and provinces, and to levy contributions upon him for the support of our Army. Of the same character with these is the right to subject to our temporary military government the conquered territories of our enemy. They are all belligerent rights, and their exercise is as essential to the successful prosecution of a foreign war as the right to fight battles.

By the Constitution the power to “declare war” is vested in Congress, and by the same instrument it is provided that “the President shall be Commander in Chief of the Army and Navy of the United States” and that “he shall take care that the laws be faithfully executed.”

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When Congress have exerted their power by declaring war against a foreign nation, it is the duty of the President to prosecute it. The Constitution has prescribed no particular mode in which he shall perform this duty. The manner of conducting the war is not defined by the Constitution. The term *war* used in that instrument has a well-understood meaning among nations. That meaning is derived from the laws of nations, a code which is recognized by all civilized powers as being obligatory in a state of war. The power is derived from the Constitution and the manner of exercising it is regulated by the laws of nations. When Congress have declared war, they in effect make it the duty of the President in prosecuting it, by land and sea, to resort to all the modes and to exercise all the powers and rights which other nations at war possess. He is invested with the same power in this respect as if he were personally present commanding our fleets by sea or our armies by land. He may conduct the war by issuing orders for fighting battles, besieging and capturing cities, conquering and holding the provinces of the enemy, or by capturing his vessels and other property on the high seas. But these are not the only modes of prosecuting war which are recognized by the laws of nations and to which he is authorized to resort. The levy of contributions on the enemy is a right of war well established and universally acknowledged among nations, and one which every belligerent possessing the ability may properly exercise. The most approved writers on public law admit and vindicate this right as consonant with reason, justice, and humanity.

No principle is better established than that—

We have a right to deprive our enemy of his possessions, of everything which may augment his strength and enable him to make war. This everyone endeavors to accomplish in the manner most suitable to him. Whenever we have an opportunity we seize on the enemy's property and convert it to our own use, and thus, besides diminishing the enemy's power, we augment our own and obtain at least a partial indemnification or equivalent, either for what constitutes the subject of the war or for the expenses and losses incurred in its prosecution. In a word, we do ourselves justice.

“Instead of the custom of pillaging the open country and defenseless places,” the levy of contributions has been “substituted.”

Whoever carries on a just war has a right to make the enemy's country contribute to the support of his army and toward defraying all the charges of the war. Thus he obtains a part of what is due to him, and the enemy's subjects, by consenting to pay the sum demanded, have their property secured from pillage and the country is preserved.

These principles, it is believed, are uncontroverted by any civilized nation in modern times. The public law of nations, by which they are recognized,

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has been held by our highest judicial tribunal as a code which is applicable to our "situation" in a state of war and binding on the United States, while in admiralty and maritime cases it is often the governing rule. It is in a just war that a nation has the "right to make the enemy's country contribute to the support of his army." Not doubting that our late war with Mexico was just on the part of the United States, I did not hesitate when charged by the Constitution with its prosecution to exercise a power common to all other nations, and Congress was duly informed of the mode and extent to which that power had been and would be exercised at the commencement of their first session thereafter.

Upon the declaration of war against Mexico by Congress the United States were entitled to all the rights which any other nation at war would have possessed. These rights could only be demanded and enforced by the President, whose duty it was, as "Commander in Chief of the Army and Navy of the United States," to execute the law of Congress which declared the war. In the act declaring war Congress provided for raising men and money to enable the President "to prosecute it to a speedy and successful termination." Congress prescribed no mode of conducting it, but left the President to prosecute it according to the laws of nations as his guide. Indeed, it would have been impracticable for Congress to have provided for all the details of a campaign.

The mode of levying contributions must necessarily be left to the discretion of the conqueror, subject to be exercised, however, in conformity with the laws of nations. It may be exercised by requiring a given sum or a given amount of provisions to be furnished by the authorities of a captured city or province; it may be exercised by imposing an internal tax or a tax on the enemy's commerce, whereby he may be deprived of his revenues, and these may be appropriated to the use of the conqueror. The latter mode was adopted by the collection of duties in the ports of Mexico in our military occupation during the late war with that Republic.

So well established is the military right to do this under the laws of nations that our military and naval officers commanding our forces on the theater of war adopted the same mode of levying contributions from the enemy before the order of the President of the 31st of March, 1847, was issued. The general in command of the Army at Vera Cruz, upon his own view of his powers and duties, and without specific instructions to that effect, immediately after the capture of that city adopted this mode. By his order of the 28th of March, 1847, heretofore communicated to the House of Representatives, he directed a "temporary and moderate tariff of duties to be established." Such a tariff was established, and contributions were collected under it and applied to the uses of our Army. At a still earlier period the same power was exercised by the naval officers in command of our squadron on the Pacific coast. ... Not doubting the authority to resort to this mode, the order of the 31st of March, 1847, was issued, and was in effect but a modification of the previous orders of these officers, by making the rates of contribution



uniform and directing their collection in all the ports of the enemy in our military occupation and under our temporary military government.

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The right to levy contributions upon the enemy in the form of import and export duties in his ports was sanctioned by the treaty of peace with Mexico. By that treaty both Governments recognized ... and confirmed the exercise of that right. By its provisions "the customhouses at all the ports occupied by the forces of the United States" were, upon the exchange of ratifications, to be delivered up to the Mexican authorities, "together with all bonds and evidences of debt for duties on importations and exportations *not yet fallen due*;" and "all duties on imports and on exports collected at such custom-houses or elsewhere in Mexico by authority of the United States" before the ratification of the treaty by the Mexican Government were to be retained by the United States, and only the net amount of the duties collected after this period was to be "delivered to the Mexican Government." By its provisions also all merchandise "imported previously to the restoration of the custom-houses to the Mexican authorities" or "exported from any Mexican port whilst in the occupation of the forces of the United States" was protected from confiscation and from the payment of any import or export duties to the Mexican Government, even although the importation of such merchandise "be prohibited by the Mexican tariff." The treaty also provides that should the custom-houses be surrendered to the Mexican authorities in less than sixty days from the date of its signature, the rates of duty on merchandise imposed by the United States were in that event to survive the war until the end of this period; and in the meantime Mexican custom-house officers were bound to levy no other duties thereon "than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same." The "tariff found in force at such custom-houses," which is recognized and sustained by this stipulation, was that established by the military order of the 31st of March, 1847, as a mode of levying and collecting military contributions from the enemy.

The right to blockade the ports and coasts of the enemy in war is no more provided for or prescribed by the Constitution than the right to levy and collect contributions from him in the form of duties or otherwise, and yet it has not been questioned that the President had the power after war had been declared by Congress to order our Navy to blockade the ports and coasts of Mexico. The right in both cases exists under the laws of nations. If the President can not order military contributions to be collected without an act of Congress, for the same reason he can not order a blockade; nor can he direct the enemy's vessels to be captured on the high seas; nor can he order our military and naval officers to invade the enemy's country, conquer, hold, and subject to our military government his cities and provinces; nor can he give to our military and naval commanders orders to perform many other acts essential to success in war.

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If when the City of Mexico was captured the commander of our forces had found in the Mexican treasury public money which the enemy had provided to support his army, can it be doubted that he possessed the right to seize and appropriate it for the use of our own Army? If the money captured from the enemy could have been thus lawfully seized and appropriated, it would have been by virtue of the laws of war, recognized by all civilized nations; and by the same authority the sources of revenue and of supply of the enemy may be cut off from him, whereby he may be weakened and crippled in his means of continuing or waging the war. If the commanders of our forces, while acting under the orders of the President, in the heart of the enemy's country and surrounded by a hostile population, possess none of these essential and indispensable powers of war, but must halt the Army at every step of its progress and wait for an act of Congress to be passed to authorize them to do that which every other nation has the right to do by virtue of the laws of nations, then, indeed, is the Government of the United States in a condition of imbecility and weakness, which must in all future time render it impossible to prosecute a foreign war in an enemy's country successfully or to vindicate the national rights and the national honor by war.

The contributions levied were collected in the enemy's country, and were ordered to be "applied" in the enemy's country "toward defraying the expenses of the war," and the appropriations made by Congress for that purpose were thus relieved, and considerable balances remained undrawn from the Treasury. The amount of contributions remaining unexpended at the close of the war, as far as the accounts of collecting and disbursing officers have been settled, have been paid into the Treasury in pursuance of an order for that purpose, except the sum "applied toward the payment of the first installment due under the treaty with Mexico," as stated in my last annual message, for which an appropriation had been made by Congress. The accounts of some of these officers, as stated in the report of the Secretary of War accompanying that message, will require legislation before they can be finally settled.

In the late war with Mexico it is confidently believed that the levy of contributions and the seizure of the sources of public revenue upon which the enemy relied to enable him to continue the war essentially contributed to hasten peace. By those means the Government and people of Mexico were made to feel the pressure of the war and to realize that if it were protracted its burdens and inconveniences must be borne by themselves. Notwithstanding the great success of our arms, it may well be doubted whether an honorable peace would yet have been obtained but for the very contributions which were exacted.

JAMES K. POLK.

WASHINGTON, *January 4, 1849.*

*To the Senate of the United States:*

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I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention between the United States of America and the Government of Her Britannic Majesty, for the improvement of the communication by post between their respective territories, concluded and signed at London on the 15th December last, together with an explanatory dispatch from our minister at that Court.

JAMES K. POLK.

WASHINGTON, *January 29, 1849.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of State, with the accompanying documents, in answer to a resolution of the Senate of the 21st December, 1848, requesting the President "to communicate to the Senate (if, in his opinion, not incompatible with the public service) a copy of the dispatches transmitted to the Secretary of State in August last by the resident minister at Rio de Janeiro in reference to the service and general conduct of Commodore G.W. Storer, commander in chief of the United States naval forces on the coast of Brazil."

JAMES K. POLK.

WASHINGTON, *January 29, 1849.*

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

I communicate herewith reports from the Secretary of War and the Secretary of the Navy, together with the accompanying documents, in answer to a resolution of the House of Representatives of December 20, 1848, requesting the President "to communicate to the House the amount of moneys and property received during the late war with the Republic of Mexico at the different ports of entry, or in any other way within her limits, and in what manner the same has been expended or appropriated."

JAMES K. POLK.

WASHINGTON, *February 1, 1849.*

*To the Senate of the United States:*

I communicate herewith reports from the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, together with the accompanying documents, in answer to a resolution of the Senate of the 15th January, 1849, "that the petition and papers of John B. Emerson be referred to the President of the United States, and that he be requested to cause a report thereon to be made to the Senate, wherein the public officer making such report shall state in what cases, if any,

the United States have used or employed the invention of said Emerson contrary to law, and, further, whether any compensation therefor is justly due to said Emerson, and, if so, to what amount in each case.”

JAMES K. POLK.

WASHINGTON, *February 5, 1849.*

*To the Senate of the United States:*

I transmit herewith, for the consideration and advice of the Senate with regard to its ratification, a treaty concluded on the 24th day of November, 1848, by Morgan L. Martin and Albert G. Ellis, commissioners on the part of the United States, and the sachem, councilors, and headmen of the Stockbridge tribe of Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

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JAMES K. POLK.

WASHINGTON, *February 8, 1849.*

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

In reply to the resolutions of the House of Representatives of the 5th instant, I communicate herewith a report from the Secretary of State, accompanied with all the documents and correspondence relating to the treaty of peace concluded between the United States and Mexico at Guadalupe Hidalgo on the 2d February, 1848, and to the amendments of the Senate thereto, as requested by the House in the said resolutions.

Amongst the documents transmitted will be found a copy of the instructions given to the commissioners of the United States who took to Mexico the treaty as amended by the Senate and ratified by the President of the United States. In my message to the House of Representatives of the 29th of July, 1848, I gave as my reason for declining to furnish these instructions in compliance with a resolution of the House that "in my opinion it would be inconsistent with the public interests to give publicity to them at the present time." Although it may still be doubted whether giving them publicity in our own country, and, as a necessary consequence, in Mexico, may not have a prejudicial influence on our public interests, yet, as they have been again called for by the House, and called for in connection with other documents, to the correct understanding of which they are indispensable, I have deemed it my duty to transmit them.

I still entertain the opinion expressed in the message referred to, that—

As a general rule applicable to all our important negotiations with foreign powers, it could not fail to be prejudicial to the public interests to publish the instructions to our ministers until some time had elapsed after the conclusion of such negotiations.

In these instructions of the 18th of March, 1848, it will be perceived that—

The task was assigned to the commissioners of the United States of consummating the treaty of peace, which was signed at Guadalupe Hidalgo on the 2d day of February last, between the United States and the Mexican Republic, and which on the 10th of March last was ratified by the Senate with amendments.

They were informed that—

This brief statement will indicate to you clearly the line of your duty. You are not sent to Mexico for the purpose of negotiating any new treaty, or of changing in any particular the ratified treaty which you will bear with you. None of the amendments adopted by the Senate can be rejected or modified except by the authority of that body. Your whole duty will, then, consist in using every honorable effort to obtain from the Mexican Government a ratification of the treaty in the form in which it has been ratified by the

Senate, and this with the least practicable delay. ... For this purpose it may, and most probably will, become

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necessary that you should explain to the Mexican minister for foreign affairs, or to the authorized agents of the Mexican Government, the reasons which have influenced the Senate in adopting these several amendments to the treaty. This duty you will perform as much as possible by personal conferences. Diplomatic notes are to be avoided unless in case of necessity. These might lead to endless discussions and indefinite delay. Besides, they could not have any practical result, as your mission is confined to procuring a ratification from the Mexican Government of the treaty as it came from the Senate, and does not extend to the slightest modification in any of its provisions.

The commissioners were sent to Mexico to procure the ratification of the treaty as *amended by the Senate*. Their instructions confined them to this point. It was proper that the amendments to the treaty adopted by the United States should be explained to the Mexican Government, and explanations were made by the Secretary of State in his letter of the 18th of March, 1848, to the Mexican minister for foreign affairs, under my direction. This dispatch was communicated to Congress with my message of the 6th of July last, communicating the treaty of peace, and published by their order. This dispatch was transmitted by our commissioners from the City of Mexico to the Mexican Government, then at Queretaro, on the 17th of April, 1848, and its receipt acknowledged on the 19th of the same month. During the whole time that the treaty, as amended, was before the Congress of Mexico these explanations of the Secretary of State, and these alone, were before them.

The President of Mexico, on these explanations, on the 8th day of May, 1848, submitted the amended treaty to the Mexican Congress, and on the 25th of May that Congress approved the treaty as amended, without modification or alteration. The final action of the Mexican Congress had taken place before the commissioners of the United States had been officially received by the Mexican authorities, or held any conference with them, or had any other communication on the subject of the treaty except to transmit the letter of the Secretary of State.

In their dispatch transmitted to Congress with my message of the 6th of July last, communicating the treaty of peace, dated "City of Queretaro, May 25, 1848, 9 o'clock p.m.," the commissioners say:

We have the satisfaction to inform you that we reached this city this afternoon at about 5 o'clock, and that the treaty, as amended by the Senate of the United States, passed the Mexican Senate about the hour of our arrival by a vote of 33 to 5. It having previously passed the House of Deputies, nothing now remains but to exchange the ratifications of the treaty.

On the next day (the 26th of May) the commissioners were for the first time presented to the President of the Republic and their credentials placed in his hands. On this



occasion the commissioners delivered an address to the President of Mexico, and he replied. In their dispatch of the 30th of May the commissioners say:

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We inclose a copy of our address to the President, and also a copy of his reply. Several conferences afterwards took place between Messrs. Rosa, Cuevas, Conto, and ourselves, which it is not thought necessary to recapitulate, as we inclose a copy of the protocol, which contains the substance of the conversations. We have now the satisfaction to announce that the exchange of ratifications was effected to-day.

This dispatch was communicated with my message of the 6th of July last, and published by order of Congress.

The treaty, as amended by the Senate of the United States, with the accompanying papers and the evidence that in that form it had been ratified by Mexico, was received at Washington on the 4th day of July, 1848, and immediately proclaimed as the supreme law of the land. On the 6th of July I communicated to Congress the ratified treaty, with such accompanying documents as were deemed material to a full understanding of the subject, to the end that Congress might adopt the legislation necessary and proper to carry the treaty into effect. Neither the address of the commissioners, nor the reply of the President of Mexico on the occasion of their presentation, nor the memorandum of conversations embraced in the paper called a protocol, nor the correspondence now sent, were communicated, because they were not regarded as in any way material; and in this I conformed to the practice of our Government. It rarely, if ever, happens that all the correspondence, and especially the instructions to our ministers, is communicated. Copies of these papers are now transmitted, as being within the resolutions of the House calling for all such "correspondence as appertains to said treaty."

When these papers were received at Washington, peace had been restored, the first installment of three millions paid to Mexico, the blockades were raised, the City of Mexico evacuated, and our troops on their return home. The war was at an end, and the treaty, as ratified by the United States, was binding on both parties, and already executed in a great degree. In this condition of things it was not competent for the President alone, or for the President and Senate, or for the President, Senate, and House of Representatives combined, to abrogate the treaty, to annul the peace and restore a state of war, except by a solemn declaration of war.

Had the protocol varied the treaty as amended by the Senate of the United States, it would have had no binding effect.

It was obvious that the commissioners of the United States did not regard the protocol as in any degree a part of the treaty, nor as modifying or altering the treaty as amended by the Senate. They communicated it as the substance of conversations held after the Mexican Congress had ratified the treaty, and they knew that the approval of the Mexican Congress was as essential to the validity of a treaty in all its parts as the advice and consent of the Senate of the

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United States. They knew, too, that they had no authority to alter or modify the treaty in the form in which it had been ratified by the United States, but that, if failing to procure the ratification of the Mexican Government otherwise than with amendments, their duty, imposed by express instructions, was to ask of Mexico to send without delay a commissioner to Washington to exchange ratifications here if the amendments of the treaty proposed by Mexico, on being submitted, should be adopted by the Senate of the United States.

I was equally well satisfied that the Government of Mexico had agreed to the treaty as amended by the Senate of the United States, and did not regard the protocol as modifying, enlarging, or diminishing its terms or effect. The President of that Republic, in submitting the amended treaty to the Mexican Congress, in his message on the 8th day of May, 1848, said:

If the treaty could have been submitted to your deliberation precisely as it came from the hands of the plenipotentiaries, my satisfaction at seeing the war at last brought to an end would not have been lessened as it this day is in consequence of the modifications introduced into it by the Senate of the United States, and which have received the sanction of the President. ... At present it is sufficient for us to say to you that if in the opinion of the Government justice had not been evinced on the part of the Senate and Government of the United States in introducing such modifications, it is presumed, on the other hand, that they are not of such importance that they should set aside the treaty. I believe, on the contrary, that it ought to be ratified upon the same terms in which it has already received the sanction of the American Government. My opinion is also greatly strengthened by the fact that a new negotiation is neither expected nor considered, possible. Much less could another be brought forward upon a basis more favorable for the Republic.

The deliberations of the Mexican Congress, with no explanation before that body from the United States except the letter of the Secretary of State, resulted in the ratification of the treaty, as recommended by the President of that Republic, in the form in which it had been amended and ratified by the United States. The conversations embodied in the paper called a protocol took place after the action of the Mexican Congress was complete, and there is no reason to suppose that the Government of Mexico ever submitted the protocol to the Congress, or ever treated or regarded it as in any sense a new negotiation, or as operating any modification or change of the amended treaty. If such had been its effect, it was a nullity until approved by the Mexican Congress; and such approval was never made or intimated to the United States. In the final consummation of the ratification of the treaty by the President of Mexico no reference is made to it. On the contrary, this ratification, which was delivered to the commissioners of the United States, and is now in the State Department, contains a full and explicit recognition of the amendments of the Senate just as they had been communicated to

that Government by the Secretary of State and been afterwards approved by the Mexican Congress. It declares that—

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Having seen and examined the said treaty and the modifications made by the Senate of the United States of America, and having given an account thereof to the General Congress, conformably to the requirement in the fourteenth paragraph of the one hundred and tenth article of the federal constitution of these United States, that body has thought proper to approve of the said treaty, with the modifications thereto, in all their parts; and in consequence thereof, exerting the power granted to me by the constitution, I accept, ratify, and confirm the said treaty with its modifications, and promise, in the name of the Mexican Republic, to fulfill and observe it, and to cause it to be fulfilled and observed.

Upon an examination of this protocol, when it was received with the ratified treaty, I did not regard it as material or as in any way attempting to modify or change the treaty as it had been amended by the Senate of the United States.

The first explanation which it contains is:

That the American Government, by suppressing the ninth article of the treaty of Guadalupe and substituting the third article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article (ninth) in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the third article of the treaty of Louisiana. In consequence, all the privileges and guaranties—civil, political, and religious—which would have been possessed by the inhabitants of the ceded territories if the ninth article of the treaty had been retained will be enjoyed by them without any difference under the article which has been substituted.

The ninth article of the original treaty stipulated for the incorporation of the Mexican inhabitants of the ceded territories and their admission into the Union “as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights of citizens of the United States.” It provided also that in the meantime they should be maintained in the enjoyment of their liberty, their property, and their civil rights now vested in them according to the Mexican laws. It secured to them similar political rights with the inhabitants of the other Territories of the United States, and at least equal to the inhabitants of Louisiana and Florida when they were in a Territorial condition. It then proceeded to guarantee that ecclesiastics and religious corporations should be protected in the discharge of the offices of their ministry and the enjoyment of their property of every kind, whether individual or corporate, and, finally, that there should be a free communication between the Catholics of the ceded territories and their ecclesiastical authorities “even although such authority should reside within the limits of the Mexican Republic as defined by this treaty.”

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The ninth article of the treaty, as adopted by the Senate, is much more comprehensive in its terms and explicit in its meaning, and it clearly embraces in comparatively few words all the guaranties inserted in the original article. It is as follows:

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

This article, which was substantially copied from the Louisiana treaty, provides equally with the original article for the admission of these inhabitants into the Union, and in the meantime, whilst they shall remain in a Territorial state, by one sweeping provision declares that they "shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction."

This guaranty embraces every kind of property, whether held by ecclesiastics or laymen, whether belonging to corporations or individuals. It secures to these inhabitants the free exercise of their religion without restriction, whether they choose to place themselves under the spiritual authority of pastors resident within the Mexican Republic or the ceded territories. It was, it is presumed, to place this construction beyond all question that the Senate superadded the words "without restriction" to the religious guaranty contained in the corresponding article of the Louisiana treaty. Congress itself does not possess the power under the Constitution to make any law prohibiting the free exercise of religion.

If the ninth article of the treaty, whether in its original or amended form, had been entirely omitted in the treaty, all the rights and privileges which either of them confers would have been secured to the inhabitants of the ceded territories by the Constitution and laws of the United States.

The protocol asserts that "the American Government, by suppressing the tenth article of the treaty of Guadalupe, did not in any way intend to annul the grants of lands made by Mexico in the ceded territories;" that "these grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess; and the grantees may cause their legitimate titles to be acknowledged before the American tribunals;" and then proceeds to state that, "conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories are those which were legitimate titles under the Mexican law in California and New Mexico up to the 13th of May, 1846, and in Texas up to the 2d of March, 1836."

The former was the date of the declaration of war against Mexico and the latter that of the declaration of independence by Texas.

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The objection to the tenth article of the original treaty was not that it protected legitimate titles, which our laws would have equally protected without it, but that it most unjustly attempted to resuscitate grants which had become a mere nullity by allowing the grantees the same period after the exchange of the ratifications of the treaty to which they had been originally entitled after the date of their grants for the purpose of performing the conditions on which they had been made. In submitting the treaty to the Senate I had recommended the rejection of this article. That portion of it in regard to lands in Texas did not receive a single vote in the Senate. This information was communicated by the letter of the Secretary of State to the minister for foreign affairs of Mexico, and was in possession of the Mexican Government during the whole period the treaty was before the Mexican Congress; and the article itself was reprobated in that letter in the strongest terms. Besides, our commissioners to Mexico had been instructed that—

Neither the President nor the Senate of the United States can ever consent to ratify any treaty containing the tenth article of the treaty of Guadalupe Hidalgo, in favor of grantees of land in Texas or elsewhere.

And again:

Should the Mexican Government persist in retaining this article, then all prospect of immediate peace is ended; and of this you may give them an absolute assurance.

On this point the language of the protocol is free from ambiguity, but if it were otherwise is there any individual American or Mexican who would place such a construction upon it as to convert it into a vain attempt to revive this article, which had been so often and so solemnly condemned? Surely no person could for one moment suppose that either the commissioners of the United States or the Mexican minister for foreign affairs ever entertained the purpose of thus setting at naught the deliberate decision of the President and Senate, which had been communicated to the Mexican Government with the assurance that their abandonment of this obnoxious article was essential to the restoration of peace.

But the meaning of the protocol is plain. It is simply that the nullification of this article was not intended to destroy valid, legitimate titles to land which existed and were in full force independently of the provisions and without the aid of this article. Notwithstanding it has been expunged from the treaty, these grants were to “preserve the legal value which they may possess.” The refusal to revive grants which had become extinct was not to invalidate those which were in full force and vigor. That such was the clear understanding of the Senate of the United States, and this in perfect accordance with the protocol, is manifest from the fact that whilst they struck from the treaty this unjust article, they at the same time sanctioned and ratified the last paragraph of the eighth article of the treaty, which declares that—

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In the said territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

Without any stipulation in the treaty to this effect, all such valid titles under the Mexican Government would have been protected under the Constitution and laws of the United States.

The third and last explanation contained in the protocol is that—

The Government of the United States, by suppressing the concluding paragraph of article 12 of the treaty, did not intend to deprive the Mexican Republic of the free and unrestrained faculty of ceding, conveying, or transferring at any time (as it may judge best) the sum of the \$12,000,000 which the same Government of the United States is to deliver in the places designated by the amended article.

The concluding paragraph of the original twelfth article, thus suppressed by the Senate, is in the following language:

Certificates in proper form for the said installments, respectively, in such sums as shall be desired by the Mexican Government, and transferable by it, shall be delivered to the said Government by that of the United States.

From this bare statement, of facts the meaning of the protocol is obvious. Although the Senate had declined to create a Government stock for the \$12,000,000, and issue transferable certificates for the amount in such sums as the Mexican Government might desire, yet they could not have intended thereby to deprive that Government of the faculty which every creditor possesses of transferring for his own benefit the obligation of his debtor, whatever this may be worth, according to his will and pleasure.

It can not be doubted that the twelfth article of the treaty as it now stands contains a positive obligation, "in consideration of the extension acquired by the boundaries of the United States," to pay to the Mexican Republic \$12,000,000 in four equal annual installments of three millions each. This obligation may be assigned by the Mexican Government to any person whatever, but the assignee in such case would stand in no better condition than the Government. The amendment of the Senate prohibiting the issue of a Government transferable stock for the amount produces this effect and no more.

The protocol contains nothing from which it can be inferred that the assignee could rightfully demand the payment of the money in case the consideration should fail which is stated on the face of the obligation.



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With this view of the whole protocol, and considering that the explanations which it contained were in accordance with the treaty, I did not deem it necessary to take any action upon the subject. Had it varied from the terms of the treaty as amended by the Senate, although it would even then have been a nullity in itself, yet duty might have required that I should make this fact known to the Mexican Government, This not being the case, I treated it in the same manner I would have done had these explanations been made verbally by the commissioners to the Mexican minister for foreign affairs and communicated in a dispatch to the State Department.

JAMES K. POLK.

WASHINGTON, *February 9, 1849.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 6th instant, requesting the President to cause to be laid before that body, in "executive or open session, in his discretion, any instructions given to Ambrose H. Sevier and Nathan Clifford, commissioned as ministers plenipotentiary on the part of the United States to the Government of Mexico, or to either of said ministers, prior to the ratification by the Government of Mexico of the treaty of peace between the United States and that Republic," and certain correspondence and other papers specified in the said resolution, I communicate herewith a report from the Secretary of State, together with copies of the documents called for.

Having on the 8th instant, in compliance with a resolution of the House of Representatives in its terms more comprehensive than that of the Senate, communicated these and all other papers appertaining to the same subject, with a message to that House, this communication is made to the Senate in "open" and not in "executive" session.

JAMES K. POLK.

WASHINGTON, *February 12, 1849.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of the Treasury, with the accompanying documents, in answer to the resolution of the Senate of December 28, 1848, requesting "to be informed of the number of vessels annually employed in the Coast Survey, and the annual cost thereof, and out of what fund they were paid; also the number of persons annually employed in said Survey who were not of the Army and Navy of the United States; also the amount of money received by the United States for maps and charts made under such Survey and sold under the act of 1844."

JAMES K. POLK.

WASHINGTON, *February 14, 1849.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of War, together with the accompanying papers, in compliance with a resolution of the Senate of the 12th instant, requesting the President to communicate to that body the proceedings under the act of Congress of the last session to compensate R.M. Johnson for the erection of certain buildings for the use of the Choctaw academy; also the evidence of the cost of said buildings.

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JAMES K. POLK.

WASHINGTON, *February 23, 1849.*

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of State, together with the accompanying documents, in compliance with a resolution of the Senate of the 23d ultimo, requesting the President "to transmit to the Senate, so far as is consistent with the public service, any correspondence between the Department of State and the Spanish authorities in the island of Cuba relating to the imprisonment in said island of William Henry Rush, a citizen of the United States."

JAMES K. POLK.

WASHINGTON, *February 27, 1849.*

*To the Senate of the United States:*

I communicate herewith a report from the Secretary of State, in compliance with a resolution of the Senate of the 3d ultimo, requesting the President to communicate to the Senate a list of all the treaties of commerce and navigation between the United States and foreign nations conferring upon the vessels of such nations the right of trading between the United States and the rest of the world in the productions of every country upon the same terms with American vessels, with the date of the proclamation of such treaties; also a list of the proclamations conferring similar rights upon the vessels of foreign nations issued by the President of the United States under the provisions of the first section of the act entitled "An act in addition to an act entitled 'An act concerning discriminating duties on tonnage and impost and to equalize the duties on Prussian vessels and their cargoes,'" approved May 24, 1828.

JAMES K. POLK.

WASHINGTON, *March 2, 1849.*

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

I communicate herewith a report of the Secretary of State, together with the accompanying papers, in compliance with the resolution of the House of Representatives of the 23d of December, 1848, requesting the President "to cause to be transmitted to the House, if compatible with the public interest, the correspondence of George W. Gordon, late, and Gorham Parks, the present, consul of the United States at Rio de Janeiro, with the Department of State on the subject of the African slave trade; also any unpublished correspondence on the same subject by the Hon. Henry A. Wise, our late minister to Brazil."

JAMES K. POLK.

WASHINGTON, *March 2, 1849.*

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

I communicate herewith a report of the Secretary of State, together with the accompanying papers, in compliance with the resolution of the House of Representatives of the 20th ultimo, requesting the President to communicate to that House a list of all consuls, vice-consuls, and commercial agents now in the service of the United States, their residence, distinguishing such as are citizens of the United States from such as are not,

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and to inform the said House whether regular returns of their fees and perquisites and the tonnage and commerce of the United States within their respective consulates or agencies have been regularly made by each, and to communicate the amount of such fees and perquisites for certain years therein specified, together with the number of vessels and amount of tonnage which entered and cleared within each of the consulates and agencies for the same period; also the number of seamen of the United States who have been provided for and sent home from each of the said consulates for the time aforesaid.

JAMES K. POLK.

WASHINGTON, *March 2, 1849.*

*To the Senate of the United States:*

I herewith transmit a communication from the Secretary of the Treasury, accompanying a report from the Solicitor of the Treasury presenting a view of the operations of that office since its organization.

JAMES K. POLK.

### **PROCLAMATIONS.**

[From Senate Journal, Thirtieth Congress, second session, p. 349.]

WASHINGTON, *January 2, 1849.*

*To the Senators of the United States, respectively.*

SIR: Objects interesting to the United States requiring that the Senate should be in session on Monday, the 5th of March next, to receive and act upon such communications as may be made to it on the part of the Executive, your attention in the Senate Chamber, in this city, on that day at 10 o'clock in the forenoon is accordingly requested.

JAMES K. POLK.

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

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 10th January, 1849, entitled "An act to extend certain privileges to the town of Whitehall, in the State of New York," the President of the United States, on the recommendation of the Secretary of the Treasury, is authorized to extend to the town of Whitehall the same privileges as are conferred on certain ports named in the seventh section of an act entitled "An act allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico, and to the British North American Provinces adjoining the United States," passed 3d March, 1845, in the manner prescribed by the proviso contained in said section; and

Whereas the Secretary of the Treasury has duly recommended to me the extension of the privileges of the law aforesaid to the port of Whitehall, in the collection district of Champlain, in the State of New York:

Now, therefore, I, James K. Polk, President of the United States of America, do hereby declare and proclaim that the port of Whitehall, in the collection district of Champlain, in the State of New York, is and shall be entitled to all the privileges extended to the other ports enumerated in the seventh section of the act aforesaid from and after the date of this proclamation.

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

[SEAL.]

Done at the city of Washington, this 2d day of March, A.D. 1849, and of the Independence of the United States of America the seventy-third.

JAMES K. POLK.

By the President:  
JAMES BUCHANAN,  
*Secretary of State.*