

John Tyler

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WASHINGTON, *February 28, 1843.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention further to provide for the payment of awards in favor of claimants under the convention between the United States and the Mexican Republic of the 11th of April, 1839, signed in the City of Mexico on the 30th day of last month. A copy of the instructions from the Department of State to the minister of the United States at Mexico relative to the convention and of the dispatches of that minister to the Department is also communicated. By adverting to the signatures appended to the original draft of the convention as transmitted from the Department of State to General Thompson it will be seen that the convention as concluded was substantially approved by the representatives of a large majority in value of the parties immediately interested.

JOHN TYLER.

WASHINGTON, *February 28, 1843.*

To the House of Representatives:

I communicate to the House of Representatives a report from the Secretary of State, which, with the documents* accompanying it, furnishes the information requested by their resolution of the 18th instant.

JOHN TYLER.

WASHINGTON, *March 3, 1843.*

To the Senate of the United States:

In submitting the name of Henry A. Wise to the Senate for the mission to France, I was led to do so by considerations of his high talent, his exalted character, and great moral worth. The country, I feel assured, would be represented at Paris in the person of Mr. Wise by one wholly unsurpassed in exalted patriotism and well fitted to be the representative of his country abroad. His rejection by the Senate has caused me to reconsider his qualifications, and I see no cause to doubt that he is eminently qualified for the station. I feel it, therefore, to be my duty to renominate him.

I nominate Henry A. Wise, of Virginia, to be envoy extraordinary and minister plenipotentiary to the Court of His Majesty the King of the French, in place of Lewis Cass, resigned.

JOHN TYLER.

MARCH 3, 1843.

To the Senate of the United States:

In submitting to you the name of Caleb Cushing as Secretary of the Treasury, I did so in full view of his consummate abilities, his unquestioned patriotism and full capacity to discharge with honor to himself

*Correspondence between the representatives of foreign governments and the United States relative to the operation of the tariff laws on treaties existing with foreign governments.

and advantage to the country the high and important duties appertaining to that Department of the Government. The respect which I have for the wisdom of the Senate has caused me again, since his rejection, to reconsider his merits and his qualifications. That review has satisfied me that I could not have a more able adviser in the administration of public affairs or the country a more faithful officer. I feel it, therefore, to be my duty to renominate him.

I nominate Caleb Cushing to be Secretary of the Treasury, in the place of Walter Forward, resigned.

JOHN TYLER.

WASHINGTON, *March 3, 1843.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives copies of the final report and appendices of the joint commission appointed to explore and survey the boundary line between the States of Maine and New Hampshire and the adjoining British Provinces, together with a general map showing the results of their labors.

JOHN TYLER.

*Report of the commissioners appointed by the President of the United States for the purpose of exploring and surveying the boundary line between the States of Maine and New Hampshire and the British Provinces.**

HON. DANIEL WEBSTER,
Secretary of State.

WASHINGTON, *January 27, 1843.*

SIR: The operations of the divisions under the direction of the several commissioners during the past season have been as follows, viz:

I.

The work remaining to be performed by the division under the direction of the chairman of the board was as follows:

1. The completion of the survey of the line of highlands around the sources of the Rimouski, filling up the gap left in former surveys in the line of boundary claimed by the United States.

2. The survey of the line of highlands rising from the northern side of the Bay of Chaleurs at its western extremity from the point visited and measured in 1840 to its connection with the line surveyed in 1841 in the vicinity of Lake Metis.

3. The astronomical determination of the longitude of one or more points in the surveyed lines, in order to the compilation of a geographical map of undeniable accuracy.

The party, which was dispatched at the earliest possible period, having been recalled by a special messenger as soon as the signature of the treaty of Washington was made known to the commissioner, no more than the first of these objects was attempted, and some of the observations that would have been considered necessary to make

* This report proper and Appendix No. 1 are the only portions of the original final report which can be found filed with the archives of the commission. The copy of the report which was transmitted to the House of Representatives is missing from the files of the House. A careful search in the Government libraries of Washington warrants me in asserting that the report has never been printed.—COMPILER.

this survey useful as evidence in case of a further discussion of the subject of boundary were not completed. The expedition has, however, obtained for its results an accurate survey of the Green River of St. John from its mouth to the portage between it and the South Branch of the Katawamkedgwick, a survey of that portage, and a careful chain and compass survey of the highlands surrounding the sources of Rimouski. The first of these is connected with the survey of the river St. John made by Major Graham; the last was united at its two extremities with stations of the survey of 1841. Throughout the whole of the surveys the latitudes were carefully determined, by the methods employed during the former years, at a sufficient number of points. The longitudes have been estimated by the use of chronometers, but the sudden recall of the party left the latter part of the task incomplete. Any defect arising from the latter cause may be considered as in a great degree compensated by the connections referred to with the work of Major Graham and the surveys of the previous years.

The party left Portland to take the field on the 18th June, and reached the Grand Falls of the St. John on its return on the 25th August.

The surplus stores, with the boats and camp equipage, were stored there, and were afterwards transferred to the parties of the two other commissioners.

A map of the operations of this division was placed on file in the State Department on the 27th December.

The distance surveyed along Green River from its mouth to the portage is 57 miles, the length of the portage $5\frac{1}{2}$ miles, the distance measured in exploration of the remaining portion of the boundary claimed by the United States $61\frac{1}{2}$ miles, making in all 124 miles.

II.

The parties under the direction of A. Talcott entered upon their field duties about the middle of September, and completed that branch of the service by the 5th of November.

During that period the following rivers and streams were surveyed:

1. The "main St. John River" from the mouth of the "Alleguash" to the Forks.
2. The "Southwest Branch" to its source at the Metjarmette portage.
3. The "South Branch," or "Wool-as-ta-qua-guam," to 5 miles above Bakers Lake and near to the exploring line of 1841 along the highlands claimed by Great Britain.
4. The "West Branch," or "Mat-ta-wa-quam," to its source in the highlands.
5. The "Northwest Branch" to its source in the highlands.
6. The "Big Black River," or "Chim-pas-a-ooc-ten," to its source.
7. The "Little Black River," or "Pas-a-ooc-ten."
8. The "Chim-nem-ti-cook River" as far as navigable.

The character of all these streams is the same—slack water of moderate depth alternating with rapids. They can never be navigated by anything larger than a bateau.

The method of survey was to trace the course of each stream by compass, estimating distances by the eye, or by pacing when the nature of the margin of the river would permit.

The average distance coursed per day was about 9 miles, and at the camps formed at night astronomical observations north and south of the zenith were made to determine their position in latitude, and observations for the local time to ascertain their differences of longitude.

Meridian observations of the sun were also made at a point intermediate to the camps whenever they could be obtained.

Thirty-three of these points have been used in the correction of the paced and estimated distances.

Tables exhibiting these observations, their calculation and results, will accompany the detailed maps.

With a view to facilitate the operations of the joint commission it was conceived to be important that the intersection of the parallel of $46^{\circ} 25'$ with the Southwest Branch should be ascertained, as also the point on the Northwest Branch (10 miles from the main St. John) where the boundary line from the outlet of Lake Pohenagamook intersects the said branch.

It is believed that these points are projected on the map which accompanies this report so near to their true position that the line indicating the boundary as drawn on the map may be considered to substantially exhibit the division of territory as effected by the late treaty.

The more thorough knowledge acquired through these explorations of the character of the territory which has been relinquished by the United States fully confirms the opinion previously entertained of its little value, either for its timber growth or for purposes of agriculture.

Bordering on the "Big Black" and "Little Black" rivers the growth of pine is large and apparently of good quality, and it is believed that most of the smaller streams falling into the St. John below the "Seven Islands" will be found fringed with pine, but it is quite certain that very little will be found included between the lines of boundary and the highlands as claimed by the United States to the westward of St. Francis River.

The office work of this party is nearly completed, all the calculations arising from the astronomical observations have been made, and the detailed maps (five in number) drawn to the scale of 1:50,000 (or nearly $1\frac{1}{4}$ inches to 1 mile), exhibiting the result of the surveys in 1840, 1841, and 1842, are in such a state of forwardness as to insure their completion by the middle of February.

These explorations and surveys embrace—

1. The highlands as claimed by the United States, extending from the northwest-ernmost head of the Connecticut River to the portage road which leads from the St. Lawrence River to Lake Temiscouata.
2. The highlands as claimed by Great Britain from the Metjarmette portage to the source of the Aroostook River.
3. All the principal heads or branches of the Connecticut River north of the forty-fifth degree of latitude.
4. The St. John and all its principal branches or tributaries west of the Alleguash River.

III.

The division under the direction of Major Graham has been employed during the past season in making the following surveys, viz:

1. In prolonging the meridian of the monument at the source of the river St. Croix.
2. In making a survey of the Little Madawaska River, a tributary to the Aroostook, from its mouth to its source in the Madawaska Lakes.
3. In surveying the group of lakes lying northwest of the Madawaska Lakes, known by the appellation of the Eagle Lakes, or sometimes by the aboriginal one of the Cheaplawgan Lakes, and especially to ascertain if those lakes, or any of them, emptied their waters into the river St. John by any other outlet than Fish River.
4. A survey of the portion of Fish River included between the outlet of Lake Winthrop and the river St. John.
5. A survey of the river St. John between the Grand Falls and the mouth of the Alleguash.
6. A survey of the Alleguash from its mouth to its source.
7. A survey of the river St. Francis from its mouth to the outlet of Lake St. Francis.
8. In making astronomical observations for the latitude and longitude of the Grand

Falls and the mouths of the Grand, the Green, Madawaska, Fish, and St. Francis rivers.

Early in July a party under the direction of an officer of Topographical Engineers was sent into the field and directed to occupy the most northern astronomical station fixed the preceding year upon the true meridian of the monument at the source of the river St. Croix, with the view of being prepared to complete its trace to the north-west angle of Nova Scotia before the termination of the season in case the pending negotiations for a conventional boundary should fail.

The true meridian was in this way prolonged to a point 19 miles north of the station alluded to of last year, or $13\frac{1}{2}$ miles north of its intersection with the river St. John, reaching to the summit of the height immediately south of Grand River, where a permanent station was fixed. The point thus fixed is $90\frac{3}{4}$ miles north of the monument at the source of the St. Croix.

This portion of the work was performed by the 15th of August, at which period it was considered inexpedient to incur the expense of continuing it any farther.

A party under the direction of another officer of Topographical Engineers, which took the field also in July was charged with the surveys of the Little Madawaska River, the Eagle or Cheaplawgan Lakes, the portion of Fish River from the outlet of Lake Winthrop—one of the Eagle group—to its débouché into the St. John, of the river St. John, thence to the meridian of the source of the St. Croix, and finally of the Alleguash from its mouth to its source.

The Little Madawaska was ascended in bateaux from its mouth to its source, which is found in the Madawaska Lakes, and a trace of the river was made by coursing with a compass and estimating the distances, which were checked by astronomical observations for latitude and longitude.

The position of its mouth had been fixed by the surveys of the preceding year, and observations for latitude and longitude were made at a point intermediate between its mouth and its source and also at the junction of the two lakes which form its source. The trace of the river was corrected so as to agree with the results of these observations before being laid down upon the map.

A portage of $5\frac{1}{4}$ miles was cut from the Madawaska to the Eagle Lakes, which are only $4\frac{3}{4}$ miles apart in a direct line. The party transported their baggage and boats by this portage and launched them on Lake Sedgwick, the most southern and largest of the Eagle group.

This group, which is composed of the Winthrop, Sedgwick, Preble, Bear, and Cleveland lakes, being all connected one with another by water communications between them, was carefully surveyed by triangulating them and coursing their shores with the chain and compass, except those parts which were so straight as to render the work sufficiently accurate by sketching those portions between consecutive points of triangulation of no great distance apart. They were also sounded so far as to obtain their general depths.

The survey was continued from the outlet of Lake Winthrop down Fish River to its mouth, which was found to be the only outlet from this group to the river St. John.

Lake Cleveland, the most northern and deepest of the group, was connected in position with the river St. John at a point 2 miles below the upper chapel of the Madawaska settlement, by a chained and coursed line following the portage represented on the map $5\frac{1}{6}$ miles long.

The Alleguash was ascended in the month of October in bateaux and canoes from its mouth to its source in Lake Telos, a distance of about 94 miles. The river and its lakes were coursed by a compass, the distances estimated, and the projection resulting therefrom corrected before being placed upon the map by means of astronomical observations at eight intermediate points between its mouth and its source. The lakes were triangulated by means of magnetic bearings as far as was practicable, in order

to obtain their widths and general contour. In the vicinity of Chamberlain Lake use has also been made of a recent survey of Mr. Parrott, a surveyor in the employ of the State of Maine, to whom we acknowledge ourselves indebted for the aid which this portion of his valuable labors furnished us.

Between the head of Lake Telos and Webster Pond, one of the sources of the East Branch of the Penobscot, there is a portage of only 1 mile and a half. This, together with a small cut or canal, made in 1841 to connect the waters of Lake Telos with those of Webster Pond, enabled the party which made this survey to proceed with their boats and baggage down the Penobscot to Bangor, where they and their surplus stores were disposed of.

A survey of the river St. John was made in the month of September with the chain and compass from the mouth of Fish River to the intersection of the meridian of the monument at the source of the St. Croix with the St. John. This survey was afterwards extended eastward to the Grand Falls, in order to connect with the astronomical station established there, and westward to the mouth of the Allequash, embracing a distance of 87 miles. The islands were all surveyed, and the channels on either side of them sounded.

The commissioner, having had other duties assigned him in reference to the question of boundary, did not take the field in person until September. Between the middle of that month and the middle of December he was occupied in performing the field duties assigned him by the Department of State.

The party conducted by him in person made the astronomical observations for the determination of the latitude and longitude of the Grand Falls of the St. John, and of the mouths of the Grand, Green, Madawaska, Fish, and St. Francis rivers, all tributary to the St. John.

The same party also made a survey of the river St. Francis from its mouth to the outlet of Lake St. Francis, a distance of 81 miles.

This river was coursed by means of a compass, and whenever the nature of the shores would permit the distances from bend to bend were either measured with a chain or paced. Through the greater part of the stream, however, the impediments offered by the thick and small growth near the shores rendered this degree of minuteness impracticable and a resort to estimating the distances by the eye, well practiced by previous actual measurements, became necessary.

Before putting the trace of the river thus derived upon the map it was adjusted to correspond with the results of astronomical observations for latitude and longitude at twelve intermediate points between its mouth and the outlet of Lake St. Francis. Its three principal lakes, viz, Pettiaguagamas, Petteiquaggamak, and Pohenagamook, were triangulated and sounded as exhibited by the maps of detail yet to be handed in of the operations of this division.

A profile of the river, exhibiting the slope of the country through which it flows, was obtained by barometric observations made at fifteen points between its mouth and the bridge where it is intersected by the Grand portage road.

A connection was made with Long Lake, a tributary to Lake Temiscouata, by a chained line from a point on the St. Francis 2 miles below the mouth of Blue River to the western shore of Long Lake, by which it was ascertained that the shore of this lake approached within $2\frac{3}{4}$ miles of the river St. Francis.

The outlet of Lake Pohenagamook was reached in a distance of $49\frac{3}{4}$ miles from the mouth of the St. Francis following the sinuosities of the river on the 18th of October.

A camp was established on the southwest shore of the lake at its outlet for the purpose of making the necessary astronomical observations to determine the latitude and longitude of this position. Ten days were spent here for this object, out of which we had only three nights that were favorable for observation. These were improved as far as possible, and the results obtained, combined with those obtained by Captain

Talcott's parties on the Northwest and Southwest branches of the St. John, have furnished the elements for laying down upon the general map the straight lines which show the boundary as it is required to run between the highlands and the river St. John under the treaty of 1842. These furnish data for an accurate exhibition of the extent of territory included by this portion of the boundary as fixed by that treaty.

The south shore of Lake Pohenagamook forms an angle of about 100° with the direction of the stream which flows from it, and marks with great certainty the point at which, according to the late treaty, the straight line is to be commenced in running the boundary southwestward to the Northwest Branch of the river St. John.

The work of this division was connected with that of Captain Talcott's division of the preceding year by noting the position of a common point on the western shore of Lake Pohenagamook near its head.

The commissioner and his party reached the Grand portage, or British military road, where it crosses the river St. Francis on the 2d of November, and connected their work with that of Professor Renwick's division of the preceding year at the bridge near Fournier's house.

Observations were also made at this bridge for the latitude and longitude, when the weather was favorable, between the nights of the 2d and 5th of November, and a connection was made in longitude with the meridian of Quebec by comparisons of the local time with three chronometers transported from the first to the last mentioned place between the 6th and 10th of November.

This comparison was repeated on the return of the commissioner by observing again at the St. Francis bridge before mentioned on the night of the 10th of December, with the thermometer ranging during these observations from 11 to 15° below zero of Fahrenheit's scale, there being then near 4 feet of snow upon the ground. The commissioner then proceeded by the Grand portage road, and the road which pursues the margin of Temisconata Lake and the valleys of the Madawaska and St. John rivers, to the mouth of Green River, where on the night of the 12th of December he again observed at the same point where his observations of the 29th of September were made while ascending the St. John. These completed, he proceeded to the Grand Falls, and on the 14th of December discharged his party, which terminated his field duties for the season.

The distance surveyed along the new line of boundary by this division the past season is—

	Miles.
1. Along the river St. John from the meridian of the monument of the source of the St. Croix to the mouth of the river St. Francis.....	71½
2. Along the river St. Francis from its mouth to the outlet of Lake Pohenagamook.....	49¾
Total.....	121¼

IV.

A map marked L², on a scale of 1:400,000, exhibiting the lines respectively claimed by the two nations under the treaty of 1783, as well as that adopted by the treaty of 1842, is herewith presented. By reference thereto the operations of the several divisions during the present and previous years will be better understood.

For a more particular view of the surveys and explorations made under the direction of each of the commissioners, including descriptions of the face of the country, navigation of streams, etc., the undersigned respectfully refer to their respective narratives hereto appended, and to the maps of detail deposited by each in the Department of State.

All which is respectfully submitted.

JAS. RENWICK,
A. TALCOTT,
JAMES D. GRAHAM,
Commissioners.

APPENDIX NO. I.

OPERATIONS OF THE DIVISION UNDER THE DIRECTION OF JAMES RENWICK,
LL. D., CHAIRMAN OF THE BOARD.I.—*Operations during the year 1841.*

1. At as early a period as there was any probability of the country being accessible two engineers were dispatched from the city of New York for the purpose of exploring the Rimouski River. This had been crossed by the commissioner late in the previous season. It had been ascertained that it took its source much farther to the south than was represented on any map, and that at its head would be the greatest difficulty in the intended researches. It was, besides, considered necessary that skillful boatmen and practiced woodsmen should be engaged in Canada. These it was believed could be found in Quebec, and the chief of this detachment, with an appointment as acting commissioner, was directed to perform this duty on his route.

This detachment accordingly left New York on the 22d May. On reaching Quebec it was found that the proper persons could only be engaged at Trois Rivieres. A delay was thus occasioned before this part of the duty could be performed. The detachment, however, reached Rimouski 4th June, where the snow was still found upon the ground and the river barely fit for the access of boats. No time had therefore been lost, and the reconnoissance of the river was successfully performed. The detachment, after passing all the establishments of lumberers, extended its explorations beyond the remotest Indian paths, and leaving its boats penetrated on foot several miles to the south of the highest point of the stream in which boats could float. In this progress through unexplored ground a lake wholly unknown was discovered. The results of this expedition were embodied in a map, which on examination by parties furnished with better means was found accurate.

It was found by this party that the Rimouski presented difficulties which would forbid its ascent by a party provided with stores and instruments for the prosecution of a survey along the height of land, and that it would be impracticable even to make it the route of an expedition to reach its own source. The little knowledge which was possessed of its upper course and the fact that it had probably never been explored even by Indian hunters were accounted for by its difficulty of access, which would forbid the carriage of a sufficient supply of provisions for consumption during its ascent and descent. On other streams difficulties of this sort had been and were afterwards overcome by the use of the bateaux of the Penobscot, of greater burthen and strength than the birch canoes, but the continual repetition of portages on the Rimouski forbade the use of any vessel heavier than the latter.

2. The main body of engineers, etc., was ordered to assemble in New York on the 15th May, for which time a vessel was chartered for the purpose of conveying them, with stores sufficient for an expedition of five months and the necessary instruments and camp equipage, to Metis, on the St. Lawrence. The experience of the former season had shown that the country was so poor as to furnish little for the support of a numerous party, and it was believed that even game and fish would be found scarce at the points where supplies would be most needed. It was therefore to be chosen between laying in the supplies in New York or in Quebec, and while the great advantage of conveying all the important instruments by sea turned the scale in favor of the former place, it has been ascertained that the decision was in other respects correct, for the dangers and difficulties of navigating the St. Lawrence might have frustrated altogether, and would certainly have materially delayed, the commencement of the main survey.

The sailing of the vessel was delayed, in expectation of the arrival of instruments

from Europe, until the 30th of May, when a sufficient supply for beginning the operations arrived.

In the meantime Mr. Lally, one of the first assistants, was directed to proceed to Bangor, in Maine, for the purpose of procuring boats and men to manage them. These were obtained and brought down the Penobscot to Castine, where they were on the 8th June embarked in the vessel which carried the rest of the party, and which had orders to call at that port for the purpose. The experience of the previous year had manifested the great superiority of the bateaux of the Penobscot over all other vessels in the navigation of shallow and rapid rivers. The physical energy and enterprise of the boatmen of that river had also been known. It was believed that it was not only essential that a considerable proportion of the laboring force should be American citizens, but that much good would result from emulation between the boatmen of the Penobscot and the Canadian voyageurs. This expectation was in a great degree confirmed by the result, for although it must be stated with regret that it became necessary at an early period to discharge some of the Americans, the remainder were models of intelligence, sobriety, industry, and perseverance, and entered into the work, not with the feelings of hired laborers, but with those of men who felt that the interest of their country was at stake.

3. The commissioner did not leave New York until 30th of June, being delayed in expectation of more instruments. A part of these only had arrived, but further delay might have been injurious. Proper instructions had been given for setting the party in motion in case it could be organized before he joined it, but these were rendered nugatory by the length of the vessel's passage. This did not reach Metis till 7th July, so that the commissioner, arriving on the 9th, was in time to direct the first operations in person. The stores, boats, and instruments had been landed and partially carried to a camp on the river above the falls. A heavy rain on the 10th July rendered the roads almost impassable, and it was not till the morning of the 12th that the first detachment could be embarked. This was comprised of Dr. O. Goodrich, the assistant commissary, two surveyors, and an assistant engineer. The first was in charge of stores sufficient for six weeks' consumption. The surveyors had orders to survey the river for the purpose of connecting it with the line of exploration, and the latter was directed to make barometric observations. The commissioner and the remaining engineers were detained at Metis by the necessary astronomic observations. These being completed, the instruments, camp equipage, and a portion of the stores were embarked, and the main body proceeded up the river about noon on the 15th July.

4. The river was found to be still swollen by the melting of the snows on the highlands near its source, and, being at all times rapid, the progress of the party was attended both with difficulty and danger. One of the birch canoes, although managed by a skillful voyageur, was twice upset, and one of the heavily loaded bateaux filled with water in a rapid. The result of the first accident was unimportant, except as respected the personal comfort of one of the party, who lost his clothing when it could not be replaced; the second accident caused the loss of some valuable stores. A guide had been procured in the person of a Canadian who was said to have acted in the same capacity to Captain Broughton, who had descended the river by order of the commissioners of Great Britain in 1840. So long as the services of the guide were unimportant he was found intelligent and acquainted with the country, but on passing beyond the region usually visited by lumbering parties he manifested a very scanty knowledge. It had been the intention of the commissioner to ascend to Lake Metis and thence proceed to the height of land by an old portage said to have existed from that lake to the one at the head of the Grande Fourche of the Restigouche, which had been explored by the commissioner in 1840. Lake Metis was chosen because all former accounts, and particularly those of the surveyors of the joint commission under the fifth article of the treaty of Ghent, represented this

as the body of water seen to the northwest of the termination of the exploring meridian line. The guide appeared to confirm this impression, and held out inducements that led to the belief that he was acquainted with the portage in question. The nearer, however, it was approached the less seemed to be his confidence. When there appeared to be some reason to doubt his competency or his will, a place in the river was reached where it divided into two branches of nearly equal magnitude. On inquiry from the guide it was ascertained that the easternmost of these was the main Metis, the other the Mistigougeche (Riviere au Foin). Although the latter appeared to be the most direct course to the boundary, it was still believed, and nothing could be learned from him to the contrary, that the former led to the termination of the exploring meridian line. The party of Dr. Goodrich had gone up the Metis, and it was necessary to communicate with it before any change in plan could be made. The commissioner therefore entered the main Metis, and in the evening overtook the surveyors, who had been unable to keep the survey up with the progress of the boats. An express was therefore sent forward to stop the boats, and, the party encamping, astronomic observations were made for the solution of the difficulty in which it appeared to be enveloped. A detachment was also sent out to explore to the eastward of the Metis. This reached the Lake of the Little Red River, and from its banks took bearings to what appeared to be the greatest mountain of the country. This is known by the name of Paganet, and lies to the southwest of Lake Matapedia, forming a part of the highlands which are so obviously described as the boundary of the Province of Quebec in the proclamation of 1763. Its height was reported to be probably 3,000 feet, but as it has appeared in the course of the survey that heights in that region may easily be overestimated, it can not be safely taken at more than 2,500 feet. The result of the astronomic observations seemed to show that the main stream would lead too far to the eastward, and after mature deliberation it was resolved that the course should be retraced and the Mistigougeche ascended. The first part of the operation was attended with little delay. Half an hour sufficed for reaching the forks, whence the party had been six hours in mounting. The guide also stated that the Mistigougeche was a much less difficult stream than Metis. Of the comparative facility, except for a few miles of the latter, no opportunity for judging was obtained; but these were so difficult as to confirm his statement. On the other hand, the former was found to be much worse than it had been represented by him. His knowledge, in fact, was limited to its state in winter, for it appeared from a subsequent interview with Captain Broughton to be doubtful whether he had served in the employ of that officer; and it can be well imagined that the river when locked up in ice should present an aspect of far less rapidity than when rushing with its springtide violence. The Mistigougeche was found to be intercepted by a fall of a few feet, which could not be passed by the boats when loaded, although the Penobscot men boldly and successfully carried theirs up when empty, in which feat they were imitated by the voyageurs, who had at first deemed it impossible. The loads of the boats were carried over a portage, and in this operation the chronometers were found to deviate from each other, showing a manifest change of rate in some or all of them. This may be ascribed to a change in the mode of transportation, but was more than could be reasonably anticipated, considering the shortness of the portage (2,000 yards) and the great care that was taken in conveying them. At some distance above the falls a lake of moderate size was reached, embosomed in hills and embarrassed at its upper end with grass. From the last feature it was ascertained that both lake and river take their epithet of Grassy (Riviere au Foin, and, in Indian, of Mistigougeche, or Grassy Lake). At this lake the party of the commissioner was in advance of the loaded boats. A halt was therefore made and a party sent out to explore to the westward. This party reached an eminence whence a lake was seen, which the guide stated to be the head of a branch of the Rimouski, far distant, as he averred, from any waters of the Restigouche. Subsequent examination has shown

that this party had actually reached the height of land and that the survey of the boundary might have been advantageously commenced from this point.

On leaving the lake the river was found to have a gentle current for a few miles. It was then interrupted by a bed of timber, after passing which it became as rapid as ever. In a short time, however, a noble sheet of water was reached, surrounded by lofty hills, and of great depth. At the upper end of this a place was chosen for a stationary camp, and preparations were made for proceeding to the land survey. While these were going forward with as much dispatch as possible, Mr. Lally, one of the first assistants, was detached to reconnoiter the inlet of the lake. During his absence observations were taken and the rates of the chronometers worked up. Of the four instruments with which the expedition was furnished, two had varied from the other two on the portage. All were of good reputation, and no means existed of determining on which pair reliance could be placed. From the rates of two of them it appeared that the camp was situated 12 miles to the northwest of the tree chosen by the American surveyors in 1818 as marking the northwest angle of Nova Scotia. Actual survey has shown that the distance is about 10 miles. The result given by the chronometers was speedily confirmed by the return of Mr. Lally, who reported that he had actually reached the marked tree, well known to him by his visit to it the year before, and that he had pursued for a couple of miles the line cut out subsequently by Captain Broughton.

6. The preparations being completed, Messrs. H. B. Renwick and Lally were sent out, each at the head of a sufficient party, with instructions to proceed together to the west until they reached waters running to the Restigouche and then to divide, Mr. Lally proceeding to the northwest angle and Mr. Renwick toward Rimouski. Each was directed to pursue as far as possible the height of land and to remain in the field as long as the supplies which the men could carry would permit. They were also ordered to mark their path in order to insure a safe return, as well as all the stations of their barometric observations. Each of the laborers was loaded with 56 pounds besides his own baggage and ax, and the engineers and surveyors carried their own baggage and instruments. The commissioner, with one assistant, remained in the stationary camp for the purpose of determining the longitude accurately and of making corresponding barometric observations.

7. In this place it will be proper to state that the lake which was thus reached was ascertained with certainty to be that seen by the surveyors of the joint commission in 1818, and which was by them supposed to be Lake Metis. As it has no name yet assigned to it, it has been called upon our maps Lake Johnson, in honor of the American surveyor by whom it was first visited. It is 1,007 feet above the level of the sea, being more than twice as much as the total fall assigned to the waters of the Metis in the report of Messrs. Mudge and Featherstonhaugh. So great an elevation in so short a course is sufficient to account for the great rapidity of the stream. To illustrate this rapidity in an obvious manner, the birch canoes, which on the waters of the St. John are easily managed by one man, are never intrusted on those of the Metis to less than two. Our departure from Metis in boats so deeply loaded, as was afterwards learned, was considered there as a desperate attempt, and although but one of them sustained injury, this is to be ascribed to the great skill of the boatmen; and to show the velocity of the stream in a still stronger light, it is to be recollected that, after deducting the loss of time on the Metis, nine days of incessant labor were spent in taking up the loaded boats, while the assistant commissary whom it became necessary to send to Metis left the stationary camp at 2 o'clock in the morning of the 28th July and reached the mouth of the river before sunset of the same day, after making two portages, one of 2,000 yards and the other of 2 miles.

8. The first day of the operations of Messrs. H. B. Renwick and Lally was attended with an accident which had an injurious effect. The surveyor of Mr. Lally's party, Mr. W. G. Waller, fell from a tree laid as a bridge across a stream and lamed himself

to such a degree as to be incapable either of proceeding with the party or of returning to the stationary camp. It became necessary, therefore, to leave him, with a man to attend him, in the woods, and it was a week before he was sufficiently recovered to be able to walk. Intelligence was immediately sent to the commissioner, by whom the assistant he had retained in camp to aid in astronomic observations was sent to take the place of the surveyor. Two days were thus lost, and the intended astronomic observations were far less numerous than they might have been with the aid of a competent assistant.

The two parties, proceeding together, reached Katawamkedgwick Lake. That under the direction of Mr. H. B. Renwick immediately crossed it, while that of Mr. Lally proceeded along the eastern bank for the purpose of reaching the source of the stream. This being attained, the party of Mr. L. pursued the height of land as nearly as possible and reached the exploring meridian line. Crossing this, some progress was made to the eastward, when a failure of provisions compelled a return to camp. The party of Mr. H. B. Renwick, proceeding until the Rimouski was seen, turned to the south and finally reached the southeasterly source of that river, a point probably never before pressed by human foot, for it was found to consist in a series of beaver ponds, in which that animal was residing in communities and without any appearance of having been ever disturbed. The low state of provisions in this instance also called the party back, but not before every anticipated result had been obtained.

9. The party of Mr. H. B. Renwick having returned first, immediate preparations were made for descending the stream. Before they were completed Mr. Lally also came in, and both were assembled at Metis on the 14th, whence the commissioner set out instantly for the river Du Loup, which had been chosen as the base of further operations.

The circumstances of the operations up the Metis and Metis and Mistigougeche had been upon the whole favorable.—With the exception of a single thundershower, no rain had been experienced; the country was still sufficiently moist to insure a supply of water even upon the ridges. The sun was observed daily for time and latitude, and the nights admitted of observations of the pole star for latitude at almost every camp. At the stationary camp, however, the mists rising from the lake obscured the horizon and rendered the eclipses of Jupiter's satellites invisible; nor was it possible to observe the only occultation of a star which calculation rendered probable during the period in question. Much, however, had been accomplished. A river little known had been carefully surveyed some miles beyond its junction with a branch unheard of by geographers. This branch had been explored, its course and length determined; a path nearly coinciding with the boundary line for an extent of 86 miles had been measured and leveled, and regions before unseen visited. One accident of a serious character had occurred, and one of the laboring men, although an *homme du nord*, seasoned in the service of the Hudsons Bay Company, had been rendered unfit by fatigue for further duty in the service; but with these exceptions the health and strength of the party were unimpaired. All augured well for a speedy and successful completion of the task in a manner as perfect as had been anticipated.

10. Instructions had been transmitted to the commissary, as soon as it was found that a portage to Katawamkedgwick and thence to Rimouski was impracticable, to have a vessel ready at Metis to transport the stores to the river Du Loup. One was in consequence chartered, but, being neaped in the harbor of Rimouski, did not reach Metis till the 19th August. When loaded, her sailing was delayed by an unfavorable wind, and its continuance prevented her from reaching the river Du Loup before the 29th August. An entire week of very favorable weather was thus lost for field operations, and it was not even possible to employ it to advantage in observations, as all the chronometers but one and the larger instruments, in order to expose them as little as possible to change of rate or injury, had been forwarded from Metis in the vessel. With the one chronometer and the reflecting repeating circle numerous observations were, however, made for the latitude of the river Du Loup.

11. During the time the main body was engaged in ascending the Metis and in the other operations which have been mentioned an engineer was directed to proceed

from Metis along the Kempt road for the purpose of exploring along the dividing ridge between the waters of the Bay of Chaleurs in the vicinity of Lake Matapediac and the St. Lawrence. This line forms the continuation of that claimed by the United States, and is important in its connection with the proclamation of 1763; but as it falls without the ground which is the subject of dispute, it was not considered necessary to survey it. The heights which could be reached were therefore measured with the barometer, and the position of the points at which the observations were taken referred to existing maps without any attempt to correct their errors.

In the course of this reconnoissance an eminence 1,743 feet in height, lying to the southeast of Lake Matapediac, was ascended. Thence was had the view of a wide, open valley extending toward the southeast to the Bay of Chaleurs and bounded on the northeast and southwest by highlands. The former were pointed out by the guide as the Chic Choc Mountains, in the district of Gaspé; the latter, it appeared beyond question, extended to the Bay of Chaleurs, and strike it below the Matapediac. At the latter place a party detached down the Restigouche in 1840 had measured the height of Ben Lomond, a highland rising abruptly from the western termination of the Bay of Chaleurs, and found it to be 1,024 feet. Thus it appears beyond the possibility of doubt that a chain of eminences well entitled to the name of highlands, both as dividing waters and rising to the character of mountains, depart from "*the northern shore of the Bay of Chaleurs at its western extremity,*" bound the valley of the Matapediac to the northeast, and, bending around the lake of that name, separate its waters from those of the Metis. These are deeply cut by valleys, whose direction appears from the map of the reconnoissance and from the course of the tributary streams which occupy their lines of maximum slope to run from southwest to northeast, or at right angles to the general course of the highlands themselves. These highlands are obviously those defined in the proclamation of 1763 and the commission of Governor Wilmot.

12. As soon as the necessary instruments arrived from Metis at the river Du Loup a party was detached to survey the Temiscouata portage, a line known to be of great importance to the subsequent operations, but whose interest has been increased from the unexpected frequency with which the line dividing the waters touches or crosses it. Stores for a month's service were transported with all possible dispatch to Lake Temiscouata, along with the boats and camp equipage.

Two separate parties were now formed, the one to proceed up Temiscouata Lake, the other to ascend the Tuladi. The embarkation of both was completed at noon on the 4th September.

13. Mr. H. B. Renwick, with the party under his command, was directed if possible to ascend the middle or main branch of Tuladi and form a stationary camp at the highest point of that stream which could be reached by boats.

Mr. Lally had orders to enter and follow the river Asherbish, which enters Lake Temiscouata at its head, until the progress of his boats should be interrupted. The first party was directed to operate in the first place toward the west, the second toward the east, upon the height of land until they should meet each other's marks. The party of Mr. H. B. Renwick was directed, therefore, to proceed from the head of Tuladi and reach if possible the head of Rimouski, thus forming a connection with the line explored from the head of Mistigougeche; that of Mr. Lally to proceed from the head of Asherbish along the height of land to the Temiscouata portage. The commissary was then moved up with a large amount of stores and halted on the summit of Mount Biort, to be within reach of both the parties in case of a demand for new supplies, and to receive them on their return.

14. The party of Mr. H. B. Renwick, having passed through Tuladi Lake, entered the main stream of that name on the 5th September. The head of it had been seen by that gentleman in September, 1840, and held out the promise of abundance of water for navigation. This promise did not fail, but it was found that the stream

had probably never before been ascended, and was therefore embarrassed with drift-wood. After cutting through several rafts with great labor, a place was reached where the stream spread out to a great width over beds of gravel, and all further progress in boats became impossible. It was therefore determined to fall down the stream and ascend the western branch, well known under the name of Abagusquash, and which had been fully explored in 1840. The resolution to return was taken on the 6th, and on the evening of the 9th the beaver pond at the head of Abagusquash was reached; here a stationary camp was established. One of the men had wounded himself with an ax and three more were so ill as to be unfit for service. The numbers were yet sufficient for short expeditions, and one was immediately fitted out for the head of Tuladi with provisions to form a cache for future operations. This expedition explored so much of the height of land as would otherwise have been thrown out of the regular order in consequence of the failure to ascend the main branch of Tuladi.

15. In the meantime Mr. Lally proceeded up Lake Temiscouata and entered the Asherbish. This stream was also found very difficult, and on the evening of the 7th no more than 7 miles had been accomplished on it. At this point a stationary camp was fixed and a detachment sent out to explore the neighborhood. On the 10th Mr. Lally set out to the eastward, and struck the lower end of Abagusquash Lake on the afternoon of the 11th September. Being obviously too far to the south, he ascended that stream and reached H. B. Renwick's camp on the evening of the 12th. The next morning he proceeded to the height of land, and after twice crossing it reached his stationary camp on Asherbish at noon on the 21st September.

On this expedition two out of three barometers were broken, and an assistant was therefore sent to seek a fresh supply from the stores.

16. The expedition sent out by H. B. Renwick to the head of the Tuladi returned on the 13th September. One of the men came in severely wounded, and those left sick and wounded in camp were still ~~unfit for service~~; others also were taken sick. Of the laborers of the party, one-half were thus lost for the present to the service. The engineer in command, who had finished the observations for which he had remained in the stationary camp, determined, therefore, to proceed to Mount Biort in order to obtain men. Previous to his departure on the 15th September he fitted out a second expedition with all the disposable strength for the purpose of operating between the head of Tuladi and the point in the height of land where Mr. Lally's line diverged to the southwest. The newly engaged hands and the detachment on its return both reached the camp on the Abagusquash on the 19th of September. On the 21st, all arrangements having been completed, Mr. H. B. Renwick, leaving the assistant commissary with only one man in the stationary camp, set off toward the head of Rimouski. This course was pursued for six days, when it became necessary to return for want of provisions, and the stationary camp was reached on the 2d October. On this expedition the line of exploration made in June up the Rimouski was intersected and the ground traversed in July and August seen and connected with the survey, but it was found impossible to penetrate along the height of land on the western side of Rimouski to its head. On reaching the camp snow began to fall, and the thermometer marked 18° in the morning. All further operations for the season in this direction were therefore at an end. A portion of the line which divides the waters falling into the St. John from those falling into the St. Lawrence remained in consequence unsurveyed. It can not, however, be said to be absolutely unexplored, for it was seen from the eastern side of Rimouski, presenting the appearance of a range of hills at least as elevated as any on the boundary.

18. Mr. Lally having received a fresh supply of barometers on the evening of the 23d, resumed his survey of the height of land on the 25th September, and reached the camp of the commissary on Mount Biort on the 2d October, having surveyed and leveled the intermediate dividing ridge. The party of H. B. Renwick descended the Abagusquash and Tuladi, and, crossing Lake Temiscouata, reached the same

rendezvous on the 5th October. The interval was spent by Mr. Lally's party in clearing a space for a panoramic view on the summit of Mount Biort.

19. The commissioner, having superintended in person the equipment and embarkation of the parties of Messrs. H. B. Renwick and Lally on Lake Temiscouata, returned to the river Du Loup for the purpose of making astronomic observations. These being completed, he visited and conferred with the parties of his colleague, A. Talcott, esq., on their way to the height of land southeast of Kamouraska. Here he made arrangements for the junction of the two lines on the Temiscouata portage. He then proceeded to the camp of the commissary on Mount Biort, and there made provision for the completion of the residue of the line in the vicinity of the portage. He also selected points of view for the use of the daguerreotype and camera lucida, and, being unable to do any more on the ground for the furtherance of the objects of his appointment, returned to New York, taking with him the earlier records of the field operations for the purpose of organizing the office work.

20. Under the direction of Mr. H. B. Renwick, a party led by Mr. Lally set off from Mount Biort on the 7th October, and, proceeding westward along the portage road to the ridge of Mount Paradis, turned to the south along the dividing ridge. This being pursued led them back to the portage at a point about $21\frac{1}{2}$ miles from the river Du Loup on the 10th. The dividing ridge was now found for some distance to coincide nearly with the portage road and to pass over the summit of the Grande Fourche Mountain, a fact which had not before been suspected. The source of the Grande Fourche of Trois Pistoles having been headed, the party reached a station which the commissary had now established at the river St. Francis on the 13th October. Departing from this, the basin of the St. Francis to the north of the portage road was explored, and the survey finished on the 17th October.

Operating from the St. Lawrence as a base, and within reach of a cultivated country, whence numerous roads are cut to the height of land, it would have been possible to have kept the field for perhaps a fortnight longer. The plans and estimates of the division had been made with this view, and it was anticipated that the height of land might have been surveyed 30 miles to the south of the Temiscouata portage. Although this would have been practicable, it would have been a service of hardship. The necessity for this was obviated by the progress of the parties of A. Talcott, esq., which completed their surveys up to the portage on the same day that the surveys of this division were finished.

22. The circumstances under which the latter part of the survey was performed from the time of leaving the river Du Loup, on the 3d September, were far less favorable than had been experienced on the Metis and its branches. The continual drought had at the beginning of this part of the duty affected the streams and springs in such a way as to render navigation difficult and water for drinking scarce on the heights of land to which the survey was necessarily directed. On the eastern side of Lake Temiscouata a large fire had extended itself into the woods. On the Temiscouata portage the persons in charge of that road had set fire to the brush and wood cut in opening it out to an increased breadth, and a belt of flame 30 miles in length was at each change of wind carried in some new direction into the dry forest. The camp and collection of stores on Mount Biort were thus threatened for several days, and only saved by great exertions. Serious apprehensions were entertained lest the return of the parties in the field might be obstructed by the spreading of their own fires. The smoke of this vast extent of combustion obscured the heavens and rendered astronomic observations difficult or prevented it altogether. Finally, a season of unprecedented drought was closed on the 24th of September by the setting in of the equinoctial storm, and from this day until that on which the survey terminated few hours elapsed without rain, sleet, or snow. In spite of these obstacles, it is believed that the State Department will have no reason to be dissatisfied with the results of the campaign.

23. The results of the operations of this division are embodied in a map and profiles, which are herewith presented. The degree of reliance to be placed on this map will be best understood from a detail of the methods employed in preparing it.

The river Metis and its branch, the Mistigougeche, were surveyed by an azimuth compass of Smallcaldus construction, and the distances measured by a micrometric telescope by Ertel, of Munich. The courses of the rest of the lines were determined by compasses of similar construction, and the distances measured by chains of 100 feet constructed by Dollond, of London, and Brown, of New York. An exception to this general rule exists in the survey of the eastern side of Rimouski. The courses and distances thus measured, and corrected for the variation of the compass, were compared with astronomic observations for latitude and with longitudes deduced from chronometers. For this reason, as the line on the east side of Rimouski is almost in the direction of the meridian, it was not considered necessary to lose time in measuring it when the latitude of the several camps, determined by observations of the pole star, were taken nightly.

The latitudes of the courses under the direction of Mr. H. B. Renwick were determined by a reflecting repeating circle of Dollond; those on Mr. Lally's by a good sextant. The latitudes and times at Grand Metis, the river Du Loup, and the stationary camp on Mistigougeche and Abagusquash were principally determined from observations made with the Dollond circle. Lunar transits were taken at the river Du Loup, and distances of the moon for longitude at several places on the line. The reliance for the longitudes was, however, principally upon timekeepers, and of these the party was furnished with one box and two pocket chronometers by Parkinson & Trodsham, one pocket chronometer by Molyneux, one by French, one by Barraud, and one by Morrice. Thus, while several could be retained at the station, each party in the field was furnished with two, and the measured distance furnished a check, which, in case of discrepancy, that on which greatest reliance could be placed might be ascertained. It is sufficient to say that the deductions have been in general satisfactory, although the rough motion to which these instruments were subjected in passing through pathless woods, embarrassed by fallen trees and morasses in which the bearers often sunk to the middle, caused changes of rate and even sudden variations. Uncertainty arising from these causes was rendered less to be dreaded from its being possible to refer, as a base of operations, to the excellent survey of the St. Lawrence River by Captain Byfield, of the British navy. With the geographical positions given in his charts our own observations agreed so closely as materially to confirm the respective accuracy of both.

24. The point which in this part of the survey has been kept in view as most important is the determination of the heights. For this purpose the party of Professor Renwick was furnished with the following barometers:

Two loaned by the Superintendent of the Coast Survey, of his own construction; two portable and one standard, by Neurnan; three of the siphon form, by Buntin, of Paris; one by Traughton & Simms; one by Forlin, of Paris; three of siphon form, by Roach & Warner, of New York; two by Tagliabue, of New York, originally on the plan of Durand, but which had been advantageously altered by Roach & Warner in such manner as to admit of the adjustment of the level of the mercury in the cistern.

The stations at which the lower barometers were placed were Grand Metis until the return of the expedition up the river of that name, and the river Du Loup from that time until the close of the survey. At these places all the barometers not actually in the field were suspended and registered at the hours most likely to correspond with the observations of a traveling party, say at 6, 7, 8, and 9 in the morning, noon, 1, 5, and 6 in the afternoon, until as the season advanced and the days became short the earliest and latest of these hours were omitted. Although several barometers were thus constantly observed, no other use of these was made but to determine their comparisons with each other, except one of the barometers of Mr. Hassler,

Superintendent of the Coast Survey. This, from its superior simplicity, being, in fact, no more than the original Tonicillean experiment, with a well-divided scale and adjustment of its 0° to the surface of the mercury in the cistern, was found to be most certain in its results. All the barometers used by the parties in the field were therefore reduced to this by their mean differences.

The stations at the two above-mentioned places were near the St. Lawrence. At Metis the height of the cistern of the standard barometer was determined by a spirit level. At the river Du Loup the height of the station was determined by two sets of observations of barometers, taken with different instruments by different observers, and at an interval of a week from each other. The results of the two several sets, which were calculated separately, differ no more than 0.5 of a foot from each other.

On reaching the highest accessible points of the streams on which the parties proceeded toward the height of land, stationary camps were established, as has been already stated. At these series of observations were made at the same hours as at the river stations. The height of the former was then calculated from a series of observations taken at noon and at 1 p. m. for the whole of the time the camp was occupied. The heights of the points at which observations were made by the traveling party were then deduced from a comparison with the nearest contemporaneous observations at the stationary camp. An exception to this rule was made in the observations to the westward of Temisconata Lake, which were referred directly to those made at the river Du Loup, which was sufficiently near for the purpose.

The height of the stationary camp at Mount Biort having been determined by observations continued for several days, the level of Lake Temisconata was thence determined by using a set of levels taken with a theodolite by Breithaupt, of Cassel, in 1840. The height of the lake thus deduced is greater than it would appear to be from the barometric observations taken in December, 1840. It had been imagined that a difference in level ~~might exist~~ between the St. Lawrence at Metis and at the river Du Loup. Four days of contemporaneous observations were therefore made at each with a view to the solution of this question. The idea of a difference of level was not sustained by the operation.

The heights of the river stations were measured in each case to the highest mark left by spring tides, and half the fall of that tide as given by Captain Byfield has been added in all cases as a reduction to the mean level of the sea. Opportunities were offered in a few instances for testing the accuracy of the method by different barometers used by different observers at different days on the same point. No discrepancy greater than 7 feet has been thus discovered. In other cases the same observer returned and observed at the same places, and here a similar congruity of result has been found to exist.

The whole of the calculations have been made by the formulæ and tables of Bailey. Before adopting these their results were compared in one or two instances with those of a more exact formula. The differences, however, were found so small as to be of no importance, amounting in the height of Lake Johnson to no more than 5 feet in 1,007. The original record of the barometric observations, each verified by the initials of the observer, have been deposited in the State Department.

25. The paths pursued by the traveling parties were marked by blazing trees. The position of the barometer at each place of observation was also marked. The operation was a search for the boundary line in an unknown country, hence it rarely happened that the path of the parties has pursued the exact dividing line of the waters of the St. Lawrence and the Atlantic, but has been continually crossing it. The maps herewith submitted and the marks by which the line of the survey has been perpetuated would have enabled a party sent out for that especial purpose to trace the boundary on the ground without difficulty other than that arising from the inaccessible character of the country.

26. The commissioner can not speak in too high terms of the industry and perseverance manifested by the engineers and surveyors employed on this division, and in particular of the skill and intelligence of the two first assistants. Circumstances had prevented the receipt of portable astronomic instruments which had been ordered from Paris and Munich, and an instrument formed by the adaptation of a vertical circle to the lower part of an excellent German theodolite by Draper, of Philadelphia, was found on its being opened at Metis to have received an injury which rendered its accuracy doubtful. The whole reliance for the greatest accuracy was thus thrown on the repeating circle of Dollond. Such, however, was the address and skill of the engineer to whom it was intrusted that he not only fulfilled the object for which it was intended, of determining the position of the points visited by the traveling parties, but accomplished the same object at the stationary camps and at the river stations, without delaying for an hour the operations of the survey.

The duty which these gentlemen performed was arduous in the extreme. It has been seen that on the expedition up the Metis a seasoned voyageur had been worn out by the severity of his labors; on the Tuladi half the men were sick at a time; and of Mr. Lally's party two Penobscot Indians of herculean frame were compelled to return by extreme fatigue. The engineers, while in the field, were even more exposed to fatigue than the laborers, for they carried their own baggage and instruments, and were engaged nightly in observation and calculation, while the workmen could repose.

27. The commissioner to whom the survey of the northern division of the boundary line was intrusted has to express his acknowledgments for the politeness and good offices of the authorities of Her Britannic Majesty. In compliance with his request, permission was granted by the late lamented Governor-General for the admission of a vessel and the entry of the stores, camp equipage, and instruments of the party at one or more ports on the St. Lawrence. Letters were addressed by the principal secretary of the colony of Canada to all the officers and magistrates, directing them to give every facility to the operations, and these directions were obeyed, not as mere matters of form, but with a truly hospitable spirit. To the officers of the Sixty-eighth Regiment, forming the garrison of Fort Ingall and occupying the post of the river Du Loup, as well as to the officers of the commissariat on duty at those places, acknowledgments are due for numerous attentions.

II.—*Operations of the year 1842.*

1. Of the task originally assigned in the instructions for this division there remained to be completed—

(1) A portion of the boundary claimed by the United States around the head waters of the river Rimouski.

(2) The line of highlands forming the south bounds of the Province of Quebec, extending from the north shore of the Bay of Chaleurs at its western extremity.

2. Experience had shown that the portion of the boundary which remained unsurveyed could not be reached with any hope of completing the survey by any of the streams running into the St. Lawrence nor from the waters of Lake Temiscouata. The Green River (of St. John) was therefore chosen as the line of operation. It was known that a portage existed between its boatable waters and those of the Grande Fourche of Restigouche. The plan for the work of the season was therefore laid as follows:

To proceed up Green River with a party, thence to cross to the Bell Kedgwick by the portage, and having, by expeditions from the banks of that stream, surveyed the remainder of the claimed boundary, to fall down the stream to the Bay of Chaleurs, and, ascending the highland measured in 1840, to proceed along the heights in order to reach if possible the northwest angle of Nova Scotia.

The work being the most remote and difficult of access of any on the whole boundary, it was necessary to take measures early, and, it being apparent that if they were not vigorously pressed the whole summer's work would be frustrated, permission was granted by the Secretary of State to prepare stores and provisions, and the party was sent forward toward its line of operations. Care was, however, taken, in conformity with his instructions, to secure means of communication.

3. The transportation of stores, equipage, and instruments was rendered unexpectedly easy by a steamboat running from Portland to St. John, and by the politeness of the British consul at Portland and the collector of Her Britannic Majesty's customs at St. John free entrance was permitted at the latter port. These articles were shipped from Portland the 19th of June and under the charge of the Hon. Albert Smith reached the Grand Falls of St. John July —.

4. Mr. Lally, first assistant engineer, with the surveyor, was dispatched by the way of Bangor and Houlton to the same point of rendezvous on 18th June for the purpose of procuring boats and engaging laborers. Mr. H. B. Renwick, first assistant, with Mr. F. Smith, second assistant, were placed in charge of the chronometers and the necessary astronomic instruments, with instructions to observe on the meridian of the St. Croix at Houlton, and again at its intersection with the river St. John, for the purpose of ascertaining the rate taken by the chronometers when carried. These preliminary operations being successfully performed, the party was completely organized at the Grand Falls of the St. John on the 2d July. The energy and activity of the persons intrusted with these several duties was such that this date of complete preparation for the field duties was at least a week earlier than any calculation founded on the experience of former years rendered probable. The commissioner, advised of the negotiation in progress, had made his arrangements to reach the Grand Falls of the St. John on the 10th July. Being directed by the State Department to remain in New York, he sent orders by mail to the party to halt until further instructions.

5. These orders were not received, for the party, being fully organized, left the Grand Falls in three different detachments on the 4th, 6th, and 8th of July. The first detachment was composed of the surveyor, Mr. Bell, and an engineer having instructions to make a survey of Green River. The second was in charge of the assistant commissary, and was composed of three bateaux and fourteen pirogues, carrying stores and equipage for three months' service. The third was formed by the two first assistants, who, after performing the necessary astronomic observations at the Grand Falls and at two points on Green River, passed the surveying party and reached the portage between Green and Kedgwick rivers on the evening of the 13th July.

6. Green River has a fall and rapids near its junction with the St. John, which are passed by a portage of $1\frac{1}{2}$ miles. At 15 miles from its mouth is a second fall, which is passed by a portage of 82 yards. The stream for this distance and for 5 miles above the second fall is very rapid, its bed being in some reaches almost filled with rocks. For the next 10 miles it has deep still reaches, alternating with gravel beds, or else the river flows over ledges of rock. It is then interrupted by a third fall, requiring a portage of 176 yards. Thence to the second fork of the lakes it has the same character as for the last 10 miles, except that in some places it flows with a gentle current between low banks covered with alder. From the second fork of the lakes to the southern end of the Green River and Kedgwick portage the stream is very narrow and may be styled one continuous rapid. It is upon the whole the most difficult of navigation of all the streams running into the St. John from its northern side, and approaches in its character of a torrent to the waters on the St. Lawrence side of the highlands.

7. The portage from Green River to the South Branch of Kedgwick is $5\frac{1}{4}$ miles in length, and passes over the summits of two of the highest mountains in the ceded

district, as well as several ridges. No vessel heavier than a birch canoe had ever before been carried over it. It therefore became necessary to clear it out before the bateaux and other heavy articles could be transported. Fifteen extra laborers, who had been engaged, with their pirogues, to carry some of the stores from the St. John, were retained to aid in making this portage, which swelled the number to twenty-seven. This large force was industriously engaged for eight days in carrying the stores and equipage over the portage, with the boats and canoes required for the future operations of the party. In the meantime the portage was surveyed, and a great number of observations were made, by which the latitude of the southern end of the portage and its difference in longitude from that of the meridian line were determined with great accuracy. In addition to the other labors of the party, a storehouse and observatory were erected.

8. The commissioner, learning that the party had left the Grand Falls before his letter could have reached that place, addressed fresh orders to the engineer in command. These were sent under cover to the British postmaster at Lake Temiscouata, who was requested to send them up Green River by an express. By these he was directed to stop the progress of the party and to proceed himself to the river Du Loup, there to await fresh instructions.

These orders did not arrive in time to prevent the party intended for the survey of the boundary from setting out. The engineer who had hitherto been in command returned to the St. John in pursuance of his original instructions and met the express on his way down Green River. The commissioner, being advised on the 13th July that the treaty had been signed, immediately dispatched a special messenger, who joined the chief of the division at the mouth of Green River on the 24th July. Measures were now taken for the recall and return of the party in the woods, and the whole division was assembled at the stationary camp at the north end of the portage on the 11th of August.

9. The party engaged in the survey of the remaining part of the boundary line had before the orders of recall reached them successfully accomplished that duty, having connected their survey with points in the survey of the previous year and thoroughly explored the culminating points of the valley of Rimouski. As had been anticipated from the level of the streams seen in 1841, this portion of the boundary claimed by the United States is more elevated than any other portion of that line between the Temiscouata portage and the northwest angle of Nova Scotia. This survey would therefore have added an important link to the argument of the United States had not the question been settled by treaty.

The party having received its orders of recall, all the articles of equipment which could not be carried in the boats which had been launched on the waters of the Restigouche were transported to the other end of the portage and embarked in pirogues sent up Green River for that purpose under the direction of the assistant commissary. The engineers then set out on their return by the Bell Kedgwick, the Grande Fourche, and the Southwest Branch of Restigouche. Ascending the latter stream, this party reached the Wagansis portage on the 21st August, and arrived at the Grand Falls on the 25th August.

The descent of the Bell Kedgwick was attended with great difficulties in consequence of the low state of the waters. Until its junction with Katawamkedgwick, to form the Grande Fourche of Restigouche, it was necessary to drag the boats by hand.

10. The detailed map of the surveys of this division, exhibiting the more important points whose altitudes were determined by the barometer, has already been lodged in the Department of State under date of 27th December.

Although the interest of this survey to the United States has now passed away, yet, as it is probable that many years may elapse before this country shall be again explored, and as it may still possess some interest to the nation into whose undisputed possession it has now fallen, it may not be improper to state the methods

employed in the survey, for the purpose of showing to what degree of faith it is entitled.

The latitude and longitude of the mouth of Green River were furnished by Major Graham. The three portages on that river were surveyed by chain and compass. The courses on the navigable parts of the river were taken with a compass and the distances measured by a micrometrical telescope by Ertel, of Munich. This instrument, which had given satisfactory results on Metis and Mistigougeche in 1841, was still more accurate in the present survey. The latitude of the south end of the Kedgwick portage as given by the plot of Green River on the original projection differed no more than 5'' from that given by numerous astronomic observations, an agreement so close that it might be almost considered as arising from happy accident. This survey therefore required but little correction, which was applied from the observations already cited and from those at two intermediate points.

The survey of Kedgwick portage was performed with chain and compass. In the woods between the Bell Kedgwick and the boundary and along the whole line of survey the same method was used, observations for time and latitude being also taken whenever the weather permitted. As the lines intersected those of the last year, it can now be stated that every part of the boundary claimed by the United States, from the height of land on the Temiscouata portage which divides the waters of the Green River of the St. Lawrence from those of the St. Francis to the northwest angle of Nova Scotia, as well as its connections with the St. Lawrence and Lake Temiscouata by the Temiscouata portage, and with the St. Lawrence a second time by the Metis and Mistigougeche, and with the St. John by Green River, has been actually surveyed. This result is one that neither the Department in its original instructions nor the commissioner on his first view of the country had contemplated. In stating this the commissioner feels it his duty to acknowledge his obligations to the untiring zeal and energy of the gentlemen who have acted under his orders, and especially to his two first assistants, who, entering upon duties of an entirely novel character, not only to themselves, but to the country, have in the course of the operations of two years accumulated under the most disadvantageous circumstances a stock of observations which for number and accuracy may compare with those taken with every convenience at hand by the most practiced astronomers.

In addition to the latitude of numerous points determined astronomically by the party engaged in surveying the line through the woods, the latitude of a point near the southern end of Green River and Kedgwick has been determined by eighty-six altitudes of sun and stars taken with a repeating and reflecting circle.

The whole number of altitudes of sun and stars taken during the expedition for time and latitude was 806.

III.

I. The operations of this division during the three seasons which it has been engaged in field duties have given a view of nearly every part of the country which has now been ceded to Great Britain to the north of the St. John River and the Temiscouata portage. During the year 1840 the commissioner proceeded in person by the wagansis of Grand River to the waters of the Bay of Chaleurs, ascended the Grande Fourche of the Restigouche to Lake Kedgwick, and then traversed the country from that lake to the Tuladi by a route never before explored. In 1841 the Rimouski and Metis were both ascended—the first to the limits of its navigation by canoes, the latter to the lake in which the waters of its western branch are first collected. From this lake lines of survey repeatedly crossing the boundary claimed by the United States were extended to a great distance in both directions. The operations of the year were closed by a survey of so much of the boundary as incloses the basin of Lake Temiscouata and intersects so frequently the great portage. These latter surveys covered in some degree the explorations of one of the parties in 1840,

which, therefore, are not quoted as a part of the work of that year. In 1842 the valley of Green River was explored, that stream was carefully surveyed, and the remainder of the boundary line dividing the sources of Rimouski from those of Green River and the eastern branches of Tuladi run out with chain and compass.

In these surveys and explorations the character of the country, its soil, climate, and natural productions, have been thoroughly examined, and may be stated with full confidence in the accuracy of the facts.

2. Beginning on the southern side of the ceded territory, the left bank of the St. John is for a few miles above the Grand Falls uncultivated and apparently barren. Thence to the confluence of the Madawaska it presents a continued settlement upon land of good quality, producing large crops of potatoes and grass. It also yields wheat, oats, and barley, but the crops are neither abundant nor certain. The Madawaska River presents but few attempts at settlement on either of its banks. Its left bank is represented to be generally barren, but some good land is said to exist on its southwestern side. The shores of Lake Temiscouata are either rocky or composed of a light, gravelly soil, which is so poor that it will not repay the labor of cultivation, even when newly cleared, without the aid of manure. Some tolerable meadows are found, which are at the moment highly valued in consequence of a demand for forage by the British troops. The valley of Green River has in some places upon its banks intervals of level alluvium which might be improved as meadows, and it has been represented as being in general fertile. A close examination has not confirmed this impression.

Mr. Lally reports that--

"In the valley of Green River there are some tracts of land capable of cultivation, but the greater portion of it is a hard, rocky soil, covered with a growth of poplar and trees of that description. Some of the most desirable spots for farms had been formerly taken up by settlers from the Madawaska settlement, but although the land is as good as that on the river St. John, they were obliged to abandon their clearings on account of the early frosts and the black flies. It can hardly be conceived that the latter would be a sufficient cause for leaving valuable land to waste, but such is the fact, as I have been informed by some of those who made the attempt to settle, and I can well believe it from my own experience there."

3. The explorations of 1840, in which the ground lying between the western sources of Green River and Squattuck, a branch of Tuladi, was traversed, showed a considerable extent of better land than any other in the ceded territory. The commissioner traveled for a part of two days along a table-land of no great elevation, covered with rock, maple, and a thick undergrowth of moosewood, both said to be signs of good soil; of this there may be from seven to ten thousand acres, and it is a far larger body of tillable land than is to be found in any other part of the country north of the settlements on the St. John.

4. By far the greater portion of the territory in question is composed of the highlands in which the streams that flow to the St. Lawrence and the Atlantic take their rise. With but three exceptions no part of this is less than 1,000 feet above the level of the sea. It is a perfect labyrinth of small lakes, cedar and alder swamps, and ridges covered with a thick but small growth of fir and spruce, or, more rarely, of birch. No portion of it appears to be fit for tillage.

5. In respect to timber, it was found that the pine, the only tree considered of any value, ceased to grow in rising from the St. Lawrence at less than 1,000 feet above the level of the sea. Only one extensive tract of pine was seen by any of the parties; this lies around the sources of the St. Francis, and may cover three or four thousand acres. This river, however, discharges itself from Lake St. Francis through a bed of bowlders, and is sometimes wholly lost to the view. This tract, therefore, although repeatedly examined by the proprietors of sawmills on the St. Lawrence and the St. John, has been hitherto found inaccessible. The pine timber on the seigniorship of

Temiscouata has been in a great degree cut off or burnt by fires in the woods. There is still some timber on the waters of Squattuck, but it has been diminished by two or three years of active lumbering, while that around Tuladi, if it were ever abundant, has disappeared. It would, however, appear from report that on the waters of the North Branch of Restigouche to the eastward of the exploring meridian there is some valuable timber. This is the only portion of the district which has not been explored.

6. As to the valley of Green River, the engineer who has already been quoted reports as follows:

"This river has had the reputation of having on it large quantities of pine timber, but as far as I have been able to judge it is small and rather sparsely scattered along the slopes of the ridges. Above the third falls of the river, which are rather more than 30 miles from its mouth, there is scarcely any to be seen. Some of the Madawaska settlers, who have explored nearly every tributary of the river, report that there is good timber on some of them. Judging from the language that they used in relation to some that I saw myself, I infer that what they call good would not be so considered by the lumbermen of the Penobscot. The people who lumber in this vicinity do it on a small scale when compared with the operators in Maine. They rarely use more than two horses to draw their lumber to the stream, so that a tract which would not afford more than a month's work to an extensive operator would keep one of these people employed for years."

7. As respects climate, the country would be considered unfit for habitation by those accustomed to the climates even of the southern parts of Maine and of New Hampshire. Frosts continue on the St. John until late in May, and set in early in September. In 1840 ice was found on the Grand River on the 12th of that month, and snow fell in the first week of October on Lake Temiscouata. In the highland region during the last week of July, although the thermometer rose above 80° , and was once above 90° , white frost was formed every clear night. Upon the whole, therefore, it may be concluded that there is little in this country calculated to attract either settlers or speculators in lumber. The former were driven to it under circumstances of peculiar hardship and of almost paramount necessity. Their industry and perseverance under adverse circumstances is remarkable, but they would have been hardly able to overcome them had not the very question of the disputed boundary led to an expenditure of considerable money among them.

VE TO MESSAGE.*

WASHINGTON, *December 14, 1842.*

To the House of Representatives:

Two bills were presented to me at the last session of Congress, which originated in the House of Representatives, neither of which was signed by me; and both having been presented within ten days of the close of the session, neither has become a law.

The first of these was a bill entitled "An act to repeal the proviso of the sixth section of the act entitled 'An act to appropriate the proceeds of the sales of the public lands and to grant preemption rights,' approved September 4, 1841."

— * Pocket veto.

This bill was presented to me on Tuesday, the 30th August, at twenty-four minutes after 4 o'clock in the afternoon. For my opinions relative to the provisions contained in this bill it is only necessary that I should refer to previous communications made by me to the House of Representatives.

The other bill was entitled "An act regulating the taking of testimony in cases of contested elections, and for other purposes." This bill was presented to me at a quarter past 1 o'clock on Wednesday, the 31st day of August. The two Houses, by concurrent vote, had already agreed to terminate the session by adjournment at 2 o'clock on that day—that is to say, within three-quarters of an hour from the time the bill was placed in my hands. It was a bill containing twenty-seven sections, and, I need not say, of an important nature.

On its presentment to me its reading was immediately commenced, but was interrupted by so many communications from the Senate and so many other causes operating at the last hour of the session that it was impossible to read the bill understandingly and with proper deliberation before the hour fixed for the adjournment of the two Houses; and this, I presume, is a sufficient reason for neither signing the bill nor returning it with my objections.

The seventeenth joint rule of the two Houses of Congress declares that "no bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States for his approbation on the last day of the session."

This rule was evidently designed to give to the President a reasonable opportunity of perusing important acts of Congress and giving them some degree of consideration before signing or returning the same.

It is true that the two Houses have been in the habit of suspending this rule toward the close of the session in relation to particular bills, and it appears by the printed Journal that by concurrent votes of the two Houses passed on the last day of the session the rule was agreed to be suspended so far as the same should relate to all such bills as should have been passed by the two Houses at 1 o'clock on that day. It is exceedingly to be regretted that a necessity should ever exist for such suspension in the case of bills of great importance, and therefore demanding careful consideration.

As the bill has failed under the provisions of the Constitution to become a law, I abstain from expressing any opinions upon its several provisions, keeping myself wholly uncommitted as to my ultimate action on any similar measure should the House think proper to originate it *de novo*, except so far as my opinion of the unqualified power of each House to decide for itself upon the elections, returns, and qualifications of its own members has been expressed by me in a paper lodged in the Department of State at the time of signing an act entitled "An act for the apportionment of Representatives among the several States according to the Sixth Census," approved June 22, 1842, a copy of which is in possession of the House.

JOHN TYLER.

THIRD ANNUAL MESSAGE.

WASHINGTON, *December, 1843.**To the Senate and House of Representatives of the United States:*

If any people ever had cause to render up thanks to the Supreme Being for parental care and protection extended to them in all the trials and difficulties to which they have been from time to time exposed, we certainly are that people. From the first settlement of our forefathers on this continent, through the dangers attendant upon the occupation of a savage wilderness, through a long period of colonial dependence, through the War of the Revolution, in the wisdom which led to the adoption of the existing forms of republican government, in the hazards incident to a war subsequently waged with one of the most powerful nations of the earth, in the increase of our population, in the spread of the arts and sciences, and in the strength and durability conferred on political institutions emanating from the people and sustained by their will, the superintendence of an overruling Providence has been plainly visible. As preparatory, therefore, to entering once more upon the high duties of legislation, it becomes us humbly to acknowledge our dependence upon Him as our guide and protector and to implore a continuance of His parental watchfulness over our beloved country. We have new cause for the expression of our gratitude in the preservation of the health of our fellow-citizens, with some partial and local exceptions, during the past season, for the abundance with which the earth has yielded up its fruits to the labors of the husbandman, for the renewed activity which has been imparted to commerce, for the revival of trade in all its departments, for the increased rewards attendant on the exercise of the mechanic arts, for the continued growth of our population and the rapidly reviving prosperity of the whole country. I shall be permitted to exchange congratulations with you, gentlemen of the two Houses of Congress, on these auspicious circumstances, and to assure you in advance of my ready disposition to concur with you in the adoption of all such measures as shall be calculated to increase the happiness of our constituents and to advance the glory of our common country.

Since the last adjournment of Congress the Executive has relaxed no effort to render indestructible the relations of amity which so happily exist between the United States and other countries. The treaty lately concluded with Great Britain has tended greatly to increase the good understanding which a reciprocity of interests is calculated to encourage, and it is most ardently to be hoped that nothing may transpire to interrupt the relations of amity which it is so obviously the policy of both nations to cultivate. A question of much importance still remains to be adjusted between them. The territorial limits of the two countries in

relation to what is commonly known as the Oregon Territory still remain in dispute. The United States would be at all times indisposed to aggrandize itself at the expense of any other nation; but while they would be restrained by principles of honor, which should govern the conduct of nations as well as that of individuals, from setting up a demand for territory which does not belong to them, they would as unwillingly consent to a surrender of their rights. After the most rigid and, as far as practicable, unbiased examination of the subject, the United States have always contended that their rights appertain to the entire region of country lying on the Pacific and embraced within 42° and $54^{\circ} 40'$ of north latitude. This claim being controverted by Great Britain, those who have preceded the present Executive—actuated, no doubt, by an earnest desire to adjust the matter upon terms mutually satisfactory to both countries—have caused to be submitted to the British Government propositions for settlement and final adjustment, which, however, have not proved heretofore acceptable to it. Our minister at London has, under instructions, again brought the subject to the consideration of that Government, and while nothing will be done to compromit the rights or honor of ~~the~~ United States, every proper expedient will be resorted to in order to bring the negotiation now in the progress of resumption to a speedy and happy termination. In the meantime it is proper to remark that many of our citizens are either already established in the Territory or are on their way thither for the purpose of forming permanent settlements, while others are preparing to follow; and in view of these facts I must repeat the recommendation contained in previous messages for the establishment of military posts at such places on the line of travel as will furnish security and protection to our hardy adventurers against hostile tribes of Indians inhabiting those extensive regions. Our laws should also follow them, so modified as the circumstances of the case may seem to require. Under the influence of our free system of government new republics are destined to spring up at no distant day on the shores of the Pacific similar in policy and in feeling to those existing on this side of the Rocky Mountains, and giving a wider and more extensive spread to the principles of civil and religious liberty.

I am happy to inform you that the cases which have from time to time arisen of the detention of American vessels by British cruisers on the coast of Africa under pretense of being engaged in the slave trade have been placed in a fair train of adjustment. In the case of the *William and Francis* full satisfaction will be allowed. In the cases of the *Tygris* and *Seamew* the British Government admits that satisfaction is due. In the case of the *Jones* the sum accruing from the sale of that vessel and cargo will be paid to the owners, while I can not but flatter myself that full indemnification will be allowed for all damages sustained by the detention of the vessel; and in the case of the *Douglas* Her Majesty's Government has expressed its determination to make indemnification.

Strong hopes are therefore entertained that most, if not all, of these cases will be speedily adjusted. No new cases have arisen since the ratification of the treaty of Washington, and it is confidently anticipated that the slave trade, under the operation of the eighth article of that treaty, will be altogether suppressed.

The occasional interruption experienced by our fellow-citizens engaged in the fisheries on the neighboring coast of Nova Scotia has not failed to claim the attention of the Executive. Representations upon this subject have been made, but as yet no definitive answer to those representations has been received from the British Government.

Two other subjects of comparatively minor importance, but nevertheless of too much consequence to be neglected, remain still to be adjusted between the two countries. By the treaty between the United States and Great Britain of July, 1815, it is provided that no higher duties shall be levied in either country on articles imported from the other than on the same articles imported from any other place. In 1836 rough rice by act of Parliament was admitted from the coast of Africa into Great Britain on the payment of a duty of 1 penny a quarter, while the same article from all other countries, including the United States, was subjected to the payment of a duty of 20 shillings a quarter. Our minister at London has from time to time brought this subject to the attention of the British Government, but so far without success. He is instructed to renew his representations upon it.

Some years since a claim was preferred against the British Government on the part of certain American merchants for the return of export duties paid by them on shipments of woolen goods to the United States after the duty on similar articles exported to other countries had been repealed, and consequently in contravention of the commercial convention between the two nations securing to us equality in such cases. The principle on which the claim rests has long since been virtually admitted by Great Britain, but obstacles to a settlement have from time to time been interposed, so that a large portion of the amount claimed has not yet been refunded. Our minister is now engaged in the prosecution of the claim, and I can not but persuade myself that the British Government will no longer delay its adjustment.

I am happy to be able to say that nothing has occurred to disturb in any degree the relations of amity which exist between the United States and France, Austria, and Russia, as well as with the other powers of Europe, since the adjournment of Congress. Spain has been agitated with internal convulsions for many years, from the effects of which, it is hoped, she is destined speedily to recover, when, under a more liberal system of commercial policy on her part, our trade with her may again fill its old and, so far as her continental possessions are concerned, its almost forsaken channels, thereby adding to the mutual prosperity of the two countries.

The Germanic Association of Customs and Commerce, which since its establishment in 1833 has been steadily growing in power and importance, and consists at this time of more than twenty German States, and embraces a population of 27,000,000 people united for all the purposes of commercial intercourse with each other and with foreign states, offers to the latter the most valuable exchanges on principles more liberal than are offered in the fiscal system of any other European power. From its origin the importance of the German union has never been lost sight of by the United States. The industry, morality, and other valuable qualities of the German nation have always been well known and appreciated. On this subject I invite the attention of Congress to the report of the Secretary of State, from which it will be seen that while our cotton is admitted free of duty and the duty on rice has been much reduced (which has already led to a greatly increased consumption), a strong disposition has been recently evinced by that great body to reduce, upon certain conditions, their present duty upon tobacco. This being the first intimation of a concession on this interesting subject ever made by any European power, I can not but regard it as well calculated to remove the only impediment which has so far existed to the most liberal commercial intercourse between us and them. In this view our minister at Berlin, who has heretofore industriously pursued the subject, has been instructed to enter upon the negotiation of a commercial treaty, which, while it will open new advantages to the agricultural interests of the United States and a more free and expanded field for commercial operations, will affect injuriously no existing interest of the Union. Should the negotiation be crowned with success, its results will be communicated to both Houses of Congress.

I communicate herewith certain dispatches received from our minister at Mexico, and also a correspondence which has recently occurred between the envoy from that Republic and the Secretary of State. It must but be regarded as not a little extraordinary that the Government of Mexico, in anticipation of a public discussion (which it has been pleased to infer from newspaper publications as likely to take place in Congress, relating to the annexation of Texas to the United States), should have so far anticipated the result of such discussion as to have announced its determination to visit any such anticipated decision by a formal declaration of war against the United States. If designed to prevent Congress from introducing that question as a fit subject for its calm deliberation and final judgment, the Executive has no reason to doubt that it will entirely fail of its object. The representatives of a brave and patriotic people will suffer no apprehension of future consequences to embarrass them in the course of their proposed deliberations, nor will the executive department of the Government fail for any such cause to discharge its whole duty to the country.

The war which has existed for so long a time between Mexico and

Texas has since the battle of San Jacinto consisted for the most part of predatory incursions, which, while they have been attended with much of suffering to individuals and have kept the borders of the two countries in a state of constant alarm, have failed to approach to any definitive result. Mexico has fitted out no formidable armament by land or by sea for the subjugation of Texas. Eight years have now elapsed since Texas declared her independence of Mexico, and during that time she has been recognized as a sovereign power by several of the principal civilized states. Mexico, nevertheless, perseveres in her plans of reconquest, and refuses to recognize her independence. The predatory incursions to which I have alluded have been attended in one instance with the breaking up of the courts of justice, by the seizing upon the persons of the judges, jury, and officers of the court and dragging them along with unarmed, and therefore noncombatant, citizens into a cruel and oppressive bondage, thus leaving crime to go unpunished and immorality to pass unreprieved. A border warfare is evermore to be deprecated, and over such a war as has existed for so many years between these two States humanity has had great cause to lament. Nor is such a condition of things to be deplored only because of the individual suffering attendant upon it. The effects are far more extensive. The Creator of the Universe has given man the earth for his resting place and its fruits for his subsistence. Whatever, therefore, shall make the first or any part of it a scene of desolation affects injuriously his heritage and may be regarded as a general calamity. Wars may ~~sometimes~~ be necessary, but all nations have a common interest in bringing them speedily to a close. The United States have an immediate interest in seeing an end put to the state of hostilities existing between Mexico and Texas. They are our neighbors, of the same continent, with whom we are not only desirous of cultivating the relations of amity, but of the most extended commercial intercourse, and to practice all the rites of a neighborhood hospitality. Our own interests are involved in the matter, since, however neutral may be our course of policy, we can not hope to escape the effects of a spirit of jealousy on the part of both of the powers. Nor can this Government be indifferent to the fact that a warfare such as is waged between those two nations is calculated to weaken both powers and finally to render them—and especially the weaker of the two—the subjects of interference on the part of stronger and more powerful nations, who, intent only on advancing their own peculiar views, may sooner or later attempt to bring about a compliance with terms as the condition of their interposition alike derogatory to the nation granting them and detrimental to the interests of the United States. We could not be expected quietly to permit any such interference to our disadvantage. Considering that Texas is separated from the United States by a mere geographical line; that her territory, in the opinion of many, down to a late period formed a portion of the territory of the United

States; that it is homogeneous in its population and pursuits with the adjoining States, makes contributions to the commerce of the world in the same articles with them, and that most of her inhabitants have been citizens of the United States, speak the same language, and live under similar political institutions with ourselves, this Government is bound by every consideration of interest as well as of sympathy to see that she shall be left free to act, especially in regard to her domestic affairs, unawed by force and unrestrained by the policy or views of other countries. In full view of all these considerations, the Executive has not hesitated to express to the Government of Mexico how deeply it deprecated a continuance of the war and how anxiously it desired to witness its termination. I can not but think that it becomes the United States, as the oldest of the American Republics, to hold a language to Mexico upon this subject of an unambiguous character. It is time that this war had ceased. There must be a limit to all wars, and if the parent state after an eight years' struggle has failed to reduce to submission a portion of its subjects standing out in revolt against it, and who have not only proclaimed themselves to be independent, but have been recognized as such by other powers, she ought not to expect that other nations will quietly look on, to their obvious injury, upon a protraction of hostilities. These United States threw off their colonial dependence and established independent governments, and Great Britain, after having wasted her energies in the attempt to subdue them for a less period than Mexico has attempted to subjugate Texas, had the wisdom and justice to acknowledge their independence, thereby recognizing the obligation which rested on her as one of the family of nations. An example thus set by one of the proudest as well as most powerful nations of the earth it could in no way disparage Mexico to imitate. While, therefore, the Executive would deplore any collision with Mexico or any disturbance of the friendly relations which exist between the two countries, it can not permit that Government to control its policy, whatever it may be, toward Texas, but will treat her—as by the recognition of her independence the United States have long since declared they would do—as entirely independent of Mexico. The high obligations of public duty may enforce from the constituted authorities of the United States a policy which the course persevered in by Mexico will have mainly contributed to produce, and the Executive in such a contingency will with confidence throw itself upon the patriotism of the people to sustain the Government in its course of action.

Measures of an unusual character have recently been adopted by the Mexican Government, calculated in no small degree to affect the trade of other nations with Mexico and to operate injuriously to the United States. All foreigners, by a decree of the 23d day of September, and after six months from the day of its promulgation, are forbidden to carry on the business of selling by retail any goods within the confines of Mexico. Against this decree our minister has not failed to remonstrate.

The trade heretofore carried on by our citizens with Santa Fe, in which

much capital was already invested and which was becoming of daily increasing importance, has suddenly been arrested by a decree of virtual prohibition on the part of the Mexican Government. Whatever may be the right of Mexico to prohibit any particular course of trade to the citizens or subjects of foreign powers, this late procedure, to say the least of it, wears a harsh and unfriendly aspect.

The installments on the claims recently settled by the convention with Mexico have been punctually paid as they have fallen due, and our minister is engaged in urging the establishment of a new commission in pursuance of the convention for the settlement of unadjusted claims.

With the other American States our relations of amity and good will have remained uninterrupted. Our minister near the Republic of New Granada has succeeded in effecting an adjustment of the claim upon that Government for the schooner *By Chance*, which had been pending for many years. The claim for the brig *Morris*, which had its origin during the existence of the Republic of Colombia, and indemnification for which since the dissolution of that Republic has devolved upon its several members, will be urged with renewed zeal.

I have much pleasure in saying that the Government of Brazil has adjusted the claim upon that Government in the case of the schooner *John S. Bryan*, and that sanguine hopes are entertained that the same spirit of justice will influence its councils in arriving at an early decision upon the remaining claims, thereby removing all cause of dissension between two powers whose interests are to some extent interwoven with each other.

Our minister at Chili has succeeded in inducing a recognition by that Government of the adjustment effected by his predecessor of the first claim in the case of the *Macedonian*. The first installment has been received by the claimants in the United States.

Notice of the exchange of ratifications of the treaty with Peru, which will take place at Lima, has not yet reached this country, but is shortly expected to be received, when the claims upon that Republic will doubtless be liquidated and paid.

In consequence of a misunderstanding between this Government and that of Buenos Ayres, occurring several years ago, this Government has remained unrepresented at that Court, while a minister from it has been constantly resident here. The causes of irritation have in a great measure passed away, and it is in contemplation, in view of important interests which have grown up in that country, at some early period during the present session of Congress, with the concurrence of the Senate, to restore diplomatic relations between the two countries.

Under the provisions of an act of Congress of the last session a minister was dispatched from the United States to China in August of the present year, who, from the latest accounts we have from him, was at Suez, in Egypt, on the 25th of September last, on his route to China.

In regard to the Indian tribes residing within our jurisdictional limits, the greatest vigilance of the Government has been exerted to preserve them at peace among themselves and to inspire them with feelings of confidence in the justice of this Government and to cultivate friendship with the border inhabitants. This has happily succeeded to a great extent, but it is a subject of regret that they suffer themselves in some instances to be imposed upon by artful and designing men, and this notwithstanding all efforts of the Government to prevent it.

The receipts into the Treasury for the calendar year 1843, exclusive of loans, were little more than \$18,000,000, and the expenditures, exclusive of the payments on the public debt, will have been about \$23,000,000. By the act of 1842 a new arrangement of the fiscal year was made, so that it should commence on the 1st day of July in each year. The accounts and estimates for the current fiscal year will show that the loans and Treasury notes made and issued before the close of the last Congress to meet the anticipated deficiency have not been entirely adequate. Although on the 1st of October last there was a balance in the Treasury, in consequence of the provisions thus made, of \$3,914,082.77, yet the appropriations already made by Congress will absorb that balance and leave a probable deficiency of \$2,000,000 at the close of the present fiscal year. There are outstanding Treasury notes to about the amount of \$4,600,000, and should they be returned upon the Treasury during the fiscal year they will require provision for their redemption. I do not, however, regard this as probable, since they have obviously entered into the currency of the country and will continue to form a portion of it if the system now adopted be continued. The loan of 1841, amounting to \$5,672,976.88, falls due on the 1st day of January, 1845, and must be provided for or postponed by a new loan; and unless the resources of revenue should be materially increased by you there will be a probable deficiency for the service of the fiscal year ending June 30, 1845, of upward of \$4,000,000.

The delusion incident to an enormously excessive paper circulation, which gave a fictitious value to everything and stimulated adventure and speculation to an extravagant extent, has been happily succeeded by the substitution of the precious metals and paper promptly redeemable in specie; and thus false values have disappeared and a sounder condition of things has been introduced. This transition, although intimately connected with the prosperity of the country, has nevertheless been attended with much embarrassment to the Government in its financial concerns. So long as the foreign importers could receive payment for their cargoes in a currency of greatly less value than that in Europe, but fully available here in the purchase of our agricultural productions (their profits being immeasurably augmented by the operation), the shipments were large and the revenues of the Government became superabundant. But the change in the character of the circulation from a nominal and apparently real value in the first stage of its existence to an obviously

depreciated value in its second, so that it no longer answered the purposes of exchange or barter, and its ultimate substitution by a sound metallic and paper circulation combined, has been attended by diminished importations and a consequent falling off in the revenue. This has induced Congress, from 1837, to resort to the expedient of issuing Treasury notes, and finally of funding them, in order to supply deficiencies. I can not, however, withhold the remark that it is in no way compatible with the dignity of the Government that a public debt should be created in time of peace to meet the current expenses of the Government, or that temporary expedients should be resorted to an hour longer than it is possible to avoid them. The Executive can do no more than apply the means which Congress places in its hands for the support of Government, and, happily for the good of the country and for the preservation of its liberties, it possesses no power to levy exactions on the people or to force from them contributions to the public revenue in any form. It can only recommend such measures as may in its opinion be called for by the wants of the public service to Congress, with whom alone rests the power to "lay and collect taxes, duties, imposts, and excises." This duty has upon several occasions heretofore been performed. The present condition of things gives flattering promise that trade and commerce are rapidly reviving, and, fortunately for the country, the sources of revenue have only to be opened in order to prove abundant.

While we can anticipate no considerable increase in the proceeds of the sales of the public lands, for reasons perfectly obvious to all, for several years to come, yet the public lands can not otherwise than be regarded as the foundation of the public credit. With so large a body of the most fertile lands in the world under the control and at the disposal of this Government, no one can reasonably doubt the entire ability to meet its engagements under every emergency. In seasons of trial and difficulty similar to those through which we are passing the capitalist makes his investments in the Government stocks with the most assured confidence of ultimate reimbursement; and whatever may be said of a period of great financial prosperity, such as existed for some years after 1833, I should regard it as suicidal in a season of financial embarrassment either to alienate the lands themselves or the proceeds arising from their sales. The first and paramount duty of those to whom may be intrusted the administration of public affairs is to guard the public credit. In reestablishing the credit of this central Government the readiest and most obvious mode is taken to restore the credit of the States. The extremities can only be made sound by producing a healthy action in the central Government, and the history of the present day fully establishes the fact that an increase in the value of the stocks of this Government will in a great majority of instances be attended by an increase in the value of the stocks of the States. It should therefore be a matter of general congratulation that amidst all the embarrassments arising from surrounding

circumstances the credit of the Government should have been so fully restored that it has been enabled to effect a loan of \$7,000,000 to redeem that amount of Treasury notes on terms more favorable than any that have been offered for many years. And the 6 per cent stock which was created in 1842 has advanced in the hands of the holders nearly 20 per cent above its par value. The confidence of the people in the integrity of their Government has thus been signally manifested. These opinions relative to the public lands do not in any manner conflict with the observance of the most liberal policy toward those of our fellow-citizens who press forward into the wilderness and are the pioneers in the work of its reclamation. In securing to all such their rights of preemption the Government performs but an act of retributive justice for sufferings encountered and hardships endured, and finds ample remuneration in the comforts which its policy insures and the happiness which it imparts.

Should a revision of the tariff with a view to revenue become necessary in the estimation of Congress, I doubt not you will approach the subject with a just and enlightened regard to the interests of the whole Union. The principles and views which I have heretofore had occasion to submit remain unchanged. It can, however, never be too often repeated that the prominent interest of every important pursuit of life requires for success permanency and stability in legislation. These can only be attained by adopting as the basis of action moderation in all things, which is as indispensably necessary to secure the harmonious action of the political as of the animal system. In our political organization no one section of the country should desire to have its supposed interests advanced at the sacrifice of all others, but union, being the great interest, equally precious to all, should be fostered and sustained by mutual concessions and the cultivation of that spirit of compromise from which the Constitution itself proceeded.

You will be informed by the report from the Treasury Department of the measures taken under the act of the last session authorizing the reissue of Treasury notes in lieu of those then outstanding. The system adopted in pursuance of existing laws seems well calculated to save the country a large amount of interest, while it affords conveniences and obviates dangers and expense in the transmission of funds to disbursing agents. I refer you also to that report for the means proposed by the Secretary to increase the revenue, and particularly to that portion of it which relates to the subject of the warehousing system, which I earnestly urged upon Congress at its last session and as to the importance of which my opinion has undergone no change.

In view of the disordered condition of the currency at the time and the high rates of exchange between different parts of the country, I felt it to be incumbent on me to present to the consideration of your predecessors a proposition conflicting in no degree with the Constitution or with the rights of the States and having the sanction (not in detail, but

in principle) of some of the eminent men who have preceded me in the Executive office. That proposition contemplated the issuing of Treasury notes of denominations of not less than \$5 nor more than \$100, to be employed in the payment of the obligations of the Government in lieu of gold and silver at the option of the public creditor, and to an amount not exceeding \$15,000,000. It was proposed to make them receivable everywhere and to establish at various points depositories of gold and silver to be held in trust for the redemption of such notes, so as to insure their convertibility into specie. No doubt was entertained that such notes would have maintained a par value with gold and silver, thus furnishing a paper currency of equal value over the Union, thereby meeting the just expectations of the people and fulfilling the duties of a parental government. Whether the depositories should be permitted to sell or purchase bills under very limited restrictions, together with all its other details, was submitted to the wisdom of Congress and was regarded as of secondary importance. I thought then and think now that such an arrangement would have been attended with the happiest results. The whole matter of the currency would have been placed where by the Constitution it was designed to be placed—under the immediate supervision and control of Congress. The action of the Government would have been independent of all corporations, and the same eye which rests unceasingly on the specie currency and guards it against adulteration would also have rested on the paper currency, to control and regulate its issues and protect it against depreciation. The same reasons which would forbid Congress from parting with the power over the coinage would seem to operate with nearly equal force in regard to any substitution for the precious metals in the form of a circulating medium. Paper when substituted for specie constitutes a standard of value by which the operations of society are regulated, and whatsoever causes its depreciation affects society to an extent nearly, if not quite, equal to the adulteration of the coin. Nor can I withhold the remark that its advantages contrasted with a bank of the United States, apart from the fact that a bank was esteemed as obnoxious to the public sentiment as well on the score of expediency as of constitutionality, appeared to me to be striking and obvious. The relief which a bank would afford by an issue of \$15,000,000 of its notes, judging from the experience of the late United States Bank, would not have occurred in less than fifteen years, whereas under the proposed arrangement the relief arising from the issue of \$15,000,000 of Treasury notes would have been consummated in one year, thus furnishing in one-fifteenth part of the time in which a bank could have accomplished it a paper medium of exchange equal in amount to the real wants of the country at par value with gold and silver. The saving to the Government would have been equal to all the interest which it has had to pay on Treasury notes of previous as well as subsequent issues, thereby relieving the Government and at the same time affording

relief to the people. Under all the responsibilities attached to the station which I occupy, and in redemption of a pledge given to the last Congress at the close of its first session, I submitted the suggestion to its consideration at two consecutive sessions. The recommendation, however, met with no favor at its hands. While I am free to admit that the necessities of the times have since become greatly ameliorated and that there is good reason to hope that the country is safely and rapidly emerging from the difficulties and embarrassments which everywhere surrounded it in 1841, yet I can not but think that its restoration to a sound and healthy condition would be greatly expedited by a resort to the expedient in a modified form.

The operations of the Treasury now rest upon the act of 1789 and the resolution of 1816, and those laws have been so administered as to produce as great a quantum of good to the country as their provisions are capable of yielding. If there had been any distinct expression of opinion going to show that public sentiment is averse to the plan, either as heretofore recommended to Congress or in a modified form, while my own opinion in regard to it would remain unchanged I should be very far from again presenting it to your consideration. The Government has originated with the States and the people, for their own benefit and advantage, and it would be subversive of the foundation principles of the political edifice which they have reared to persevere in a measure which in their mature judgments ~~they~~ had either repudiated or condemned. The will of our constituents clearly expressed should be regarded as the light to guide our footsteps, the true difference between a monarchical or aristocratical government and a republic being that in the first the will of the few prevails over the will of the many, while in the last the will of the many should be alone consulted.

The report of the Secretary of War will bring you acquainted with the condition of that important branch of the public service. The Army may be regarded, in consequence of the small number of the rank and file in each company and regiment, as little more than a nucleus around which to rally the military force of the country in case of war, and yet its services in preserving the peace of the frontiers are of a most important nature. In all cases of emergency the reliance of the country is properly placed in the militia of the several States, and it may well deserve the consideration of Congress whether a new and more perfect organization might not be introduced, looking mainly to the volunteer companies of the Union for the present and of easy application to the great body of the militia in time of war.

The expenditures of the War Department have been considerably reduced in the last two years. Contingencies, however, may arise which would call for the filling up of the regiments with a full complement of men and make it very desirable to remount the corps of dragoons, which by an act of the last Congress was directed to be dissolved.

I refer you to the accompanying report of the Secretary for information in relation to the Navy of the United States. While every effort has been and will continue to be made to retrench all superfluities and lop off all excrescences which from time to time may have grown up, yet it has not been regarded as wise or prudent to recommend any material change in the annual appropriations. The interests which are involved are of too important a character to lead to the recommendation of any other than a liberal policy. Adequate appropriations ought to be made to enable the Executive to fit out all the ships that are now in a course of building or that require repairs for active service in the shortest possible time should any emergency arise which may require it. An efficient navy, while it is the cheapest means of public defense, enlists in its support the feelings of pride and confidence which brilliant deeds and heroic valor have heretofore served to strengthen and confirm.

I refer you particularly to that part of the Secretary's report which has reference to recent experiments in the application of steam and in the construction of our war steamers, made under the superintendence of distinguished officers of the Navy. In addition to other manifest improvements in the construction of the steam engine and application of the motive power which has rendered them more appropriate to the uses of ships of war, one of those officers has brought into use a power which makes the steamship most formidable either for attack or defense. I can not too strongly recommend this subject to your consideration and do not hesitate to express my entire conviction of its great importance.

I call your particular attention also to that portion of the Secretary's report which has reference to the act of the late session of Congress which prohibited the transfer of any balance of appropriation from other heads of appropriation to that for building, equipment, and repair. The repeal of that prohibition will enable the Department to give renewed employment to a large class of workmen who have been necessarily discharged in consequence of the want of means to pay them—a circumstance attended, especially at this season of the year, with much privation and suffering.

It gives me great pain to announce to you the loss of the steamship the *Missouri* by fire in the Bay of Gibraltar, where she had stopped to renew her supplies of coal on her voyage to Alexandria, with Mr. Cushing, the American minister to China, on board. There is ground for high commendation of the officers and men for the coolness and intrepidity and perfect submission to discipline evinced under the most trying circumstances. Surrounded by a raging fire, which the utmost exertions could not subdue, and which threatened momentarily the explosion of her well-supplied magazines, the officers exhibited no signs of fear and the men obeyed every order with alacrity. Nor was she abandoned until the last gleam of hope of saving her had expired. It is well worthy of your consideration whether the losses sustained by the officers and crew in this unfortunate affair should not be reimbursed to them.

I can not take leave of this painful subject without adverting to the aid rendered upon the occasion by the British authorities at Gibraltar and the commander, officers, and crew of the British ship of the line the *Malabar*, which was lying at the time in the bay. Everything that generosity or humanity could dictate was promptly performed. It is by such acts of good will by one to another of the family of nations that fraternal feelings are nourished and the blessings of permanent peace secured.

The report of the Postmaster-General will bring you acquainted with the operations of that Department during the past year, and will suggest to you such modifications of the existing laws as in your opinion the exigencies of the public service may require. The change which the country has undergone of late years in the mode of travel and transportation has afforded so many facilities for the transmission of mail matter out of the regular mail as to require the greatest vigilance and circumspection in order to enable the officer at the head of the Department to restrain the expenditures within the income. There is also too much reason to fear that the franking privilege has run into great abuse. The Department, nevertheless, has been conducted with the greatest vigor, and has attained at the least possible expense all the useful objects for which it was established.

In regard to all the Departments, I am quite happy in the belief that nothing has been left undone which was called for by a true spirit of economy or by a system of accountability rigidly enforced. This is in some degree apparent from the fact that the Government has sustained no loss by the default of any of its agents. In the complex, but at the same time beautiful, machinery of our system of government, it is not a matter of surprise that some remote agency may have failed for an instant to fulfill its desired office; but I feel confident in the assertion that nothing has occurred to interrupt the harmonious action of the Government itself, and that, while the laws have been executed with efficiency and vigor, the rights neither of States nor individuals have been trampled on or disregarded.

In the meantime the country has been steadily advancing in all that contributes to national greatness. The tide of population continues unbrokenly to flow into the new States and Territories, where a refuge is found not only for our native-born fellow-citizens, but for emigrants from all parts of the civilized world, who come among us to partake of the blessings of our free institutions and to aid by their labor to swell the current of our wealth and power.

It is due to every consideration of public policy that the lakes and rivers of the West should receive all such attention at the hands of Congress as the Constitution will enable it to bestow. Works in favorable and proper situations on the Lakes would be found to be as indispensably necessary, in case of war, to carry on safe and successful naval

operations as fortifications on the Atlantic seaboard. The appropriation made by the last Congress for the improvement of the navigation of the Mississippi River has been diligently and efficiently applied.

I can not close this communication, gentlemen, without recommending to your most favorable consideration the interests of this District. Appointed by the Constitution its exclusive legislators, and forming in this particular the only anomaly in our system of government—of the legislative body being elected by others than those for whose advantage they are to legislate—you will feel a superadded obligation to look well into their condition and to leave no cause for complaint or regret. The seat of Government of our associated republics can not but be regarded as worthy of your parental care.

In connection with its other interests, as well as those of the whole country, I recommend that at your present session you adopt such measures in order to carry into effect the Smithsonian bequest as in your judgment will be best calculated to consummate the liberal intent of the testator.

When, under a dispensation of Divine Providence, I succeeded to the Presidential office, the state of public affairs was embarrassing and critical. To add to the irritation consequent upon a long-standing controversy with one of the most powerful nations of modern times, involving not only questions of boundary (which under the most favorable circumstances are always embarrassing), but at the same time important and high principles of maritime law, border controversies between the citizens and subjects of the two countries had engendered a state of feeling and of conduct which threatened the most calamitous consequences. The hazards incident to this state of things were greatly heightened by the arrest and imprisonment of a subject of Great Britain, who, acting (as it was alleged) as a part of a military force, had aided in the commission of an act violative of the territorial jurisdiction of the United States and involving the murder of a citizen of the State of New York. A large amount of claims against the Government of Mexico remained unadjusted and a war of several years' continuance with the savage tribes of Florida still prevailed, attended with the desolation of a large portion of that beautiful Territory and with the sacrifice of many valuable lives. To increase the embarrassments of the Government, individual and State credit had been nearly stricken down and confidence in the General Government was so much impaired that loans of a small amount could only be negotiated at a considerable sacrifice. As a necessary consequence of the blight which had fallen on commerce and mechanical industry, the ships of the one were thrown out of employment and the operations of the other had been greatly diminished. Owing to the condition of the currency, exchanges between different parts of the country had become ruinously high and trade had to depend on a depreciated paper currency in conducting its transactions. I shall be permitted to congratulate the country that under an overruling Providence peace was preserved

without a sacrifice of the national honor; the war in Florida was brought to a speedy termination; a large portion of the claims on Mexico have been fully adjudicated and are in a course of payment, while justice has been rendered to us in other matters by other nations; confidence between man and man is in a great measure restored and the credit of this Government fully and perfectly reestablished; commerce is becoming more and more extended in its operations and manufacturing and mechanical industry once more reap the rewards of skill and labor honestly applied; the operations of trade rest on a sound currency and the rates of exchange are reduced to their lowest amount.

In this condition of things I have felt it to be my duty to bring to your favorable consideration matters of great interest in their present and ultimate results; and the only desire which I feel in connection with the future is and will continue to be to leave the country prosperous and its institutions unimpaired.

JOHN TYLER.

SPECIAL MESSAGES.

CITY OF WASHINGTON, *December 8, 1843.*

To the House of Representatives of the United States:—

I transmit herewith a report from the Secretary of the Treasury, exhibiting certain transfers of appropriations which have been made in that Department in pursuance of the power vested in the President of the United States by the act of Congress of the 3d March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

JOHN TYLER.

WASHINGTON, *December 12, 1843.*

To the Senate of the United States:

I transmit herewith to the Senate, for their consideration in reference to its ratification, a convention for the surrender of criminals between the United States of America and His Majesty the King of the French, signed at this place on the 9th day of November last by the Secretary of State and the minister plenipotentiary *ad interim* from the French Government to the United States.

JOHN TYLER.

WASHINGTON, *December 16, 1843.*

To the House of Representatives:

The two Houses of Congress at their last session passed a joint resolution, which originated in the House of Representatives, "presenting the

thanks of Congress to Samuel T. Washington for the service sword of George Washington and the staff of Benjamin Franklin, presented by him to Congress." This resolution (in consequence, doubtless, of a merely accidental omission) did not reach me until after the adjournment of Congress, and therefore did not receive my approval and signature, which it would otherwise promptly have received. I nevertheless felt myself at liberty and deemed it entirely proper to communicate a copy of the resolution to Mr. Washington, as is manifested by the accompanying copy of the letter which I addressed to him. The joint resolution, together with a copy of the letter, is deposited in the Department of State, and can be withdrawn and communicated to the House if it see cause to require them.

JOHN TYLER.

[From Miscellaneous Letters, Department of State.]

SAMUEL T. WASHINGTON, Esq.

WASHINGTON, *April 27.*

DEAR SIR: I send you a copy of a joint resolution of the two Houses of Congress expressive of the estimate which they place upon the presents which you recently made to the United States of the sword used by your illustrious relative, George Washington, in the military career of his early youth in the Seven Years' War, and throughout the War of our National Independence, and of the staff bequeathed by the patriot, statesman, and sage Benjamin Franklin to the same leader of the armies of freedom in the Revolutionary War, George Washington.

These precious relics have been accepted in the name of the nation, and have been deposited among its archives.

I avail myself of the opportunity afforded in the performance of this pleasing task to tender you assurances of my high respect and esteem.

JOHN TYLER.

[From Pocketed Laws, Department of State.]

JOINT RESOLUTION presenting the thanks of Congress to Samuel T. Washington for the service sword of George Washington and the staff of Benjamin Franklin, presented by him to Congress.

Resolved unanimously by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of this Congress be presented to Samuel T. Washington, of Kanawha County, Va., for the present of the sword used by his illustrious relative, George Washington, in the military career of his early youth in the Seven Years' War, and throughout the War of our National Independence, and of the staff bequeathed by the patriot, statesman, and sage Benjamin Franklin to the same leader of the armies of freedom in the Revolutionary War, George Washington.

That these precious relics are hereby accepted in the name of the nation; that they be deposited for safe-keeping in the Department of State of the United States; and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the said Samuel T. Washington.

JOHN WHITE,

Speaker of the House of Representatives.

WILLIE P. MANGUM,

President of the Senate pro tempore.

WASHINGTON, December 26, 1843.

To the Senate of the United States:

I transmit herewith a communication from the War Department, containing all the information and correspondence in that Department "on the subject of the 'mountain howitzer' taken by Lieutenant Fremont on the expedition to the Oregon" [Territory], as requested by the resolution of the Senate of the 18th instant.

JOHN TYLER.

WASHINGTON, D. C., December 27, 1843.

To the Senate of the United States:

I lay before the Senate a convention for the settlement of the claims of the citizens and Government of the Mexican Republic against the Government of the United States and of the citizens and Government of the United States against the Government of the Mexican Republic, signed in the City of Mexico on the 20th of last month.

I am happy to believe that this convention provides as fully as is practicable for the adjustment of all claims of our citizens on the Government of Mexico. That Government has thus afforded a gratifying proof of its promptness and good faith in observing the stipulation of the sixth article of the convention of the 30th of January last.

JOHN TYLER.

WASHINGTON, January 8, 1844.

To the Senate of the United States:

I herewith transmit a report* made by the Secretary of the Navy in pursuance of the provisions of the act of the 3d March, 1843.

JOHN TYLER.

WASHINGTON, January 10, 1844.

To the House of Representatives:

I transmit the accompanying letter † from the Secretary of State, and copy of a correspondence between that officer and the minister from Portugal near this Government, to which I invite the attention of Congress.

JOHN TYLER.

WASHINGTON, January 16, 1844.

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 10th instant, requesting the President to communicate to that body "copies of all correspondence with any foreign government relative to the title, boundary, discovery, and settlement of the Territory of Oregon," I have

*Transmitting abstracts of proposals made to the Navy Department and its several bureaus.

† Relating to the duties levied on the wines of Portugal and its possessions by tariff acts of the United States in violation of the treaty of August 26, 1840.

to state that the information called for by the House has been already from time to time transmitted to Congress, with the exception of such correspondence as has been held within the last few months between the Department of State and our minister at London; that there is a prospect of opening a negotiation on the subject of the northwestern boundary of the United States immediately after the arrival at Washington of the newly appointed British minister, now daily expected; and that under existing circumstances it is deemed inexpedient, with a view to the public interest, to furnish a copy of the correspondence above mentioned.

JOHN TYLER.

WASHINGTON CITY, *January 17, 1844.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 26th ultimo, I transmit herewith a report of the Secretary of War, with a copy of the proceedings of the court-martial in the case of Second Lieutenant D. C. Buell, Third Infantry, and of all orders and papers in relation thereto.

It will be perceived that at the date of the resolution the final action of the Executive was not had upon the case. That action having since taken place, it is communicated with the papers.

JOHN TYLER.

WASHINGTON, D. C., *January 19, 1844.*

To the House of Representatives:

In compliance with your resolution of the 15th December, 1843, requesting "such information as may be on file in any of the Departments relative to the formation of a junction between the Atlantic and Pacific oceans," I transmit herewith a letter from the Secretary of State, with accompanying documents, in relation thereto.

JOHN TYLER.

WASHINGTON, *January 24, 1844.*

To the House of Representatives:

I communicate to the House of Representatives a report from the Secretary of State, under date of the 7th ultimo, accompanied by a copy of a note from the Chevalier de Argaiz, on the subject of the schooner *Amistad*.

JOHN TYLER.

WASHINGTON, *January 26, 1844.*

To the House of Representatives:

I transmit herewith a report of the Secretary of War and accompanying papers, containing the information respecting the Indians remaining at present in Florida, requested by a resolution of the House of Representatives of the 10th instant.

JOHN TYLER.

WASHINGTON, *January 30, 1844.**To the Senate of the United States:*

I transmit a report* of the War Department, prepared under a resolution of the Senate of the 4th instant.

JOHN TYLER.

WASHINGTON, *February 6, 1844.**To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 22d January, I herewith transmit a letter† from the Secretary of the Navy, containing all the information in the possession of that Department on the subject to which the resolution refers.

JOHN TYLER.

WASHINGTON, *February 7, 1844.**To the Senate of the United States:*

I transmit to the Senate of the United States, in answer to their resolution of the 9th of January last, a report‡ from the Secretary of State and a report§ from the Secretary of War.

JOHN TYLER.

WASHINGTON, *February 9, 1844.**To the Senate of the United States:*

In compliance with the resolution of the Senate of the 31st January, I herewith transmit the accompanying letter|| from the Secretary of the Navy.

JOHN TYLER.

WASHINGTON, *February 12, 1844.**To the Senate of the United States:*

I herewith transmit to the Senate articles of agreement between the Delawares and Wyandots, by which the Delawares propose to convey to the Wyandots certain lands therein mentioned, for the ratification and approval of the Senate, together with the accompanying documents, marked A and B.

My mind is not clear of doubt as to the power of the Executive to act in the matter, but being opposed to the assumption of any doubtful power, I have considered it best to submit the agreement to your consideration.

JOHN TYLER.

*Relating to the proceedings and conduct of the Choctaw commission, sitting in the State of Mississippi, under the Dancing Rabbit Creek treaty.

†Relating to appointments of masters' mates and the postponement of the sailing of the frigate *Raritan*.

‡Stating that there has been no correspondence with the British Government relative to presents, etc., by that Government to Indians in the United States.

§Transmitting a letter from the Commissioner of Indian Affairs relative to presents, etc., to Indians in the United States by the British Government.

||Relating to a proposed extension of the duties of the Home Squadron.

WASHINGTON, February 12, 1844.

To the Senate of the United States:

I transmit herewith a letter from the governor of Iowa, accompanied by a memorial from the legislative assembly of that Territory, asking admission as an independent State into the Union.

JOHN TYLER.

WASHINGTON, February 12, 1844.

To the Senate of the United States:

I transmit herewith the copy of a report made by Captain R. F. Stockton, of the United States Navy, relative to the vessel of war the *Princeton*, which has been constructed under his supervision and direction, and recommend the same to the attentive consideration of Congress.

JOHN TYLER.

FEBRUARY 15, 1844.

To the Senate of the United States:

I communicate herewith a letter from the Secretary of the Treasury, submitting a report from the Commissioner of the General Land Office and accompanying papers, in answer to a resolution adopted by the Senate on the 6th instant, requesting certain information respecting the receipt by local land officers of fees not authorized by law and the measures which have been adopted in reference thereto.

JOHN TYLER.

WASHINGTON, D. C., February 15, 1844.

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

In compliance with the request contained in the accompanying letter from the governor of the State of Kentucky, I herewith transmit certain resolutions* adopted by the legislature of that State, in relation to a digest of the decisions of the Supreme Court of the United States.

JOHN TYLER.

WASHINGTON, February 20, 1844.

To the House of Representatives of the United States:

I transmit herewith a report† from the Secretary of War, containing the information requested in the resolution of the House of Representatives of the 29th ultimo.

In order to a full understanding of the matter I have deemed it proper to transmit with the information requested a copy of the reply of the Adjutant-General to Brevet Major-General Gaines, with the documents to which it refers.

JOHN TYLER.

*Asking the publication and distribution of a digest of the decisions of the Supreme Court of the United States.

†Relating to the settlement of the accounts of Major-General Gaines etc.

WASHINGTON, February 20, 1844.

To the Senate of the United States:

I transmit to the Senate a report* from the Secretary of State, with accompanying documents, in answer to their resolution of the 31st of January last.

JOHN TYLER.

WASHINGTON, February 21, 1844.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives, in answer to their resolution of the 16th instant, a report † from the Secretary of State, with the correspondence therein referred to.

JOHN TYLER.

WASHINGTON, February 23, 1844.

To the House of Representatives:

I transmit herewith a communication from the Secretary of the Navy, to which I invite the particular attention of Congress. The act entitled "An act to authorize the President of the United States to direct transfers of appropriation in the naval service under certain circumstances" has this day met with my approval, under no expectation that it can be rendered available to the present wants of the service, but as containing an exposition of the views of Congress as to the entire policy of transfers from one head of appropriation to any other in the naval service and as a guide to the Executive in the administration of the duties of that Department. The restrictions laid upon the power to transfer by the latter clauses of the act have rendered its passage of no avail at the present moment.

It will, however, be perceived by the document accompanying the report of the Secretary that there has been realized by recent sales of old iron, copper, and other materials the sum of \$116,922.79. These sales were ordered for the express purpose of enabling the Executive to complete certain ships now on the stocks, the completion of which is called for by the economical wants of the service; and the doubt existing as to the power of the Government to apply this sum to the objects contemplated proceeds from the fact that the late Secretary of the Navy directed them to be placed in the Treasury, although in doing so he had no intention of diverting them from their intended head of expenditure. The Secretary of the Treasury, however, has brought himself to the opinion that they could only be entered under the head of miscellaneous receipts, and therefore can only be withdrawn by authority of an express act of Congress. I would suggest the propriety of the passage of such an act without delay.

As intimately associated with the means of public defense, I can not

*Relating to slaves committing crimes and escaping from the United States to the British dominions since the ratification of the treaty of 1842, and the refusal of the British authorities to give them up, and to the construction which the British Government puts upon the article of said treaty relative to slaves committing crimes in the United States and taking refuge in the British dominions.

† Relating to a demand upon the British Government for the surrender of certain fugitive criminals from Florida under the provisions of the tenth article of the treaty of Washington.

forbear urging upon you the importance of constructing, upon the principles which have been brought into use in the construction of the *Princeton*, several ships of war of a larger class, better fitted than that ship to the heavy armament which should be placed on board of them. The success which has so eminently crowned this first experiment should encourage Congress to lose no time in availing the country of all the important benefits so obviously destined to flow from it. Other nations will speedily give their attention to the subject, and it would be criminal in the United States, the first to apply to practical purposes the great power which has been brought into use, to permit others to avail themselves of our improvements while we stood listlessly and supinely by. In the number of steam vessels of war we are greatly surpassed by other nations, and yet to Americans is the world indebted for that great discovery of the means of successfully applying steam power which has in the last quarter century so materially changed the condition of the world. We have now taken another and even bolder step, the results of which upon the affairs of nations remain still to be determined, and I can not but flatter myself that it will be followed up without loss of time to the full extent of the public demands. The Secretary of the Navy will be instructed to lay before you suitable estimates of the cost of constructing so many ships of such size and dimensions as you may think proper to order to be built.

The application of steam power to ships of war no longer confines us to the seaboard in their construction. The urgent demands of the service for the Gulf of Mexico and the substitution of iron for wood in the ~~construction of~~ ships plainly point to the establishment of a navy-yard at some suitable place on the Mississippi. The coal fields and iron mines of the extensive region watered by that noble river recommend such an establishment, while high considerations of public policy would lead to the same conclusion.

One of the complaints of the Western States against the actual operation of our system of government is that while large and increasing expenditures of public money are made on the Atlantic frontier the expenditures in the interior are comparatively small. The time has now arrived when this cause of complaint may be in a great measure removed by adopting the legitimate and necessary policy which I have indicated, thereby throwing around the States another bond of union.

I could not forego the favorable opportunity which has presented itself, growing out of the communication from the Secretary of the Navy, to urge upon you the foregoing recommendations.

JOHN TYLER.

WASHINGTON, *February 29, 1844.*

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

I have to perform the melancholy duty of announcing to the two Houses of Congress the death of the Hon. Abel P. Upshur, late Secretary of State, and the Hon. Thomas W. Gilmer, late Secretary of the Navy.

This most lamentable occurrence transpired on board the United States ship of war the *Princeton* on yesterday at about half past 4 o'clock in the evening, and proceeded from the explosion of one of the large guns of that ship.

The loss which the Government and the country have sustained by this deplorable event is heightened by the death at the same time and by the same cause of several distinguished persons and valuable citizens.

I shall be permitted to express my great grief at an occurrence which has thus suddenly stricken from my side two gentlemen upon whose advice I so confidently relied in the discharge of my arduous task of administering the office of the executive department, and whose services at this interesting period were of such vast importance.

In some relief of the public sorrow which must necessarily accompany this most painful event, it affords me much satisfaction to say that it was produced by no carelessness or inattention on the part of the officers and crew of the *Princeton*, but must be set down as one of those casualties which to a greater or less degree attend upon every service, and which are invariably incident to the temporal affairs of mankind. I will also add that it in no measure detracts from the value of the improvement contemplated in the construction of the *Princeton* or from the merits of her brave and distinguished commander and projector.

JOHN TYLER.

WASHINGTON, March 7, 1844.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report* from the Secretary of State, with documents, containing the information requested by their resolution of the 26th ultimo.

JOHN TYLER.

WASHINGTON, March 8, 1844.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 10th of January last, I communicate to that body a report† from the Secretary of State *ad interim*, which embraces the information called for by said resolution.

JOHN TYLER.

WASHINGTON, March 8, 1844.

To the Senate of the United States:

I communicate to the Senate a report,‡ with the documents accompanying it, from the Secretary of State, in answer to a resolution of that body of the 25th of January, 1844.

JOHN TYLER.

*Relating to the colony of Liberia, in Africa.

†Relating to the production, growth, and trade in tobacco.

‡Transmitting names, returns, etc., of consuls and commercial agents of the United States.

WASHINGTON, *March 9, 1844.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 21st ultimo, a report* from the Secretary of State, with accompanying papers.

JOHN TYLER.

WASHINGTON, *March 11, 1844.*

To the House of Representatives:

In compliance with your resolution of the 26th ultimo, I herewith transmit a report † from the Secretary of the Navy.

JOHN TYLER.

WASHINGTON, *March 12, 1844.*

To the House of Representatives:

I transmit herewith a report ‡ of the Secretary of War, prepared in compliance with a resolution of the House of Representatives of the 26th ultimo.

JOHN TYLER.

WASHINGTON, D. C., *March 18, 1844.*

To the House of Representatives:

I transmit herewith a report § from the Secretary of State, in answer to the resolution of the House of Representatives of the 18th of January last.

JOHN TYLER.

WASHINGTON, *March 19, 1844.*

To the Senate of the United States:

I transmit herewith a letter || from the Secretary of State and certain documents accompanying the same, in answer to the resolution of the Senate of the 8th instant.

JOHN TYLER.

WASHINGTON, *March 20, 1844.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, with documents, containing the information** requested by their resolution of the 23d ultimo.

JOHN TYLER.

*Relating to the abuse of the United States flag in subservience to the African slave trade, and to the taking away of slaves the property of Portuguese subjects in vessels owned or employed by citizens of the United States.

†Transmitting list of officers appointed in the Navy since June 1, 1843.

‡Transmitting list of officers appointed in the Army since June 1, 1843.

§Transmitting list of persons employed by the Department of State without express authority of law, etc., from March 4, 1837, to December 31, 1843, inclusive.

||Transmitting the commission appointing Caleb Cushing a representative of the Government of the United States in China; papers, etc., concerning the payment of \$40,000, appropriated for sending a commissioner, etc., to China.

**Relating to the interpretation of the tenth article of the treaty of August 9, 1842, between the United States and Great Britain.

WASHINGTON, *March 20, 1844**To the House of Representatives:*

I transmit herewith to the House of Representatives a copy of the convention concluded on the 17th day of March, 1841, between the United States and the Republic of Peru, which has been duly ratified and of which the ratifications have been exchanged.

The communication of this treaty is now made to the end that suitable measures may be adopted to give effect to the first article thereof, which provides for the distribution among the claimants of the sum of \$300,000, thereby stipulated to be paid.

JOHN TYLER.

[The same message was sent to the Senate.]

WASHINGTON CITY, *March 26, 1844.**To the Senate of the United States:*

I transmit herewith copies of the report and papers* referred to in a resolution of the Senate of the 20th of February last.

JOHN TYLER.

WASHINGTON, *March 26, 1844.**To the House of Representatives of the United States:*

I submit for the consideration of Congress the accompanying communication from A. Pageot, minister plenipotentiary *ad interim* of the King of the French, upon the subject of the tonnage duties levied on French vessels coming into the ports of the United States from the islands of St. Pierre and Miquelon, and proposing to place our commercial intercourse with those islands upon the same footing as now exists with the islands of Martinique and Guadaloupe, as regulated by the acts of the 9th of May, 1828, and of the 13th of July, 1832. No reason is perceived for the discrimination recognized by the existing law, and none why the provisions of the acts of Congress referred to should not be extended to the commerce of the islands in question.

JOHN TYLER.

*To the Senate:*WASHINGTON, *March 27, 1844.*

I transmit herewith a communication from the Secretary of the Treasury, to whom I had referred the resolution of the Senate of the 27th December last, showing that the information † called for by that resolution can not be furnished from authentic data.

JOHN TYLER.

*Relating to the survey of the harbor of St. Louis.

†Statement of the expenditures of the Government each year from its organization up to the present period, and when and for what purpose these expenditures were made.

WASHINGTON, D. C., April 9, 1844.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 23d of March last, requesting the President to lay before the House "the authority and the true copies of all requests and applications upon which he deemed it his duty to interfere with the naval and military forces of the United States on the occasion of the recent attempt of the people of Rhode Island to establish a free constitution in the place of the old charter government of that State; also copies of the instructions to and statements of the charter commissioners sent to him by the then existing authorities of the State of Rhode Island; also copies of the correspondence between the Executive of the United States and the charter government of the State of Rhode Island, and all the papers and documents connected with the same; also copies of the correspondence, if any, between the heads of Departments and said charter government or any person or persons connected with the said government, and of any accompanying papers and documents; also copies of all orders issued by the Executive of the United States, or any of the Departments, to military officers for the movement or employment of troops to or in Rhode Island; also copies of all orders to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; also copies of all orders to the officers of revenue cutters for the same service; also copies of any instructions borne by the Secretary of War to Rhode Island on his visit in 1842 to review the troops of the charter government; also copies of any order or orders to any officer or officers of the Army or Navy to report themselves to the charter government; and that he be requested to lay before this House copies of any other papers or documents in the possession of the Executive connected with this subject not above specifically enumerated," I have to inform the House that the Executive did not deem it his "duty to interfere with the naval and military forces of the United States" in the late disturbances in Rhode Island; that no orders were issued by the Executive or any of the Departments to military officers for the movement or employment of troops to or in Rhode Island other than those which accompany this message and which contemplated the strengthening of the garrison at Fort Adams, which, considering the extent of the agitation in Rhode Island, was esteemed necessary and judicious; that no orders were issued to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; that no orders were issued "to the officers of the revenue cutters for said service;" that no instructions were borne by "the Secretary of War to Rhode Island on his visit in 1842 to review the troops of the charter government;" that no orders were given to any officer or officers of the Army or Navy to report themselves to the charter government; that "requests and applications" were made to the Executive to fulfill the guaranties of the Constitution which

impose on the Federal Government the obligation to protect and defend each State of the Union against "domestic violence and foreign invasion," but the Executive was at no time convinced that the *casus fœderis* had arisen which required the interposition of the military or naval power in the controversy which unhappily existed between the people of Rhode Island. I was in no manner prevented from so interfering by the inquiry whether Rhode Island existed as an independent State of the Union under a charter granted at an early period by the Crown of Great Britain or not. It was enough for the Executive to know that she was recognized as a sovereign State by Great Britain by the treaty of 1783; that at a later day she had in common with her sister States poured out her blood and freely expended her treasure in the War of the Revolution; that she was a party to the Articles of Confederation; that at an after period she adopted the Constitution of the United States as a free, independent, and republican State; and that in this character she has always possessed her full quota of representation in the Senate and House of Representatives; and that up to a recent day she has conducted all her domestic affairs and fulfilled all her obligations as a member of the Union, in peace and war, under her *charter government*, as it is denominated by the resolution of the House of the 23d March. I must be permitted to disclaim entirely and unqualifiedly the right on the part of the Executive to make any real or supposed defects existing in any State constitution or form of government the pretext for a failure to enforce the laws or the guaranties of the Constitution of the United States in reference to any such State. I utterly repudiate the idea, in terms as emphatic as I can employ, that those laws are not to be enforced or those guaranties complied with because *the President* may believe that the right of suffrage or any other great popular right is either too restricted or too broadly enlarged. I also with equal strength resist the idea that it falls within the Executive competency to decide in controversies of the nature of that which existed in Rhode Island on which side is the majority of the people or as to the extent of the rights of a mere numerical majority. For the Executive to assume such a power would be to assume a power of the most dangerous character. Under such assumptions the States of this Union would have no security for peace or tranquillity, but might be converted into the mere instruments of Executive will. Actuated by selfish purposes, he might become the great agitator, fomenting assaults upon the State constitutions and declaring the majority of to-day to be the minority of to-morrow, and the minority, in its turn, the majority, before whose decrees the established order of things in the State should be subverted. Revolution, civil commotion, and bloodshed would be the inevitable consequences. The provision in the Constitution intended for the security of the States would thus be turned into the instrument of their destruction. The President would become, in fact, the great *constitution maker* for the States, and all power would be vested in his hands.

When, therefore, the governor of Rhode Island, by his letter of the 4th of April, 1842, made a requisition upon the Executive for aid to put down the late disturbances, I had no hesitation in recognizing the obligations of the Executive to furnish such aid upon the occurrence of the contingency provided for by the Constitution and laws. My letter of the 11th of April, in reply to the governor's letter of the 4th, is herewith communicated, together with all correspondence which passed at a subsequent day and the letters and documents mentioned in the schedule hereunto annexed. From the correspondence between the Executive of the United States and that of Rhode Island, it will not escape observation that while I regarded it as my duty to announce the principles by which I should govern myself in the contingency of an armed interposition on the part of this Government being necessary to uphold the rights of the State of Rhode Island and to preserve its domestic peace, yet that the strong hope was indulged and expressed that all the difficulties would disappear before an enlightened policy of conciliation and compromise. In that spirit I addressed to Governor King the letter of the 9th of May, 1842, marked "private and confidential," and received his reply of the 12th of May of the same year. The desire of the Executive was from the beginning to bring the dispute to a termination without the interposition of the military power of the United States, and it will continue to be a subject of self-congratulation that this leading object of policy was finally accomplished. The Executive resisted all entreaties, however urgent, to depart from this line of conduct. Information from private sources had led the Executive to conclude that little else was designed by Mr. Dorr and his adherents than mere menace with a view to intimidation; nor was this opinion in any degree shaken until the 22d of June, 1842, when it was strongly represented from reliable sources, as will be seen by reference to the documents herewith communicated, that preparations were making by Mr. Dorr, with a large force in arms, to invade the State, which force had been recruited in the neighboring States and had been already preceded by the collection of military stores in considerable quantities at one or two points. This was a state of things to which the Executive could not be indifferent. Mr. Dorr speedily afterwards took up his headquarters at Chepachet and assumed the command of what was reported to be a large force, drawn chiefly from voluntary enlistments made in neighboring States. The Executive could with difficulty bring itself to realize the fact that the citizens of other States should have forgotten their duty to themselves and the Constitution of the United States and have entered into the highly reprehensible and indefensible course of interfering so far in the concerns of a sister State as to have entered into plans of invasion, conquest, and revolution; but the Executive felt it to be its duty to look minutely into the matter, and therefore the Secretary of War was dispatched to Rhode Island with instructions (a copy of which is herewith transmitted), and was authorized, should

a requisition be made upon the Executive by the government of Rhode Island in pursuance of law, and the invaders should not abandon their purposes, to call upon the governors of Massachusetts and Connecticut for a sufficient number of militia at once to arrest the invasion and to interpose such of the regular troops as could be spared from Fort Adams for the defense of the city of Providence in the event of its being attacked, as was strongly represented to be in contemplation. Happily there was no necessity for either issuing the proclamation or the requisition or for removing the troops from Fort Adams, where they had been properly stationed. Chepachet was evacuated and Mr. Dorr's troops dispersed without the necessity of the interposition of any military force by this Government, thus confirming me in my early impressions that nothing more had been designed from the first by those associated with Mr. Dorr than to excite fear and apprehension and thereby to obtain concessions from the constituted authorities which might be claimed as a triumph over the existing government.

With the dispersion of Mr. Dorr's troops ended all difficulties. A convention was shortly afterwards called, by due course of law, to amend the fundamental law, and a new constitution, based on more liberal principles than that abrogated, was proposed, and adopted by the people. Thus the great American experiment of a change in government under the influence of opinion and not of force has been again crowned with success, and the State and people of Rhode Island repose in safety under institutions of their own adoption, unterrified by any future prospect of necessary change and secure against domestic violence and invasion from abroad. I congratulate the country upon so happy a termination of a condition of things which seemed at one time seriously to threaten the public peace. It may justly be regarded as worthy of the age and of the country in which we live.

JOHN TYLER.

The PRESIDENT OF THE UNITED STATES.

PROVIDENCE, *April 4, 1842.*

SIR: The State of Rhode Island is threatened with domestic violence. Apprehending that the legislature can not be convened in sufficient season to apply to the Government of the United States for effectual protection in this case, I hereby apply to you, as the executive of the State of Rhode Island, for the protection which is required by the Constitution of the United States. To communicate more fully with you on this subject, I have appointed John Whipple, John Brown Francis, and Elisha R. Potter, esqs., three of our most distinguished citizens, to proceed to Washington and to make known to you in behalf of this State the circumstances which call for the interposition of the Government of the United States for our protection.

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

SAM. W. KING,
Governor of Rhode Island.

The PRESIDENT OF THE UNITED STATES.

PROVIDENCE, *April 4, 1842.*

SIR: For nearly a year last past the State of Rhode Island has been agitated by revolutionary movements, and is now threatened with domestic violence.

The report* of a joint committee of both branches of the legislature of this State, with an act* and resolutions* accompanying the same, herewith communicated, were passed unanimously by the senate, and by a vote of 60 to 6 in the house of representatives. The legislature adjourned to the first Tuesday of May next.

It has become my duty by one of these resolutions to adopt such measures as in my opinion may be necessary in the recess of the legislature to execute the laws and preserve the State from domestic violence.

The provisions of the said act "in relation to offenses against the sovereign power of this State" have created much excitement among that portion of the people who have unequivocally declared their intention to set up another government in this State and to put down the existing government, and they threaten, individually and collectively, to resist the execution of this act. The numbers of this party are sufficiently formidable to threaten seriously our peace, and in some portions of the State, and in this city particularly, may constitute a majority of the physical force, though they are a minority of the people of the State.

Under the dangers which now threaten us, I have appointed John Whipple, John Brown Francis, and Elisha R. Potter, esqs., three of our most distinguished citizens, to proceed to Washington and consult with you in behalf of this State, with a view that such precautionary measures may be taken by the Government of the United States as may afford us that protection which the Constitution of the United States requires. There is but little doubt that a proclamation from the President of the United States and the presence here of a military officer to act under the authority of the United States would destroy the delusion which is now so prevalent, and convince the deluded that in a contest with the government of this State they would be involved in a contest with the Government of the United States, which could only eventuate in their destruction.

As no State can keep troops in time of peace without the consent of Congress, there is the more necessity that we should be protected by those who have the means of protection. We shall do all we can for ourselves. The Government of the United States has the power to *prevent* as well as to defend us from violence. The protection provided by the Constitution of the United States will not be effectual unless such precautionary measures may be taken as are necessary to prevent lawless men from breaking out into violence, as well as to protect the State from further violence after it has broken out. Preventive measures are the most prudent and safe, and also the most merciful.

The protective power would be lamentably deficient if "the beginning of strife," which "is like the letting out of waters," can not be prevented, and no protection can be afforded the State until to many it would be too late.

The above-named gentlemen are fully authorized to act in behalf of the State of Rhode Island in this emergency, and carry with them such documents and proof as will, no doubt, satisfy you that the interposition of the authority of the Government of the United States will be salutary and effectual.

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

SAM. W. KING,
Governor of Rhode Island.

APRIL 9, 1842.

MY DEAR SIR: † Will you do me the favor to see the committee from Rhode Island as soon after the meeting of the Cabinet as may suit your convenience?

I regret to learn from Mr. Francis that the leaning of your mind was decidedly against any expression of opinion upon the subject, upon the ground that *free suffrage* must *prevail*. Undoubtedly it will. That is not the question. The freeholders of Rhode Island have yielded that point, and the *only* question is between their constitution, providing for an extension of suffrage, and ours, containing *substantially*

* Omitted.

† Addressed to the President of the United States.

the same provision—whether their constitution shall be carried out by *force of arms without* a majority, or the present government be supported *until* a constitution can be agreed upon that will command a majority. Neither their constitution nor ours has as yet received a majority of the free white males over 21 years of age. *There is no doubt upon that subject*, and I very much regret that your mind should have been influenced (if it has) by the paper called the Express. Nearly all the leaders who are professional men have abandoned them, on the ground that a majority is not in favor of their constitution. I *know* this to be true. I do hope that you will reconsider this vital question and give us a full hearing before you decide.

With great respect, very truly and sincerely, yours,

JOHN WHIPPLE.

His Excellency JOHN TYLER,
President of the United States:

The undersigned, having been deputed by Samuel W. King, the governor of the State of Rhode Island, to lay before you the present alarming condition in which the people of that State are placed, and to request from you the adoption of such prudential measures as in your opinion may tend to prevent domestic violence, beg leave most respectfully to state the following among the leading facts, to which your attention is more particularly invited:

That the people of Rhode Island have no fundamental law except the charter of King Charles II, granted in 1663, and the usage of the legislature under it. Legislative usage under their charters has been decided by the ~~Supreme~~ Supreme Court of the United States to be the fundamental law both in Connecticut and Rhode Island.

That from the date of the Rhode Island charter down to the year 1841, a period of nearly two hundred years, no person has been allowed to vote for town or State offices unless possessed of competent estates and admitted free in the several towns in which they resided.

That since the statute of 1728 no person could be admitted a freeman of any town unless he owned a freehold estate of the value fixed by law (now \$134) or was the eldest son of such a freeholder.

That until the past year no attempt has been made, to our knowledge, to establish any other fundamental law, by force, than the one under which the people have lived for so long a period.

That at the January session of the legislature in 1841 a petition signed by five or six hundred male inhabitants, praying for such an extension of suffrage as the legislature might in their wisdom deem expedient to propose, was presented.

That, influenced by that petition, as well as by other considerations, the legislature at that session requested the qualified voters, or freemen, as they are called with us, to choose delegates at their regular town meetings to be holden in August, 1841, for a convention to be holden in November, 1841, to frame a written constitution.

That the result of the last meeting of this legal convention in February, 1842, was the constitution* accompanying this statement, marked —, which, in case of its adoption by the people, would have been the supreme law of the State.

Most of the above facts are contained in the printed report of a numerous committee of the legislature at their session in March, 1842, which report was adopted by the legislature.

That in May, 1841, after said legal convention had been provided for by the legislature, and before the time appointed for the choice of delegates by the qualified voters (August, 1841), a mass meeting was held by the friends of an extension of suffrage at Newport, at which meeting a committee was appointed, called the State committee, who were authorized by said mass meeting to take measures for calling a convention to frame a constitution.

* Omitted.

That this committee, thus authorized, issued a request for a meeting of the male citizens in the several towns to appoint delegates to the proposed convention.

That meetings (of unqualified voters principally, as we believe) were accordingly holden in the several towns, unauthorized by law, and contrary to the invariable custom and usage of the State from 1663 down to that period; that the aggregate votes appointing the delegates to that convention were, according to their own estimate, about 7,200, whereas the whole number of male citizens over 21 years of age, after making a deduction for foreigners, paupers, etc., was, according to their own estimate, over 22,000.

That this convention, thus constituted, convened in Providence in October, 1841, and the constitution called the "people's constitution" was the result of their deliberations.

That at subsequent meetings of portions of the people in December, 1841, by the authority of this convention alone (elected, as its delegates had been, by about one-third of the voters, according to their own standard of qualification), all males over 21 years of age were admitted to vote for the adoption of the people's constitution; that these meetings were not under any presiding officer whose legal right or duty it was to interpose any check or restraint as to age, residence, property, or color.

By the fourteenth article of this constitution it was provided that "this constitution shall be submitted to the people for their adoption or rejection on Monday, the 27th of December next, and on the two succeeding days;" "and every person entitled to vote as aforesaid who from sickness or *other causes* may be unable to attend and vote in the town or ward meetings assembled for voting upon said constitution on the days aforesaid is requested to write his name on a ticket, and to obtain the signature upon the back of the same of a person who has given in his vote, as a witness thereto, and the moderator or clerk of any town or ward meeting convened for the purpose aforesaid shall receive such vote on either of the three days next succeeding the three days before named for voting for said constitution."

During the first three days about 9,000 votes were received from the hands of the voters in the open meetings. By the privilege granted to any and all friends of the constitution of *bringing into* their meetings the *names* of voters during the three following days 5,000 votes more were obtained, making an aggregate of about 14,000 votes.

This constitution, thus originating and thus formed, was subsequently declared by this convention to be the supreme law of the land. By its provisions a government is to be organized under it, by the choice of a governor, lieutenant-governor, senators and representatives, on the Monday preceding the third Wednesday in April, 1842.

By the provisions of the "landholder's constitution," as the legal constitution is called, every white native citizen possessing the freehold qualification, and over 21 years of age, may vote upon a residence of *one* year, and without any freehold may vote upon a residence of *two* years, except in the case of votes for town taxes, in which case the voter must possess the freehold qualification *or* be taxed for other property of the value of \$150.

By the "people's constitution" "every white male citizen of the United States of the age of 21 years who has resided in this State for *one* year and in the town where he votes for six months" shall be permitted to vote, with the same exception as to voting for town taxes as is contained in the other constitution.

The provision, therefore, in relation to the great subject in dispute—the elective franchise—is substantially the same in the two constitutions.

On the 21st, 22d, and 23d March last the legal constitution, by an act of the legislature, was submitted to all the persons who by its provisions would be entitled to vote under it after its adoption, for their ratification. It was rejected by a majority of 676 votes, the number of votes polled being over 16,000. It is believed that many freeholders voted against it because they were attached to the old form of government and were against any new constitution whatever. Both parties used uncommon

exertions to bring all their voters to the polls, and the result of the vote was, under the scrutiny of opposing interests in legal town meetings, that the friends of the people's constitution brought to the polls probably not over 7,000 to 7,500 votes. The whole vote against the legal constitution was about 8,600. If we allow 1,000 as the number of freeholders who voted against the legal constitution because they are opposed to any constitution, it would leave the number of the friends of the people's constitution 7,600, or about one-third of the voters of the State under the new qualification proposed by either constitution.

It seems incredible that there can be 14,000 friends of the people's constitution in the State, animated as they are by a most extraordinary and enthusiastic feeling; and yet upon this trial, in the usual open and fair way of voting, they should have obtained not over 7,600 votes.

The unanimity of the subsequent action of the legislature, comprehending as it did both the great political parties—the house of representatives giving a vote of 60 in favor of maintaining the existing government of the State and only 6 on the other side, with a unanimous vote in the senate—the unanimous and decided opinion of the supreme court declaring this extraordinary movement to be illegal in all its stages (see —*), a majority of that court being of the Democratic party, with other facts of a similar character, have freed this question of a mere party character and enabled us to present it as a great constitutional question.

Without presuming to discuss the elementary and fundamental principles of government, we deem it our duty to remind you of the fact that the existing government of Rhode Island is *the* government that adopted the Constitution of ~~the~~ United States, became a member of this Confederacy, and has ever since been represented in the Senate and House of Representatives. It is at this moment the existing government of Rhode Island, both *de facto* and *de jure*, and is the only government in that State entitled to the protection of the Constitution of the United States.

It is that government which now calls upon the General Government for its interference; and even if the legal effect of there being an ascertained majority of unqualified voters against the existing government was as is contended for by the opposing party, yet, upon their own principle, ought not that majority in point of fact to be clearly ascertained, not by assertion, but by proof, in order to justify the General Government in withdrawing its legal and moral influence to prevent domestic violence?

That a domestic war of the most furious character will speedily ensue unless prevented by a prompt expression of opinion here can not be doubted. In relation to this, we refer to the numerous resolutions passed at meetings of the friends of the people's constitution, and more especially to the Cumberland resolutions* herewith presented, and the affidavits,* marked —, and to repeated expressions of similar reliance upon the judgment of the Chief Magistrate of the nation.

All which is respectfully submitted by—

JOHN WHIPPL
JOHN BROWN FRANCIS.
ELISHA R. POTTER.

WASHINGTON, *April 11, 1842.*

His Excellency the GOVERNOR OF RHODE ISLAND.

SIR: Your letter dated the 4th instant was handed me on Friday by Mr. Whipple, who, in company with Mr. Francis and Mr. Potter, called upon me on Saturday and placed me, both verbally and in writing, in possession of the prominent facts which have led to the present unhappy condition of things in Rhode Island—a state of things which every lover of peace and good order must deplore. I shall not adventure the expression of an opinion upon those questions of domestic policy which

* Omitted.

seem to have given rise to the unfortunate controversies between a portion of the citizens and the existing government of the State. They are questions of municipal regulation, the adjustment of which belongs exclusively to the people of Rhode Island, and with which this Government can have nothing to do. For the regulation of my conduct in any interposition which I may be called upon to make between the government of a State and any portion of its citizens who may assail it with domestic violence, or may be in actual insurrection against it, I can only look to the Constitution and laws of the United States, which plainly declare the obligations of the executive department and leave it no alternative as to the course it shall pursue.

By the fourth section of the fourth article of the Constitution of the United States it is provided that "the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature or executive (when the legislature can not be convened), *against domestic violence.*" And by the act of Congress approved on the 28th February, 1795, it is declared "that in case of an insurrection in any State *against the government thereof* it shall be lawful for the President of the United States, upon application of the legislature of such State or by the executive (when the legislature can not be convened), to call forth such numbers of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection." By the third section of the same act it is provided "that whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a reasonable time." By the act of March 3, 1807, it is provided "that in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect."

This is the first occasion, so far as the government of a State and its people are concerned, on which it has become necessary to consider of the propriety of exercising those high and most important of constitutional and legal functions.

By a careful consideration of the above-recited acts of Congress your excellency will not fail to see that no power is vested in the Executive of the United States to anticipate insurrectionary movements against the government of Rhode Island so as to sanction the interposition of the military authority, but that there must be an actual insurrection, manifested by lawless assemblages of the people or otherwise, to whom a proclamation may be addressed and who may be required to betake themselves to their respective abodes. I have, however, to assure your excellency that should the time arrive—and my fervent prayer is that it may never come—when an insurrection shall exist *against the government* of Rhode Island, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guaranteed to each State by the Constitution and laws, I shall not be found to shrink from the performance of a duty which, while it would be the most painful, is at the same time the most imperative. I have also to say that in such a contingency the Executive could not look into real or supposed defects of the existing government in order to ascertain whether some other plan of government proposed for adoption was better suited to the wants and more in accordance with the wishes of any portion of her citizens. To throw the Executive power of this Government into any such controversy would be to make the President the armed arbitrator between the people of the different States and their constituted authorities, and might lead to a usurped power dangerous alike to the stability of the State governments and the liberties of the people. It will be my duty, on the contrary, to respect the requisitions of that

government which has been recognized as the existing government of the State through all time past until I shall be advised in regular manner that it has been altered and abolished and another substituted in its place by legal and peaceable proceedings adopted and pursued by the authorities and people of the State. Nor can I readily bring myself to believe that any such contingency will arise as shall render the interference of this Government at all necessary. The people of the State of Rhode Island have been too long distinguished for their love of order and of regular government to rush into revolution in order to obtain a redress of grievances, real or supposed, which a government under which their fathers lived in peace would not in due season redress. No portion of her people will be willing to drench her fair fields with the blood of their own brethren in order to obtain a redress of grievances which their constituted authorities can not for any length of time resist if properly appealed to by the popular voice. None of them will be willing to set an example, in the bosom of this Union, of such frightful disorder, such needless convulsions of society, such danger to life, liberty, and property, and likely to bring so much discredit on the character of popular governments. My reliance on the virtue, intelligence, and patriotism of her citizens is great and abiding, and I will not doubt but that a spirit of conciliation will prevail over rash councils, that all actual grievances will be promptly redressed by the existing government, and that another bright example will be added to the many already prevailing among the North American Republics of change without revolution and a redress of grievances without force or violence.

I tender to your excellency assurances of my high respect and consideration.

JOHN TYLER.

His Excellency JOHN TYLER,
President of the United States.

NEWPORT, R. I., *May 4, 1842.*

SIR: I transmit herewith certain resolutions passed by the general assembly of this State at their session holden at Newport on the first Wednesday of May instant.

You are already acquainted with some of the circumstances which have rendered necessary the passage of these resolutions. Any further information that may be desired will be communicated by the bearers, the Hon. Richard K. Randolph, speaker of the house of representatives, and Elisha R. Potter, esq., a member of the senate of this State.

I can not allow myself to doubt but that the assistance to which this State is entitled under the Constitution of the United States, to protect itself against domestic violence, will be promptly rendered by the General Government of the Union.

With great respect, I am, Your Excellency's humble servant,

SAM. W. KING,
Governor of Rhode Island.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
In General Assembly, May Session, 1842.

Whereas a portion of the people of this State, for the purpose of subverting the laws and existing government thereof, have framed a pretended constitution, and for the same unlawful purposes have met in lawless assemblages and elected officers for the future government of this State; and

Whereas the persons so elected in violation of law, but in conformity to the said pretended constitution, have, on the 3d day of May instant, organized themselves into executive and legislative departments of government, and under oath assumed the duties and exercise of said powers; and

Whereas in order to prevent the due execution of the laws a strong military force

was called out and did array themselves to protect the said unlawful organization of government and to set at defiance the due enforcement of law: Therefore,

Resolved by the general assembly, That there now exists in this State an insurrection against the laws and constituted authorities thereof, and that, in pursuance of the Constitution and laws of the United States, a requisition be, and hereby is, made by this legislature upon the President of the United States forthwith to interpose the authority and power of the United States to suppress such insurrectionary and lawless assemblages, to support the existing government and laws, and protect the State from domestic violence.

Resolved, That his excellency the governor be requested immediately to transmit a copy of these resolutions to the President of the United States.

True copy.

Witness:

HENRY BOWEN,
Secretary of State.

WASHINGTON, *May 7, 1842.*

THE GOVERNOR OF THE STATE OF RHODE ISLAND.

SIR: Your letter of the 4th instant, transmitting resolutions of the legislature of Rhode Island, informing me that there existed in that State "certain lawless assemblages of a portion of the people" "for the purpose of subverting the laws and overthrowing the existing government," and calling upon the Executive "forthwith to interpose the authority and power of the United States to suppress such insurrectionary and lawless assemblages and to support the existing government and laws and protect the State from domestic violence," was handed me on yesterday by Messrs. Randolph and Potter.

I have to inform your excellency in reply that my opinions as to the duties of this Government to protect the State of Rhode Island against domestic violence remain unchanged. Yet, from information received by the Executive since your dispatches came to hand I am led to believe that the lawless assemblages to which reference is made have already dispersed and that the danger of domestic violence is hourly diminishing, if it has not wholly disappeared. I have with difficulty brought myself at any time to believe that violence would be resorted to or an exigency arise which the unaided power of the State could not meet, especially as I have from the first felt persuaded that your excellency and others associated with yourself in the administration of the government would exhibit a temper of conciliation as well as of energy and decision. To the insurgents themselves it ought to be obvious, when the excitement of the moment shall have passed away, that changes achieved by regular and, if necessary, repeated appeals to the constituted authorities, in a country so much under the influence of public opinion, and by recourse to argument and remonstrance, are more likely to insure lasting blessings than those accomplished by violence and bloodshed on one day, and liable to overthrow by similar agents on another.

I freely confess that I should experience great reluctance in employing the military power of this Government against any portion of the people; but however painful the duty, I have to assure your excellency that if resistance be made to the execution of the laws of Rhode Island by such force as the *civil power* shall be unable to overcome, it will be the duty of this Government to enforce the constitutional guaranty—a guaranty given and adopted mutually by all the original States, of which number Rhode Island was one, and which in the same way has been given and adopted by each of the States since admitted into the Union; and if an exigency of lawless violence shall actually arise the executive government of the United States, on the application of your excellency under the authority of the resolutions of the legislature already transmitted, will stand ready to succor the authorities of the State in their efforts to maintain a due respect for the laws. I sincerely hope, however, that

no such exigency may occur, and that every citizen of Rhode Island will manifest his love of peace and good order by submitting to the laws and seeking a redress of grievances by other means than intestine commotions.

I tender to your excellency assurances of my distinguished consideration.

JOHN TYLER.

JOHN TYLER,

President of the United States.

SIR: As requested by the general assembly, I have the honor of transmitting to you, under the seal of the State, the accompanying resolutions.

And I am, very respectfully, your obedient servant,

THOMAS W. DORR,

Governor of the State of Rhode Island and Providence Plantations.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
General Assembly, May Session, in the City of Providence, A. D. 1842.

Resolved, That the governor be requested to inform the President of the United States that the government of this State has been duly elected and organized under the constitution of the same, and that the general assembly are now in session and proceeding to discharge their duties according to the provisions of said constitution.

Resolved, That the governor be requested to make the same communication to the President of the Senate and to the Speaker of the House of Representatives, to be laid before the two Houses of the Congress of the United States.

Resolved, That the governor be requested to make the same communication to the governors of the several States, to be laid before the respective legislatures.

A true copy.

Witness:

[L. S.]

WM. H. SMITH,
Secretary of State.

Governor KING, *of Rhode Island.*

MAY 9, 1842.

SIR: Messrs. Randolph and Potter will hand you an official letter, but I think it important that you should be informed of my views and opinions as to the best mode of settling all difficulties. I deprecate the use of force except in the last resort, and I am persuaded that measures of conciliation will at once operate to produce quiet. *I am well advised*, if the general assembly would authorize you to announce a general amnesty and pardon for the past, without making any exception, upon the condition of a return to allegiance, and follow it up by a call for a new convention upon somewhat liberal principles, that all difficulty would at once cease. And why should not this be done? A government never loses anything by mildness and forbearance to its own citizens, more especially when the consequences of an opposite course may be the shedding of blood. In your case the one-half of your people are involved in the consequences of recent proceedings. Why urge matters to an extremity? If you succeed by the bayonet, you succeed against your own fellow-citizens and by the shedding of kindred blood, whereas by taking the opposite course you will have shown a paternal care for the lives of your people. My own opinion is that the adoption of the above measures will give you peace and insure you harmony. A resort to force, on the contrary, will engender for years to come feelings of animosity.

I have said that I *speak advisedly*. Try the experiment, and if it fail then your justification in using force becomes complete.

Excuse the freedom I take, and be assured of my respect.

JOHN TYLER.

PROVIDENCE, R. I., May 12, 1842.

His Excellency the PRESIDENT OF UNITED STATES.

MY DEAR SIR: I have had the honor to receive your communication of 9th instant by Mr. Randolph, and assure you it has given me much satisfaction to know that your views and opinions as to the course proper to be pursued by the government of this State in the present unhappy condition of our political affairs is so much in conformity with my own.

Our legislature will undoubtedly at their session in June next adopt such measures as will be necessary to organize a convention for the formation of a new constitution of government, by which all the evils now complained of may be removed.

It has already been announced as the opinion of the executive that such of our citizens as are or have been engaged in treasonable and revolutionary designs against the State will be pardoned for the past on the condition only that they withdraw themselves from such enterprise and signify their return to their allegiance to the government.

With high consideration and respect, your obedient and very humble servant,

SAM. W. KING.

His Excellency JOHN TYLER,
President of the United States.

KINGSTON, R. I., May 15, 1842.

DEAR SIR: We arrived at Newport on Wednesday morning in time to attend the meeting of our legislature.

The subject of calling a convention immediately, and upon a liberal basis as to the right of voting for the delegates, was seriously agitated amongst us. The only objection made was that they did not wish to concede while the *people's party* continued *their threats*. All allowed ~~that~~ the concession must be made, and the only difference of opinion was as to time.

For my own part, I fear we shall never see the time when concession could have been made with better grace or with better effect than now. If two or three *noisy* folks among the suffrage party could only have their mouths stopped for a week or two, a reconciliation could be brought about at any time, or if Mr. Dorr would allow himself to be arrested peaceably and give bail no one could then object. But the supporters of the government say it is wrong to give up so long as Mr. Dorr threatens actual resistance to the laws in case he is arrested. If this could be done, they would then consider that they had sufficiently shown their determination to support the laws, and the two measures which you proposed to us in conversation at Washington—a convention and then a *general amnesty*—would succeed beyond a doubt.

Allow me to suggest that if Mr. Wickliffe, or someone who you might think would have most influence, would address a letter to Governor Fenner on the subject of conciliation it might be of great service. Governor F. is the father-in-law of General Mallett and a member of our senate.

Our assembly adjourned to the third Monday of June, but it is in the power of the governor to call it sooner, which can be done in a day at any time. Unless, however, there is a little more *prudence* in the *leaders* on both sides, we shall then be farther from reconciliation than now. The great mass of both parties I believe to be sincerely anxious for a settlement.

I do not know whether a letter addressed to the President upon a subject of this nature would of course be considered as public and liable to inspection. Few would write freely if that were the case. If private, I will cheerfully communicate from time to time any information that may be in my power and which might be of any service.

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

ELISHA R. POTTER.

Mr. Dorr returned to Providence this (Monday) morning with an armed escort.

ELISHA R. POTTER, Esq.

WASHINGTON, *May 20, 1842.*

DEAR SIR: You have my thanks for your favor of the 16th [15th] instant, and I have to request that you will write to me without reserve whenever anything of importance shall arise. My chief motives for desiring the adoption of the measures suggested to you, viz, a general amnesty and a call of a convention, were, first, because I felt convinced that peace and harmony would follow in their train, and, secondly, if in this I was disappointed the insurgents would have had no longer a pretense for an appeal to the public sympathies in their behalf. I saw nothing to degrade or to give rise to injurious reflections against the government of the State for resorting to every proper expedient in order to quiet the disaffection of any portion of her own people. Family quarrels are always the most difficult to appease, but everybody will admit that those of the family who do most to reconcile them are entitled to the greatest favor. Mr. Dorr's recent proceedings have been of so extravagant a character as almost to extinguish the last hope of a peaceable result, and yet I can not but believe that much is meant for effect and for purposes of intimidation merely. I certainly hope that such may be the case, though the recent proceedings in New York may have excited new feelings and new desires. This mustering of the clans may place Governor King in a different situation from that which he occupied when I had the pleasure of seeing you. *Then* he might have yielded with grace; whether he can do so now is certainly a question of much difficulty and one on which I can not venture to express an opinion at this distance from the scene of action.

I shall be always most happy to hear from you, and your letters will never be used to your prejudice.

Accept assurances of my high respect.

JOHN TYLER

The PRESIDENT OF THE UNITED STATES.

PROVIDENCE, *May 16, 1842.*

SIR: At the request of Governor King, I inclose to you an extra of the Providence Daily Express of this morning, containing the proclamation of Thomas W. Dorr to the people of this State.

It states definitely the position assumed by him and his faction against the government of this State and of the United States.

His excellency tenders to you the highest respect and consideration.

Respectfully, yours,

THOS. A. JENCKES,
Private Secretary.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

A PROCLAMATION.

BY THOMAS W. DORR, GOVERNOR AND COMMANDER IN CHIEF OF THE SAME.

FELLOW-CITIZENS: Shortly after the adjournment of the general assembly and the completion of indispensable executive business I was induced by the request of the most active friends of our cause to undertake the duty (which had been previously suggested) of representing in person the interests of the people of Rhode Island in other States and at the seat of the General Government. By virtue of a resolution of the general assembly, I appointed Messrs. Pearce and Anthony commissioners for the same purpose.

Of the proposed action of the Executive in the affairs of our State you have been already apprised. In case of the failure of the civil posse (which expression was intended by the President, as I have been informed, to embrace the military power) to execute any of the laws of the charter assembly, including their law of pains

and penalties and of treason, as it has been for the first time defined, the President intimates an intention of resorting to the forces of the United States to check the movements of the people of this State in support of **their** republican constitution recently adopted.

From a decision which conflicts with the right of sovereignty inherent in the people of this State and with the principles which lie at the foundation of a democratic republic an appeal has been taken to the people of our country. They understand our cause; they sympathize in the injuries which have been inflicted upon us; they disapprove the course which the National Executive has adopted toward this State, and they assure us of their disposition and intention to interpose a barrier between the supporters of the people's constitution and the hired soldiery of the United States. The democracy of the country are slow to move in any matter which involves an issue so momentous as that which is presented by the controversy in Rhode Island, but when they have once put themselves in motion they are not to be easily diverted from their purposes. They believe that the people of Rhode Island are in the right; that they are contending for equal justice in their political system; that they have properly adopted a constitution of government for themselves, as they were entitled to do, and they can not and will not remain indifferent to any act, from whatever motive it may proceed, which they deem to be an invasion of the sacred right of self-government, of which the people of the respective States can not be divested.

As your representative I have been everywhere received with the utmost kindness and cordiality. To the people of the city of New York, who have extended to us the hand of a generous fraternity, it is impossible to overrate our obligation at this most important crisis.

It has become my duty to say that so soon as a soldier of the United States shall be set in motion, by whatever direction, to act against the people of this State in aid of the charter government I shall call for that aid to oppose all such force, which, I am fully authorized to say, will be immediately and most cheerfully tendered to the service of the people of Rhode Island from the city of New York and from other places. The contest will then become national, and our State the battle ground of American freedom.

As a Rhode Island man I regret that the constitutional question in this State can not be adjusted among our own citizens, but as the minority have asked that the sword of the National Executive may be thrown into the scale against the people, it is imperative upon them to make the same appeal to their brethren of the States—an appeal which they are well assured will not be made in vain. They who have been the first to ask assistance from abroad can have no reason to complain of any consequences which may ensue.

No further arrests under the law of pains and penalties, which was repealed by the general assembly of the people at their May session, will be permitted. I hereby direct the military, under their respective officers, promptly to prevent the same and to release all who may be arrested under said law.

As requested by the general assembly, I enjoin upon the militia forthwith to elect their company officers; and I call upon volunteers to organize themselves without delay. The military are directed to hold themselves in readiness for immediate service.

Given under my hand and the seal of the State, at the city of Providence, this 6th day of May, A. D. 1842.

[L. S.]

THOMAS W. DORR,
*Governor and Commander in Chief of the State of
Rhode Island and Providence Plantations.*

By the governor's command:

WILLIAM H. SMITH,
Secretary of State.

PROVIDENCE, R. I., *May 25, 1842.*

The PRESIDENT OF THE UNITED STATES.

SIR: Since my last communication the surface of things in this city and State has been more quiet. The complete dispersing of the insurgents and flight of their leader on Wednesday last, 18th instant, seem to have broken their strength and prevented them from making head openly in any quarter.

But another crisis now appears to be approaching. By the private advices received by myself and the council from our messengers in the neighboring States we learn that Dorr and his agents are enlisting men and collecting arms for the purpose of again attempting to subvert, by open war, the government of this State. Those who have assisted him at home in his extreme measures are again holding secret councils and making preparations to rally on his return. Companies of men pledged to support him have met and drilled in the north part of this State during the present week.

From the forces which he can collect among our own citizens we have nothing to fear. Our own military strength has once scattered them, and could as easily do so a second time. But if the bands which are now organizing in Massachusetts, Connecticut, and New York should make the incursion which they threaten, with Dorr at their head, we have reason to apprehend a civil war of the most destructive and vindictive character. Our own forces might be sufficient to repel them, but having little discipline and no officer of military experience to lead them, they could not do it without the loss of many valuable lives.

~~For the~~ evidence that such forces are organizing in other States, I refer Your Excellency to a letter from Governor Seward, of New York, and to a statement made by one of our messengers to the council, which will be handed you. Other messengers confirm to the fullest extent the same intelligence.

In this posture of affairs I deem it my duty to call upon Your ~~Excellency~~ for the support guaranteed by the Constitution and laws of the United States to this government. I would submit to Your Excellency whether a movement of a sufficient body of troops to this quarter, to be stationed at Fort Adams, and to be subject to the requisitions of the executive of this State whenever in his opinion the exigency should arise to require their assistance, would not be the best measure to insure peace and respect for the laws and to deter invasions.

You will see by the statement* of the secret agent of the government that the time set for this incursion is very near. The mustering of the insurgents and their movement upon the city will probably be with the greatest expedition when once commenced—in a time too short for a messenger to reach Washington and return with aid. I therefore make this application before any movement of magnitude on their part, in order that we may be prepared at the briefest notice to quell domestic insurrection and repel invasion.

SAM. W. KING,
Governor of Rhode Island.

EXECUTIVE DEPARTMENT,
Albany, May 22, 1842.

His Excellency SAMUEL WARD KING,
Governor of Rhode Island.

SIR: In compliance with your excellency's requisition, I have this day issued a warrant for the arrest of Thomas Wilson Dorr, esq., charged in Rhode Island with the crime of treason. The warrant will be delivered to a police officer of this city, who will attend Colonel Pitman and be advised by him in regard to the arrest of the fugitive should he be found in this State.

May I be allowed to suggest to your excellency that a detention of the accused in

*Omitted.

this State would be liable to misapprehension, and if it should be in a particular region of this State might, perhaps, result in an effort to rescue him. Therefore it seems to be quite important that your excellency should without delay designate, by a communication to me, an agent to receive the fugitive and convey him to Rhode Island.

I have the honor to be, with very high respect and consideration, your excellency's obedient servant,

WILLIAM H. SEWARD.

His Excellency Governor KING.

WASHINGTON CITY, *May 28, 1842.*

SIR: I have received your excellency's communication of the 25th instant, informing me of efforts making by Mr. Dorr and others to embody a force in the contiguous States for the invasion of the State of Rhode Island, and calling upon the Executive of the United States for military aid.

In answer I have to inform your excellency that means have been taken to ascertain the extent of the dangers of any armed invasion by the citizens of other States of the State of Rhode Island, either to put down her government or to disturb her peace. The apparent improbability of a violation so flagrant and unprecedented of all our laws and institutions makes me, I confess, slow to believe that any serious attempts will be made to execute the designs which some evil-minded persons may have formed.

But should the necessity of the case require the interposition of the authority of the United States it will be rendered in the manner prescribed by the laws.

In the meantime I indulge a confident expectation, founded upon the recent manifestations of public opinion in your State in favor of law and order, that your own resources and means will be abundantly adequate to preserve the public peace, and that the difficulties which have arisen will be soon amicably and permanently adjusted by the exercise of a spirit of liberality and forbearance.

JOHN TYLER.

The Secretary of War will issue a private order to Colonel Bankhead, commanding at Newport, to employ, if necessary, a private and confidential person or persons to go into all such places and among all such persons as he may have reason to believe to be likely to give any information touching Rhode Island affairs, and to report with the greatest dispatch, if necessary, to the President. He will also address a letter to General Wool conveying to him the fears entertained of a hostile invasion contemplated to place Dorr in the chair of state of Rhode Island by persons in the States of Connecticut and New York, and also to General Eustis, at Boston, of a similar character, with instructions to adopt such inquiries (to be secretly made) as they may deem necessary, and to report with the greatest dispatch all information which from time to time they may acquire.

(Indorsed: "President's instructions, May 28, 1842.")

Colonel BANKHEAD,
Newport, R. I.

WAR DEPARTMENT, *May 28, 1842.*

SIR: The governor of Rhode Island has represented to the President that preparations are making by Mr. Dorr and some of his adherents to recruit men in the neighboring States for the purpose of supporting his usurpation of the powers of government, and that he has provided arms and camp equipage for a large number of men. It is very important that we should have accurate information on this subject, and particularly in relation to the movements made in other States. I have therefore to desire you to employ proper persons to go to the places where it may be supposed such preparations are making to possess themselves fully of all

that is doing and in contemplation, and report frequently to you. It is said that Mr. Dorr's principal headquarters are at the town of Thompson, in the State of Connecticut. It may be well for you to communicate personally with Governor King and ascertain from him the points and places at which any preparations for embodying men are supposed to be making, and to direct your inquiries accordingly.

It is important that you should select persons on whose integrity and accuracy the fullest reliance can be placed. They should not be partisans on either side, although to effect the object it will of course be necessary that some of them should obtain (if they do not already possess) the confidence of the friends of Mr. Dorr. You will please communicate directly to me all the information you obtain, and your own views of it.

It is scarcely necessary to say that this communication is of the most private and confidential character, and is not to be made known to anyone.

Respectfully, your obedient servant,

J. C. SPENCER.

Brigadier-General EUSTIS,

Boston.

WAR DEPARTMENT, *May 29, 1842.*

SIR: The governor of Rhode Island has represented to the President that preparations are making in other States (particularly in Massachusetts) for an armed invasion of that State to support the usurpations of Mr. Dorr and his friends and foment domestic insurrection. It is very important that we should have accurate information on this subject, and I have to desire you to take all necessary means to acquire it, and communicate directly to me as speedily and frequently as possible. It is said that 1,000 stand of arms have been procured in Boston, some pieces of artillery, and a large quantity of camp equipage for the use of the insurgents. Your attention to this is particularly desired to ascertain its truth or falsehood. It is also said that there are 200 men enrolled and embodied in a town upon the borders of Rhode Island, the name of which has escaped me. Please inquire into this. If it becomes necessary to employ confidential persons to discover what is doing, you will do so, being careful to select those only that are entirely trustworthy; and it will be desirable to avoid heated partisans on either side. Their inquiries should be conducted quietly and privately.

I desire you to communicate fully and freely what you may learn and your views concerning it for the information of the President and the Department.

It is scarcely necessary to say that this communication is strictly private and confidential.

Respectfully, your obedient servant,

[J. C. SPENCER.]

The PRESIDENT.

NEW YORK, *June 3, 1842.*

MY DEAR SIR: I came to this city yesterday, having taken a severe cold on the Sound, and am now just out of my bed. I transmit herewith a letter from ———, a friend appointed by me, as you requested, to look into the Rhode Island business. Mr. ——— has had access to authentic sources in Governor Dorr's party, and I have no doubt his account of the whole matter is perfectly just. I supposed I should receive the foreign mail here, but I shall not wait for it if I should feel well enough to travel to-morrow.

Yours, truly,

DANL. WEBSTER.

Hon. DANIEL WEBSTER,

Secretary of State.

NEW YORK, *June 3, 1842.*

DEAR SIR: In pursuance of the arrangement made when you were in Boston, I have visited the State of Rhode Island, and, so far as could be done, possessed myself

of a knowledge of the existing state of things there. I had a full and free interview with Governor King and his council, as well as with several other gentlemen upon each side of the matter in controversy. All agree that, so far as the people of Rhode Is. and are concerned, there is no danger of any further armed resistance to the legitimate authorities of the State. It was never intended, probably, by the majority of those called the suffrage party to proceed in any event to violence, and when they found themselves pushed to such an extremity by their leaders they deserted their leaders and are now every day enrolling themselves in the volunteer companies which are being organized in every part of the State for the suppression of any further insurrectionary movements that may be made. A large majority of those elected or appointed to office under the people's constitution (so called) have resigned their places and renounced all allegiance to that constitution and the party which supports it, so that the insurgents are now without any such organization as would enable them to carry out their original purposes if they otherwise had the power.

Governor King and his council alone, of all the intelligent persons with whom I consulted, fear an irruption upon them of an armed force to be collected in other States, and this is the only difficulty of which they now have any apprehension. This fear is excited by the boasts frequently made by the few who still avow their determination to adhere to the constitution that they have at their control large bodies of armed men, as well as camp equipage, provisions, money, and munitions of war, which have been provided for them in Massachusetts, Connecticut, and New York. The supposition that Rhode Island is to be invaded by a foreign force, when that force would neither be led nor followed by any considerable number of the people of the State, does not seem, to say the least, to be a very reasonable one. If those who think they are suffering injustice are not disposed to make an effort to redress their supposed wrongs, they would hardly expect the work to be done by others.

The ostensible object of the insurgents now is not the real one. They meditate no further forcible proceedings. They bluster and threaten for several reasons:

First. Because they suppose they shall thus break their fall a little and render their retreat a little less inglorious than it would be if they should beat it at once.

Second. They believe that if they keep up a shew of opposition to the existing government they shall be more likely to revolutionize it by peaceable measures; and

Third. They think they can make their influence so far felt as to operate favorably upon those who are now under arrest for treason or who may be hereafter arrested for the same offense.

That these are the views and purposes of the insurgents I am confidentially assured by the notorious individual from whom I told you I could learn their plans and designs; and no one has better means of knowing than he, having been himself one of Mr. Dorr's confidential advisers from the beginning.

The meeting at Woonsocket on the 1st did not amount to much, being but thinly attended. The projected fortifications at that place have been abandoned. It is said they will be thrown up in some other spot to be designated hereafter, but this is not believed.

Mr. Dorr is now understood to be lurking in this city. Warrants have been issued for his arrest both by the governor of this State and the governor of Massachusetts, but he moves so privately and shifts his whereabouts so often that he eludes his pursuers.

Under all the circumstances I think you will come to the opinion entertained by seven-eighths of all the people of Providence (the scene of his operations thus far) that, deserted by his followers at home and disgraced in the estimation of those who sympathized with him abroad, Mr. Dorr has it not in his power to do any further serious mischief.

Yours, very truly,

PROVIDENCE, R. I., *June 22, 1842.*Hon. J. C. SPENCER,
Secretary of War.

SIR: When I last had the honor to write to you I felt confident that there would be no further disturbance of the peace in this State. Governor King was of the same opinion. But I now fear, from strong indications, that Mr. Dorr and his party are determined to enter the State in force, and that in a few days serious difficulties will arise.

On my arrival here this morning from Newport, on my way to New York, I learnt from undoubted authority that several large boxes of muskets, supposed to contain about eighty, were received the evening before last at Woonsocket from New York; that several mounted cannon had been also received there and forwarded on to Chepachet; that a number of men, not citizens of the State, with arms, were in and about Woonsocket and Chepachet; that forty-eight kegs of powder were stolen on Sunday night last from a powder house in this neighborhood, and that Dorr, with about twenty men, landed last evening at Norwich.

An unsuccessful attempt was made two nights ago to steal the guns of the artillery company at Warren, and at several other places where guns had been deposited by the State, by some of Dorr's men, one of whom has been identified and arrested.

It has been observed for several days past that many of the suffrage party and residents of this city have been sending off their families and effects. The inhabitants of the city are seriously alarmed and in a state of much excitement. An express to convey the above intelligence to Governor King at Newport will be immediately sent down by the mayor of the city.

I shall be in New York early to-morrow morning ready to receive any instructions you may think proper to honor me with.

I have been compelled to write this in haste.

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

JAS. BANKHEAD,
Colonel Second Regiment Artillery.

CITY OF PROVIDENCE, MAYOR'S OFFICE,

June 23, 1842.

SIR:* Governor King, having gone to Newport this afternoon, has requested me to forward his letter to Your Excellency, with such depositions as I could procure concerning the state of affairs in the north part of the State. These documents will be taken on by the Hon. William Sprague, our Senator, who intends leaving to-night for Washington. Should any accident prevent Mr. Sprague from going, I shall forward them to be put in the mail. I inclose the depositions† of Messrs. Samuel W. Peckham and Charles I. Harris. Messrs. Keep and Shelley, whom I sent out, have just returned. If I can get their depositions in time, I shall also forward them.

About 11 a. m. this day a body marched from Woonsocket to Chepachet amounting to 90 men, and other small bodies are marching in that direction, so that I suppose that about 400 will be concentrated at Chepachet this evening.

In this city there is much excitement, but no symptoms as yet of men gathering with arms. There are many who I fear will be ready to join in any mischief should Dorr's forces approach us. Up to 8 o'clock this morning Mr. Dorr was in Connecticut, but a gentleman from Chepachet informs me his friends expect him this day.

I remain, with great respect, your obedient servant,

THOS. M. BURGESS,
Mayor.

*Addressed to the President of the United States.

†Omitted.

EXECUTIVE DEPARTMENT,

Providence, June 23, 1842.

His Excellency JOHN TYLER,
President of the United States.

SIR: After my last communication the excitement and military operations of the insurgents against the government of this State appeared to subside, and I indulged hopes that no open violence would be attempted, but that they were disposed to await the action of the general assembly, now in session at Newport. I regret that I am obliged to inform Your Excellency that within a few days past appearances have become more alarming. Several iron cannon have been stolen from citizens of Providence, and during the night of the 19th a powder house, owned by a merchant of Providence, was broken open and about 1,200 pounds of powder stolen therefrom. Yesterday the military operations of the insurgents became more decided in their character. At Woonsocket and Chepachet there were gatherings of men in military array, pretending to act under the authority of Thomas W. Dorr. They established a kind of martial law in those villages, stopped peaceable citizens in the highways, and at Chepachet four citizens of Providence were seized by an armed force, pinioned, and compelled to march about 10 miles under a guard of about forty men to Woonsocket, where they were cruelly treated under pretense of being spies. The insurgents are provided with cannon, tents, ammunition, and stores.

It is ascertained that Thomas W. Dorr has returned from the city of New York to the State of Connecticut, and I have reason to believe he will be at Chepachet this day, where he will concentrate what forces he has already under arms with such others as he can collect. Those already assembled are composed of citizens of other States as well as of our own, and are variously estimated at 500 to 1,000 men.

I have this morning had an interview with Colonel Bankhead, who will communicate to the War Department such facts as have come to his knowledge. I would further state to Your Excellency that in those villages and their vicinity the civil authority is disregarded and paralyzed.

Under these circumstances I respectfully submit to Your Excellency that the crisis has arrived when the aid demanded by the legislature of the State from the Federal Government is imperatively required to furnish that protection to our citizens from domestic violence which is guaranteed by the Constitution and laws of the United States.

I confidently trust that Your Excellency will adopt such measures as will afford us prompt and efficient relief.

I remain, with great consideration, your obedient servant,

SAM. W. KING.

Governor KING.

WASHINGTON, *June 25, 1842.*

SIR: Your letter of the 23d instant was this day received by the hands of Governor Sprague, together with the documents accompanying the same. Your excellency has unintentionally overlooked the fact that the legislature of Rhode Island is now in session. The act of Congress gives to the Executive of the United States no power to summon to the aid of the State the military force of the United States unless an application shall be made by the legislature if in session; and that the State executive can not make such application except when the legislature can not be convened. (See act of Congress, February 28, 1795.)

I presume that your excellency has been led into the error of making this application (the legislature of the State being in session at the date of your dispatch) from a misapprehension of the true import of my letter of 7th May last. I lose no time in correcting such misapprehension if it exist.

Should the legislature of Rhode Island deem it proper to make a similar application to that addressed to me by your excellency, their communication shall receive

all the attention which will be justly due to the high source from which such application shall emanate.

I renew to your excellency assurances of high consideration.

J. TYLER.

Hon. JOHN C. SPENCER,
Secretary of War.

PROVIDENCE, R. I., *June 23, 1842.*

SIR: I addressed you yesterday afternoon in great haste, that my letter might go by the mail (then about being closed), to inform you of the sudden change in the aspect of affairs in this State, and also to inform you that I should be this morning at Governors Island, New York.

At the urgent solicitation of Governor King, who crossed over from Newport to Stonington to intercept me on the route, I returned last night to this place from Stonington, having proceeded so far on my way to New York.

In addition to what I stated in my letter yesterday, I learn from Governor King (who has just called on me) that four citizens of this city who had gone to Chepachet to ascertain what was going on there were arrested as spies by the insurgents, bound, and sent last night to Woonsocket, where they were confined when his informer left there at 8 o'clock this morning; also that martial law had been proclaimed by the insurgents at Woonsocket and Chepachet, and no one was allowed to enter or depart from either place without permission.

The citizens of this city are in a state of intense excitement.

I shall return to-morrow to Newport to await any instructions you may be pleased to favor me with.

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

JAS. BANKHEAD,
Colonel Second Regiment Artillery.

Brigadier-General R. JONES,
Adjutant-General United States Army.

PROVIDENCE, R. I., *June 23, 1842.*

SIR: I left Newport yesterday morning to return to Fort Columbus, with the belief that my presence could no longer be necessary for the purpose I had been ordered there for. The legislature was in session, and, as I was well assured, determined honestly and faithfully to adopt measures to meet the wishes of the citizens of this State to form a constitution on such liberal principles as to insure full satisfaction to all patriotic and intelligent men who had any interest in the welfare of the State. The well-known intention of the legislature in this respect would, I hoped and believed, reconcile the factious and produce tranquillity. But the aspect of affairs has suddenly become more threatening and alarming. There is an assemblage of men at Woonsocket and Chepachet, two small villages (say 15 miles distant hence) on the borders of Connecticut, composed principally of strangers or persons from other States. They have recently received 75 muskets from Boston and 80 from New York, in addition to former supplies. They have also several mounted cannon and a large quantity of ammunition, 48 kegs of which they stole from a powder house not far distant from this, the property of a manufacturer of powder. Dorr, it is supposed, joined his party at one of the above-named places the night before last; he has certainly returned from New York and passed through Norwich. His *concentrated* forces are variously estimated at from 500 to 1,000 men.

I had proceeded thus far yesterday afternoon on my return to New York, and had taken my seat in the cars for Stonington, when an express from Governor King, who was at Newport, overtook me, to request that I would not leave the State; too late, however, for me then to stop here, as the cars were just moving off. On getting to Stonington I there found Governor King, who had crossed over from Newport to intercept me, and at his solicitation I at once returned with him last night in an extra

car to this place. Not then having a moment's time to write you, as the steamboat left immediately on the arrival of the cars at Stonington, I sent my adjutant on in the boat with directions to report to you the fact and the cause of my return.

I had written thus far when the governor called on me, and has informed me that four citizens of this State, who had gone to Chepachet to ascertain the exact state of affairs there, were arrested as spies, bound, and sent last night to Woonsocket, where two hours ago they were still in confinement. Martial law has been declared in Chepachet and Woonsocket, and no one allowed to enter or depart without permission. I yesterday afternoon wrote to the Secretary of War (as I had been directed), in great haste, however, to send by the mail, to inform him of the sudden change in the aspect of affairs here; in which letter I stated that I should be at Governors Island this morning. As I, of course, then did not contemplate to the contrary, I beg you will do me the favor to acquaint him with the cause of my return.

I can only add that the citizens of this place are in a state of intense anxiety and excitement. I remain here to-day at the special request of several who have just left me. To-morrow I shall return to Newport to await any communication from you.

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

JAS. BANKHEAD,
Colonel Second Regiment Artillery.

PROVIDENCE, R. I., June 27, 1842.

SIR:* As there was no mail yesterday from this, I could make no report to the Major-General Commanding of the military movements in this quarter up to that time. Since my last letter to you most of the volunteers and other military companies called out by the governor have assembled here to the amount of about 2,000 men. The force of the insurgents under the immediate direction of Mr. Dorr, and concentrated at Chepachet, is estimated at from 800 to 1,000 men armed with muskets, about 1,500 without arms, and 10 or 12 cannon mounted.

It seems to be impossible to avoid a conflict between the contending parties without the interposition of a strong regular force.

The State force here can defend this city, and it might successfully attack the insurgent force at Chepachet; but there would be danger in leaving the city without adequate means of protection to it, as there is doubtless a large number within the city with concealed arms ready to commence hostilities.

The position taken by Dorr's troops at Chepachet is naturally strong, and has been much strengthened by intrenchments, etc. It would therefore be highly imprudent to make the attack, even if no secret foes were left behind within the city, without a positive certainty of success; and with the aid of a few disciplined troops a defeat there would be ruinous and irreparable.

A force of 300 regular troops would insure success, and probably without bloodshed.

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

JAS. BANKHEAD,
Colonel Second Regiment Artillery.

The PRESIDENT OF THE UNITED STATES.

WASHINGTON, June 27, 1842.

SIR: The intelligence from Rhode Island since the call was made on you by the Senators from that State is of a character still more serious and urgent than that then communicated to you by Mr. Sprague, who was charged with communications to Your Excellency from Governor King. We are informed that a requisition was made upon the Government of the United States by the governor of Rhode Island, pursuant to resolutions passed by the general assembly of that State when in session in May last, calling for a proclamation against those engaged in an armed rebellion against the government of Rhode Island and for military aid in suppressing the same; that Your Excellency replied to Governor King that in the opinion of the

* Addressed to Brigadier-General R. Jones, Adjutant-General United States Army.

Executive the force arrayed against the government of the State was not then such as to warrant immediate action on his part, but that Your Excellency in your reply proceeded to say: "If an exigency of lawless violence shall actually arise, the executive government of the United States, on the application of your excellency under the authority of the resolutions of the legislature already submitted, will stand ready to succor the authorities of the State in their efforts to maintain a due respect for the laws." Whereby it was understood that in the event of the assembling of such an armed force as would require the interference contemplated by the Constitution and laws of the United States the Executive of the United States, upon being duly notified of the fact by the governor of the State, would act upon the requisition already made by the legislature without further action on the part of that body.

We understand that upon this notice being given through the communications handed you by Mr. Sprague on Saturday, containing proof of the existence and array of a large body of armed men within the State of Rhode Island, who had already committed acts of lawless violence, both by depredating largely upon property in various parts of the State and by capturing and confining citizens, as well as owning and manifesting a determination to attack the constituted authorities, you considered that it was desirable that this communication should have been accompanied with a further resolution of the general assembly authorizing the governor to act in this instance, from the fact that the assembly was then in session by adjournment.

It is the purpose of this communication respectfully to state that we conceive the existing circumstances call for the immediate action of the Executive upon the information and papers now in its possession.

The meeting of the legislature during the last week was by adjournment. It is in law regarded as the May session of the general assembly, and can be regarded in no other light than if it had been a continuous session of that body held from day to day by usual adjournments. Had this last been the case, it can not be conceived that new action on its part would have been required to give notice of any movements of hostile forces engaged in the same enterprise which was made known to the Executive by its resolutions of May last.

Our intelligence authorizes us to believe that a multitude of lawless and violent men, not citizens of Rhode Island, but inhabitants of other States, wickedly induced by pay and by hopes of spoil, and perhaps instigated also by motives arising from exasperation on the part of their instigators and of themselves at the course heretofore indicated in this matter by the executive government of the Union, have congregated themselves and are daily increasing their numbers within the borders of our State, organized, armed, and arrayed in open war upon the State authorities, and ready to be led, and avowedly about to be led, to the attack of the principal city of the State as part of the same original plan to overthrow the government, and that in the prosecution of this plan our citizens have reason to apprehend the most desperate and reckless assaults of ruffianly violence upon their property, their habitations, and their lives.

We beg leave to refer you, in addition, to a letter which we understand was received yesterday by General Scott from Colonel Bankhead, detailing some information in his possession.

We therefore respectfully request an immediate compliance on the part of the Executive with the requisition communicated in the papers from Governor King, as the most effectual, and, in our opinion, the only measure that can now prevent the effusion of blood and the calamities of intestine violence, if each has not already occurred.

We are, with the highest respect, Your Excellency's obedient servants,

JAMES F. SIMMONS.

WM. SPRAGUE.

JOSEPH L. TILLINGHAST.

The SECRETARY OF WAR.

WASHINGTON, *June 29, 1842.*

SIR: From the official communication of Colonel Bankhead to you, this day laid before me, it is evident that the difficulties in Rhode Island have arrived at a crisis which may require a prompt interposition of the Executive of the United States to prevent the effusion of blood. From the correspondence already had with the governor of Rhode Island I have reason to expect that a requisition will be immediately made by the government of that State for the assistance guaranteed by the Constitution to protect its citizens from domestic violence. With a view to ascertain the true condition of things and to render the assistance of this Government (if any shall be required) as prompt as may be, you are instructed to proceed to Rhode Island, and, in the event of a requisition being made upon the President in conformity with the laws of the United States, you will cause the proclamation herewith delivered to be published. And should circumstances in your opinion render it necessary, you will also call upon the governors of Massachusetts and Connecticut, or either of them, for such number and description of the militia of their respective States as may be sufficient to terminate at once the insurrection in Rhode Island. And in the meantime the troops in the vicinity of Providence may with propriety be placed in such positions as will enable them to defend that city from assault.

JOHN TYLER.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the legislature of the State of Rhode Island has applied to the President of the United States setting forth the existence of a dangerous insurrection in that State, composed partly of deluded citizens of the State, but chiefly of intruders of dangerous and abandoned character coming from other States, and requiring the immediate interposition of the constitutional power vested in him to be exercised in such cases, I do issue this my proclamation, according to law, hereby commanding all insurgents and all persons connected with said insurrection to disperse and retire peaceably to their respective abodes within twenty-four hours from the time when this proclamation shall be made public in Rhode Island.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington this — day of —, A. D. 1842, and of the Independence of the United States the sixty-sixth.

[L. S.]

JOHN TYLER.

By the President:

DANL. WEBSTER,

Secretary of State.

WASHINGTON, *April 22, 1844.*

To the Senate of the United States:

I transmit herewith, for your approval and ratification, a treaty which I have caused to be negotiated between the United States and Texas, whereby the latter, on the conditions therein set forth, has transferred and conveyed all its right of separate and independent sovereignty and jurisdiction to the United States. In taking so important a step I have been influenced by what appeared to me to be the most controlling considerations of public policy and the general good, and in having accomplished it, should it meet with your approval, the Government will have

succeeded in reclaiming a territory which formerly constituted a portion, as it is confidently believed, of its domain under the treaty of cession of 1803 by France to the United States.

The country thus proposed to be annexed has been settled principally by persons from the United States, who emigrated on the invitation of both Spain and Mexico, and who carried with them into the wilderness which they have partially reclaimed the laws, customs, and political and domestic institutions of their native land. They are deeply indoctrinated in all the principles of civil liberty, and will bring along with them in the act of reassociation devotion to our Union and a firm and inflexible resolution to assist in maintaining the public liberty unimpaired—a consideration which, as it appears to me, is to be regarded as of no small moment. The country itself thus obtained is of incalculable value in an agricultural and commercial point of view. To a soil of inexhaustible fertility it unites a genial and healthy climate, and is destined at a day not distant to make large contributions to the commerce of the world. Its territory is separated from the United States in part by an imaginary line, and by the river Sabine for a distance of 310 miles, and its productions are the same with those of many of the contiguous States of the Union. Such is the country, such are its inhabitants, and such its capacities to add to the general wealth of the Union. As to the latter, it may be safely asserted that in the magnitude of its productions it will equal in a short time, under the protecting care of this Government, if it does not surpass, the combined production of many of the States of the Confederacy. A new and powerful impulse will thus be given to the navigating interest of the country, which will be chiefly engrossed by our fellow-citizens of the Eastern and Middle States, who have already attained a remarkable degree of prosperity by the partial monopoly they have enjoyed of the carrying trade of the Union, particularly the coastwise trade, which this new acquisition is destined in time, and that not distant, to swell to a magnitude which can not easily be computed, while the addition made to the boundaries of the home market thus secured to their mining, manufacturing, and mechanical skill and industry will be of a character the most commanding and important. Such are some of the many advantages which will accrue to the Eastern and Middle States by the ratification of the treaty—advantages the extent of which it is impossible to estimate with accuracy or properly to appreciate. Texas, being adapted to the culture of cotton, sugar, and rice, and devoting most of her energies to the raising of these productions, will open an extensive market to the Western States in the important articles of beef, pork, horses, mules, etc., as well as in breadstuffs. At the same time, the Southern and Southeastern States will find in the fact of annexation protection and security to their peace and tranquillity, as well against all domestic as foreign efforts to disturb them, thus consecrating anew the union of the States and holding out the promise of its perpetual duration.

Thus, at the same time that the tide of public prosperity is greatly swollen, an appeal of what appears to the Executive to be of an imposing, if not of a resistless, character is made to the interests of every portion of the country. Agriculture, which would have a new and extensive market opened for its produce; commerce, whose ships would be freighted with the rich productions of an extensive and fertile region; and the mechanical arts, in all their various ramifications, would seem to unite in one universal demand for the ratification of the treaty. But important as these considerations may appear, they are to be regarded as but secondary to others. Texas, for reasons deemed sufficient by herself, threw off her dependence on Mexico as far back as 1836, and consummated her independence by the battle of San Jacinto in the same year, since which period Mexico has attempted no serious invasion of her territory, but the contest has assumed features of a mere border war, characterized by acts revolting to humanity. In the year 1836 Texas adopted her constitution, under which she has existed as a sovereign power ever since, having been recognized as such by many of the principal powers of the world; and contemporaneously with its adoption, by a solemn vote of her people, embracing all her population but ninety-three persons, declared her anxious desire to be admitted into association with the United States as a portion of their territory. This vote, thus solemnly taken, has never been reversed, and now by the action of her constituted authorities, sustained as it is by popular sentiment, she reaffirms her desire for annexation. This course has been adopted by her without the employment of any sinister measures on the part of this Government. No intrigue has been set on foot to accomplish it. Texas herself wills it, and the Executive of the United States, concurring with her, has seen no sufficient reason to avoid the consummation of an act esteemed to be so desirable by both. It can not be denied that Texas is greatly depressed in her energies by her long-protracted war with Mexico. Under these circumstances it is but natural that she should seek for safety and repose under the protection of some stronger power, and it is equally so that her people should turn to the United States, the land of their birth, in the first instance in the pursuit of such protection. She has often before made known her wishes, but her advances have to this time been repelled. The Executive of the United States sees no longer any cause for pursuing such a course. The hazard of now defeating her wishes may be of the most fatal tendency. It might lead, and most probably would, to such an entire alienation of sentiment and feeling as would inevitably induce her to look elsewhere for aid, and force her either to enter into dangerous alliances with other nations, who, looking with more wisdom to their own interests, would, it is fairly to be presumed, readily adopt such expedients; or she would hold out the proffer of discriminating duties in trade and commerce in order to secure the necessary assistance. Whatever step she might adopt looking to

this object would prove disastrous in the highest degree to the interests of the whole Union. To say nothing of the impolicy of our permitting the carrying trade and home market of such a country to pass out of our hands into those of a commercial rival, the Government, in the first place, would be certain to suffer most disastrously in its revenue by the introduction of a system of smuggling upon an extensive scale, which an army of custom-house officers could not prevent, and which would operate to affect injuriously the interests of all the industrial classes of this country. Hence would arise constant collisions between the inhabitants of the two countries, which would evermore endanger their peace. A large increase of the military force of the United States would inevitably follow, thus devolving upon the people new and extraordinary burdens in order not only to protect them from the danger of daily collision with Texas herself, but to guard their border inhabitants against hostile inroads, so easily excited on the part of the numerous and warlike tribes of Indians dwelling in their neighborhood. Texas would undoubtedly be unable for many years to come, if at any time, to resist unaided and alone the military power of the United States; but it is not extravagant to suppose that nations reaping a rich harvest from her trade, secured to them by advantageous treaties, would be induced to take part with her in any conflict with us, from the strongest considerations of public policy. Such a state of things might subject to devastation the territory of contiguous States, ~~and~~ would cost the country in a single campaign more treasure, thrice told over, than is stipulated to be paid and reimbursed by the treaty now proposed for ratification. I will not permit myself to dwell on this view of the subject. Consequences of a fatal character to the peace of the Union, and even to the preservation of the Union itself, might be dwelt upon. They will not, however, fail to occur to the mind of the Senate and of the country. Nor do I indulge in any vague conjectures of the future. The documents now transmitted along with the treaty lead to the conclusion, as inevitable, that if the boon now tendered be rejected Texas will seek for the friendship of others. In contemplating such a contingency it can not be overlooked that the United States are already almost surrounded by the possessions of European powers. The Canadas, New Brunswick, and Nova Scotia, the islands in the American seas, with Texas trammelled by treaties of alliance or of a commercial character differing in policy from that of the United States, would complete the circle. Texas voluntarily steps forth, upon terms of perfect honor and good faith to all nations, to ask to be annexed to the Union. As an independent sovereignty her right to do this is unquestionable. In doing so she gives no cause of umbrage to any other power; her people desire it, and there is no slavish transfer of her sovereignty and independence. She has for eight years maintained her independence against all efforts to subdue her. She has been recognized as independent by many of the most prominent of the family of nations, and that

recognition, so far as they are concerned, places her in a position, without giving any just cause of umbrage to them, to surrender her sovereignty at her own will and pleasure. The United States, actuated evermore by a spirit of justice, has desired by the stipulations of the treaty to render justice to all. They have made provision for the payment of the public debt of Texas. We look to her ample and fertile domain as the certain means of accomplishing this; but this is a matter between the United States and Texas, and with which other Governments have nothing to do. Our right to receive the rich grant tendered by Texas is perfect, and this Government should not, having due respect either to its own honor or its own interests, permit its course of policy to be interrupted by the interference of other powers, even if such interference were threatened. The question is one purely American. In the acquisition, while we abstain most carefully from all that could interrupt the public peace, we claim the right to exercise a due regard to our own. This Government can not consistently with its honor permit any such interference. With equal, if not greater, propriety might the United States demand of other governments to surrender their numerous and valuable acquisitions made in past time at numberless places on the surface of the globe, whereby they have added to their power and enlarged their resources.

To Mexico the Executive is disposed to pursue a course conciliatory in its character and at the same time to render her the most ample justice by conventions and stipulations not inconsistent with the rights and dignity of the Government. It is actuated by no spirit of unjust aggrandizement, but looks only to its own security. It has made known to Mexico at several periods its extreme anxiety to witness the termination of hostilities between that country and Texas. Its wishes, however, have been entirely disregarded. It has ever been ready to urge an adjustment of the dispute upon terms mutually advantageous to both. It will be ready at all times to hear and discuss any claims Mexico may think she has on the justice of the United States and to adjust any that may be deemed to be so on the most liberal terms. There is no desire on the part of the Executive to wound her pride or affect injuriously her interest, but at the same time it can not compromise by any delay in its action the essential interests of the United States. Mexico has no right to ask or expect this of us; we deal rightfully with Texas as an independent power. The war which has been waged for eight years has resulted only in the conviction with all others than herself that Texas can not be reconquered. I can not but repeat the opinion expressed in my message at the opening of Congress that it is time it had ceased. The Executive, while it could not look upon its longer continuance without the greatest uneasiness, has, nevertheless, for all past time preserved a course of strict neutrality. It could not be ignorant of the fact of the exhaustion which a war of so long a duration had produced. Least of all

was it ignorant of the anxiety of other powers to induce Mexico to enter into terms of reconciliation with Texas, which, affecting the domestic institutions of Texas, would operate most injuriously upon the United States and might most seriously threaten the existence of this happy Union. Nor could it be unacquainted with the fact that although foreign governments might disavow all design to disturb the relations which exist under the Constitution between these States, yet that one, the most powerful amongst them, had not failed to declare its marked and decided hostility to the chief feature in those relations and its purpose on all suitable occasions to urge upon Mexico the adoption of such a course in negotiating with Texas as to produce the obliteration of that feature from her domestic policy as one of the conditions of her recognition by Mexico as an independent state. The Executive was also aware of the fact that formidable associations of persons, the subjects of foreign powers, existed, who were directing their utmost efforts to the accomplishment of this object. To these conclusions it was inevitably brought by the documents now submitted to the Senate. I repeat, the Executive saw Texas in a state of almost hopeless exhaustion, and the question was narrowed down to the simple proposition whether the United States should accept the boon of annexation upon fair and even liberal terms, or, by refusing to do so, force Texas to seek refuge in the arms of some other power, either through a treaty of alliance, offensive and defensive, or the adoption of some other expedient which might virtually make her tributary to such power and dependent upon it for all future time. The Executive has full reason to believe that such would have been the result without its interposition, and that such will be the result in the event either of unnecessary delay in the ratification or of the rejection of the proposed treaty.

In full view, then, of the highest public duty, and as a measure of security against evils incalculably great, the Executive has entered into the negotiation, the fruits of which are now submitted to the Senate. Independent of the urgent reasons which existed for the step it has taken, it might safely invoke the fact (which it confidently believes) that there exists no civilized government on earth having a voluntary tender made it of a domain so rich and fertile, so replete with all that can add to national greatness and wealth, and so necessary to its peace and safety that would reject the offer. Nor are other powers, Mexico inclusive, likely in any degree to be injuriously affected by the ratification of the treaty. The prosperity of Texas will be equally interesting to all; in the increase of the general commerce of the world that prosperity will be secured by annexation.

But one view of the subject remains to be presented. It grows out of the proposed enlargement of our territory. From this, I am free to confess, I see no danger. The federative system is susceptible of the greatest extension compatible with the ability of the representation of the most

distant State or Territory to reach the seat of Government in time to participate in the functions of legislation and to make known the wants of the constituent body. Our confederated Republic consisted originally of thirteen members. It now consists of twice that number, while applications are before Congress to permit other additions. This addition of new States has served to strengthen rather than to weaken the Union. New interests have sprung up, which require the united power of all, through the action of the common Government, to protect and defend upon the high seas and in foreign parts. Each State commits with perfect security to that common Government those great interests growing out of our relations with other nations of the world, and which equally involve the good of all the States. Its domestic concerns are left to its own exclusive management. But if there were any force in the objection it would seem to require an immediate abandonment of territorial possessions which lie in the distance and stretch to a far-off sea, and yet no one would be found, it is believed, ready to recommend such an abandonment. Texas lies at our very doors and in our immediate vicinity.

Under every view which I have been able to take of the subject, I think that the interests of our common constituents, the people of all the States, and a love of the Union left the Executive no other alternative than to negotiate the treaty. The high and solemn duty of ratifying or rejecting it is wisely devolved on the Senate by the Constitution of the United States.

JOHN TYLER.

WASHINGTON, *April 22, 1844.*

To the Senate of the United States:

I transmit herewith an additional article to the treaty of extradition lately concluded between the Governments of France and the United States, for your approval and ratification. The reason upon which it is founded is explained on the face of the article and in the letter from Mr. Pageot which accompanies this communication.

JOHN TYLER.

WASHINGTON, *April 26, 1844.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 22d instant, requesting the President to communicate to that body any communication, papers, or maps in possession of this Government specifying the southern, southwestern, and western boundaries of Texas, I transmit a map of Texas and the countries adjacent, compiled in the Bureau of Topographical Engineers, under the direction of Colonel J. J. Abert, by Lieutenant U. E. Emory, of that Corps, and also a memoir upon the subject by the same officer.

JOHN TYLER.

To the Senate of the United States:

In my annual message at the commencement of the present session of Congress I informed the two Houses that instructions had been given by the Executive to the United States envoy at Berlin to negotiate a commercial treaty with the States composing the Germanic Customs Union for a reduction of the duties on tobacco and other agricultural productions of the United States, in exchange for concessions on our part in relation to certain articles of export the product of the skill and industry of those countries. I now transmit a treaty which proposes to carry into effect the views and intentions thus previously expressed and declared, accompanied by two dispatches from Mr. Wheaton, our minister at Berlin. This is believed to be the first instance in which the attempt has proved successful to obtain a reduction of the heavy and onerous duties to which American tobacco is subject in foreign markets, and, taken in connection with the greatly reduced duties on rice and lard and the free introduction of raw cotton, for which the treaty provides, I can not but anticipate from its ratification important benefits to the great agricultural, commercial, and navigating interests of the United States. The concessions on our part relate to articles which are believed not to enter injuriously into competition with the manufacturing interest of the United States, while a country of great extent and embracing a population of 28,000,000 human beings will more thoroughly than heretofore be thrown open to the commercial enterprise of our fellow-citizens.

Inasmuch as the provisions of the treaty come to some extent in conflict with existing laws, it is my intention, should it receive your approval and ratification, to communicate a copy of it to the House of Representatives, in order that that House may take such action upon it as it may deem necessary to give efficiency to its provisions.

APRIL 29, 1844.

JOHN TYLER.

WASHINGTON, *April 29, 1844.*

To the Senate of the United States:

I herewith transmit to the Senate, with reference to my message of the 22d instant, the copy of a recent correspondence* between the Department of State and the minister of Her Britannic Majesty in this country.

JOHN TYLER.

WASHINGTON, *April 29, 1844.*

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of War, prepared in compliance with the request contained in a resolution of the 10th instant.†

JOHN TYLER.

* With reference to the annexation of Texas.

† Proceedings under act of March 3, 1843, for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin.

WASHINGTON, *May 1, 1844.*

To the Senate of the United States:

I transmit herewith a dispatch from the British minister, addressed to the Secretary of State, bearing date the 30th April, in reply to the letter of the Secretary of State of the 27th April, which has already been communicated to the Senate, having relation to the Texas treaty.

JOHN TYLER.

WASHINGTON, *May 3, 1844.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 29th ultimo, requesting a copy of additional papers upon the subject of the relations between the United States and the Republic of Texas, I transmit a report from the Secretary of State and the documents by which it was accompanied.

JOHN TYLER.

WASHINGTON, *May 6, 1844.*

To the Senate of the United States:

I herewith transmit the accompanying correspondence, relating to the treaty recently concluded by the minister of the United States at Berlin with the States comprising the Zollverein.

JOHN TYLER.

WASHINGTON, *May 6, 1844.*

To the House of Representatives:

I transmit to the House of Representatives a report* of the Secretary of War, prepared as requested by the resolution of the House of the 18th of January last.

JOHN TYLER.

WASHINGTON, *May 6, 1844.*

To the House of Representatives:

I transmit herewith a report and accompanying documents from the Secretary of War, containing all the information that can be now furnished by that Department, in answer to the resolution of the House of Representatives of the 18th of January, respecting the allowance of claims previously rejected.

JOHN TYLER.

WASHINGTON, *May 7, 1844.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a postal convention between the United States and the Republic of New Granada, signed in the city of Bogota on the 6th of March last.

* Transmitting lists of persons employed by the War Department since March 4, 1837, without express authority of law, etc.

In order that the Senate may better understand the objects of the convention and the motives which have made those objects desirable on the part of the United States, I also transmit a copy of a correspondence between the Department of State and the chairman of the Committee on Commerce in the Senate, and between the same Department and Mr. Blackford, the chargé d'affaires of the United States at Bogota, who concluded the convention on the part of this Government.

JOHN TYLER.

WASHINGTON, *May 10, 1844.*

To the Senate of the United States:

I deem it proper to transmit the accompanying dispatch, recently received from the United States envoy at London, having reference to the treaty now before the Senate lately negotiated by Mr. Wheaton, our envoy at Berlin, with the Zollverein.

I will not withhold the expression of my full assent to the views expressed by Mr. Everett in his conference with Lord Aberdeen.

JOHN TYLER.

WASHINGTON, *May 10, 1844.*

To the House of Representatives:

I communicate to Congress a letter from the Imam of Muscat and a translation of it, together with sundry other papers, by which it will be perceived that His Highness has been pleased again to offer to the United States a present of Arabian horses. These animals will be in Washington in a short time, and will be disposed of in such manner as Congress may think proper to direct.

JOHN TYLER.

WASHINGTON, *May 11, 1844.*

To the Senate of the United States:

I herewith communicate to the Senate, for its consideration, two conventions concluded by the minister of the United States at Berlin—the one with the Kingdom of Wurtemberg, dated on the 10th day of April, and the other with the Grand Duchy of Hesse, dated on the 26th day of March, 1844—for the mutual abolition of the *droit d'aubaine* and the *droit de detraction* between those Governments and the United States, and I communicate with the conventions copies of the correspondence necessary to explain the reasons for concluding them.

JOHN TYLER.

WASHINGTON, *May 15, 1844.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 13th instant, requesting to be informed "whether, since the commencement of the negotiations

which resulted in the treaty now before the Senate for the annexation of Texas to the United States, any military preparation has been made or ordered by the President for or in anticipation of war, and, if so, for what cause, and with whom was such war apprehended, and what are the preparations that have been made or ordered; has any movement or assemblage or disposition of any of the military or naval forces of the United States been made or ordered with a view to such hostilities; and to communicate to the Senate copies of all orders or directions given for any such preparation or for any such movement or disposition or for the future conduct of such military or naval forces," I have to inform the Senate that, in consequence of the declaration of Mexico communicated to this Government and by me laid before Congress at the opening of its present session, announcing the determination of Mexico to regard as a declaration of war against her by the United States the definitive ratification of any treaty with Texas annexing the territory of that Republic to the United States, and the hope and belief entertained by the Executive that the treaty with Texas for that purpose would be speedily approved and ratified by the Senate, it was regarded by the Executive to have become emphatically its duty to concentrate in the Gulf of Mexico and its vicinity, as a precautionary measure, as large a portion of the home squadron, under the command of Captain Conner, as could well be drawn together, and at the same time to assemble at Fort Jesup, on the borders of Texas, as large a military force as the demands of the service at other encampments would authorize to be detached. For the number of ships already in the Gulf and the waters contiguous thereto and such as are placed under orders for that destination, and of troops now assembled upon the frontier, I refer you to the accompanying reports from the Secretaries of the War and Navy Departments. It will also be perceived by the Senate, by referring to the orders of the Navy Department which are herewith transmitted, that the naval officer in command of the fleet is directed to cause his ships to perform all the duties of a fleet of observation and to apprise the Executive of any indication of a hostile design upon Texas on the part of any nation pending the deliberations of the Senate upon the treaty, with a view that the same should promptly be submitted to Congress for its mature deliberation. At the same time, it is due to myself that I should declare it as my opinion that the United States having by the treaty of annexation acquired a title to Texas which requires only the action of the Senate to perfect it, no other power could be permitted to invade and by force of arms to possess itself of any portion of the territory of Texas pending your deliberations upon the treaty without placing itself in an hostile attitude to the United States and justifying the employment of any military means at our disposal to drive back the invasion. At the same time, it is my opinion that Mexico or any other power will find in your approval of the treaty no just cause of war against the United States, nor do I believe that there is any serious

hazard of war to be found in the fact of such approval. Nevertheless, every proper measure will be resorted to by the Executive to preserve upon an honorable and just basis the public peace by reconciling Mexico, through a liberal course of policy, to the treaty.

JOHN TYLER.

WASHINGTON, *May 15, 1844.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 13th instant, requesting to be informed "whether a messenger has been sent to Mexico with a view to obtain her consent to the treaty with Texas, and, if so, to communicate to the Senate a copy of the dispatches of which he is bearer and a copy of the instructions given to said messenger; and also to inform the Senate within what time said messenger is expected to return," I have to say that no messenger has been sent to Mexico in order to obtain her assent to the treaty with Texas, it not being regarded by the Executive as in any degree requisite to obtain such consent in order (should the Senate ratify the treaty) to perfect the title of the United States to the territory thus acquired, the title to the same being full and perfect without the assent of any third power. The Executive has negotiated with Texas as an independent power of the world, long since recognized as such by the United States and other powers, and as subordinate in all her rights of full sovereignty to no other power. A messenger has been dispatched to our minister at Mexico as bearer of the dispatch already communicated to the Senate, and which is to be found in the letter addressed to Mr. Green, and forms a part of the documents ordered confidentially to be printed for the use of the Senate. That dispatch was dictated by a desire to preserve the peace of the two countries by denying to Mexico all pretext for assuming a belligerent attitude to the United States, as she had threatened to do, in the event of the annexation of Texas to the United States, by the dispatch of her Government which was communicated by me to Congress at the opening of its present session. The messenger is expected to return before the 15th of June next, but he may be detained to a later day. The recently appointed envoy from the United States to Mexico will be sent so soon as the final action is had on the question of annexation, at which time, and not before, can his instructions be understandingly prepared.

JOHN TYLER.

WASHINGTON, *May 16, 1844.*

To the Senate of the United States:

In my message communicating the treaty with Texas I expressed the opinion that if Texas was not now annexed it was probable that the opportunity of annexing it to the United States would be lost forever. Since then the subject has been much agitated, and if an opinion may be formed

of the chief ground of the opposition to the treaty, it is not that Texas ought not at some time or other to be annexed, but that the present is not the proper time. It becomes, therefore, important, in this view of the subject, and is alike due to the Senate and the country, that I should furnish any papers in my possession which may be calculated to impress the Senate with the correctness of the opinion thus expressed by me. With this view I herewith transmit a report from the Secretary of State, accompanied by various communications on the subject. These communications are from private sources, and it is to be remarked that a resort must in all such cases be had chiefly to private sources of information, since it is not to be expected that any government, more especially if situated as Texas is, would be inclined to develop to the world its ulterior line of policy.

Among the extracts is one from a letter from General Houston to General Andrew Jackson, to which I particularly invite your attention, and another from General Jackson to a gentleman of high respectability, now of this place. Considering that General Jackson was placed in a situation to hold the freest and fullest interview with Mr. Miller, the private and confidential secretary of President Houston, who, President Houston informed General Jackson, "knows all his actions and understands all his motives," and who was authorized to communicate to General Jackson the views of the policy entertained by the President of Texas, as well applicable to the present as the future; ~~that the~~ declaration made by General Jackson in his letter "that the present golden moment to obtain Texas must not be lost, or Texas might from necessity be thrown into the arms of England and be forever lost to the United States," was made with a full knowledge of all circumstances, and ought to be received as conclusive of what will be the course of Texas should the present treaty fail—from this high source, sustained, if it requires to be sustained, by the accompanying communications, I entertain not the least doubt that if annexation should now fail it will in all human probability fail forever. Indeed, I have strong reasons to believe that instructions have already been given by the Texan Government to propose to the Government of Great Britain, forthwith on the failure, to enter into a treaty of commerce and an alliance offensive and defensive.

JOHN TYLER.

WASHINGTON, *May 17, 1844.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 13th instant, relating to a supposed armistice between the Republics of Mexico and Texas, I transmit a report from the Secretary of State and the papers by which it was accompanied.

JOHN TYLER.

WASHINGTON, May 18, 1844.

To the Senate of the United States:

In answer to the resolution of the Senate of the 29th ultimo, upon the subject of unpublished correspondence in regard to the purchase of or title to Texas, I transmit a report from the Secretary of State and the documents by which it was accompanied.

JOHN TYLER.

WASHINGTON, May 18, 1844.

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 3d of January last, requesting the President of the United States "to cause to be communicated to that House copies of all the instructions given to the commanding officers of the squadron stipulated by the treaty with Great Britain of 9th of August, 1842, to be kept on the coast of Africa for the suppression of the slave trade," and also copies of the "instructions given by the British Government to their squadron stipulated by the same, if such instructions have been communicated to this Government," I have to inform the House of Representatives that in my opinion it would be incompatible with the public interests to communicate to that body at this time copies of the instructions referred to.

JOHN TYLER.

WASHINGTON, May 20, 1844.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 22d ultimo, I communicate a report* from the Secretary of State, which embraces the information called for by said resolution.

JOHN TYLER.

WASHINGTON, May 20, 1844.

To the House of Representatives:

I herewith transmit a letter from the Secretary of the Navy, accompanied by a report from the Bureau of Construction and Equipment and a communication from Lieutenant Hunter, of the Navy, prepared at the request of the Secretary, upon the subject of a plan for the establishment in connection with the Government of France of a line of steamers between the ports of Havre and New York, with estimates of the expense which may be necessary to carry the said plan into effect.

JOHN TYLER.

WASHINGTON, May 23, 1844.

To the Senate of the United States:

Your resolution of the 18th instant, adopted in *executive* session, addressed to the Secretary of the Treasury *ad interim*, has been commu-

* Relating to indemnity from Denmark for three ships and their cargoes sent by Commodore John Paul Jones in 1779 as prizes into Bergen, and there surrendered by order of the Danish King to the British minister, in obedience to the demand of that minister.

nicated to me by that officer. While I can not recognize this call thus made on the head of a Department as consistent with the constitutional rights of the Senate when acting in its executive capacity, which in such case can only properly hold correspondence with the President of the United States, nevertheless, from an anxious desire to lay before the Senate all such information as may be necessary to enable it with full understanding to act upon any subject which may be before it, I herewith transmit communications* which have been made to me by the Secretaries of the War and Navy Departments, in full answer to the resolution of the Senate.

JOHN TYLER.

WASHINGTON CITY, D. C., *May 24, 1844.*

To the House of Representatives of the United States:

I transmit herewith a report† from the Secretary of the Navy, in compliance with the resolution of the House of Representatives of the 18th of January last.

JOHN TYLER.

WASHINGTON, *May 31, 1844.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 22d instant, requesting information in regard to any promise by the President of military or other aid to Texas in the event of an agreement on the part of that Republic to annex herself to the United States, I transmit a report from the Secretary of State and the documents by which it was accompanied.

In my message to the Senate of the 15th of this month I adverted to the duty which, in my judgment, the signature of the treaty for the annexation of Texas had imposed upon me, to repel any invasion of that country by a foreign power while the treaty was under consideration by the Senate, and I transmitted reports from the Secretaries of War and of the Navy, with a copy of the orders which had been issued from those Departments for the purpose of enabling me to execute that duty. In those orders General Taylor was directed to communicate directly with the President of Texas upon the subject, and Captain Conner was instructed to communicate with the chargé d'affaires of the United States accredited to that Government. No copy of any communication which either of those officers may have made pursuant to those orders has yet been received at the Departments from which they emanated.

JOHN TYLER.

*Relating to money drawn from the Treasury to carry into effect orders of the War and Navy Departments made since April 12, 1844, for stationing troops or increasing the military force upon the frontiers of Texas and the Gulf of Mexico and for placing a naval force in the Gulf of Mexico, etc.

† Transmitting list of persons employed by the Navy Department without express authority of law from March 4, 1837, to January 18, 1844, etc.

WASHINGTON, *June 1, 1844.**To the Senate of the United States:*

I transmit herewith to the Senate a copy of a letter dated the 25th of August, 1829, addressed by Mr. Van Buren, Secretary of State, to Mr. Poinsett, envoy extraordinary and minister plenipotentiary of the United States to Mexico, which letter contains, it is presumed, the instructions a copy of which was requested by the resolution of the Senate of the 28th ultimo in executive session.

JOHN TYLER.

WASHINGTON, *June 3, 1844.**To the Senate of the United States:*

In answer to the resolution of the Senate of the 28th ultimo, upon the subject of a "private letter" quoted in the instruction from the late Mr. Upshur to the chargé d'affaires of the United States in Texas, dated the 8th of August last, I transmit a report from the Secretary of State, to whom the resolution was referred.

JOHN TYLER.

WASHINGTON, *June 4, 1844.**To the Senate of the United States:*

In answer to the resolution of the Senate of yesterday in executive session, requesting a copy of a note supposed to have been addressed to the Secretary of State by the diplomatic agents of the Republic of Texas accredited to this Government, I transmit a report from the Secretary of State, to whom the resolution was referred.

JOHN TYLER.

WASHINGTON, *June 5, 1844.**To the Senate of the United States:*

I herewith transmit to the Senate, with reference to previous Executive communications to that body relating to the same subject, the copy of a letter* recently received at the Department of State from the minister of the United States in London.

JOHN TYLER.

WASHINGTON, *June 7, 1844.**To the House of Representatives of the United States:*

I herewith transmit to the House of Representatives the copy of a letter recently addressed to the Secretary of State by the British minister at Washington, with the view of ascertaining "whether it would be agreeable to this Government that an arrangement should be concluded for the transmission through the United States of the mails to and from

* Relating to the treaty of annexation with Texas.—

Canada and England, which are now landed at Halifax and thence forwarded through the British dominions to their destination.”

It will be perceived that this communication has been referred to the Postmaster-General, and his opinion respecting the proposition will accordingly be found in his letter to the Department of State of the 5th instant, a copy of which is inclosed. I lose no time in recommending the subject to the favorable consideration of the House and in bespeaking for it early attention.

JOHN TYLER.

To the House of Representatives:

WASHINGTON, *June 8, 1844.*

In compliance with a resolution of the House of Representatives of the 29th of April last, I communicate to that body a report* from the Secretary of State, which embraces the information called for by that resolution.

JOHN TYLER.

WASHINGTON, *June 10, 1844.*

To the House of Representatives of the United States:

The treaty negotiated by the Executive with the Republic of Texas, without a departure from any form of proceeding customarily observed in the negotiations of treaties for the annexation of that Republic to the United States, having been rejected by the Senate, and the subject having excited on the part of the people no ordinary degree of interest, I feel it to be my duty to communicate, for your consideration, the rejected treaty, together with all the correspondence and documents which have heretofore been submitted to the Senate in its executive sessions. The papers communicated embrace not only the series already made public by orders of the Senate, but others from which the veil of secrecy has not been removed by that body, but which I deem to be essential to a just appreciation of the entire question. While the treaty was pending before the Senate I did not consider it compatible with the just rights of that body or consistent with the respect entertained for it to bring this important subject before you. The power of Congress is, however, fully competent in some other form of proceeding to accomplish everything that a formal ratification of the treaty could have accomplished, and I therefore feel that I should but imperfectly discharge my duty to yourselves or the country if I failed to lay before you everything in the possession of the Executive which would enable you to act with full light on the subject if you should deem it proper to take any action upon it.

I regard the question involved in these proceedings as one of vast magnitude and as addressing itself to interests of an elevated and enduring character. A Republic coterminous in territory with our own, of

* Transmitting correspondence from 1816 to 1820, inclusive, between United States ministers to Spain and the Department of State, between those ministers and Spanish secretaries of state, and between the Department of State and the Spanish ministers accredited to the United States.

immense resources, which require only to be brought under the influence of our confederate and free system in order to be fully developed, promising at no distant day, through the fertility of its soil, nearly, if not entirely, to duplicate the exports of the country, thereby making an addition to the carrying trade to an amount almost incalculable and giving a new impulse of immense importance to the commercial, manufacturing, agricultural, and shipping interests of the Union, and at the same time affording protection to an exposed frontier and placing the whole country in a condition of security and repose; a territory settled mostly by emigrants from the United States, who would bring back with them in the act of reassociation an unconquerable love of freedom and an ardent attachment to our free institutions—such a question could not fail to interest most deeply in its success those who under the Constitution have become responsible for the faithful administration of public affairs. I have regarded it as not a little fortunate that the question involved was no way sectional or local, but addressed itself to the interests of every part of the country and made its appeal to the glory of the American name.

It is due to the occasion to say that I have carefully reconsidered the objections which have been urged to immediate action upon the subject without in any degree having been struck by their force. It has been objected that the measure of annexation should be preceded by the consent of Mexico. To preserve the most friendly relations with Mexico; to concede to her, not grudgingly, but freely, all her rights; to negotiate fairly and frankly with her as to the question of boundary; to render her, in a word, the fullest and most ample recompense for any loss she might convince us she had sustained, fully accords with the feelings and views the Executive has always entertained.

But negotiation in advance of annexation would prove not only abortive, but might be regarded as offensive to Mexico and insulting to Texas. Mexico would not, I am persuaded, give ear for a moment to an attempt at negotiation in advance except for the whole territory of Texas. While all the world beside regards Texas as an independent power, Mexico chooses to look upon her as a revolted province. Nor could we negotiate with Mexico for Texas without admitting that our recognition of her independence was fraudulent, delusive, or void. It is only after acquiring Texas that the question of boundary can arise between the United States and Mexico—a question purposely left open for negotiation with Mexico as affording the best opportunity for the most friendly and pacific arrangements. The Executive has dealt with Texas as a power independent of all others, both *de facto* and *de jure*. She was an independent State of the Confederation of Mexican Republics. When by violent revolution Mexico declared the Confederation at an end, Texas owed her no longer allegiance, but claimed and has maintained the right for eight years to a separate and distinct position. During

that period no army has invaded her with a view to her reconquest; and if she has not yet established her right to be treated as a nation independent *de facto* and *de jure*, it would be difficult to say at what period she will attain to that condition.

Nor can we by any fair or any legitimate inference be accused of violating any treaty stipulations with Mexico. The treaties with Mexico give no guaranty of any sort and are coexistent with a similar treaty with Texas. So have we treaties with most of the nations of the earth which are equally as much violated by the annexation of Texas to the United States as would be our treaty with Mexico. The treaty is merely commercial and intended as the instrument for more accurately defining the rights and securing the interests of the citizens of each country. What bad faith can be implied or charged upon the Government of the United States for successfully negotiating with an independent power upon any subject not violating the stipulations of such treaty I confess my inability to discern.

The objections which have been taken to the enlargement of our territory were urged with much zeal against the acquisition of Louisiana, and yet the futility of such has long since been fully demonstrated. Since that period a new power has been introduced into the affairs of the world, which has for all practical purposes brought Texas much nearer to the seat of Government than Louisiana was at the time of its annexation. Distant regions are by the application of the steam engine brought within a close proximity.

With the views which I entertain on the subject, I should prove faithless to the high trust which the Constitution has devolved upon me if I neglected to invite the attention of the representatives of the people to it at the earliest moment that a due respect for the Senate would allow me so to do. I should find in the urgency of the matter a sufficient apology, if one was wanting, since annexation is to encounter a great, if not certain, hazard of final defeat if something be not *now* done to prevent it. Upon this point I can not too impressively invite your attention to my message of the 16th of May and to the documents which accompany it, which have not heretofore been made public. If it be objected that the names of the writers of some of the private letters are withheld, all that I can say is that it is done for reasons regarded as altogether adequate, and that the writers are persons of the first respectability and citizens of Texas, and have such means of obtaining information as to entitle their statements to full credit. Nor has anything occurred to weaken, but, on the contrary, much to confirm, my confidence in the statements of General Jackson, and my own statement, made at the close of that message, in the belief, amounting almost to certainty, "that instructions have already been given by the Texan Government to propose to the Government of Great Britain, forthwith on the failure [of the treaty], to enter into a treaty of commerce and an alliance offensive and defensive."

I also particularly invite your attention to the letter from Mr. Everett, our envoy at London, containing an account of a conversation in the House of Lords which lately occurred between Lord Brougham and Lord Aberdeen in relation to the question of annexation. Nor can I do so without the expression of some surprise at the language of the minister of foreign affairs employed upon the occasion. That a Kingdom which is made what it now is by repeated acts of annexation—beginning with the time of the heptarchy and concluding with the annexation of the Kingdoms of Ireland and Scotland—should perceive any principle either novel or serious in the late proceedings of the American Executive in regard to Texas is well calculated to excite surprise. If it be pretended that because of commercial or political relations which may exist between the two countries neither has a right to part with its sovereignty, and that no third power can change those relations by a voluntary treaty of union or annexation, then it would seem to follow that an annexation to be achieved by force of arms in the prosecution of a just and necessary war could in no way be justified; and yet it is presumed that Great Britain would be the last nation in the world to maintain any such doctrine. The commercial and political relations of many of the countries of Europe have undergone repeated changes by voluntary treaties, by conquest, and by partitions of their territories without any question as to the right under the public law. The question, in this view of it; can be considered as neither “serious” nor “novel.” I will not permit myself to believe that the British minister designed to bring himself to any such conclusion, but it is impossible for us to be blind to the fact that the statements contained in Mr. Everett’s dispatch are well worthy of serious consideration. The Government and people of the United States have never evinced nor do they feel any desire to interfere in public questions not affecting the relations existing between the States of the American continent. We leave the European powers exclusive control over matters affecting their continent and the relations of their different States; the United States claim a similar exemption from any such interference on their part. The treaty with Texas was negotiated from considerations of high public policy, influencing the conduct of the two Republics. We have treated with Texas as an independent power solely with a view of bettering the condition of the two countries. If annexation in any form occur, it will arise from the free and unfettered action of the people of the two countries; and it seems altogether becoming in me to say that the honor of the country, the dignity of the American name, and the permanent interests of the United States would forbid acquiescence in any such interference. No one can more highly appreciate the value of peace to both Great Britain and the United States and the capacity of each to do injury to the other than myself, but peace can best be preserved by maintaining firmly the rights which belong to us as an independent community.

So much have I considered it proper for me to say; and it becomes me only to add that while I have regarded the annexation to be accomplished by treaty as the most suitable form in which it could be effected, should Congress deem it proper to resort to any other expedient compatible with the Constitution and likely to accomplish the object I stand prepared to yield my most prompt and active cooperation.

The great question is not as to the manner in which it shall be done, but whether it shall be accomplished or not.

The responsibility of deciding this question is now devolved upon you.

JOHN TYLER.

WASHINGTON, *June 10, 1844.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 7th instant, upon the subject of the supposed employment of Mr. Duff Green in Europe by the Executive of the United States, I transmit a report from the Secretary of State, to whom the resolution was referred.

JOHN TYLER.

WASHINGTON, *June 12, 1844.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 4th instant, calling for a correspondence* between the late minister of the United States in Mexico and the minister for foreign affairs of that Republic, I transmit a report from the Secretary of State and the documents by which it was accompanied.

JOHN TYLER.

WASHINGTON, *June, 1844.*

To the Senate of the United States:

The resolution of the Senate of the 3d instant, requesting the President to lay before that body, confidentially, "a copy of any instructions which may have been given by the Executive to the American minister in England on the subject of the title to and occupation of the Territory of Oregon since the 4th of March, 1841; also a copy of any correspondence which may have passed between this Government and that of Great Britain in relation to the subject since that time," has been received.

In reply I have to state that in the present state of the subject-matter to which the resolution refers it is deemed inexpedient to communicate the information requested by the Senate.

JOHN TYLER.

* On the subject of an order issued by the Mexican Government expelling all natives of the United States from Upper California and other departments of the Mexican Republic, and of the order prohibiting foreigners the privilege of the retail trade in Mexico.

WASHINGTON, *June 15, 1844.**To the House of Representatives of the United States:*

I herewith transmit to the House of Representatives, in answer to their resolution of the 4th instant, a report from the Secretary of State, with the correspondence * therein referred to.

JOHN TYLER.

WASHINGTON, *June 17, 1844.*

The PRESIDENT OF THE SENATE:

I transmit herewith a report from the Secretary of State, in answer to a resolution of the 12th instant. Although the contingent fund for foreign intercourse has for all time been placed at the disposal of the President, to be expended for the purposes contemplated by the fund without any requisition upon him for a disclosure of the names of persons employed by him, the objects of their employment, or the amount paid to any particular person, and although any such disclosures might in many cases disappoint the objects contemplated by the appropriation of that fund, yet in this particular instance I feel no desire to withhold the fact that Mr. Duff Green was employed by the Executive to collect such information, from private ~~or~~ other sources, as was deemed important to assist the Executive in undertaking a negotiation then contemplated, but afterwards abandoned, upon an important subject, and that there was paid to him through the hands of the Secretary of State \$1,000, in full for all such service. It is proper to say that Mr. Green afterwards presented a claim for an additional allowance, which has been neither allowed nor recognized as correct.

JOHN TYLER.

WASHINGTON, *June 17, 1844.**To the Senate:*

I have learned that the Senate has laid on the table the nomination, heretofore made, of Reuben H. Walworth to be an associate justice of the Supreme Court, in the place of Smith Thompson, deceased. I am informed that a large amount of business has accumulated in the second district, and that the immediate appointment of a judge for that circuit is essential to the administration of justice. Under these circumstances I feel it my duty to withdraw the name of Mr. Walworth, whose appointment the Senate by their action seems not now prepared to confirm, in the hope that another name may be more acceptable.

The circumstances under which the Senate heretofore declined to advise and consent to the nomination of John C. Spencer have so far changed as to justify me in my again submitting his name to their consideration.

I therefore nominate John C. Spencer, of New York, to be appointed an associate justice of the Supreme Court, in the place of Smith Thompson, deceased.

JOHN TYLER.

* With Great Britain relative to the duties exacted by that Government on rough rice exported from the United States, contrary to the treaty of 1815.

VETO MESSAGES.*

WASHINGTON, December 18, 1843.

To the House of Representatives:

I received within a few hours of the adjournment of the last Congress a resolution "directing payment of the certificates or awards issued by the commissioners under the treaty with the Cherokee Indians." Its provisions involved principles of great importance, in reference to which it required more time to obtain the necessary information than was allowed.

The balance of the fund provided by Congress for satisfying claims under the seventeenth article of the Cherokee treaty, referred to in the resolution, is wholly insufficient to meet the claims still pending. To direct the payment, therefore, of the whole amount of those claims which happened to be first adjudicated would prevent a ratable distribution of the fund among those equally entitled to its benefits. Such a violation of the individual rights of the claimants would impose upon the Government the obligation of making further appropriations to indemnify them, and thus Congress would be obliged to enlarge a provision, liberal and equitable, which it had made for the satisfaction of all the demands of the Cherokees. I was unwilling to sanction a measure which would thus indirectly overturn the adjustment of our differences with the Cherokees, accomplished with so much difficulty, and to which time is reconciling those Indians.

If no such indemnity should be provided, then a palpable and very gross wrong would be inflicted upon the claimants who had not been so fortunate as to have their claims taken up in preference to others. Besides, the fund having been appropriated by law to a specific purpose, in fulfillment of the treaty, it belongs to the Cherokees, and the authority of this Government to direct its application to particular claims is more than questionable.

The direction in the joint resolution, therefore, to pay the awards of the commissioners to the amount of \$100,000 seemed to me quite objectionable, and could not be approved.

The further direction that the certificates required to be issued by the treaty, and in conformity with the practice of the board heretofore, shall be proper and sufficient vouchers, upon which payments shall be made at the Treasury, is a departure from the system established soon after the adoption of the Constitution and maintained ever since. That system requires that payments under the authority of any Department shall be made upon its requisition, countersigned by the proper Auditor and Comptroller. The greatest irregularity would ensue from the mode of payment prescribed by the resolution.

* The first is a pocket veto.

I have deemed it respectful and proper to lay before the House of Representatives these reasons for having withheld my approval of the above-mentioned joint resolution.

JOHN TYLER.

WASHINGTON, June 11, 1844.

To the House of Representatives of the United States:

I return to the House of Representatives, in which it originated, the bill entitled "An act making appropriations for the improvement of certain harbors and rivers," with the following objections to its becoming a law:

At the adoption of the Constitution each State was possessed of a separate and independent sovereignty and an exclusive jurisdiction over all streams and water courses within its territorial limits. The Articles of Confederation in no way affected this authority or jurisdiction, and the present Constitution, adopted for the purpose of correcting the defects which existed in the original Articles, expressly reserves to the States all powers not delegated. No such surrender of jurisdiction is made by the States to this Government by any express grant, and if it is possessed it is to be deduced from the clause ~~in~~ the Constitution which invests Congress with authority "to make all laws which are necessary and proper for carrying into execution" the granted powers. There is, in my view of the subject, no pretense whatever for the claim to power which the bill now returned substantially sets up. The inferential power, in order to be legitimate, must be clearly and plainly incidental to some granted power and necessary to its exercise. To refer it to the head of convenience or usefulness would be to throw open the door to a boundless and unlimited discretion and to invest Congress with an unrestrained authority. The power to remove obstructions from the water courses of the States is claimed under the granted power "to regulate commerce with foreign nations, *among the several States*, and with the Indian tribes;" but the plain and obvious meaning of this grant is that Congress may adopt rules and regulations prescribing the terms and conditions on which the citizens of the United States may carry on commercial operations with foreign states or kingdoms, and on which the citizens or subjects of foreign states or kingdoms may prosecute trade with the United States or either of them. And so the power to regulate commerce *among the several States* no more invests Congress with jurisdiction over the water courses of the States than the first branch of the grant does over the water courses of foreign powers, which would be an absurdity.

The right of common use of the people of the United States to the navigable waters of each and every State arises from the express stipulation contained in the Constitution that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." While, therefore, the navigation of any river in any State is by the laws of such State allowed to the citizens thereof, the same is also secured by the Constitution of the United States on the same terms

and conditions to the citizens of every other State; and so of any other privilege or immunity.

The application of the revenue of this Government, if the power to do so was admitted, to improving the navigation of the rivers by removing obstructions or otherwise would be for the most part productive only of local benefit. The consequences might prove disastrously ruinous to as many of our fellow-citizens as the exercise of such power would benefit. I will take one instance furnished by the present bill—out of no invidious feeling, for such it would be impossible for me to feel, but because of my greater familiarity with locations—in illustration of the above opinion: Twenty thousand dollars are proposed to be appropriated toward improving the harbor of Richmond, in the State of Virginia. Such improvement would furnish advantages to the city of Richmond and add to the value of the property of its citizens, while it might have a most disastrous influence over the wealth and prosperity of Petersburg, which is situated some 25 miles distant on a branch of James River, and which now enjoys its fair portion of the trade. So, too, the improvement of James River to Richmond and of the Appomattox to Petersburg might, by inviting the trade to those two towns, have the effect of prostrating the town of Norfolk. This, too, might be accomplished without adding a single vessel to the number now engaged in the trade of the Chesapeake Bay or bringing into the Treasury a dollar of additional revenue. It would produce, most probably, the single effect of concentrating the commerce now profitably enjoyed by three places upon one of them. This case furnishes an apt illustration of the effect of this bill in several other particulars.—

There can not, in fact, be drawn the slightest discrimination between the improving the streams of a State under the power to regulate commerce and the most extended system of internal improvements on land. The excavating a canal and paving a road are equally as much incidents to such claim of power as the removing obstructions from water courses; nor can such power be restricted by any fair course of reasoning to the mere fact of making the improvement. It reasonably extends also to the right of seeking a return of the means expended through the exaction of tolls and the levying of contributions. Thus, while the Constitution denies to this Government the privilege of acquiring a property in the soil of any State, even for the purpose of erecting a necessary fortification, without a grant from such State, this claim to power would invest it with control and dominion over the waters and soil of each State without restriction. Power so incongruous can not exist in the same instrument.

The bill is also liable to a serious objection because of its blending appropriations for numerous objects but few of which agree in their general features. This necessarily produces the effect of embarrassing Executive action. Some of the appropriations would receive my sanction if separated from the rest, however much I might deplore the reproduction of a system which for some time past has been permitted to sleep with apparently the acquiescence of the country. I might particularize the Delaware Breakwater as an improvement which looks to the security

from the storms of our extended Atlantic seaboard of the vessels of all the country engaged either in the foreign or the coastwise trade, as well as to the safety of the revenue; but when, in connection with that, the same bill embraces improvements of rivers at points far in the interior, connected alone with the trade of such river and the exertion of mere local influences, no alternative is left me but to use the qualified veto with which the Executive is invested by the Constitution, and to return the bill to the House in which it originated for its ultimate reconsideration and decision.

In sanctioning a bill of the same title with that returned, for the improvement of the Mississippi and its chief tributaries and certain harbors on the Lakes, if I bring myself apparently in conflict with any of the principles herein asserted it will arise on my part exclusively from the want of a just appreciation of localities. The Mississippi occupies a footing altogether different from the rivers and water courses of the different States. No one State or any number of States can exercise any other jurisdiction over it than for the punishment of crimes and the service of civil process. It belongs to no particular State or States, but of common right, by express reservation, to all the States. It is reserved as a great common highway for the commerce of the whole country. To have conceded to Louisiana, or to any other State admitted as a new State into the Union, the exclusive jurisdiction, and consequently the right to make improvements and to levy tolls on the segments of the river embraced within its territorial limits, would have been to have disappointed the chief object in the purchase of Louisiana, which was to secure the free use of the Mississippi to all the people of the United States. Whether levies on commerce were made by a foreign or domestic government would have been equally burdensome and objectionable. The United States, therefore, is charged with its improvement for the benefit of all, and the appropriation of governmental means to its improvement becomes indispensably necessary for the good of all.

As to the harbors on the Lakes, the act originates no new improvements, but makes appropriations for the continuance of works already begun.

It is as much the duty of the Government to construct good harbors, without reference to the location or interests of cities, for the shelter of the extensive commerce of the Lakes as to build breakwaters on the Atlantic coast for the protection of the trade of that ocean. These great inland seas are visited by destructive storms, and the annual loss of ships and cargoes, and consequently of revenue to the Government, is immense. If, then, there be any work embraced by that act which is not required in order to afford shelter and security to the shipping against the tempests which so often sweep over those great inland seas, but has, on the contrary, originated more in a spirit of speculation and local interest than in one of the character alluded to, the House of

Representatives will regard my approval of the bill more as the result of misinformation than any design to abandon or modify the principles laid down in this message. Every system is liable to run into abuse, and none more so than that under consideration; and measures can not be too soon taken by Congress to guard against this evil.

JOHN TYLER.

EXECUTIVE ORDERS.

CIRCULAR.*

DEPARTMENT OF STATE,

Washington, February 29, 1844.

SIR: It has become my most painful duty to announce to you the sudden and violent death of the Hon. Abel P. Upshur, late Secretary of State of the United States. This afflicting dispensation occurred on the afternoon of yesterday, from the bursting of one of the great guns on board the Government steamship *Princeton*, near Alexandria, on her return from an excursion of pleasure down the river Potomac. By this most unfortunate accident several of our distinguished citizens, amongst whom were the Secretaries of State and of the Navy, were immediately killed, and many other persons mortally wounded or severely injured. It is the wish of the President that the diplomatic and consular agents of the United States, and all other officers connected with the State Department, either at home or abroad, shall wear the usual badge of mourning, in token of their grief and of respect for the memory of Mr. Upshur, during thirty days from the time of receiving this order.

In consequence of this event, the President has been pleased to charge me *ad interim* with the direction of the Department of State, and I have accordingly this day entered upon the duties of this appointment.

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

JNO. NELSON.

GENERAL ORDERS.

WAR DEPARTMENT, *February 29, 1844.*

In the deepest grief the President of the United States has instructed the undersigned to announce to the Army that from the accidental explosion of a gun yesterday on board the United States steamship *Princeton* the country and its Government lost at the same moment the Secretary of State, the Hon. A. P. Upshur, and the Secretary of the Navy, the Hon. T. W. Gilmer.

Called but a few days since to preside over the administration of the War Department, it is peculiarly painful to the undersigned that his first official communication to the Army should be the announcement of a

* Sent to all diplomatic and consular officers of the United States.

calamity depriving the country of the public services of two of our most accomplished statesmen and popular and deeply esteemed fellow-citizens. Their virtues, talents, and patriotic services will ever be retained in the grateful recollection of their countrymen and perpetuated upon the pages of the history of our common country.

Deep as may be the gloom which spreads over the community, it has pleased the Almighty Disposer of Events to add another shade to it by blending in this melancholy catastrophe the deaths of an eminent citizen, Virgil Maxcy, esq., lately chargé d'affaires to Belgium; a gallant and meritorious officer of the Navy, a chief of a bureau, Captain B. Kennon, and a private citizen of New York of high and estimable character, besides others, citizens and sailors, either killed or wounded.

As appropriate honors to the memory of these distinguished Secretaries, half-hour guns will be fired at every military post furnished with the proper ordnance the day after the receipt of this order from sunrise to sunset. The national flag will be displayed at half-staff during the same time. And all officers of the Army will wear for three months the customary badge of mourning.

WM. WILKINS,
Secretary of War.

GENERAL ORDER.

NAVY DEPARTMENT, *February 29, 1844.*

As a mark of respect to the memory of the late Hon. Thomas W. Gilmer, Secretary of the Navy, whose career at his entrance upon the duties of his office, would have been nobly maintained by that ability and vigor of which his whole previous life had been the guaranty, the flags of all vessels in commission, navy-yards, and stations are to be hoisted at half-mast on the day after the receipt of this order, minute guns to the number of seventeen are to be fired between sunrise and sunset, and crape is to be worn on the left arm and upon the sword for the space of three months.

By command of the President:

L. WARRINGTON,
Secretary of the Navy ad interim.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 3, 1844.*

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

We have continued cause for expressing our gratitude to the Supreme Ruler of the Universe for the benefits and blessings which our country, under His kind providence, has enjoyed during the past year. Notwithstanding the exciting scenes through which we have passed, nothing

has occurred to disturb the general peace or to derange the harmony of our political system. The great moral spectacle has been exhibited of a nation approximating in number to 20,000,000 people having performed the high and important function of electing their Chief Magistrate for the term of four years without the commission of any acts of violence or the manifestation of a spirit of insubordination to the laws. The great and inestimable right of suffrage has been exercised by all who were invested with it under the laws of the different States in a spirit dictated alone by a desire, in the selection of the agent, to advance the interests of the country and to place beyond jeopardy the institutions under which it is our happiness to live. That the deepest interest has been manifested by all our countrymen in the result of the election is not less true than highly creditable to them. Vast multitudes have assembled from time to time at various places for the purpose of canvassing the merits and pretensions of those who were presented for their suffrages, but no armed soldiery has been necessary to restrain within proper limits the popular zeal or to prevent violent outbreaks. A principle much more controlling was found in the love of order and obedience to the laws, which, with mere individual exceptions, everywhere possesses the American mind, and controls with an influence far more powerful than hosts of armed men. We can not dwell upon this picture without recognizing in it that deep and devoted attachment on the part of the people to the institutions under which we live which proclaims their perpetuity. The great objection which has always prevailed against the election by the people of their chief executive officer has been the apprehension of tumults and disorders which might involve in ruin the entire Government. A security against this is found not only in the fact before alluded to, but in the additional fact that we live under a Confederacy embracing already twenty-six States, no one of which has power to control the election. The popular vote in each State is taken at the time appointed by the laws, and such vote is announced by the electoral college without reference to the decision of other States. The right of suffrage and the mode of conducting the election are regulated by the laws of each State, and the election is distinctly federative in all its prominent features. Thus it is that, unlike what might be the results under a consolidated system, riotous proceedings, should they prevail, could only affect the elections in single States without disturbing to any dangerous extent the tranquillity of others. The great experiment of a political confederation each member of which is supreme as to all matters appertaining to its local interests and its internal peace and happiness, while by a voluntary compact with others it confides to the united power of all the protection of its citizens in matters not domestic has been so far crowned with complete success. The world has witnessed its rapid growth in wealth and population, and under the guide and direction of a superintending Providence the developments of the past may be regarded but

as the shadowing forth of the mighty future. In the bright prospects of that future we shall find, as patriots and philanthropists, the highest inducements to cultivate and cherish a love of union and to frown down every measure or effort which may be made to alienate the States or the people of the States in sentiment and feeling from each other. A rigid and close adherence to the terms of our political compact and, above all, a sacred observance of the guaranties of the Constitution will preserve union on a foundation which can not be shaken, while personal liberty is placed beyond hazard or jeopardy. The guaranty of religious freedom, of the freedom of the press, of the liberty of speech, of the trial by jury, of the habeas corpus, and of the domestic institutions of each of the States, leaving the private citizen in the full exercise of the high and ennobling attributes of his nature and to each State the privilege (which can only be judiciously exerted by itself) of consulting the means best calculated to advance its own happiness—these are the great and important guaranties of the Constitution which the lovers of liberty must cherish and the advocates of union must ever cultivate. Preserving these and avoiding all interpolations by forced construction under the guise of an imagined expediency upon the Constitution, the influence of our political system is destined to be as actively and as beneficially felt on the distant shores of the Pacific as it is now on those of the Atlantic Ocean. The only formidable impediments in the way of its successful expansion (time and space) are so far in the progress of modification by the improvements of the age as to render no longer speculative the ability of representatives from that remote region to come up to the Capitol, so that their constituents shall participate in all the benefits of Federal legislation. Thus it is that in the progress of time the inestimable principles of civil liberty will be enjoyed by millions yet unborn and the great benefits of our system of government be extended to now distant and uninhabited regions. In view of the vast wilderness yet to be reclaimed, we may well invite the lover of freedom of every land to take up his abode among us and assist us in the great work of advancing the standard of civilization and giving a wider spread to the arts and refinements of cultivated life. Our prayers should evermore be offered up to the Father of the Universe for His wisdom to direct us in the path of our duty so as to enable us to consummate these high purposes.

One of the strongest objections which has been urged against confederacies by writers on government is the liability of the members to be tampered with by foreign governments or the people of foreign states, either in their local affairs or in such as affected the peace of others or endangered the safety of the whole confederacy. We can not hope to be entirely exempt from such attempts on our peace and safety. The United States are becoming too important in population and resources not to attract the observation of other nations. It therefore may in the progress of time occur that opinions entirely abstract in the States in

which they may prevail and in no degree affecting their domestic institutions may be artfully but secretly encouraged with a view to undermine the Union. Such opinions may become the foundation of political parties, until at last the conflict of opinion, producing an alienation of friendly feeling among the people of the different States, may involve in general destruction the happy institutions under which we live. It should ever be borne in mind that what is true in regard to individuals is equally so in regard to states. An interference of one in the affairs of another is the fruitful cause of family dissensions and neighborhood disputes, and the same cause affects the peace, happiness, and prosperity of states. It may be most devoutly hoped that the good sense of the American people will ever be ready to repel all such attempts should they ever be made.

There has been no material change in our foreign relations since my last annual message to Congress. With all the powers of Europe we continue on the most friendly terms. Indeed, it affords me much satisfaction to state that at no former period has the peace of that enlightened and important quarter of the globe ever been, apparently, more firmly established. The conviction that peace is the ~~true~~-policy of nations would seem to be growing and becoming deeper amongst the enlightened everywhere, and there is no people who have a stronger interest in cherishing the sentiments and adopting the means of preserving and giving it permanence than those of the United States. Amongst these, the first and most effective are, no doubt, the strict observance of justice and the honest and punctual fulfillment of all engagements. But it is not to be forgotten that in the present state of the world it is no less necessary to be ready to enforce their observance and fulfillment in reference to ourselves than to observe and fulfill them on our part in regard to others.

Since the close of your last session a negotiation has been formally entered upon between the Secretary of State and Her Britannic Majesty's minister plenipotentiary and envoy extraordinary residing at Washington relative to the rights of their respective nations in and over the Oregon Territory. That negotiation is still pending. Should it during your session be brought to a definitive conclusion, the result will be promptly communicated to Congress. I would, however, again call your attention to the recommendations contained in previous messages designed to protect and facilitate emigration to that Territory. The establishment of military posts at suitable points upon the extended line of land travel would enable our citizens to emigrate in comparative safety to the fertile regions below the Falls of the Columbia, and make the provision of the existing convention for the joint occupation of the territory by subjects of Great Britain and the citizens of the United States more available than heretofore to the latter. These posts would constitute places of rest for the weary emigrant, where he would be sheltered securely against the danger of attack from the Indians and be enabled

to recover from the exhaustion of a long line of travel. Legislative enactments should also be made which should spread over him the ægis of our laws, so as to afford protection to his person and property when he shall have reached his distant home. In this latter respect the British Government has been much more careful of the interests of such of her people as are to be found in that country than the United States. She has made necessary provision for their security and protection against the acts of the viciously disposed and lawless, and her emigrant reposes in safety under the panoply of her laws. Whatever may be the result of the pending negotiation, such measures are necessary. It will afford me the greatest pleasure to witness a happy and favorable termination to the existing negotiation upon terms compatible with the public honor, and the best efforts of the Government will continue to be directed to this end.

It would have given me the highest gratification in this my last annual communication to Congress to have been able to announce to you the complete and entire settlement and adjustment of other matters in difference between the United States and the Government of Her Britannic Majesty, which were adverted to in a previous message. It is so obviously the interest of both countries, in respect to the large and valuable commerce which exists between them, that all causes of complaint, however inconsiderable, should be with the greatest promptitude removed that it must be regarded as cause of regret that ~~any unnecessary~~ delays should be permitted to intervene. It is true that in a pecuniary point of view the matters alluded to are altogether insignificant in amount when compared with the ample resources of that great nation, but they nevertheless, more particularly that limited class which arise under seizures and detentions of American ships on the coast of Africa upon the mistaken supposition indulged in at the time the wrong was committed of their being engaged in the slave trade, deeply affect the sensibilities of this Government and people. Great Britain, having recognized her responsibility to repair all such wrongs by her action in other cases, leaves nothing to be regretted upon the subject as to all cases arising prior to the treaty of Washington than the delay in making suitable reparation in such of them as fall plainly within the principle of others which she has long since adjusted. The injury inflicted by delays in the settlement of these claims falls with severity upon the individual claimants and makes a strong appeal to her magnanimity and sense of justice for a speedy settlement. Other matters arising out of the construction of existing treaties also remain unadjusted, and will continue to be urged upon her attention.

The labors of the joint commission appointed by the two Governments to run the dividing line established by the treaty of Washington were, unfortunately, much delayed in the commencement of the season by the failure of Congress at its last session to make a timely appropriation of funds to meet the expenses of the American party, and by other causes.

The United States commissioner, however, expresses his expectation that by increased diligence and energy the party will be able to make up for lost time.

We continue to receive assurances of the most friendly feelings on the part of all the other European powers, with each and all of whom it is so obviously our interest to cultivate the most amicable relations; nor can I anticipate the occurrence of any event which would be likely in any degree to disturb those relations. Russia, the great northern power, under the judicious sway of her Emperor, is constantly advancing in the road of science and improvement, while France, guided by the counsels of her wise Sovereign, pursues a course calculated to consolidate the general peace. Spain has obtained a breathing spell of some duration from the internal convulsions which have through so many years marred her prosperity, while Austria, the Netherlands, Prussia, Belgium, and the other powers of Europe reap a rich harvest of blessings from the prevailing peace.

I informed the two Houses of Congress in my message of December last that instructions had been given to Mr. Wheaton, our minister at Berlin, to negotiate a treaty with the Germanic States composing the Zollverein if it could be done, stipulating, as far as it was practicable to accomplish it, for a reduction of the heavy and onerous duties levied on our tobacco and other leading articles of agricultural production, and yielding in return on our part a reduction of duties on such articles the product of their industry as should not come into competition, or but a limited one, with articles the product of our manufacturing industry. The Executive in giving such instructions considered itself as acting in strict conformity with the wishes of Congress as made known through several measures which it had adopted, all directed to the accomplishment of this important result. The treaty was therefore negotiated, by which essential reductions were secured in the duties levied by the Zollverein on tobacco, rice, and lard, accompanied by a stipulation for the admission of raw cotton free of duty; in exchange for which highly important concessions a reduction of duties imposed by the laws of the United States on a variety of articles, most of which were admitted free of all duty under the act of Congress commonly known as the compromise law, and but few of which were produced in the United States, was stipulated for on our part. This treaty was communicated to the Senate at an early day of its last session, but not acted upon until near its close, when, for the want (as I am bound to presume) of full time to consider it, it was laid upon the table. This procedure had the effect of virtually rejecting it, in consequence of a stipulation contained in the treaty that its ratifications should be exchanged on or before a day which has already passed. The Executive, acting upon the fair inference that the Senate did not intend its absolute rejection, gave instructions to our minister at Berlin to reopen the negotiation so far as to obtain an extension of

time for the exchange of ratifications. I regret, however, to say that his efforts in this respect have been unsuccessful. I am nevertheless not without hope that the great advantages which were intended to be secured by the treaty may yet be realized.

I am happy to inform you that Belgium has, by an "*arrêté royale*" issued in July last, assimilated the flag of the United States to her own, so far as the direct trade between the two countries is concerned. This measure will prove of great service to our shipping interest, the trade having heretofore been carried on chiefly in foreign bottoms. I flatter myself that she will speedily resort to a modification of her system relating to the tobacco trade, which would decidedly benefit the agriculture of the United States and operate to the mutual advantage of both countries.

No definitive intelligence has yet been received from our minister of the conclusion of a treaty with the Chinese Empire, but enough is known to induce the strongest hopes that the mission will be crowned with success.

With Brazil our relations continue on the most friendly footing. The commercial intercourse between that growing Empire and the United States is becoming daily of greater importance to both, and it is to the interest of both that the firmest relations of amity and good will should continue to be cultivated between them.

The Republic of New Granada still withholds, notwithstanding the most persevering efforts have been employed by our chargé d'affaires, Mr. Blackford, to produce a different result, indemnity in the case of the brig *Morris*; and the Congress of Venezuela, although an arrangement has been effected between our minister and the minister of foreign affairs of that Government for the payment of \$18,000 in discharge of its liabilities in the same case, has altogether neglected to make provision for its payment. It is to be hoped that a sense of justice will soon induce a settlement of these claims.

Our late minister to Chili, Mr. Pendleton, has returned to the United States without having effected an adjustment in the second claim of the *Macedonian*, which is delayed on grounds altogether frivolous and untenable. Mr. Pendleton's successor has been directed to urge the claim in the strongest terms, and, in the event of a failure to obtain a prompt adjustment, to report the fact to the Executive at as early a day as possible, so that the whole matter may be communicated to Congress.

At your last session I submitted to the attention of Congress the convention with the Republic of Peru of the 17th March, 1841, providing for the adjustment of the claims of citizens of the United States against that Republic, but no definitive action was taken upon the subject. I again invite to it your attention and prompt action.

In my last annual message I felt it to be my duty to make known to Congress, in terms both plain and emphatic, my opinion in regard to the war which has so long existed between Mexico and Texas, which since

the battle of San Jacinto has consisted altogether of predatory incursions, attended by circumstances revolting to humanity. I repeat now what I then said, that after eight years of feeble and ineffectual efforts to reconquer Texas it was time that the war should have ceased. The United States have a direct interest in the question. The contiguity of the two nations to our territory was but too well calculated to involve our peace. Unjust suspicions were engendered in the mind of one or the other of the belligerents against us, and as a necessary consequence American interests were made to suffer and our peace became daily endangered; in addition to which it must have been obvious to all that the exhaustion produced by the war subjected both Mexico and Texas to the interference of other powers, which, without the interposition of this Government, might eventuate in the most serious injury to the United States. This Government from time to time exerted its friendly offices to bring about a termination of hostilities upon terms honorable alike to both the belligerents. Its efforts in this behalf proved unavailing. Mexico seemed almost without an object to persevere in the war, and no other alternative was left the Executive but to take advantage of the well-known dispositions of Texas and to invite her to enter into a treaty for annexing her territory to that of the United States.

Since your last session Mexico has threatened to renew the war, and has either made or proposes to make formidable preparations for invading Texas. She has issued decrees and ~~proclamations~~, preparatory to the commencement of hostilities, full of threats revolting to humanity, and which if carried into effect would arouse the attention of all Christendom. This new demonstration of feeling, there is too much reason to believe, has been produced in consequence of the negotiation of the late treaty of annexation with Texas. The Executive, therefore, could not be indifferent to such proceedings, and it felt it to be due as well to itself as to the honor of the country that a strong representation should be made to the Mexican Government upon the subject. This was accordingly done, as will be seen by the copy of the accompanying dispatch from the Secretary of State to the United States envoy at Mexico. Mexico has no right to jeopard the peace of the world by urging any longer a useless and fruitless contest. Such a condition of things would not be tolerated on the European continent. Why should it be on this? A war of desolation, such as is now threatened by Mexico, can not be waged without involving our peace and tranquillity. It is idle to believe that such a war could be looked upon with indifference by our own citizens inhabiting adjoining States; and our neutrality would be violated in despite of all efforts on the part of the Government to prevent it. The country is settled by emigrants from the United States under invitations held out to them by Spain and Mexico. Those emigrants have left behind them friends and relatives, who would not fail to sympathize with them in their difficulties, and who would be led by those sympathies to

participate in their struggles, however energetic the action of the Government to prevent it. Nor would the numerous and formidable bands of Indians—the most warlike to be found in any land—which occupy the extensive regions contiguous to the States of Arkansas and Missouri, and who are in possession of large tracts of country within the limits of Texas, be likely to remain passive. The inclinations of those numerous tribes lead them invariably to war whenever pretexts exist.

Mexico had no just ground of displeasure against this Government or people for negotiating the treaty. What interest of hers was affected by the treaty? She was despoiled of nothing, since Texas was forever lost to her. The independence of Texas was recognized by several of the leading powers of the earth. She was free to treat, free to adopt her own line of policy, free to take the course which she believed was best calculated to secure her happiness.

Her Government and people decided on annexation to the United States, and the Executive saw in the acquisition of such a territory the means of advancing their permanent happiness and glory. What principle of good faith, then, was violated? What rule of political morals trampled under foot? So far as Mexico herself was concerned, the measure should have been regarded by her as highly beneficial. Her inability to reconquer Texas had been exhibited, I repeat, by eight (now nine) years of fruitless and ruinous contest. In the meantime Texas has been growing in population and resources. Emigration has flowed into her territory from all parts of the world in a current which continues to increase in strength. Mexico requires a permanent boundary between that young Republic and herself. Texas at no distant day, if she continues separate and detached from the United States, will inevitably seek to consolidate her strength by adding to her domain the contiguous Provinces of Mexico. The spirit of revolt from the control of the central Government has heretofore manifested itself in some of those Provinces, and it is fair to infer that they would be inclined to take the first favorable opportunity to proclaim their independence and to form close alliances with Texas. The war would thus be endless, or if cessations of hostilities should occur they would only endure for a season. The interests of Mexico, therefore, could in nothing be better consulted than in a peace with her neighbors which would result in the establishment of a permanent boundary. Upon the ratification of the treaty the Executive was prepared to treat with her on the most liberal basis. Hence the boundaries of Texas were left undefined by the treaty. The Executive proposed to settle these upon terms that all the world should have pronounced just and reasonable. No negotiation upon that point could have been undertaken between the United States and Mexico in advance of the ratification of the treaty. We should have had no right, no power, no authority, to have conducted such a negotiation, and to have undertaken it would have been an assumption equally revolting to the

pride of Mexico and Texas and subjecting us to the charge of arrogance, while to have proposed in advance of annexation to satisfy Mexico for any contingent interest she might have in Texas would have been to have treated Texas not as an independent power, but as a mere dependency of Mexico. This assumption could not have been acted on by the Executive without setting at defiance your own solemn declaration that that Republic was an independent State. Mexico had, it is true, threatened war against the United States in the event the treaty of annexation was ratified. The Executive could not permit itself to be influenced by this threat. It represented in this the spirit of our people, who are ready to sacrifice much for peace, but nothing to intimidation. A war under any circumstances is greatly to be deplored, and the United States is the last nation to desire it; but if, as the condition of peace, it be required of us to forego the unquestionable right of treating with an independent power of our own continent upon matters highly interesting to both, and that upon a naked and unsustained pretension of claim by a third power to control the free will of the power with whom we treat, devoted as we may be to peace and anxious to cultivate friendly relations with the whole world, the Executive does not hesitate to say that the people of the United States would be ready to brave all consequences sooner than submit to such condition. But no apprehension of war was entertained by the Executive, and I must express frankly the opinion that had the treaty been ratified by the Senate it would have been followed by a prompt settlement, to the entire satisfaction of Mexico, of every matter in difference between the two countries. Seeing, then, that new preparations for hostile invasion of Texas were about to be adopted by Mexico, and that these were brought about because Texas had adopted the suggestions of the Executive upon the subject of annexation, it could not passively have folded its arms and permitted a war, threatened to be accompanied by every act that could mark a barbarous age, to be waged against her because she had done so.

Other considerations of a controlling character influenced the course of the Executive. The treaty which had thus been negotiated had failed to receive the ratification of the Senate. One of the chief objections which was urged against it was found to consist in the fact that the question of annexation had not been submitted to the ordeal of public opinion in the United States. However untenable such an objection was esteemed to be, in view of the unquestionable power of the Executive to negotiate the treaty and the great and lasting interests involved in the question, I felt it to be my duty to submit the whole subject to Congress as the best expounders of popular sentiment. No definitive action having been taken on the subject by Congress, the question referred itself directly to the decision of the States and people. The great popular election which has just terminated afforded the best opportunity of ascertaining the will of the States and the people upon it. Pending that issue it

became the imperative duty of the Executive to inform Mexico that the question of annexation was still before the American people, and that until their decision was pronounced any serious invasion of Texas would be regarded as an attempt to forestall their judgment and could not be looked upon with indifference. I am most happy to inform you that no such invasion has taken place; and I trust that whatever your action may be upon it Mexico will see the importance of deciding the matter by a resort to peaceful expedients in preference to those of arms. The decision of the people and the States on this great and interesting subject has been decisively manifested. The question of annexation has been presented nakedly to their consideration. By the treaty itself all collateral and incidental issues which were calculated to divide and distract the public councils were carefully avoided. These were left to the wisdom of the future to determine. It presented, I repeat, the isolated question of annexation, and in that form it has been submitted to the ordeal of public sentiment. A controlling majority of the people and a large majority of the States have declared in favor of immediate annexation. Instructions have thus come up to both branches of Congress from their respective constituents in terms the most emphatic. It is the will of both the people and the States that Texas shall be annexed to the Union promptly and immediately. It may be hoped that in carrying into execution the public will thus declared all collateral issues may be avoided. Future Legislatures can best decide as to the number of States which should be formed out of the territory when the time has arrived for deciding that question. So with all others. By the treaty the United States assumed the payment of the debts of Texas to an amount not exceeding \$10,000,000, to be paid, with the exception of a sum falling short of \$400,000, exclusively out of the proceeds of the sales of her public lands. We could not with honor take the lands without assuming the full payment of all incumbrances upon them.

Nothing has occurred since your last session to induce a doubt that the dispositions of Texas remain unaltered. No intimation of an altered determination on the part of her Government and people has been furnished to the Executive. She still desires to throw herself under the protection of our laws and to partake of the blessings of our federative system, while every American interest would seem to require it. The extension of our coastwise and foreign trade to an amount almost incalculable, the enlargement of the market for our manufactures, a constantly growing market for our agricultural productions, safety to our frontiers, and additional strength and stability to the Union—these are the results which would rapidly develop themselves upon the consummation of the measure of annexation. In such event I will not doubt but that Mexico would find her true interest to consist in meeting the advances of this Government in a spirit of amity. Nor do I apprehend any serious complaint from any other quarter; no sufficient ground exists

for such complaint. We should interfere in no respect with the rights of any other nation. There can not be gathered from the act any design on our part to do so with their possessions on this continent. We have interposed no impediments in the way of such acquisitions of territory, large and extensive as many of them are, as the leading powers of Europe have made from time to time in every part of the world. We seek no conquest made by war. No intrigue will have been resorted to or acts of diplomacy essayed to accomplish the annexation of Texas. Free and independent herself, she asks to be received into our Union. It is a question for our own decision whether she shall be received or not.

The two Governments having already agreed through their respective organs on the terms of annexation, I would recommend their adoption by Congress in the form of a joint resolution or act to be perfected and made binding on the two countries when adopted in like manner by the Government of Texas.

In order that the subject may be fully presented in all its bearings, the correspondence which has taken place in reference to it since the adjournment of Congress between the United States, Texas, and Mexico is herewith transmitted.

The amendments proposed by the Senate to the convention concluded between the United States and Mexico on the 20th of November, 1843, have been transmitted through our minister for the concurrence of the Mexican Government, but, although urged thereto, no action has yet been had on the subject, nor has any answer been given which would authorize a favorable conclusion in the future.

The decree of September, 1843, in relation to the retail trade, the order for the expulsion of foreigners, and that of a more recent date in regard to passports—all which are considered as in violation of the treaty of amity and commerce between the two countries—have led to a correspondence of considerable length between the minister for foreign relations and our representatives at Mexico, but without any satisfactory result. They remain still unadjusted, and many and serious inconveniences have already resulted to our citizens in consequence of them.

Questions growing 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, have been adjusted so far as the powers of the Executive extend. The correspondence between the two Governments in reference to both subjects will be found amongst the accompanying documents. It contains a full statement of all the facts and circumstances, with the views taken on both sides and the principles on which the questions have been adjusted. It remains for Congress to make the necessary appropriation to carry the arrangement into effect, which I respectfully recommend.

The greatly improved condition of the Treasury affords a subject for general congratulation. The paralysis which had fallen on trade and commerce, and which subjected the Government to the necessity of resorting to loans and the issue of Treasury notes to a large amount, has passed away, and after the payment of upward of \$7,000,000 on account of the interest, and in redemption of more than \$5,000,000 of the public debt which falls due on the 1st of January next, and setting apart upward of \$2,000,000 for the payment of outstanding Treasury notes and meeting an installment of the debts of the corporate cities of the District of Columbia, an estimated surplus of upward of \$7,000,000 over and above the existing appropriations will remain in the Treasury at the close of the fiscal year. Should the Treasury notes continue outstanding as heretofore, that surplus will be considerably augmented. Although all interest has ceased upon them and the Government has invited their return to the Treasury, yet they remain outstanding, affording great facilities to commerce, and establishing the fact that under a well-regulated system of finance the Government has resources within itself which render it independent in time of need, not only of private loans, but also of bank facilities.

The only remaining subject of regret is that the remaining stocks of the Government do not fall due at an earlier day, since their redemption would be entirely within its control. As it is, it may be well worthy the consideration of Congress whether the law establishing the sinking fund (under the operation of which the debts of the Revolution and last war with Great Britain were to a great extent extinguished) should not, with proper modifications, so as to prevent an accumulation of surpluses, and limited in amount to a specific sum, be reenacted. Such provision, which would authorize the Government to go into the market for a purchase of its own stock on fair terms, would serve to maintain its credit at the highest point and prevent to a great extent those fluctuations in the price of its securities which might under other circumstances affect its credit. No apprehension of this sort is at this moment entertained, since the stocks of the Government, which but two years ago were offered for sale to capitalists at home and abroad at a depreciation, and could find no purchasers, are now greatly above par in the hands of the holders; but a wise and prudent forecast admonishes us to place beyond the reach of contingency the public credit.

It must also be a matter of unmingled gratification that under the existing financial system (resting upon the act of 1789 and the resolution of 1816) the currency of the country has attained a state of perfect soundness; and the rates of exchange between different parts of the Union, which in 1841 denoted by their enormous amount the great depreciation and, in fact, worthlessness of the currency in most of the States, are now reduced to little more than the mere expense of transporting specie from place to place and the risk incident to the operation. In a new

country like that of the United States, where so many inducements are held out for speculation, the depositories of the surplus revenue, consisting of banks of any description, when it reaches any considerable amount, require the closest vigilance on the part of the Government. All banking institutions, under whatever denomination they may pass, are governed by an almost exclusive regard to the interest of the stockholders. That interest consists in the augmentation of profits in the form of dividends, and a large surplus revenue intrusted to their custody is but too apt to lead to excessive loans and to extravagantly large issues of paper. As a necessary consequence prices are nominally increased and the speculative mania very soon seizes upon the public mind. A fictitious state of prosperity for a season exists, and, in the language of the day, money becomes plenty. Contracts are entered into by individuals resting on this unsubstantial state of things, but the delusion speedily passes away and the country is overrun with an indebtedness so weighty as to overwhelm many and to visit every department of industry with great and ruinous embarrassment. The greatest vigilance becomes necessary on the part of Government to guard against this state of things. The depositories must be given distinctly to understand that the favors of the Government will be altogether withdrawn, or substantially diminished, if its revenues shall be regarded as additions to their banking capital or as the foundation of an enlarged circulation.

The Government, through its revenue, has at all times an important part to perform in connection with the currency, and it greatly depends upon its vigilance and care whether the country be involved in embarrassments similar to those which it has had recently to encounter, or, aided by the action of the Treasury, shall be preserved in a sound and healthy condition.

The dangers to be guarded against are greatly augmented by too large a surplus of revenue. When that surplus greatly exceeds in amount what shall be required by a wise and prudent forecast to meet unforeseen contingencies, the Legislature itself may come to be seized with a disposition to indulge in extravagant appropriations to objects many of which may, and most probably would, be found to conflict with the Constitution. A fancied expediency is elevated above constitutional authority, and a reckless and wasteful extravagance but too certainly follows.

The important power of taxation, which when exercised in its most restricted form is a burthen on labor and production, is resorted to under various pretexts for purposes having no affinity to the motives which dictated its grant, and the extravagance of Government stimulates individual extravagance until the spirit of a wild and ill-regulated speculation involves one and all in its unfortunate results. In view of such fatal consequences, it may be laid down as an axiom founded in moral and political truth that no greater taxes should be imposed than are necessary for an economical administration of the Government, and that

whatever exists beyond should be reduced or modified. This doctrine does in no way conflict with the exercise of a sound discrimination in the selection of the articles to be taxed, which a due regard to the public weal would at all times suggest to the legislative mind. It leaves the range of selection undefined; and such selection should always be made with an eye to the great interests of the country. Composed as is the Union of separate and independent States, a patriotic Legislature will not fail in consulting the interests of the parts to adopt such course as will be best calculated to advance the harmony of the whole, and thus insure that permanency in the policy of the Government without which all efforts to advance the public prosperity are vain and fruitless.

This great and vitally important task rests with Congress, and the Executive can do no more than recommend the general principles which should govern in its execution.

I refer you to the report of the Secretary of War for an exhibition of the condition of the Army, and recommend to you as well worthy your best consideration many of the suggestions it contains. The Secretary in no degree exaggerates the great importance of pressing forward without delay in the work of erecting and finishing the fortifications to which he particularly alludes. Much has been done toward placing our cities and roadsteads in a state of security against the hazards of hostile attack within the last four years; but considering the new elements which have been of late years employed in the propelling of ships and the formidable implements of destruction which have been brought into service, we can not be too active or vigilant in preparing and perfecting the means of defense. I refer you also to his report for a full statement of the condition of the Indian tribes within our jurisdiction. The Executive has abated no effort in carrying into effect the well-established policy of the Government which contemplates a removal of all the tribes residing within the limits of the several States beyond those limits, and it is now enabled to congratulate the country at the prospect of an early consummation of this object. Many of the tribes have already made great progress in the arts of civilized life, and through the operation of the schools established among them, aided by the efforts of the pious men of various religious denominations who devote themselves to the task of their improvement, we may fondly hope that the remains of the formidable tribes which were once masters of this country will in their transition from the savage state to a condition of refinement and cultivation add another bright trophy to adorn the labors of a well-directed philanthropy.

The accompanying report of the Secretary of the Navy will explain to you the situation of that branch of the service. The present organization of the Department imparts to its operations great efficiency, but I concur fully in the propriety of a division of the Bureau of Construction, Equipment, Increase, and Repairs into two bureaus. The subjects as now

arranged are incongruous, and require to a certain extent information and qualifications altogether dissimilar.

The operations of the squadron on the coast of Africa have been conducted with all due attention to the object which led to its origination, and I am happy to say that the officers and crews have enjoyed the best possible health under the system adopted by the officer in command. It is believed that the United States is the only nation which has by its laws subjected to the punishment of death as pirates those who may be engaged in the slave trade. A similar enactment on the part of other nations would not fail to be attended by beneficial results.

In consequence of the difficulties which have existed in the way of securing titles for the necessary grounds, operations have not yet been commenced toward the establishment of the navy-yard at Memphis. So soon as the title is perfected no further delay will be permitted to intervene. It is well worthy of your consideration whether Congress should not direct the establishment of a ropewalk in connection with the contemplated navy-yard, as a measure not only of economy, but as highly useful and necessary. The only establishment of the sort now connected with the service is located at Boston, and the advantages of a similar establishment convenient to the hemp-growing region must be apparent to all.

The report of the Secretary presents other matters to your consideration of an important character in connection with the service.

In referring you to the accompanying report of the Postmaster-General it affords me continued cause of gratification to be able to advert to the fact that the affairs of the Department for the last four years have been so conducted as from its unaided resources to meet its large expenditures. On my coming into office a debt of nearly \$500,000 existed against the Department, which Congress discharged by an appropriation from the Treasury. The Department on the 4th of March next will be found, under the management of its present efficient head, free of debt or embarrassment, which could only have been done by the observance and practice of the greatest vigilance and economy. The laws have contemplated throughout that the Department should be self-sustained, but it may become necessary, with the wisest regard to the public interests, to introduce amendments and alterations in the system.

There is a strong desire manifested in many quarters so to alter the tariff of letter postage as to reduce the amount of tax at present imposed. Should such a measure be carried into effect to the full extent desired, it can not well be doubted but that for the first years of its operation a diminished revenue would be collected, the supply of which would necessarily constitute a charge upon the Treasury. Whether such a result would be desirable it will be for Congress in its wisdom to determine. It may in general be asserted as true that radical alterations in any system should rather be brought about gradually than by sudden changes,

and by pursuing this prudent policy in the reduction of letter postage the Department might still sustain itself through the revenue which would accrue by the increase of letters. The state and condition of the public Treasury has heretofore been such as to have precluded the recommendation of any material change. The difficulties upon this head have, however, ceased, and a larger discretion is now left to the Government.

I can not too strongly urge the policy of authorizing the establishment of a line of steamships regularly to ply between this country and foreign ports and upon our own waters for the transportation of the mail. The example of the British Government is well worthy of imitation in this respect. The belief is strongly entertained that the emoluments arising from the transportation of mail matter to foreign countries would operate of itself as an inducement to cause individual enterprise to undertake that branch of the task, and the remuneration of the Government would consist in the addition readily made to our steam navy in case of emergency by the ships so employed. Should this suggestion meet your approval, the propriety of placing such ships under the command of experienced officers of the Navy will not escape your observation. The application of steam to the purposes of naval warfare cogently recommends an extensive steam marine as important in estimating the defenses of the country. Fortunately this may be obtained by us to a great extent ~~without incurring any~~ large amount of expenditure. Steam vessels to be engaged in the transportation of the mails on our principal water courses, lakes, and ports of our coast could also be so constructed as to be efficient as war vessels when needed, and would of themselves constitute a formidable force in order to repel attacks from abroad. We can not be blind to the fact that other nations have already added large numbers of steamships to their naval armaments and that this new and powerful agent is destined to revolutionize the condition of the world. It becomes the United States, therefore, looking to their security, to adopt a similar policy, and the plan suggested will enable them to do so at a small comparative cost.

I take the greatest pleasure in bearing testimony to the zeal and untiring industry which has characterized the conduct of the members of the Executive Cabinet. Each in his appropriate sphere has rendered me the most efficient aid in carrying on the Government, and it will not, I trust, appear out of place for me to bear this public testimony. The cardinal objects which should ever be held in view by those intrusted with the administration of public affairs are rigidly, and without favor or affection, so to interpret the national will expressed in the laws as that injustice should be done to none, justice to all. This has been the rule upon which they have acted, and thus it is believed that few cases, if any, exist wherein our fellow-citizens, who from time to time have been drawn to the seat of Government for the settlement of their transactions with the Government, have gone away dissatisfied. Where the

testimony has been perfected and was esteemed satisfactory their claims have been promptly audited, and this in the absence of all favoritism or partiality. The Government which is not just to its own people can neither claim their affection nor the respect of the world. At the same time, the closest attention has been paid to those matters which relate more immediately to the great concerns of the country. Order and efficiency in each branch of the public service have prevailed, accompanied by a system of the most rigid responsibility on the part of the receiving and disbursing agents. The fact, in illustration of the truth of this remark, deserves to be noticed that the revenues of the Government, amounting in the last four years to upward of \$120,000,000, have been collected and disbursed through the numerous governmental agents without the loss by default of any amount worthy of serious commentary.

The appropriations made by Congress for the improvement of the rivers of the West and of the harbors on the Lakes are in a course of judicious expenditure under suitable agents, and are destined, it is to be hoped, to realize all the benefits designed to be accomplished by Congress. I can not, however, sufficiently impress upon Congress the great importance of withholding appropriations from improvements which are not ascertained by previous examination and survey to be necessary for the shelter and protection of trade from the dangers of storms and tempests. Without this precaution the expenditures are but too apt to inure to the benefit of individuals, without reference to the only consideration which can render them constitutional—the public interests and the general good.—

I can not too earnestly urge upon you the interests of this District, over which by the Constitution Congress has exclusive jurisdiction. It would be deeply to be regretted should there be at any time ground to complain of neglect on the part of a community which, detached as it is from the parental care of the States of Virginia and Maryland, can only expect aid from Congress as its local legislature. Amongst the subjects which claim your attention is the prompt organization of an asylum for the insane who may be found from time to time sojourning within the District. Such course is also demanded by considerations which apply to branches of the public service. For the necessities in this behalf I invite your particular attention to the report of the Secretary of the Navy.

I have thus, gentlemen of the two Houses of Congress, presented you a true and faithful picture of the condition of public affairs, both foreign and domestic. The wants of the public service are made known to you, and matters of no ordinary importance are urged upon your consideration. Shall I not be permitted to congratulate you on the happy auspices under which you have assembled and at the important change in the condition of things which has occurred in the last three years? During that period questions with foreign powers of vital importance to the peace of our country have been settled and adjusted. A desolating and wasting war with savage tribes has been brought to a close. The

internal tranquillity of the country, threatened by agitating questions, has been preserved. The credit of the Government, which had experienced a temporary embarrassment, has been thoroughly restored. Its coffers, which for a season were empty, have been replenished. A currency nearly uniform in its value has taken the place of one depreciated and almost worthless. Commerce and manufactures, which had suffered in common with every other interest, have once more revived, and the whole country exhibits an aspect of prosperity and happiness. Trade and barter, no longer governed by a wild and speculative mania, rest upon a solid and substantial footing, and the rapid growth of our cities in every direction bespeaks most strongly the favorable circumstances by which we are surrounded. My happiness in the retirement which shortly awaits me is the ardent hope which I experience that this state of prosperity is neither deceptive nor destined to be short lived, and that measures which have not yet received its sanction, but which I can not but regard as closely connected with the honor, the glory, and still more enlarged prosperity of the country, are destined at an early day to receive the approval of Congress. Under these circumstances and with these anticipations I shall most gladly leave to others more able than myself the noble and pleasing task of sustaining the public prosperity. I shall carry with me into retirement the gratifying reflection that as my sole object throughout has been to advance the public good I may not entirely have failed in accomplishing it; and this gratification is heightened in no small degree by the fact that when under a deep and abiding sense of duty I have found myself constrained to resort to the qualified veto it has neither been followed by disapproval on the part of the people nor weakened in any degree their attachment to that great conservative feature of our Government.

JOHN TYLER.

SPECIAL MESSAGES.

WASHINGTON, *December 10, 1844.*

To the Senate of the United States:

I have great pleasure in submitting to the Senate, for its ratification and approval, a treaty which has been concluded between Mr. Cushing, the United States commissioner, and the Chinese Empire.

JOHN TYLER.

WASHINGTON, *December 10, 1844.*

To the Senate of the United States:

I submit copies of two private and confidential letters addressed by Mr. Fay, acting in his place during the absence of Mr. Wheaton from

Berlin, from which it appears that should the Senate see cause to ratify the treaty with the States composing the Zollverein without reference to the fact that the time limited for the exchange of its ratification had expired the Germanic States would regard the time fixed for the exchange of ratifications as immaterial and would give by their action upon it vitality and force to the treaty. I submit it to your mature consideration whether, in view of the important benefits arising from the treaty to the trade and commerce of the United States and to their agriculture, it would not comport with sound policy to adopt that course.

The Executive, not regarding the action of the Senate upon the treaty as expressive of its decisive opinion, deemed it proper to reopen the negotiations so far as to obtain an extension of time for the interchange of ratifications. The negotiation failed, however, in this particular, out of no disinclination to abide by the terms of the treaty on the part of the Zollverein, but from a belief that it would not fully comport with its dignity to do so.

JOHN TYLER.

WASHINGTON, *December 10, 1844.*

To the Senate and House of Representatives:

I communicate to you an extract of a dispatch from Mr. Hall to the Secretary of State, which has been received by me since my message of the 3d instant, containing the pleasing intelligence that the indemnity assumed to be paid by the Republic of Venezuela in the case of the brig *Morris* has been satisfactorily arranged.

JOHN TYLER.

WASHINGTON, *December 18, 1844.*

To the Senate and House of Representatives:

I transmit herewith copies of dispatches received from our minister at Mexico since the commencement of your present session, which claim from their importance, and I doubt not will receive, your calm and deliberate consideration. The extraordinary and highly offensive language which the Mexican Government has thought proper to employ in reply to the remonstrance of the Executive, through Mr. Shannon, against the renewal of the war with Texas while the question of annexation was pending before Congress and the people, and also the proposed manner of conducting that war, will not fail to arrest your attention. Such remonstrance, urged in no unfriendly spirit to Mexico, was called for by considerations of an imperative character, having relation as well to the peace of this country and honor of this Government as to the cause of humanity and civilization. Texas had entered into the treaty of annexation upon the invitation of the Executive, and when for that act she was threatened with a renewal of the war on the part of Mexico she naturally looked to this Government to interpose its efforts to ward

off the threatened blow. But one course was left the Executive, acting within the limits of its constitutional competency, and that was to protest in respectful, but at the same time strong and decided, terms against it. The war thus threatened to be renewed was promulgated by edicts and decrees, which ordered on the part of the Mexican military the desolation of whole tracts of country and the destruction without discrimination of all ages, sexes, and conditions of existence. Over the manner of conducting war Mexico possesses no exclusive control. She has no right to violate at pleasure the principles which an enlightened civilization has laid down for the conduct of nations at war, and thereby retrograde to a period of barbarism, which happily for the world has long since passed away. All nations are interested in enforcing an observance of those principles, and the United States, the oldest of the American Republics and the nearest of the civilized powers to the theater on which these enormities were proposed to be enacted, could not quietly content themselves to witness such a state of things. They had through the Executive on another occasion, and, as was believed, with the approbation of the whole country, remonstrated against outrages similar but even less inhuman than those which by her new edicts and decrees she has threatened to perpetrate, and of which the late inhuman massacre at Tabasco was but the precursor.

The bloody and inhuman murder of Fannin and his companions, equaled only in savage barbarity by the usages of the unfutured Indian tribes, proved how little confidence could be placed on the most solemn stipulations of her generals, while the fate of others who became her captives in war—many of whom, no longer able to sustain the fatigues and privations of long journeys, were shot down by the wayside, while their companions who survived were subjected to sufferings even more painful than death—had left an indelible stain on the page of civilization. The Executive, with the evidence of an intention on the part of Mexico to renew scenes so revolting to humanity, could do no less than renew remonstrances formerly urged. For fulfilling duties so imperative Mexico has thought proper, through her accredited organs, because she has had represented to her the inhumanity of such proceedings, to indulge in language unknown to the courtesy of diplomatic intercourse and offensive in the highest degree to this Government and people. Nor has she offended in this only. She has not only violated existing conventions between the two countries by arbitrary and unjust decrees against our trade and intercourse, but withholds installments of debt due to our citizens which she solemnly pledged herself to pay under circumstances which are fully explained by the accompanying letter from Mr. Green, our secretary of legation. And when our minister has invited the attention of her Government to wrongs committed by her local authorities, not only on the property but on the persons of our fellow-citizens engaged in prosecuting fair and honest pursuits, she has added insult to injury

by not even deigning for months together to return an answer to his representations. Still further to manifest her unfriendly feelings toward the United States, she has issued decrees expelling from some of her Provinces American citizens engaged in the peaceful pursuits of life, and now denies to those of our citizens prosecuting the whale fishery on the northwest coast of the Pacific the privilege, which has through all time heretofore been accorded to them, of exchanging goods of a small amount in value at her ports in California for supplies indispensable to their health and comfort.

Nor will it escape the observation of Congress that in conducting a correspondence with a minister of the United States, who can not and does not know any distinction between the geographical sections of the Union, charges wholly unfounded are made against particular States, and an appeal to others for aid and protection against supposed wrongs. In this same connection, sectional prejudices are attempted to be excited and the hazardous and unpardonable effort is made to foment divisions amongst the States of the Union and thereby imbitter their peace. Mexico has still to learn that however freely we may indulge in discussion among ourselves, the American people will tolerate no interference in their domestic affairs by any foreign government, and in all that concerns the constitutional guaranties and the national honor the people of the United States have but one mind and one heart.

The subject of ~~annexation~~ addresses itself, most fortunately, to every portion of the Union. The Executive would have been unmindful of its highest obligations if it could have adopted a course of policy dictated by sectional interests and local feelings. On the contrary, it was because the question was neither local nor sectional, but made its appeal to the interests of the whole Union, and of every State in the Union, that the negotiation, and finally the treaty of annexation, was entered into; and it has afforded me no ordinary pleasure to perceive that so far as demonstrations have been made upon it by the people they have proceeded from all portions of the Union. Mexico may seek to excite divisions amongst us by uttering unjust denunciations against particular States, but when she comes to know that the invitations addressed to our fellow-citizens by Spain, and afterwards by herself, to settle Texas were accepted by emigrants from all the States, and when, in addition to this, she refreshes her recollection with the fact that the first effort which was made to acquire Texas was during the Administration of a distinguished citizen from an Eastern State, which was afterwards renewed under the auspices of a President from the Southwest, she will awake to a knowledge of the futility of her present purpose of sowing dissensions among us or producing distraction in our councils by attacks either on particular States or on persons who are now in the retirement of private life.

Considering the appeal which she now makes to eminent citizens by

name, can she hope to escape censure for having ascribed to them, as well as to others, a design, as she pretends now for the first time revealed, of having originated negotiations to despoil her by duplicity and falsehood of a portion of her territory? The opinion then, as now, prevailed with the Executive that the annexation of Texas to the Union was a matter of vast importance. In order to acquire that territory before it had assumed a position among the independent powers of the earth, propositions were made to Mexico for a cession of it to the United States. Mexico saw in these proceedings at the time no cause of complaint. She is now, when simply reminded of them, awakened to the knowledge of the fact, which she, through her secretary of state, promulgates to the whole world as true, that those negotiations were founded in deception and falsehood and superinduced by unjust and iniquitous motives. While Texas was a dependency of Mexico the United States opened negotiations with the latter power for the cession of her then acknowledged territory, and now that Texas is independent of Mexico and has maintained a separate existence for nine years, during which time she has been received into the family of nations and is represented by accredited ambassadors at many of the principal Courts of Europe, and when it has become obvious to the whole world that she is forever lost to Mexico, the United States is charged with deception and falsehood in all relating to the past, and condemnatory accusations are made against States which have had no special agency in the matter, because the Executive of the whole Union has negotiated with free and independent Texas upon a matter vitally important to the interests of both countries; and after nine years of unavailing war Mexico now announces her intention, through her secretary of foreign affairs, never to consent to the independence of Texas or to abandon the effort to reconquer that Republic. She thus announces a perpetual claim, which at the end of a century will furnish her as plausible a ground for discontent against any nation which at the end of that time may enter into a treaty with Texas as she possesses at this moment against the United States. The lapse of time can add nothing to her title to independence.

A course of conduct such as has been described on the part of Mexico, in violation of all friendly feeling and of the courtesy which should characterize the intercourse between the nations of the earth, might well justify the United States in a resort to any measures to vindicate their national honor; but, actuated by a sincere desire to preserve the general peace, and in view of the present condition of Mexico, the Executive, resting upon its integrity, and not fearing but that the judgment of the world will duly appreciate its motives, abstains from recommending to Congress a resort to measures of redress and contents itself with reurging upon that body prompt and immediate action on the subject of annexation. By adopting that measure the United States will be in the exercise of an undoubted right; and if Mexico, not regarding their forbearance, shall aggravate the injustice of her conduct by a declaration of war against them, upon her head will rest all the responsibility.

JOHN TYLER.

WASHINGTON, *December 23, 1844.**To the Senate of the United States:*

The messenger who lately bore to Berlin the ratified copy of the convention for the mutual abolition of the *droit d'aubaine* and taxes on emigration between the United States of America and the Grand Duchy of Hesse, has just returned to Washington, bearing with him the exchange copy of said convention. It appears that the exchange of ratifications did not take place until the 16th day of October, twenty days after the period fixed by the convention itself for that purpose. This informality, which it would seem was occasioned by the absence from Berlin of the plenipotentiary from Hesse and by the time necessarily required for the preparation of the document, has been waived by the representative of that Government.

This subject is now submitted for the consideration of the Senate.

JOHN TYLER.

WASHINGTON, *December 23, 1844.**To the Senate of the United States:*

I herewith transmit a letter from the Secretary of State, accompanied by copies of the correspondence* asked for by your resolution of the 12th instant.

JOHN TYLER.

WASHINGTON, *January 2, 1845.**To the Senate of the United States:*

I transmit herewith a letter from the Secretary of State, accompanied by a copy of a letter † from Mr. Raymond, secretary of legation and chargé d'affaires *ad interim* of the Republic of Texas, in answer to the Senate's resolution of the 16th December last.

JOHN TYLER.

WASHINGTON, *January 2, 1845.**To the Senate of the United States:*

In answer to your resolution of the 19th December last, I herewith transmit a letter ‡ from the Secretary of State and the accompanying documents.

JOHN TYLER.

WASHINGTON, *January 9, 1845.**To the House of Representatives:*

I herewith transmit to the House of Representatives, in reply to their resolution of the 14th of June last, a report from the Secretary of State, with accompanying papers.§

JOHN TYLER.

* Extracts from the instructions of the Department of State to the United States minister to France relative to the proposed annexation of Texas, etc.

† Relating to the public debt and public lands of the Republic of Texas.

‡ Transmitting copies of treaties between the Republic of Texas and Great Britain and France.

§ Copy of the instructions to George W. Erving upon his appointment as minister to Spain in 1814 and during his mission to that Court.

WASHINGTON, *January 9, 1845.**To the Senate of the United States:*

I transmit herewith additional documents having relation to the treaty with China, which may enable the Senate more satisfactorily to act upon it.

JOHN TYLER.

WASHINGTON, *January 22, 1845.**To the Senate and House of Representatives of the United States:*

I communicate herewith an abstract of the treaty between the United States of America and the Chinese Empire concluded at Wang-Hiya on the 3d of July last, and ratified by the Senate on the 16th instant, and which, having also been ratified by the Emperor of China, now awaits only the exchange of the ratifications in China, from which it will be seen that the special mission authorized by Congress for this purpose has fully succeeded in the accomplishment so far of the great objects for which it was appointed, and in placing our relations with China on a new footing eminently favorable to the commerce and other interests of the United States.

In view of the magnitude and importance of our national concerns, actual and prospective, in China, I submit to the consideration of Congress the expediency of providing for the preservation and cultivation of the subsisting relations of amity between the United States and the Chinese Government, either by means of a permanent minister or commissioner with diplomatic functions, as in the case of certain of the Mohammedan States. It appears by one of the extracts annexed that the establishment of the British Government in China consists both of a plenipotentiary and also of paid consuls for all the five ports, one of whom has the title and exercises the functions of consul-general; and France has also a salaried consul-general, and the interests of the United States seem in like manner to call for some representative in China of a higher class than an ordinary commercial consulate.

I also submit to the consideration of Congress the expediency of making some special provision by law for the security of the independent and honorable position which the treaty of Wang-Hiya confers on citizens of the United States residing or doing business in China. By the twenty-first and twenty-fifth articles of the treaty (copies of which are subjoined *in extenso*) citizens of the United States in China are wholly exempted, as well in criminal as in civil matters, from the local jurisdiction of the Chinese Government and made amenable to the laws and subject to the jurisdiction of the appropriate authorities of the United States alone. Some action on the part of Congress seems desirable in order to give full effect to these important concessions of the Chinese Government.

JOHN TYLER.

WASHINGTON, *January 29, 1845.*

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

In compliance with the request of the governor of the State of Illinois, I transmit herewith a copy of certain resolutions* adopted by the general assembly of that State.

JOHN TYLER.

WASHINGTON, *February 3, 1845.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 2d ultimo, calling for information in reference to the indemnities stipulated to be paid pursuant to the convention between the United States and the Mexican Republic of the 30th of January, 1843, I transmit herewith reports from the Secretaries of State and of the Treasury and the documents which accompanied them.

JOHN TYLER.

WASHINGTON, *February 3, 1845.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 23d ultimo, requesting information upon the subject of embezzlement of public money, I transmit herewith a report from the Secretary of State.

JOHN TYLER.

WASHINGTON, *February 3, 1845.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 16th ultimo, calling for information upon the subject of the boundaries of the Republic of Texas and for copies of treaties between that Republic and other powers, I transmit herewith a report from the Secretary of State and the documents which accompanied it.

JOHN TYLER.

WASHINGTON, *February 4, 1845.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 5th December, I herewith transmit copies of the proceedings in the case of the inquiry into the official conduct of Silas Reed, principal surveyor of Missouri and Illinois, together with all the complaints against him and all the evidence taken in relation thereto. I did not consider the irregularities into which the surveyor-general had fallen as of sufficient magnitude to induce his dismissal from office at the time that the papers reached me, having become convinced, upon inquiry of the Commissioner of the General Land Office, of the ability, efficiency, and fidelity of the surveyor-general in all things

* Asking the publication and distribution of the decisions of the Supreme Court of the United States.

appertaining to his office; but since the passage of the resolution by the Senate I regarded the matter as so augmented in importance as to induce me to refer the subject to the Commissioner of the General Land Office for a minute and thorough examination. A copy of the report which he has made, and also the defense of Dr. Reed, accompanies the papers. It has seemed to me that the facts set forth by the report exhibit certain irregularities which are properly reprehensible, but from which neither the surveyor-general, in a pecuniary point of view, derived profit nor the Government sustained loss, and which the reproof contained in the Commissioner's report will in all future cases restrain; while the high testimony borne by the Commissioner to the generally excellent deportment in office of the surveyor-general has seemed to me to mark the case more as one meriting disapproval and correction in future than the severe punishment of dismissal.

JOHN TYLER.

WASHINGTON, *February 5, 1845.*

To the House of Representatives of the United States:

I herewith transmit ~~to the~~ House of Representatives, in answer to its resolution of the 31st ultimo, a report from the Secretary of State, together with copies of documents* therein referred to.

JOHN TYLER.

WASHINGTON, *February 5, 1845.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 10th of December last, requesting further correspondence touching the relations between the United States and the Mexican Republic, I transmit herewith a report from the Secretary of State and the documents which accompanied it.

JOHN TYLER.

WASHINGTON, *February 7, 1845.*

To the Senate of the United States:

I transmit herewith the report † requested by the resolution of the Senate of the 2d of January last.

JOHN TYLER.

WASHINGTON, *February 7, 1845.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 4th instant, requesting information relative to the employment of Mr. Duff Green in the service of this Government, I transmit herewith a report from the Secretary of State.

JOHN TYLER.

*Correspondence relative to the surrender by Great Britain of fugitive criminals from Florida under the treaty of Washington.

† Of Lieutenant H. Wager Halleck, of the Engineer Corps, on the means of national defense.

WASHINGTON, February 12, 1845.

To the House of Representatives of the United States:

I transmit herewith a copy of the correspondence relating to the claims of citizens of the United States upon the Mexican Republic, requested by the resolution of the House of Representatives of the 10th of January, 1844.

JOHN TYLER.

WASHINGTON, February 12, 1845.

To the Senate of the United States:

I transmit herewith a copy of the correspondence relative to claims of citizens of the United States on the Mexican Republic, requested by the resolution of the Senate of the 26th December, 1843.

JOHN TYLER.

WASHINGTON CITY, February 13, 1845.

To the Senate of the United States:

I transmit herewith, for the advice and approbation of the Senate, a treaty with the Creek and Seminole tribes of Indians, concluded on the 4th day of January last.

JOHN TYLER.

WASHINGTON, February 14, 1845.

To the Senate of the United States:

I herewith transmit certain documents connected with the case of Silas Reed,* and which were inadvertently omitted in the packet of papers which accompanied my message to the Senate on this subject.

JOHN TYLER.

WASHINGTON, February 17, 1845.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 30th of December last, requesting information with reference to indemnities for claims of citizens of the United States upon the Mexican Government, I transmit herewith a report from the Secretary of State and the documents which accompanied it.

JOHN TYLER.

WASHINGTON, February 19, 1845.

To the Senate of the United States:

In answer to the resolution of the Senate of the 11th December, 1844, requesting the President "to lay before the Senate, if in his judgment

*Principal surveyor of Missouri and Illinois, official conduct of.

that may be done without prejudice to the public interests, a copy of any instructions which may have been given by the Executive to the American minister in England on the subject of the title to and occupation of the Territory of Oregon since the 4th day of March, 1841; also a copy of any correspondence which may have passed between this Government and that of Great Britain, or between either of the two Governments and the minister of the other, in relation to that subject since that time," I have to say that in my opinion, as the negotiation is still pending, the information sought for can not be communicated without prejudice to the public service.

I deem it, however, proper to add that considerable progress has been made in the discussion, which has been carried on in a very amicable spirit between the two Governments, and that there is reason to hope that it may be terminated and the negotiation brought to a close within a short period.

I have delayed answering the resolution under the expectation expressed in my annual message that the negotiation would have been terminated before the close of the present session of Congress, and that the information called for by the resolution of the Senate might be communicated.

JOHN TYLER.

WASHINGTON, *February 20, 1845.*

To the Senate of the United States:

I herewith communicate to the Senate a report* from the Secretary of State, in reply to the inquiries contained in their resolution of the 17th instant.

JOHN TYLER.

WASHINGTON, *February 20, 1845.*

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

I transmit herewith, for the information of Congress, copies of certain dispatches recently received from Mr. Wise, our envoy extraordinary and minister plenipotentiary at the Court of Brazil, upon the subject of the slave trade, developing the means used and the devices resorted to in order to evade existing enactments upon that subject.

Anxiously desirous as are the United States to suppress a traffic so revolting to humanity, in the efforts to accomplish which they have been the pioneers of civilized states, it can not but be a subject of the most profound regret that any portion of our citizens should be found acting in cooperation with the subjects of other powers in opposition to the policy of their own Government, thereby subjecting to suspicion and to the hazard of disgrace the flag of their own country. It is true that this

* Relating to redress from the British Government for the illegal capture of the fishing schooner *Argus* and other American vessels engaged in the fisheries, under a pretended infraction of the convention of October 20, 1818.

traffic is carried on altogether in foreign parts and that our own coasts are free from its pollution; but the crime remains the same wherever perpetrated, and there are many circumstances to warrant the belief that some of our citizens are deeply involved in its guilt. The mode and manner of carrying on this trade are clearly and fearlessly set forth in the accompanying documents, and it would seem that a regular system has been adopted for the purpose of thwarting the policy and evading the penalties of our laws. American vessels, with the knowledge, as there are good reasons to believe, of the owners and masters, are *chartered*, or rather purchased, by notorious slave dealers in Brazil, aided by English brokers and capitalists, with this intent. The vessel is only nominally chartered at so much per month, while in truth it is actually sold, to be delivered on the coast of Africa; the charter party binding the owners in the meantime to take on board *as passengers* a new crew in Brazil, who, when delivered on the coast, are to navigate her back to the ports of Brazil with her cargo of slaves. Under this agreement the vessel clears from the United States for some port in Great Britain, where a cargo of merchandise known as "coast goods," and designed especially for the African trade, is purchased, shipped, and consigned, together with the vessel, either directly to the slave dealer himself or to his agents or accomplices in Brazil. On her arrival a new crew is put on board *as passengers* and the vessel and cargo consigned to an equally guilty factor or agent on the coast of Africa, where the unlawful purpose originally designed is finally consummated. The merchandise is exchanged for slaves, the vessel is delivered up, her name obliterated, her papers destroyed, her American crew discharged, to be provided for by the charterers, and the new or *passenger* crew put in command to carry back its miserable freight to the first contrivers of the voyage, or their *employees* in Brazil.

During the whole progress of this tortuous enterprise it is possible that neither the American crew originally enlisted nor the *passenger* crew put on board in the Brazilian ports are aware of the nature of the voyage, and yet it is on these principally, ignorant if not innocent, that the penalties of the law are inflicted, while the guilty contrivers—the charterers, brokers, owners, and masters; in short, all who are most deeply concerned in the crime and its rewards—for the most part escape unpunished.

It will be seen from the examinations which have recently taken place at Rio that the subjects of Her Britannic Majesty as well as our own citizens are deeply implicated in this inhuman traffic. British factors and agents, while they supply Africa with British fabrics in exchange for slaves, are chiefly instrumental in the abuse of the American flag; and the suggestions contained in the letter of Mr. Wise (whose judicious and zealous efforts in the matter can not be too highly commended), addressed to Mr. Hamilton, the British envoy, as to the best mode of

suppressing the evil, deserve your most deliberate consideration, as they will receive, I doubt not, that of the British Government.

It is also worthy of consideration whether any other measures than those now existing are necessary to give greater efficacy to the just and humane policy of our laws, which already provide for the restoration to Africa of slaves captured at sea by American cruisers. From time to time provision has been made by this Government for their comfortable support and maintenance during a limited period after their restoration, and it is much to be regretted that this liberal policy has not been adopted by Great Britain. As it is, it seems to me that the policy it has adopted is calculated rather to perpetuate than to suppress the trade by enlisting very large interests in its favor. Merchants and capitalists furnish the means of carrying it on; manufactures, for which the negroes are exchanged, are the products of her workshops; the slaves, when captured, instead of being returned back to their homes are transferred to her colonial possessions in the West Indies and made the means of swelling the amount of their products by a system of apprenticeship for a term of years; and the officers and crews who capture the vessels receive on the whole number of slaves so many pounds sterling *per capita* by way of bounty.

It must be obvious that while these large interests are enlisted in favor of its continuance it will be difficult, if not impossible, to suppress the nefarious traffic, and that its results would be in effect but a continuance of the slave trade in another and more cruel form; for it can be but a matter of little difference to the African whether he is torn from his country and transported to the West Indies as a slave in the regular course of the trade, or captured by a cruiser, transferred to the same place, and made to perform the same labor under the name of an apprentice, which is at present the practical operation of the policy adopted.

It is to be hoped that Her Britannic Majesty's Government will, upon a review of all the circumstances stated in these dispatches, adopt more efficient measures for the suppression of the trade, which she has so long attempted to put down, with, as yet, so little success, and more consonant with the original policy of restoring the captured African to his home.

JOHN TYLER.

WASHINGTON, *February 21, 1845.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of peace, friendship, navigation, and commerce between the United States and the Republic of New Granada, signed at Bogota on the 20th of December last. A copy of the papers on file in the Department of State relating to the treaty is also herewith communicated, for the information of the Senate.

JOHN TYLER.

WASHINGTON, February 21, 1845.

To the Senate of the United States:

I herewith transmit to the Senate, in answer to their resolution of the 14th instant, a report of the Secretary of State, with the accompanying papers.*

JOHN TYLER.

WASHINGTON, February 21, 1845.

To the House of Representatives of the United States:

In compliance with your resolution of the 23d January last, asking information "if any, and what, officers of the United States have been guilty of embezzlement of public money since the 19th August, 1841, and, further, whether such officers have been criminally prosecuted for such embezzlement, and, if not, that the reasons why they have not been so prosecuted be communicated," I herewith transmit letters from the Secretaries of the Treasury, War, and Navy Departments and the Postmaster-General, and from various heads of bureaus, from which it will be seen that no case of embezzlement by any person holding office under the Government is known to have occurred since the 19th August, 1841, unless exceptions are to be found in the cases of the postmaster at Tompkinsville, Ky., who was instantly removed from office, and all papers necessary for his prosecution were transmitted to the United States district attorney, and John Flanagan, superintendent of lead mines of the Upper Mississippi, who was also removed, and whose place of residence, as will be seen by the letter of the head of the Ordnance Bureau, has been, and still is, unknown.

JOHN TYLER.

WASHINGTON, February 24, 1845.

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 Kingdom of Bavaria, dated on the 21st day of January, 1845, for the mutual abolition of the *droit d'aubaine* and taxes on emigration between that Government and the United States, and also a copy of a dispatch from the minister explanatory of the sixth article of the same.

JOHN TYLER.

WASHINGTON, February 26, 1845.

To the Senate of the United States:

I transmit herewith a communication from the Secretary of the Treasury, inclosing reports from the Commissioner of the General Land Office, dated the 25th instant, and accompanying papers, in compliance with your resolution of the 17th instant, asking for information relative to reservations of mineral lands in the State of Illinois south of the base line and west of the third principal meridian.

JOHN TYLER.

*Instructions to Hon. Caleb Cushing, commissioner to China and envoy extraordinary and minister plenipotentiary to the Court of China, etc.

WASHINGTON, *February 26, 1845.**To the Senate of the United States:*

I herewith communicate a dispatch recently received, and an extract from one of a prior date, from our minister at Mexico, which I deem it important to lay confidentially before the Senate.

JOHN TYLER.

WASHINGTON, *February 26, 1845.**To the Senate of the United States:*

In compliance with the resolution of the Senate of the 3d instant, I herewith transmit the information* called for.

JOHN TYLER.

WASHINGTON, *February 26, 1845.**To the Senate of the United States:*

I herewith transmit to the Senate, for its approval, an additional article to the treaty of extradition between the United States and France of the 9th of November, 1843. It will be found to contain the amendments suggested by the resolution of the Senate of the 15th of June last.

JOHN TYLER.

WASHINGTON, *February 28, 1845.**To the Senate of the United States:*

I transmit herewith to the Senate, in answer to its resolution of the 17th instant, a report† from the Secretary of State, together with the copies of papers therein referred to.

JOHN TYLER.

VETO MESSAGE.

WASHINGTON, *February 20, 1845.**To the Senate of the United States:*

I herewith return the bill entitled "An act relating to revenue cutters and steamers," with the following objections to its becoming a law:

The Executive has found it necessary and esteemed it important to the public interests to direct the building of two revenue boats, to be propelled by wind or steam, as occasion may require—the one for the coast of Georgia and the other for Mobile Bay, to be used as dispatch

* Operations of the United States squadron on the west coast of Africa, the growth, condition, and influence of the American colonies there, and the nature, extent, and progress of the commerce of the United States with the same.

† Relating to redress from the British Government for the illegal capture of the fishing schooner *Argus* and other American vessels engaged in the fisheries, under a pretended infraction of the convention of October 20, 1818. —

vessels if necessary. The models have been furnished by the Navy Department and side wheels have been ordered, as being best tested and least liable to failure. The one boat is directed to be built at Richmond, Va., the other at Pittsburg, Pa., and contracts have been regularly entered into for their construction. The contractors have made and are making all necessary arrangements in procuring materials and sites for building, etc., and have doubtless been at considerable expense in the necessary preparations for completing their engagements. It was no part of the intention of the Senate in originating the bill, I am well convinced, to violate the sanctity of contracts regularly entered into by the Government. The language of the act, nevertheless, is of a character to produce in all probability that effect. Its language is "that no revenue cutter or revenue steamer shall hereafter be built (*excepting such as are now in the course of building or equipment*) nor purchased unless an appropriation be first made by law therefor." The *building* of the two cutters under contract can not be said properly to have commenced, although preparations have been made for building; but even if the construction be ambiguous, it is better that all ambiguity should be removed and thus the hazard of violating the pledged faith of the country be removed along with it.

I am free to confess that, existing contracts being guarded and protected, the law to operate *in futuro* would be regarded as both proper and wise.

With these objections, I return the bill to the House in which it originated for its final constitutional action.

JOHN TYLER.

PROCLAMATION.

[From Senate Journal, Twenty-eighth Congress, second session, p. 271.]

WASHINGTON, *January 8, 1845.*

To the Senators of the United States, respectively.

SIR: Objects interesting to the United States requiring that the Senate should be in session on Tuesday, the 4th of March next, to receive and act upon such communications as may be made to it on the part of the Executive, your attendance in the Senate Chamber, in this city, on that day at 10 o'clock in the forenoon is accordingly requested.

JOHN TYLER.