



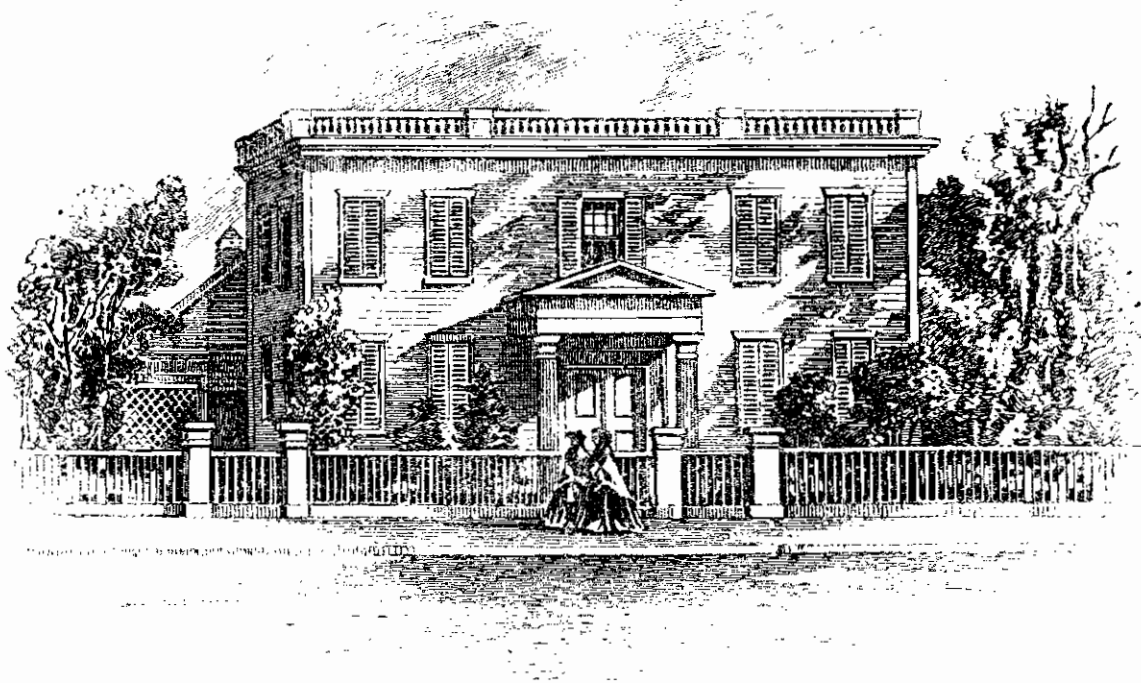
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# Millard Fillmore

July 10, 1850, to March 4, 1853

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OLD HOME AT BUFFALO, NEW YORK, OF  
MILLARD FILLMORE

With official portrait engraved from copy of original in steel



MILLARD FILLMORE

# Millard Fillmore

MILLARD FILLMORE was born February 7, 1800, in the township of Locke (now Summerhill), Cayuga County, N. Y. He was the second son of Nathaniel Fillmore and Phoebe Millard. His ancestors served with distinction in the French and Revolutionary wars. He attended the primitive schools in the neighborhood three months in the year, devoting the other nine to working on his father's farm. His father, having formed a distaste for farming, was desirous that his sons should follow other occupations. Accordingly, Millard, after serving an apprenticeship for a few months, began in 1815 the business of carding and dressing cloth. Was afterwards a school-teacher. In 1819 decided to become a lawyer, and in 1823, although he had not completed the usual course required, was admitted as an attorney by the court of common pleas of Erie County. February 5, 1826, was married to Miss Abigail Powers, daughter of a clergyman. In 1827 was admitted as an attorney and two years later as counselor before the supreme court. In 1830 removed to Buffalo and became a successful lawyer. His political career began and ended with the birth and extinction of the Whig party. Was elected to the legislature of his State in 1828, and served three terms; while there he was distinguished by his advocacy of the act to abolish imprisonment for debt, which passed in 1831. In 1832 was elected to Congress, and after serving one term retired till 1836, when he was reelected, and again returned in 1838 and 1840, declining a renomination in 1842. Was the author of the tariff of 1842. He retired from Congress in 1843. Was an unsuccessful candidate for Vice-President before the Whig convention at Baltimore in 1844. Was nominated by acclamation for governor of New York in the following September, but was defeated by Silas Wright. In 1847 was elected comptroller of the State. In 1848 was nominated by the Whigs for Vice-President on the ticket with General Taylor and was elected in the following November. He presided as Vice-President with strict impartiality during exciting debates in the Senate. By the death of President Taylor became President July 10, 1850. Was a candidate for President at the Whig convention in 1852, but General Scott received the nomination. Three weeks after the close of his Administration his wife died. Afterwards married Caroline C. McIntosh, who survived him. In 1856, while in Rome, he was nominated for the Presidency by the

American (Whig) party, but was defeated by Mr. Buchanan. After his retirement from office he resided in Buffalo the remainder of his life. He established the Buffalo Historical Society. Was called upon to welcome distinguished visitors to his city, and frequently presided over conventions and other public meetings, but held no office after retiring from the Presidency. He again visited Europe in 1866. Died at Buffalo, N. Y., March 8, 1874, and was buried in that city in Forest Lawn Cemetery.

## SPECIAL MESSAGES.

WASHINGTON, July 10, 1850.

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

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

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

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

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

MILLARD FILLMORE.

WASHINGTON, July 15, 1850.

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and the Republic of Peru, signed in this city on the 13th instant by the plenipotentiaries of the parties,

A report from the Secretary of State relative to the treaty, and the documents therein referred to, are also herewith transmitted.

MILLARD FILLMORE.

WASHINGTON, July 17, 1850.

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, July 17, 1850.

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, July 18, 1850.

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

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

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

The concluding part of the resolution, requesting the President to communicate to the House all treaties not heretofore published which may have been negotiated with any of the States of Central America "by any person acting by authority of the late Administration or under the

auspices of the present Administration," so far as it has reference to treaties negotiated with any of those States by instructions from this Government, can not be complied with, inasmuch as those treaties have not been acted upon by the Senate of the United States, and are now in the possession of that body, to whom by the Constitution they are directed to be transmitted for advice in regard to their ratification.

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

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

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

MILLARD FILLMORE.

WASHINGTON, July 20, 1850.

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, July 23, 1850.

*To the Senate of the United States:*

I lay before the Senate, for their consideration and advice as to its ratification, a treaty concluded in the city of Washington on the 1st day of

April, 1850, by and between Ardavan S. Loughery, commissioner on the part of the United States, and delegates of the Wyandott tribe of Indians.

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

MILLARD FILLMORE.

WASHINGTON, *July 30, 1850.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *August 2, 1850.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *August 6, 1850.*

*To the Senate and House of Representatives:*

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

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

He proceeds to say that the commissioner had reported to him in an



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

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

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

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

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

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

By the act of March 3, 1807, it is provided that in all cases of obstruction to the laws either of the United States or any individual State or Territory, where it is lawful for the President to call forth the militia for the purpose of causing the laws to be duly executed, it shall be lawful

for him to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary.

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

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

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

All this is plain, and hardly needs argument or elucidation. If Texas militia, therefore, march into any one of the other States or into any Territory of the United States, there to execute or enforce any law of Texas, they become at that moment trespassers; they are no longer under the protection of any lawful authority, and are to be regarded merely as intruders; and if within such State or Territory they obstruct any law of the United States, either by power of arms or mere power of numbers, constituting such a combination as is too powerful to be suppressed by the civil authority, the President of the United States has no option left to him, but is bound to obey the solemn injunction of the Constitution and exercise the high powers vested in him by that instrument and by the acts of Congress.

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

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

The Constitution of the United States declares that—

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

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

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

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

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

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

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

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States as defined by the present treaty, shall be free to continue where they now reside or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States; but they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year without having declared their intention to retain the character of Mexicans shall be considered to have elected to become citizens of the United States.

In the said territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

The ninth article of the treaty is in these words:

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

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

The executive government of the United States has no power or authority to determine what was the true line of boundary between Mexico and the United States before the treaty of Guadalupe Hidalgo, nor has it any such power now, since the question has become a question between the State of Texas and the United States. So far as this boundary is doubtful, that doubt can only be removed by some act of Congress, to which the assent of the State of Texas may be necessary, or by some appropriate mode of legal adjudication; but in the meantime, if disturbances or collisions arise or should be threatened, it is absolutely incumbent on the executive government, however painful the duty, to take care that the laws be faithfully maintained; and he can regard only the actual state of things as it existed at the date of the treaty, and is bound to protect all inhabitants who were then established and who now remain north and east of the line of demarcation in the full enjoyment of their liberty and property, according to the provisions of the ninth article of the treaty. In other words, all must be now regarded as New Mexico which was possessed and occupied as New Mexico by citizens of Mexico at the date of the treaty until a definite line of boundary shall be established by competent authority.

This assertion of duty to protect the people of New Mexico from threatened violence, or from seizure to be carried into Texas for trial for alleged offenses against Texan laws, does not at all include any claim of power on the part of the Executive to establish any civil or military

government within that Territory. *That power* belongs exclusively to the legislative department, and Congress is the sole judge of the time and manner of creating or authorizing any such government.

The duty of the Executive extends only to the execution of laws and the maintenance of treaties already in force and the protection of all the people of the United States in the enjoyment of the rights which those treaties and laws guarantee.

It is exceedingly desirable that no occasion should arise for the exercise of the powers thus vested in the President by the Constitution and the laws. With whatever mildness those powers might be executed, or however clear the case of necessity, yet consequences might, nevertheless, follow of which no human sagacity can foresee either the evils or the end.

Having thus laid before Congress the communication of his excellency the governor of Texas and the answer thereto, and having made such observations as I have thought the occasion called for respecting constitutional obligations which may arise in the further progress of things and may devolve on me to be performed, I hope I shall not be regarded as stepping aside from the line of my duty, notwithstanding that I am aware that the subject is now before both Houses, if I express my deep and earnest conviction of the importance of an immediate decision or arrangement or settlement of the question of boundary between Texas and the Territory of New Mexico. All considerations of justice, general expediency, and domestic tranquillity call for this. It seems to be in its character and by position the first, or one of the first, of the questions growing out of the acquisition of California and New Mexico, and now requiring decision.

No government can be established for New Mexico, either State or Territorial, until it shall be first ascertained what New Mexico is, and what are her limits and boundaries. These can not be fixed or known till the line of division between her and Texas shall be ascertained and established; and numerous and weighty reasons conspire, in my judgment, to show that this divisional line should be established by Congress with the assent of the government of Texas. In the first place, this seems by far the most prompt mode of proceeding by which the end can be accomplished. If judicial proceedings were resorted to, such proceedings would necessarily be slow, and years would pass by, in all probability, before the controversy could be ended. So great a delay in this case is to be avoided if possible. Such delay would be every way inconvenient, and might be the occasion of disturbances and collisions. For the same reason I would, with the utmost deference to the wisdom of Congress, express a doubt of the expediency of the appointment of commissioners, and of an examination, estimate, and an award of indemnity to be made by them. This would be but a species of arbitration, which might last as long as a suit at law.

So far as I am able to comprehend the case, the general facts are now all known, and Congress is as capable of deciding on it justly and properly now as it probably would be after the report of the commissioners. If the claim of title on the part of Texas appears to Congress to be well founded in whole or in part, it is in the competency of Congress to offer her an indemnity for the surrender of that claim. In a case like this, surrounded, as it is, by many cogent considerations, all calling for amicable adjustment and immediate settlement, the Government of the United States would be justified, in my opinion, in allowing an indemnity to Texas, not unreasonable or extravagant, but fair, liberal, and awarded in a just spirit of accommodation.

I think no event would be hailed with more gratification by the people of the United States than the amicable adjustment of questions of difficulty which have now for a long time agitated the country and occupied, to the exclusion of other subjects, the time and attention of Congress.

Having thus freely communicated the results of my own reflections on the most advisable mode of adjusting the boundary question, I shall nevertheless cheerfully acquiesce in any other mode which the wisdom of Congress may devise. And in conclusion I repeat my conviction that every consideration of the public interest manifests the necessity of a provision by Congress for the settlement of this boundary question before the present session be brought to a close. The settlement of other questions connected with the same subject within the same period is greatly to be desired, but the adjustment of this appears to me to be in the highest degree important. In the train of such an adjustment we may well hope that there will follow a return of harmony and good will, an increased attachment to the Union, and the general satisfaction of the country.

MILLARD FILLMORE.

WASHINGTON, *August 8, 1850.*

*To the Senate and House of Representatives:*

It has been suggested that the language in the first paragraph of my message to the two Houses of Congress of the 6th instant may convey the idea that Governor Bell's letter to my predecessor was received by him before his death. It was addressed to him, but appears, in point of fact, to have been sent to me from the post-office after his death.

I make this communication to accompany the message and prevent misapprehension.

MILLARD FILLMORE.

WASHINGTON, *August 10, 1850.*

*To the Senate of the United States:*

I transmit herewith a communication from the Department of the Interior and the papers which accompanied it, being the first part of the

results of investigations by Henry R. Schoolcraft, esq., under the provisions of an act of Congress approved March 3, 1847, requiring the Secretary of War "to collect and digest such statistics and materials as may illustrate the history, the present condition, and future prospects of the Indian tribes of the United States."

MILLARD FILLMORE.

WASHINGTON, *August 24, 1850.*

*To the Senate of the United States:*

I have the honor to transmit herewith a report submitted by the Secretary of the Treasury, to whom was referred the resolution of the Senate of the 31st July last, requesting to be furnished with certain information in relation to the commerce, etc., of the district of Brazos Santiago, in Texas.

MILLARD FILLMORE.

WASHINGTON, *August 26, 1850.*

*To the Senate of the United States:*

I have the honor to inclose herewith a letter just received from the Secretary of War, transmitting a communication from the Colonel of the Corps of Topographical Engineers, with accompanying papers, which he requests may be taken as a supplement to the "report and map of Lieutenant J. D. Webster, Corps of Topographical Engineers, of a survey of the Gulf coast at the mouth of the Rio Grande and its vicinity," called for by a resolution of the Senate of the 1st of July last.

MILLARD FILLMORE.

WASHINGTON, *September 2, 1850.*

*To the Senate of the United States:*

I have the honor herewith to transmit to your honorable body a report from the Secretary of the Navy, accompanied by copies of the correspondence relating to the resignation of Edward C. Anderson, a lieutenant in the Navy, in answer to a resolution of the Senate of August 28, 1850, adopted in executive session.

MILLARD FILLMORE.

WASHINGTON, *September 9, 1850.*

*To the Senate of the United States:*

In answer to a resolution of the Senate of the 5th instant, I have the honor herewith to transmit to the Senate a letter from the Secretary of State, accompanied by a copy of the report of the commissioner to China made in pursuance of the provisions of the act to carry into effect certain provisions of the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers, etc.

MILLARD FILLMORE.

WASHINGTON, *September 9, 1850.*

*To the Senate of the United States:*

In compliance with the request of the Hon. Manuel Alvarez, acting governor, etc., I have the honor to transmit to the Senate herewith a copy of the constitution recently adopted by the inhabitants of New Mexico, together with a digest of the votes for and against it.

Congress having just passed a bill providing a Territorial government for New Mexico, I do not deem it advisable to submit any recommendation on the subject of a State government.

MILLARD FILLMORE.

WASHINGTON, *September 12, 1850.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In answer to a resolution of the House of Representatives adopted September 2, 1850, calling upon me to communicate the full and exact cost of each of the lines of mail steamers now in service, etc., I have the honor to transmit herewith reports from the Secretary of the Navy and Postmaster-General, containing the desired information.

MILLARD FILLMORE.

WASHINGTON, *September 16, 1850.*

*To the Senate of the United States:*

In answer to a resolution of the Senate of the 9th instant, adopted in executive session, asking information in reference to the nomination of John Howard Payne as consul to Tunis, I have the honor to transmit a report from the Secretary of State, giving the desired information.

MILLARD FILLMORE.

WASHINGTON, *September 23, 1850.*

*To the Senate and House of Representatives:*

Having been informed that it is the wish of the family and relatives of the late lamented President of the United States that his remains should be removed to the State of Kentucky, and being desirous of manifesting the most sincere and profound respect for the character of the deceased, in which I doubt not Congress will fully concur, I have felt it to be my duty to make known to you the wishes of the family, that you might previous to your adjournment adopt such proceedings and take such order on the subject as in your wisdom may seem meet and proper on the occasion.

MILLARD FILLMORE.

[The remains of the late President of the United States were removed from Washington to Louisville, Ky., October 25, 1850.]



WASHINGTON, *September 27, 1850.**To the Senate of the United States:*

I herewith transmit to the Senate, in answer to their resolution of the 23d instant, a report from the Secretary of State, with the papers\* therein referred to.

MILLARD FILLMORE.

WASHINGTON, *September 28, 1850.**To the Senate of the United States:*

In answer to your resolution of the 24th instant, expressing an opinion adverse to the alleged resignation of Lieutenant Anderson, of the Navy, I have the honor herewith to transmit a report from the Secretary of the Navy, accompanied by the correspondence in reference to such resignation.

Regarding the opinion of the Senate in this matter with the most profound respect, I have given to the subject the most anxious consideration, and submitted the question to the deliberation of my Cabinet, and after a careful examination of the whole correspondence they are unanimously of opinion that Lieutenant Anderson tendered his resignation, which was duly accepted, and that he was therefore rightfully dropped from the Register. I concur fully in this opinion. With these convictions I feel compelled to adhere to the decision of my lamented predecessor, and can only regret that I have the misfortune in this instance to differ from those for whom, individually and collectively, I entertain the highest respect.

MILLARD FILLMORE.

## PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States

\*Communications from the United States minister to Turkey relative to the Hungarian exiles.

are and shall be suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from the Government of the Republic of Chile, through an official communication of Señor Don Manuel Carvallo, accredited to this Government as envoy extraordinary and minister plenipotentiary of that Republic, under date of the 31st of October, 1850, that no other or higher duties of tonnage and impost are imposed or levied in the ports of Chile upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Chilean ships and their cargoes in the same ports and under like circumstances:

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

Given under my hand, at the city of Washington, this 1st day of November, A. D. 1850, and the seventy-fifth of the Independence of the United States.

MILLARD FILLMORE.

By the President:

W. S. DERRICK, *Acting Secretary of State.*

## FIRST ANNUAL MESSAGE.

WASHINGTON, *December 2, 1850.*

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

Being suddenly called in the midst of the last session of Congress by a painful dispensation of Divine Providence to the responsible station which I now hold, I contented myself with such communications to the Legislature as the exigency of the moment seemed to require. The

country was shrouded in mourning for the loss of its venerable Chief Magistrate and all hearts were penetrated with grief. Neither the time nor the occasion appeared to require or to justify on my part any general expression of political opinions or any announcement of the principles which would govern me in the discharge of the duties to the performance of which I had been so unexpectedly called. I trust, therefore, that it may not be deemed inappropriate if I avail myself of this opportunity of the reassembling of Congress to make known my sentiments in a general manner in regard to the policy which ought to be pursued by the Government both in its intercourse with foreign nations and its management and administration of internal affairs.

Nations, like individuals in a state of nature, are equal and independent, possessing certain rights and owing certain duties to each other, arising from their necessary and unavoidable relations; which rights and duties there is no common human authority to protect and enforce. Still, they are rights and duties, binding in morals, in conscience, and in honor, although there is no tribunal to which an injured party can appeal but the disinterested judgment of mankind, and ultimately the arbitrament of the sword.

Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens, of changing that form as circumstances may require, and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others. Hence it becomes an imperative duty not to interfere in the government or internal policy of other nations; and although we may sympathize with the unfortunate or the oppressed everywhere in their struggles for freedom, our principles forbid us from taking any part in such foreign contests. We make no wars to promote or to prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses to establish for itself. We instigate no revolutions, nor suffer any hostile military expeditions to be fitted out in the United States to invade the territory or provinces of a friendly nation. The great law of morality ought to have a national as well as a personal and individual application. We should act toward other nations as we wish them to act toward us, and justice and conscience should form the rule of conduct between governments, instead of mere power, self-interest, or the desire of aggrandizement. To maintain a strict neutrality in foreign wars, to cultivate friendly relations, to reciprocate every noble and generous act, and to perform punctually and scrupulously every treaty obligation—these are the duties which we owe to other states, and by the performance of which we best entitle ourselves to like treatment from them; or, if that, in any case, be refused, we can enforce our own rights with justice and a clear conscience.

In our domestic policy the Constitution will be my guide, and in questions of doubt I shall look for its interpretation to the judicial decisions of that tribunal which was established to expound it and to the usage of the Government, sanctioned by the acquiescence of the country. I regard all its provisions as equally binding. In all its parts it is the will of the people expressed in the most solemn form, and the constituted authorities are but agents to carry that will into effect. Every power which it has granted is to be exercised for the public good; but no pretense of utility, no honest conviction, even, of what might be expedient, can justify the assumption of any power not granted. The powers conferred upon the Government and their distribution to the several departments are as clearly expressed in that sacred instrument as the imperfection of human language will allow, and I deem it my first duty not to question its wisdom, add to its provisions, evade its requirements, or nullify its commands.

Upon you, fellow-citizens, as the representatives of the States and the people, is wisely devolved the legislative power. I shall comply with my duty in laying before you from time to time any information calculated to enable you to discharge your high and responsible trust for the benefit of our common constituents.

My opinions will be frankly expressed upon the leading subjects of legislation; and if—which I do not anticipate—any act should pass the two Houses of Congress which should appear to me unconstitutional, or an encroachment on the just powers of other departments, or with provisions hastily adopted and likely to produce consequences injurious and unforeseen, I should not shrink from the duty of returning it to you, with my reasons, for your further consideration. Beyond the due performance of these constitutional obligations, both my respect for the Legislature and my sense of propriety will restrain me from any attempt to control or influence your proceedings. With you is the power, the honor, and the responsibility of the legislation of the country.

The Government of the United States is a limited Government. It is confined to the exercise of powers expressly granted and such others as may be necessary for carrying those powers into effect; and it is at all times an especial duty to guard against any infringement on the just rights of the States. Over the objects and subjects intrusted to Congress its legislative authority is supreme. But here that authority ceases, and every citizen who truly loves the Constitution and desires the continuance of its existence and its blessings will resolutely and firmly resist any interference in those domestic affairs which the Constitution has clearly and unequivocally left to the exclusive authority of the States. And every such citizen will also deprecate useless irritation among the several members of the Union and all reproach and crimination tending to alienate one portion of the country from another. The beauty of our system of government consists, and its safety and durability must consist,



in avoiding mutual collisions and encroachments and in the regular separate action of all, while each is revolving in its own distinct orbit.

The Constitution has made it the duty of the President to take care that the laws be faithfully executed. In a government like ours, in which all laws are passed by a majority of the representatives of the people, and these representatives are chosen for such short periods that any injurious or obnoxious law can very soon be repealed, it would appear unlikely that any great numbers should be found ready to resist the execution of the laws. But it must be borne in mind that the country is extensive; that there may be local interests or prejudices rendering a law odious in one part which is not so in another, and that the thoughtless and inconsiderate, misled by their passions or their imaginations, may be induced madly to resist such laws as they disapprove. Such persons should recollect that without law there can be no real practical liberty; that when law is trampled under foot tyranny rules, whether it appears in the form of a military despotism or of popular violence. The law is the only sure protection of the weak and the only efficient restraint upon the strong. When impartially and faithfully administered, none is beneath its protection and none above its control. You, gentlemen, and the country may be assured that to the utmost of my ability and to the extent of the power vested in me I shall at all times and in all places take care that the laws be faithfully executed. In the discharge of this duty, solemnly imposed upon me by the Constitution and by my oath of office, I shall shrink from no responsibility, and shall endeavor to meet events as they may arise with firmness, as well as with prudence and discretion.

The appointing power is one of the most delicate with which the Executive is invested. I regard it as a sacred trust, to be exercised with the sole view of advancing the prosperity and happiness of the people. It shall be my effort to elevate the standard of official employment by selecting for places of importance individuals fitted for the posts to which they are assigned by their known integrity, talents, and virtues. In so extensive a country, with so great a population, and where few persons appointed to office can be known to the appointing power, mistakes will sometimes unavoidably happen and unfortunate appointments be made notwithstanding the greatest care. In such cases the power of removal may be properly exercised; and neglect of duty or malfeasance in office will be no more tolerated in individuals appointed by myself than in those appointed by others.

I am happy in being able to say that no unfavorable change in our foreign relations has taken place since the message at the opening of the last session of Congress. We are at peace with all nations and we enjoy in an eminent degree the blessings of that peace in a prosperous and growing commerce and in all the forms of amicable national intercourse. The unexampled growth of the country, the present amount of its population, and its ample means of self-protection assure for it the respect of

all nations, while it is trusted that its character for justice and a regard to the rights of other States will cause that respect to be readily and cheerfully paid.

A convention was negotiated between the United States and Great Britain in April last for facilitating and protecting the construction of a ship canal between the Atlantic and Pacific oceans and for other purposes. The instrument has since been ratified by the contracting parties, the exchange of ratifications has been effected, and proclamation thereof has been duly made.

In addition to the stipulations contained in this convention, two other objects remain to be accomplished between the contracting powers:

First. The designation and establishment of a free port at each end of the canal.

Second. An agreement fixing the distance from the shore within which belligerent maritime operations shall not be carried on.

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

The company of citizens of the United States who have acquired from the State of Nicaragua the privilege of constructing a ship canal between the two oceans through the territory of that State have made progress in their preliminary arrangements. The treaty between the United States and Great Britain of the 19th of April last, above referred to, being now in operation, it is to be hoped that the guaranties which it offers will be sufficient to secure the completion of the work with all practicable expedition. It is obvious that this result would be indefinitely postponed if any other than peaceful measures for the purpose of harmonizing conflicting claims to territory in that quarter should be adopted. It will consequently be my endeavor to cause any further negotiations on the part of this Government which may be requisite for this purpose to be so conducted as to bring them to a speedy and successful close.

Some unavoidable delay has occurred, arising from distance and the difficulty of intercourse between this Government and that of Nicaragua, but as intelligence has just been received of the appointment of an envoy extraordinary and minister plenipotentiary of that Government to reside at Washington, whose arrival may soon be expected, it is hoped that no further impediments will be experienced in the prompt transaction of business between the two Governments.

Citizens of the United States have undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehuantepec, under grants of the Mexican Government to a citizen of that Republic. It is understood that a thorough survey of the course of the communication is in preparation, and there is every reason to expect that it will be prosecuted with characteristic energy, especially when that Government shall have consented to such stipulations with the Government of the United States as may be necessary to impart a feeling of security to those

who may embark their property in the enterprise. Negotiations are pending for the accomplishment of that object, and a hope is confidently entertained that when the Government of Mexico shall become duly sensible of the advantages which that country can not fail to derive from the work, and learn that the Government of the United States desires that the right of sovereignty of Mexico in the Isthmus shall remain unimpaired, the stipulations referred to will be agreed to with alacrity.

By the last advices from Mexico it would appear, however, that that Government entertains strong objections to some of the stipulations which the parties concerned in the project of the railroad deem necessary for their protection and security. Further consideration, it is to be hoped, or some modification of terms, may yet reconcile the differences existing between the two Governments in this respect.

Fresh instructions have recently been given to the minister of the United States in Mexico, who is prosecuting the subject with promptitude and ability.

Although the negotiations with Portugal for the payment of claims of citizens of the United States against that Government have not yet resulted in a formal treaty, yet a proposition, made by the Government of Portugal for the final adjustment and payment of those claims, has recently been accepted on the part of the United States. It gives me pleasure to say that Mr. Clay, to whom the negotiation on the part of the United States had been intrusted, discharged the duties of his appointment with ability and discretion, acting always within the instructions of his Government.

It is expected that a regular convention will be immediately negotiated for carrying the agreement between the two Governments into effect.

The commissioner appointed under the act of Congress for carrying into effect the convention with Brazil of the 27th of January, 1849, has entered upon the performance of the duties imposed upon him by that act. It is hoped that those duties may be completed within the time which it prescribes. The documents, however, which the Imperial Government, by the third article of the convention, stipulates to furnish to the Government of the United States have not yet been received. As it is presumed that those documents will be essential for the correct disposition of the claims, it may become necessary for Congress to extend the period limited for the duration of the commission. The sum stipulated by the fourth article of the convention to be paid to this Government has been received.

The collection in the ports of the United States of discriminating duties upon the vessels of Chili and their cargoes has been suspended, pursuant to the provisions of the act of Congress of the 24th of May, 1828. It is to be hoped that this measure will impart a fresh impulse to the commerce between the two countries, which of late, and especially since our acquisition of California, has, to the mutual advantage of the parties, been much augmented.

Peruvian guano has become so desirable an article to the agricultural interest of the United States that it is the duty of the Government to employ all the means properly in its power for the purpose of causing that article to be imported into the country at a reasonable price. Nothing will be omitted on my part toward accomplishing this desirable end. I am persuaded that in removing any restraints on this traffic the Peruvian Government will promote its own best interests, while it will afford a proof of a friendly disposition toward this country, which will be duly appreciated.

The treaty between the United States and His Majesty the King of the Hawaiian Islands, which has recently been made public, will, it is believed, have a beneficial effect upon the relations between the two countries.

The relations between those parts of the island of St. Domingo which were formerly colonies of Spain and France, respectively, are still in an unsettled condition. The proximity of that island to the United States and the delicate questions involved in the existing controversy there render it desirable that it should be permanently and speedily adjusted. The interests of humanity and of general commerce also demand this; and as intimations of the same sentiment have been received from other governments, it is hoped that some plan may soon be devised to effect the object in a manner likely to give general satisfaction. The Government of the United States will not fail, by the exercise of all proper friendly offices, to do all in its power to put an end to the destructive war which has raged between the different parts of the island and to secure to them both the benefits of peace and commerce.

I refer you to the report of the Secretary of the Treasury for a detailed statement of the finances.

The total receipts into the Treasury for the year ending 30th of June last were \$47,421,748.90.

The total expenditures during the same period were \$43,002,168.90.

The public debt has been reduced since the last annual report from the Treasury Department \$495,276.79.

By the nineteenth section of the act of 28th January, 1847, the proceeds of the sales of the public lands were pledged for the interest and principal of the public debt. The great amount of those lands subsequently granted by Congress for military bounties will, it is believed, very nearly supply the public demand for several years to come, and but little reliance can, therefore, be placed on that hitherto fruitful source of revenue. Aside from the permanent annual expenditures, which have necessarily largely increased, a portion of the public debt, amounting to \$8,075,986.59, must be provided for within the next two fiscal years. It is most desirable that these accruing demands should be met without resorting to new loans.

All experience has demonstrated the wisdom and policy of raising a



large portion of revenue for the support of Government from duties on goods imported. The power to lay these duties is unquestionable, and its chief object, of course, is to replenish the Treasury. But if in doing this an incidental advantage may be gained by encouraging the industry of our own citizens, it is our duty to avail ourselves of that advantage.

A duty laid upon an article which can not be produced in this country, such as tea or coffee, adds to the cost of the article, and is chiefly or wholly paid by the consumer. But a duty laid upon an article which may be produced here stimulates the skill and industry of our own country to produce the same article, which is brought into the market in competition with the foreign article, and the importer is thus compelled to reduce his price to that at which the domestic article can be sold, thereby throwing a part of the duty upon the producer of the foreign article. The continuance of this process creates the skill and invites the capital which finally enable us to produce the article much cheaper than it could have been procured from abroad, thereby benefiting both the producer and the consumer at home. The consequence of this is that the artisan and the agriculturist are brought together, each affords a ready market for the produce of the other, the whole country becomes prosperous, and the ability to produce every necessary of life renders us independent in war as well as in peace.

A high tariff can never be permanent. It will cause dissatisfaction, and will be changed. It excludes competition, and thereby invites the investment of capital in manufactures to such excess that when changed it brings distress, bankruptcy, and ruin upon all who have been misled by its faithless protection. What the manufacturer wants is uniformity and permanency, that he may feel a confidence that he is not to be ruined by sudden changes. But to make a tariff uniform and permanent it is not only necessary that the laws should not be altered, but that the duty should not fluctuate. To effect this all duties should be specific wherever the nature of the article is such as to admit of it. *Ad valorem* duties fluctuate with the price and offer strong temptations to fraud and perjury. Specific duties, on the contrary, are equal and uniform in all ports and at all times, and offer a strong inducement to the importer to bring the best article, as he pays no more duty upon that than upon one of inferior quality. I therefore strongly recommend a modification of the present tariff, which has prostrated some of our most important and necessary manufactures, and that specific duties be imposed sufficient to raise the requisite revenue, making such discriminations in favor of the industrial pursuits of our own country as to encourage home production without excluding foreign competition. It is also important that an unfortunate provision in the present tariff, which imposes a much higher duty upon the raw material that enters into our manufactures than upon the manufactured article, should be remedied.

The papers accompanying the report of the Secretary of the Treasury

will disclose frauds attempted upon the revenue, in variety and amount so great as to justify the conclusion that it is impossible under any system of *ad valorem* duties levied upon the foreign cost or value of the article to secure an honest observance and an effectual administration of the laws. The fraudulent devices to evade the law which have been detected by the vigilance of the appraisers leave no room to doubt that similar impositions not discovered, to a large amount, have been successfully practiced since the enactment of the law now in force. This state of things has already had a prejudicial influence upon those engaged in foreign commerce. It has a tendency to drive the honest trader from the business of importing and to throw that important branch of employment into the hands of unscrupulous and dishonest men, who are alike regardless of law and the obligations of an oath. By these means the plain intentions of Congress, as expressed in the law, are daily defeated. Every motive of policy and duty, therefore, impels me to ask the earnest attention of Congress to this subject. If Congress should deem it unwise to attempt any important changes in the system of levying duties at this session, it will become indispensable to the protection of the revenue that such remedies as in the judgment of Congress may mitigate the evils complained of should be at once applied.

As before stated, specific duties would, in my opinion, afford the most perfect remedy for this evil; but if you should not concur in this view, then, as a partial remedy, I beg leave respectfully to recommend that instead of taking the invoice of the article abroad as a means of determining its value here, the correctness of which invoice it is in many cases impossible to verify, the law be so changed as to require a home valuation or appraisal, to be regulated in such manner as to give, as far as practicable, uniformity in the several ports.

There being no mint in California, I am informed that the laborers in the mines are compelled to dispose of their gold dust at a large discount. This appears to me to be a heavy and unjust tax upon the labor of those employed in extracting this precious metal, and I doubt not you will be disposed at the earliest period possible to relieve them from it by the establishment of a mint. In the meantime, as an assayer's office is established there, I would respectfully submit for your consideration the propriety of authorizing gold bullion which has been assayed and stamped to be received in payment of Government dues. I can not conceive that the Treasury would suffer any loss by such a provision, which will at once raise bullion to its par value, and thereby save (if I am rightly informed) many millions of dollars to the laborers which are now paid in brokerage to convert this precious metal into available funds. This discount upon their hard earnings is a heavy tax, and every effort should be made by the Government to relieve them from so great a burden.

More than three-fourths of our population are engaged in the cultivation of the soil. The commercial, manufacturing, and navigating

interests are all to a great extent dependent on the agricultural. It is therefore the most important interest of the nation, and has a just claim to the fostering care and protection of the Government so far as they can be extended consistently with the provisions of the Constitution. As this can not be done by the ordinary modes of legislation, I respectfully recommend the establishment of an agricultural bureau, to be charged with the duty of giving to this leading branch of American industry the encouragement which it so well deserves. In view of the immense mineral resources of our country, provision should also be made for the employment of a competent mineralogist and chemist, who should be required, under the direction of the head of the bureau, to collect specimens of the various minerals of our country and to ascertain by careful analysis their respective elements and properties and their adaptation to useful purposes. He should also be required to examine and report upon the qualities of different soils and the manures best calculated to improve their productiveness. By publishing the results of such experiments, with suitable explanations, and by the collection and distribution of rare seeds and plants, with instructions as to the best system of cultivation, much may be done to promote this great national interest.

In compliance with the act of Congress passed on the 23d of May, 1850, providing, among other things, for taking the Seventh Census, a superintendent was appointed and all other measures adopted which were deemed necessary to insure the prompt and faithful performance of that duty. The appropriation already made will, it is believed, be sufficient to defray the whole expense of the work, but further legislation may be necessary in regard to the compensation of some of the marshals of the Territories. It will also be proper to make provision by law at an early day for the publication of such abstracts of the returns as the public interests may require.

The unprecedented growth of our territories on the Pacific in wealth and population and the consequent increase of their social and commercial relations with the Atlantic States seem to render it the duty of the Government to use all its constitutional power to improve the means of intercourse with them. The importance of opening "a line of communication, the best and most expeditious of which the nature of the country will admit," between the Valley of the Mississippi and the Pacific was brought to your notice by my predecessor in his annual message; and as the reasons which he presented in favor of the measure still exist in full force, I beg leave to call your attention to them and to repeat the recommendations then made by him.

The uncertainty which exists in regard to the validity of land titles in California is a subject which demands your early consideration. Large bodies of land in that State are claimed under grants said to have been made by authority of the Spanish and Mexican Governments. Many of these have not been perfected, others have been revoked, and some are

believed to be fraudulent. But until they shall have been judicially investigated they will continue to retard the settlement and improvement of the country. I therefore respectfully recommend that provision be made by law for the appointment of commissioners to examine all such claims with a view to their final adjustment.

I also beg leave to call your attention to the propriety of extending at an early day our system of land laws, with such modifications as may be necessary, over the State of California and the Territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies; but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences. I therefore recommend that instead of retaining the mineral lands under the permanent control of the Government they be divided into small parcels and sold, under such restrictions as to quantity and time as will insure the best price and guard most effectually against combinations of capitalists to obtain monopolies.

The annexation of Texas and the acquisition of California and New Mexico have given increased importance to our Indian relations. The various tribes brought under our jurisdiction by these enlargements of our boundaries are estimated to embrace a population of 124,000.

Texas and New Mexico are surrounded by powerful tribes of Indians, who are a source of constant terror and annoyance to the inhabitants. Separating into small predatory bands, and always mounted, they overrun the country, devastating farms, destroying crops, driving off whole herds of cattle, and occasionally murdering the inhabitants or carrying them into captivity. The great roads leading into the country are infested with them, whereby traveling is rendered extremely dangerous and immigration is almost entirely arrested. The Mexican frontier, which by the eleventh article of the treaty of Guadalupe Hidalgo we are bound to protect against the Indians within our border, is exposed to these incursions equally with our own. The military force stationed in that country, although forming a large proportion of the Army, is represented as entirely inadequate to our own protection and the fulfillment of our treaty stipulations with Mexico. The principal deficiency is in cavalry, and I recommend that Congress should, at as early a period as practicable, provide for the raising of one or more regiments of mounted men.

For further suggestions on this subject and others connected with our

domestic interests and the defense of our frontier, I refer you to the reports of the Secretary of the Interior and of the Secretary of War.

I commend also to your favorable consideration the suggestion contained in the last-mentioned report and in the letter of the General in Chief relative to the establishment of an asylum for the relief of disabled and destitute soldiers. This subject appeals so strongly to your sympathies that it would be superfluous in me to say anything more than barely to express my cordial approbation of the proposed object.

The Navy continues to give protection to our commerce and other national interests in the different quarters of the globe, and, with the exception of a single steamer on the Northern lakes, the vessels in commission are distributed in six different squadrons.

The report of the head of that Department will exhibit the services of these squadrons and of the several vessels employed in each during the past year. It is a source of gratification that, while they have been constantly prepared for any hostile emergency, they have everywhere met with the respect and courtesy due as well to the dignity as to the peaceful dispositions and just purposes of the nation.

The two brigantines accepted by the Government from a generous citizen of New York and placed under the command of an officer of the Navy to proceed to the Arctic Seas in quest of the British commander Sir John Franklin and his companions, in compliance with the act of Congress approved in May last, had when last heard from penetrated into a high northern latitude; but the success of this noble and humane enterprise is yet uncertain.

I invite your attention to the view of our present naval establishment and resources presented in the report of the Secretary of the Navy, and the suggestions therein made for its improvement, together with the naval policy recommended for the security of our Pacific Coast and the protection and extension of our commerce with eastern Asia. Our facilities for a larger participation in the trade of the East, by means of our recent settlements on the shores of the Pacific, are too obvious to be overlooked or disregarded.

The questions in relation to rank in the Army and Navy and relative rank between officers of the two branches of the service, presented to the Executive by certain resolutions of the House of Representatives at the last session of Congress, have been submitted to a board of officers in each branch of the service, and their report may be expected at an early day.

I also earnestly recommend the enactment of a law authorizing officers of the Army and Navy to be retired from the service when incompetent for its vigorous and active duties, taking care to make suitable provision for those who have faithfully served their country and awarding distinctions by retaining in appropriate commands those who have been particularly conspicuous for gallantry and good conduct. While the obligation of the country to maintain and honor those who, to the exclu-

sion of other pursuits, have devoted themselves to its arduous service is acknowledged, this obligation should not be permitted to interfere with the efficiency of the service itself.

I am gratified in being able to state that the estimates of expenditure for the Navy in the ensuing year are less by more than \$1,000,000 than those of the present, excepting the appropriation which may become necessary for the construction of a dock on the coast of the Pacific, propositions for which are now being considered and on which a special report may be expected early in your present session.

There is an evident justness in the suggestion of the same report that appropriations for the naval service proper should be separated from those for fixed and permanent objects, such as building docks and navy-yards and the fixtures attached, and from the extraordinary objects under the care of the Department which, however important, are not essentially naval.

A revision of the code for the government of the Navy seems to require the immediate consideration of Congress. Its system of crimes and punishments had undergone no change for half a century until the last session, though its defects have been often and ably pointed out; and the abolition of a particular species of corporal punishment, which then took place, without providing any substitute, has left the service in a state of defectiveness which calls for prompt correction. I therefore recommend that the whole subject be revised without delay and such a system established for the enforcement of discipline as shall be at once humane and effectual.

The accompanying report of the Postmaster-General presents a satisfactory view of the operations and condition of that Department.

At the close of the last fiscal year the length of the inland mail routes in the United States (not embracing the service in Oregon and California) was 178,672 miles, the annual transportation thereon 46,541,423 miles, and the annual cost of such transportation \$2,724,426.

The increase of the annual transportation over that of the preceding year was 3,997,354 miles and the increase in cost was \$342,440.

The number of post-offices in the United States on the 1st day of July last was 18,417, being an increase of 1,670 during the preceding year.

The gross revenues of the Department for the fiscal year ending June 30, 1850, amounted to \$5,552,971.48, including the annual appropriation of \$200,000 for the franked matter of the Departments and excluding the foreign postages collected for and payable to the British Government.

The expenditures for the same period were \$5,212,953.43, leaving a balance of revenue over expenditures of \$340,018.05.

I am happy to find that the fiscal condition of the Department is such as to justify the Postmaster-General in recommending the reduction of our inland letter postage to 3 cents the single letter when prepaid and 5 cents when not prepaid. He also recommends that the prepaid rate shall

be reduced to 2 cents whenever the revenues of the Department, after the reduction, shall exceed its expenditures by more than 5 per cent for two consecutive years; that the postage upon California and other letters sent by our ocean steamers shall be much reduced, and that the rates of postage on newspapers, pamphlets, periodicals, and other printed matter shall be modified and some reduction thereon made.

It can not be doubted that the proposed reductions will for the present diminish the revenues of the Department. It is believed that the deficiency, after the surplus already accumulated shall be exhausted, may be almost wholly met either by abolishing the existing privileges of sending free matter through the mails or by paying out of the Treasury to the Post-Office Department a sum equivalent to the postage of which it is deprived by such privileges. The last is supposed to be the preferable mode, and will, if not entirely, so nearly supply that deficiency as to make any further appropriation that may be found necessary so inconsiderable as to form no obstacle to the proposed reductions.

I entertain no doubt of the authority of Congress to make appropriations for leading objects in that class of public works comprising what are usually called works of internal improvement. This authority I suppose to be derived chiefly from the power of regulating commerce with foreign nations and among the States and the power of laying and collecting imposts. Where commerce is to be carried on and imposts collected there must be ports and harbors as well as wharves and custom-houses. If ships laden with valuable cargoes approach the shore or sail along the coast, light-houses are necessary at suitable points for the protection of life and property. Other facilities and securities for commerce and navigation are hardly less important; and those clauses of the Constitution, therefore, to which I have referred have received from the origin of the Government a liberal and beneficial construction. Not only have light-houses, buoys, and beacons been established and floating lights maintained, but harbors have been cleared and improved, piers constructed, and even breakwaters for the safety of shipping and sea walls to protect harbors from being filled up and rendered useless by the action of the ocean, have been erected at very great expense. And this construction of the Constitution appears the more reasonable from the consideration that if these works, of such evident importance and utility, are not to be accomplished by Congress they can not be accomplished at all. By the adoption of the Constitution the several States voluntarily parted with the power of collecting duties of imposts in their own ports, and it is not to be expected that they should raise money by internal taxation, direct or indirect, for the benefit of that commerce the revenues derived from which do not, either in whole or in part, go into their own treasuries.— Nor do I perceive any difference between the power of Congress to make appropriations for objects of this kind on the ocean and the power to make appropriations for similar objects on lakes and

rivers, wherever they are large enough to bear on their waters an extensive traffic. The magnificent Mississippi and its tributaries and the vast lakes of the North and Northwest appear to me to fall within the exercise of the power as justly and as clearly as the ocean and the Gulf of Mexico. It is a mistake to regard expenditures judiciously made for these objects as expenditures for local purposes. The position or sight of the work is necessarily local, but its utility is general. A ship canal around the Falls of St. Mary of less than a mile in length, though local in its construction, would yet be national in its purpose and its benefits, as it would remove the only obstruction to a navigation of more than 1,000 miles, affecting several States, as well as our commercial relations with Canada. So, too, the breakwater at the mouth of the Delaware is erected, not for the exclusive benefit of the States bordering on the bay and river of that name, but for that of the whole coastwise navigation of the United States and, to a considerable extent, also of foreign commerce. If a ship be lost on the bar at the entrance of a Southern port for want of sufficient depth of water, it is very likely to be a Northern ship; and if a steamboat be sunk in any part of the Mississippi on account of its channel not having been properly cleared of obstructions, it may be a boat belonging to either of eight or ten States. I may add, as somewhat remarkable, that among all the thirty-one States there is none that is not to a greater or less extent bounded on the ocean, or the Gulf of Mexico, or one of the Great Lakes, or some navigable river.

In fulfilling our constitutional duties, fellow-citizens, on this subject, as in carrying into effect all other powers conferred by the Constitution, we should consider ourselves as deliberating and acting for one and the same country, and bear constantly in mind that our regard and our duty are due not to a particular part only, but to the whole.

I therefore recommend that appropriations be made for completing such works as have been already begun and for commencing such others as may seem to the wisdom of Congress to be of public and general importance.

The difficulties and delays incident to the settlement of private claims by Congress amount in many cases to a denial of justice. There is reason to apprehend that many unfortunate creditors of the Government have thereby been unavoidably ruined. Congress has so much business of a public character that it is impossible it should give much attention to mere private claims, and their accumulation is now so great that many claimants must despair of ever being able to obtain a hearing. It may well be doubted whether Congress, from the nature of its organization, is properly constituted to decide upon such cases. It is impossible that each member should examine the merits of every claim on which he is compelled to vote, and it is preposterous to ask a judge to decide a case which he has never heard. Such decisions may, and frequently must, do injustice either to the claimant or the Government, and I perceive



no better remedy for this growing evil than the establishment of some tribunal to adjudicate upon such claims. I beg leave, therefore, most respectfully to recommend that provision be made by law for the appointment of a commission to settle all private claims against the United States; and as an *ex parte* hearing must in all contested cases be very unsatisfactory, I also recommend the appointment of a solicitor, whose duty it shall be to represent the Government before such commission and protect it against all illegal, fraudulent, or unjust claims which may be presented for their adjudication.

This District, which has neither voice nor vote in your deliberations, looks to you for protection and aid, and I commend all its wants to your favorable consideration, with a full confidence that you will meet them not only with justice, but with liberality. It should be borne in mind that in this city, laid out by Washington and consecrated by his name, is located the Capitol of our nation, the emblem of our Union and the symbol of our greatness. Here also are situated all the public buildings necessary for the use of the Government, and all these are exempt from taxation. It should be the pride of Americans to render this place attractive to the people of the whole Republic and convenient and safe for the transaction of the public business and the preservation of the public records. The Government should therefore bear a liberal proportion of the burdens of all necessary and useful improvements. And as nothing could contribute more to the health, comfort, and safety of the city and the security of the public buildings and records than an abundant supply of pure water, I respectfully recommend that you make such provisions for obtaining the same as in your wisdom you may deem proper.

The act, passed at your last session, making certain propositions to Texas for settling the disputed boundary between that State and the Territory of New Mexico was, immediately on its passage, transmitted by express to the governor of Texas, to be laid by him before the general assembly for its agreement thereto. Its receipt was duly acknowledged, but no official information has yet been received of the action of the general assembly thereon. It may, however, be very soon expected, as, by the terms of the propositions submitted they were to have been acted upon on or before the first day of the present month.

It was hardly to have been expected that the series of measures passed at your last session with the view of healing the sectional differences which had sprung from the slavery and territorial questions should at once have realized their beneficent purpose. All mutual concession in the nature of a compromise must necessarily be unwelcome to men of extreme opinions. And though without such concessions our Constitution could not have been formed, and can not be permanently sustained, yet we have seen them made the subject of bitter controversy in both sections of the Republic. It required many months of discussion and

deliberation to secure the concurrence of a majority of Congress in their favor. It would be strange if they had been received with immediate approbation by people and States prejudiced and heated by the exciting controversies of their representatives. I believe those measures to have been required by the circumstances and condition of the country. I believe they were necessary to allay asperities and animosities that were rapidly alienating one section of the country from another and destroying those fraternal sentiments which are the strongest supports of the Constitution. They were adopted in the spirit of conciliation and for the purpose of conciliation. I believe that a great majority of our fellow-citizens sympathize in that spirit and that purpose, and in the main approve and are prepared in all respects to sustain these enactments. I can not doubt that the American people, bound together by kindred blood and common traditions, still cherish a paramount regard for the Union of their fathers, and that they are ready to rebuke any attempt to violate its integrity, to disturb the compromises on which it is based, or to resist the laws which have been enacted under its authority.

- The series of measures to which I have alluded are regarded by me as a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embraced. Most of these subjects, indeed, are beyond your reach, as the legislation which disposed of them was in its character final and irrevocable. It may be presumed from the opposition which they all encountered that none of those measures was free from imperfections, but in their mutual dependence and connection they formed a system of compromise the most conciliatory and best for the entire country that could be obtained from conflicting sectional interests and opinions.

For this reason I recommend your adherence to the adjustment established by those measures until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

By that adjustment we have been rescued from the wide and boundless agitation that surrounded us, and have a firm, distinct, and legal ground to rest upon. And the occasion, I trust, will justify me in exhorting my countrymen to rally upon and maintain that ground as the best, if not the only, means of restoring peace and quiet to the country and maintaining inviolate the integrity of the Union.

And now, fellow-citizens, I can not bring this communication to a close without invoking you to join me in humble and devout thanks to the Great Ruler of Nations for the multiplied blessings which He has graciously bestowed upon us. His hand, so often visible in our preservation, has stayed the pestilence, saved us from foreign wars and domestic disturbances, and scattered plenty throughout the land.

Our liberties, religious and civil, have been maintained, the fountains of knowledge have all been kept open, and means of happiness widely spread and generally enjoyed greater than have fallen to the lot of any

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

MILLARD FILLMORE.

## SPECIAL MESSAGES.

WASHINGTON, *December 9, 1850.*

*To the House of Representatives:*

I communicate to the House of Representatives a translation of a note of the 5th instant addressed to the Secretary of State by the minister of the Mexican Republic accredited to this Government, relative to a subject\* to which the attention of Congress was invited in my message at the opening of the present session.

MILLARD FILLMORE.

[The same message was sent to the Senate.]

WASHINGTON, *December 12, 1850.*

*To the Senate of the United States:*

I herewith transmit a report of the Secretary of State, with accompanying documents, relating to the African slave trade, in answer to the resolution of the Senate of the 28th of August last.

MILLARD FILLMORE.

WASHINGTON, *December 13, 1850.*

*To the Senate and House of Representatives:*

I have the pleasure of announcing to Congress the agreement on the part of Texas to the propositions offered to that State by the act of Congress approved on the 9th day of September last, entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries and of all her claims upon the United States, and to establish a Territorial government for New Mexico."

By the terms of that act it was required that the agreement of Texas to the propositions contained in it should be given on or before the 1st day of December, 1850. An authenticated transcript of a law passed

\*Incursions of Indians of the United States upon the population of the Mexican frontier.

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

Therefore, first. *Be it enacted by the legislature of the State of Texas*, That the State of Texas hereby agrees to and accepts said propositions; and it is hereby declared that the said State shall be bound by the terms thereof according to their true import and meaning.

Second. That the governor of this State be, and is hereby, requested to cause a copy of this act, authenticated under the seal of the State, to be furnished to the President of the United States by mail as early as practicable, and also a copy thereof, certified in like manner, to be transmitted to each of the Senators and Representatives of Texas in Congress. And that this act take effect from and after its passage.

C. G. KEENAN,

*Speaker of the House of Representatives.*

JOHN A. GREER,

*President of the Senate.*

Approved, November 25, 1850.

P. H. BELL.

From the common sources of public information it would appear that a very remarkable degree of unanimity prevailed, not only in the legislature, but among the people of Texas, in respect to the agreement of the State to that which had been proposed by Congress.

I can not refrain from congratulating Congress and the country on the success of this great and leading measure of conciliation and peace. The difficulties felt and the dangers apprehended from the vast acquisitions of territory under the late treaty with Mexico seem now happily overcome by the wisdom of Congress. Within that territory there already exists one State, respectable for the amount of her population, distinguished for singular activity and enterprise, and remarkable in many respects from her condition and history. This new State has come into the Union with manifestations not to be mistaken of her attachment to that Constitution and that Government which now embrace her and her interests within their protecting and beneficent control.

Over the residue of the acquired territories regular Territorial governments are now established in the manner which has been most usual in the history of this Government. Various other acts of Congress may undoubtedly be requisite for the benefit as well as for the proper government of these so distant parts of the country. But the same legislative wisdom which has triumphed over the principal difficulties and accomplished the main end may safely be relied on for whatever measures may yet be found necessary to perfect its work, so that the acquisition of these vast regions to the United States may rather strengthen than weaken the Constitution, which is over us all, and the Union, which affords such ample daily proofs of its inestimable value.

MILLARD FILLMORE.

WASHINGTON, December 17, 1850.

*To the Senate of the United States:*

I herewith transmit a letter from the Secretary of War, communicating a report of a board of officers to which, in pursuance of a resolution of the Senate passed on the 30th of September last, were submitted the questions proposed therein, relative to the expediency and necessity of creating additional grades of commissioned officers in the Army and of enacting provisions authorizing officers of the Army to exercise civil functions in emergencies to be enumerated and restraining them from usurping the powers of civil functionaries.

MILLARD FILLMORE.

WASHINGTON, December 30, 1850.

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, January 3, 1851.

*To the House of Representatives:*

By a resolution passed by the House of Representatives on the 24th day of July, 1850, the President was requested to cause to be prepared and communicated to the House certain opinions of the Attorneys-General therein specified. On inquiry I learned that the force employed in the Attorney-General's Office was not sufficient to perform this work; consequently, I employed Benjamin F. Hall, esq., a counselor at law, on the 9th day of September last, to execute it, and requested him to commence it immediately. I informed him that I was not authorized to give any other assurances as to compensation than that it rested with Congress to provide and fix it. I believe Mr. Hall to be in all respects competent and well fitted for the task which he has undertaken, and diligent in the performance of it; and it appears to me that the most just mode of compensation will be to make a per diem allowance of \$8 per day for the time actually employed, to be paid on the certificate of the Attorney-General.

I also transmit herewith a portion of the manuscript prepared in pursuance of said resolution, with a letter from Mr. Hall to me indicating the mode in which he thinks the work should be prepared and printed, which appears to me worthy of consideration and adoption by the House.

MILLARD FILLMORE.

\*Correspondence with the Austrian chargé d'affaires respecting the appointment or proceedings of the agent sent to examine and report upon the condition and prospects of the Hungarian people during their struggle for independence.

WASHINGTON, *January 10, 1851.*

*To the Senate of the United States:*

I have the honor herewith to transmit to the Senate a communication from the Secretary of the Navy on the subject of the discipline of the Navy, suggesting such amendments of the law as may be necessary in consequence of the recent act abolishing flogging; to which I respectfully invite the immediate attention of Congress.

MILLARD FILLMORE.

WASHINGTON, *January 14, 1851.*

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

In compliance with the resolution of the House of Representatives adopted July 18, 1850, requesting the President to communicate his views on sundry questions of rank, precedence, and command among officers of the Army and officers of the Navy, respectively, and of relative rank between officers of the Army and Navy when brought into cooperation, I caused to be convened a board of intelligent and experienced officers in each branch of the service to consider the matters involved in said resolutions and to report their opinion for my advice and information.

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

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

The points on which it will be perceived that the two boards disagree in regard to relative rank between officers of the Army and Navy are not esteemed of very great practical importance, and the adoption of the rule proposed by either would be acceptable to the Executive.

But even if a decision on these shall be suspended, it is hoped that the bills which are designed to regulate rank, precedence, and command in the Army and Navy as separate branches of service may receive the sanction of Congress, with such amendments as may be deemed appropriate, in the course of the present session.

MILLARD FILLMORE.

WASHINGTON, *February 3, 1851.*

*To the Senate of the United States:*

I transmit to the Senate a report from the Secretary of State, with accompanying papers,\* in answer to their resolution of the 30th ultimo.

MILLARD FILLMORE.

\*Correspondence relative to the possessory rights of the British Hudsons Bay Company in Oregon.

WASHINGTON, *February 12, 1851.**To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, with accompanying documents,\* in answer to the Senate's resolution of the 1st instant.

MILLARD FILLMORE.

WASHINGTON, *February 13, 1851.**To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration, a general convention between the United States and the Swiss Confederation, concluded and signed at Berne on the 25th day of November last by Mr. A. Dudley Mann on the part of the United States and by Messrs. Druey and Frey-Hérosée on the part of the Swiss Confederation. I communicate at the same time a copy of the instructions under which Mr. Mann acted and his dispatch of the 30th November last, explanatory of the articles of the convention.

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

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

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

It is well known that according to the Constitution of the United States a citizen of one State may hold lands in any other State; and States have, sometimes by general, sometimes by special, laws, removed the disabilities attaching to foreigners not naturalized in regard to the holding of land. But this is not supposed to be a power properly to be exercised by the President and Senate in concluding and ratifying a treaty with a foreign state. The authority naturally belongs to the State within whose limits the land may lie. The naturalization of foreigners is provided for by the laws of the United States, in pursuance of the provision of the Constitution; but when, under the operation of these laws, foreigners become citizens of the United States, all would seem to be done which it is in the power of this Government to do to enable foreigners to hold land. The clause referred to, therefore, appears to me inadmissible.

The fourth clause of the same article provides, among other things, that citizens of Switzerland may, within the United States, acquire, possess, and alienate personal and real estate, and the fifth article grants them the power of disposing of their real estate, which, perhaps, would

\* Correspondence with Spain relative to the claim of the owners of the schooner *Amistad* for compensation on account of the liberation of negroes on board said vessel.

be no otherwise objectionable, if it stood by itself, than as it would seem to imply a power to hold that of which they are permitted to dispose.

These objections, perhaps, may be removed by striking out the second clause of the first article and the words "and real" in the fourth clause. An amendment similar to the last here suggested was made by the Senate in the convention between the United States and the King of Bavaria, the ratification of which, as amended, the Senate advised and consented to on the 15th day of March, 1845.

But there is another and a decisive objection, arising from the last clause in the first article. That clause is in these words:

On account of the tenor of the federal constitution of Switzerland, Christians alone are entitled to the enjoyment of the privileges guaranteed by the present article in the Swiss Cantons. But said Cantons are not prohibited from extending the same privileges to citizens of the United States of other religious persuasions.

It appears from this that Christians alone are, in some of the Swiss Cantons, entitled to the enjoyment of privileges guaranteed by the first article, although the Cantons themselves are not prohibited from extending the same privileges to citizens of the United States of other religious persuasions.

It is quite certain that neither by law, nor by treaty, nor by any other official proceeding is it competent for the Government of the United States to establish any distinction between its citizens founded on differences in religious beliefs. Any benefit or privilege conferred by law or treaty on one must be common to all, and we are not at liberty, on a question of such vital interest and plain constitutional duty, to consider whether the particular case is one in which substantial inconvenience or injustice might ensue. It is enough that an inequality would be sanctioned hostile to the institutions of the United States and inconsistent with the Constitution and the laws.

Nor can the Government of the United States rely on the individual Cantons of Switzerland for extending the same privileges to other citizens of the United States as this article extends to Christians. It is indispensable not only that every privilege granted to any of the citizens of the United States should be granted to all, but also that the grant of such privilege should stand upon the same stipulation and assurance by the whole Swiss Confederation as those of other articles of the convention.

There have been instances, especially some of recent occurrence, in which the Executive has transmitted treaties to the Senate with suggestions of amendment, and I have therefore thought it not improper to send the present convention to the Senate, inviting its attention to such amendments as appeared to me to be important, although I have entertained considerable doubt whether it would not be better to send back the convention for correction in the objectionable particulars before laying it before the Senate for ratification.

MILLARD FILLMORE.



WASHINGTON, *February 13, 1851.**To the Senate of the United States:*

In answer to the resolution of the Senate of the 10th instant, calling for information relative to a contract alleged to have been made by Mr. I. D. Marks with the Mexican Government, I transmit a report from the Secretary of State and the documents\* which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *February 13, 1851.**To the Senate of the United States:*

In compliance with the resolution of the Senate of the 28th of January, 1851, I have the honor to transmit herewith reports from the Secretary of State and Secretary of the Treasury, giving the required correspondence in the case of the British ship *Albion*, seized in Oregon for an alleged violation of the revenue laws.

MILLARD FILLMORE.

WASHINGTON, *February 15, 1851.**To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *February 15, 1851.**To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *February 18, 1851.*

THE PRESIDENT OF THE SENATE:

In addition to the papers already transmitted to the Senate in compliance with its resolution of the 28th ultimo, I have the honor herewith to transmit an additional report § from the Secretary of the Treasury.

MILLARD FILLMORE.

\* Relating to drafts upon the Treasury of the United States by Mexico on account of indemnity due that Government in pursuance of the treaty of Guadalupe Hidalgo.

† Additional correspondence relative to the seizure of the British ship *Albion*.

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

§ Relating to the seizure of the British ship *Albion*.

EXECUTIVE DEPARTMENT, *February 19, 1851.**To the Senate of the United States:*

I have received the resolution of the Senate of the 18th instant, requesting me to lay before that body, if not incompatible with the public interest, any information I may possess in regard to an alleged recent case of a forcible resistance to the execution of the laws of the United States in the city of Boston, and to communicate to the Senate, under the above conditions, what means I have adopted to meet the occurrence, and whether in my opinion any additional legislation is necessary to meet the exigency of the case and to more vigorously execute existing laws.

The public newspapers contain an affidavit of Patrick Riley, a deputy marshal for the district of Massachusetts, setting forth the circumstances of the case, a copy of which affidavit is herewith communicated. Private and unofficial communications concur in establishing the main facts of this account, but no satisfactory official information has as yet been received; and in some important respects the accuracy of the account has been denied by persons whom it implicates. Nothing could be more unexpected than that such a gross violation of law, such a high-handed contempt of the authority of the United States, should be perpetrated by a band of lawless confederates at noonday in the city of Boston, and in the very temple of justice. I regard this flagitious proceeding as being a surprise not unattended by some degree of negligence; nor do I doubt that if any such act of violence had been apprehended thousands of the good citizens of Boston would have presented themselves voluntarily and promptly to prevent it. But the danger does not seem to have been timely made known or duly appreciated by those who were concerned in the execution of the process. In a community distinguished for its love of order and respect for the laws, among a people whose sentiment is liberty and law, and not liberty without law nor above the law, such an outrage could only be the result of sudden violence, unhappily too much unprepared for to be successfully resisted. It would be melancholy indeed if we were obliged to regard this outbreak against the constitutional and legal authority of the Government as proceeding from the general feeling of the people in a spot which is proverbially called "the Cradle of American Liberty." Such, undoubtedly, is not the fact. It violates without question the general sentiment of the people of Boston and of a vast majority of the whole people of Massachusetts, as much as it violates the law, defies the authority of the Government, and disgraces those concerned in it, their aiders and abettors.

It is, nevertheless, my duty to lay before the Senate, in answer to its resolution, some important facts and considerations connected with the subject.

A resolution of Congress of September 23, 1789, declared:

That it be recommended to the legislatures of the several States to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein

all prisoners committed under the authority of the United States until they shall be discharged by the course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such States respectively; the United States to pay for the use and keeping of such jails at the rate of 50 cents per month for each prisoner that shall, under their authority, be committed thereto during the time such prisoner shall be therein confined, and also to support such of said prisoners as shall be committed for offenses.

A further resolution of Congress, of the 3d of March, 1791, provides that—

Whereas Congress did, by a resolution of the 23d day of September, 1789, recommend to the several States to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein all prisoners committed under the authority of the United States: In order, therefore, to insure the administration of justice—

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in case any State shall not have complied with the said recommendation the marshal in such State, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States.

And a resolution of Congress of March 3, 1821, provides that—

Where any State or States, having complied with the recommendation of Congress in the resolution of the 23d day of September, 1789, shall have withdrawn, or shall hereafter withdraw, either in whole or in part, the use of their jails for prisoners committed under the authority of the United States, the marshal in such State or States, under the direction of the judge of the district, shall be, and hereby is, authorized and required to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States.

These various provisions of the law remain unrepealed.

By the law of Massachusetts, as that law stood before the act of the legislature of that State of the 24th of March, 1843, the common jails in the respective counties were to be used for the detention of any persons detained or committed by the authority of the courts of the United States, as well as by the courts and magistrates of the State. But these provisions were abrogated and repealed by the act of the legislature of Massachusetts of the 24th of March, 1843.

That act declares that—

No judge of any court of record of this Commonwealth and no justice of the peace shall hereafter take cognizance or grant a certificate in cases that may arise under the third section of an act of Congress passed February 12, 1793, and entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," to any person who claims any other person as a fugitive slave within the jurisdiction of the Commonwealth.

And it further declares that—

No sheriff, deputy sheriff, coroner, constable, jailer, or other officer of this Commonwealth shall hereafter arrest or detain, or aid in the arrest or detention or imprisonment, in any jail or other building belonging to this Commonwealth, or to any county, city, or town thereof, of any person for the reason that he is claimed as a fugitive slave.

And it further declares that—

Any justice of the peace, sheriff, deputy sheriff, coroner, constable, or jailer who shall offend against the provisions of this law by in any way acting, directly or indirectly, under the power conferred by the third section of the act of Congress aforementioned shall forfeit a sum not exceeding \$1,000 for every such offense to the use of the county where said offense is committed, or shall be subject to imprisonment not exceeding one year in the county jail.

This law, it is obvious, had two objects. The first was to make it a penal offense in all officers and magistrates of the Commonwealth to exercise the powers conferred on them by the act of Congress of the 12th of February, 1793, entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," and which powers they were fully competent to perform up to the time of this inhibition and penal enactment; second, to refuse the use of the jails of the State for the detention of any person claimed as a fugitive slave.

It is deeply to be lamented that the purpose of these enactments is quite apparent. It was to prevent, as far as the legislature of the State could prevent, the laws of Congress passed for the purpose of carrying into effect that article of the Constitution of the United States which declares that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due" from being carried into effect. But these acts of State legislation, although they may cause embarrassment and create expense, can not derogate either from the duty or the authority of Congress to carry out fully and fairly the plain and imperative constitutional provision for the delivery of persons bound to labor in one State and escaping into another to the party to whom such labor may be due. It is quite clear that by the resolution of Congress of March 3, 1821, the marshal of the United States in any State in which the use of the jails of the State has been withdrawn, in whole or in part, from the purpose of the detention of persons committed under the authority of the United States is not only empowered, but expressly required, under the direction of the judge of the district, to hire a convenient place for the safe-keeping of prisoners committed under authority of the United States. It will be seen from papers accompanying this communication that the attention of the marshal of Massachusetts was distinctly called to this provision of the law by a letter from the Secretary of the Navy of the date of October 28 last.

There is no official information that the marshal has provided any such place for the confinement of his prisoners. If he has not, it is to be regretted that this power was not exercised by the marshal under the direction of the district judge immediately on the passage of the act of the legislature of Massachusetts of the 24th of March, 1843, and especially that it was not exercised on the passage of the fugitive-slave law of the last session, or when the attention of the marshal was afterwards particularly drawn to it.

It is true that the escape from the deputy marshals in this case was not owing to the want of a prison or place of confinement, but still it is not easy to see how the prisoner could have been safely and conveniently detained during an adjournment of the hearing for some days without such place of confinement. If it shall appear that no such place has been obtained, directions to the marshal will be given to lose no time in the discharge of this duty.

I transmit to the Senate the copy of a proclamation issued by me on the 18th instant in relation to these unexpected and deplorable occurrences in Boston, together with copies of instructions from the Departments of War and Navy relative to the general subject. And I communicate also copies of telegraphic dispatches transmitted from the Department of State to the district attorney and marshal of the United States for the district of Massachusetts and their answers thereto.

In regard to the last branch of the inquiry made by the resolution of the Senate, I have to observe that the Constitution declares that "the President shall take care that the laws be faithfully executed," and that "he shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States," and that "Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." From which it appears that the Army and Navy are by the Constitution placed under the control of the Executive; and probably no legislation of Congress could add to or diminish the power thus given but by increasing or diminishing or abolishing altogether the Army and Navy. But not so with the militia. The President can not call the militia into service, even to execute the laws or repel invasions, but by the authority of acts of Congress passed for that purpose. But when the militia are called into service in the manner prescribed by law, then the Constitution itself gives the command to the President. Acting on this principle, Congress, by the act of February 28, 1795, authorized the President to call forth the militia to repel invasion and "suppress insurrections against a State government, and to suppress combinations against the laws of the United States, and cause the laws to be faithfully executed." - But the act proceeds to declare that whenever it may be necessary, in the judgment of the President, to use the military force thereby 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 limited time. These words are broad enough to require a proclamation in all cases where militia are called out under that act, whether to repel invasion or suppress an insurrection or to aid in executing the laws. This section has consequently created some doubt whether the militia could be called forth to aid in executing the laws without a previous proclamation. But yet the proclamation seems to be in words directed only against insurgents, and to require them to disperse, thereby implying not only an insurrection, but an organized, or at least an embodied, force. Such a proclamation in aid of the civil authority would often defeat the whole object by giving such notice to persons intended to be arrested that they would be enabled to fly or secrete themselves. The force may be wanted sometimes to make the arrest, and also sometimes to protect the officer after it is made, and to prevent a rescue. I would therefore suggest that this section be modified by declaring that nothing therein contained shall be construed to require any previous proclamation when the militia are called forth, either to repel invasion, to execute the laws, or suppress combinations against them, and that the President may make such call and place such militia under the control of any civil officer of the United States to aid him in executing the laws or suppressing such combinations; and while so employed they shall be paid by and subsisted at the expense of the United States.

Congress, not probably adverting to the difference between the militia and the Regular Army, by the act of March 3, 1807, authorized the President to use the land and naval forces of the United States for the same purposes for which he might call forth the militia, and subject to the same proclamation. But the power of the President under the Constitution, as Commander of the Army and Navy, is general, and his duty to see the laws faithfully executed is general and positive; and the act of 1807 ought not to be construed as evincing any disposition in Congress to limit or restrain this constitutional authority. For greater certainty, however, it may be well that Congress should modify or explain this act in regard to its provisions for the employment of the Army and Navy of the United States, as well as that in regard to calling forth the militia. It is supposed not to be doubtful that all citizens, whether enrolled in the militia or not, may be summoned as members of the *posse comitatus*, either by the marshal or a commissioner according to law, and that it is their duty to obey such summons. But perhaps it may be doubted whether the marshal or a commissioner can summon as the *posse comitatus* an organized militia force, acting under its own appropriate officers, without the consent of such officers. This point may deserve the consideration of Congress.

I use this occasion to repeat the assurance that so far as depends on me the laws shall be faithfully executed and all forcible opposition to them

suppressed; and to this end I am prepared to exercise, whenever it may become necessary, the power constitutionally vested in me to the fullest extent. I am fully persuaded that the great majority of the people of this country are warmly and strongly attached to the Constitution, the preservation of the Union, the just support of the Government, and the maintenance of the authority of law. I am persuaded that their earnest wishes and the line of my constitutional duty entirely concur, and I doubt not firmness, moderation, and prudence, strengthened and animated by the general opinion of the people, will prevent the repetition of occurrences disturbing the public peace and reprobated by all good men.

MILLARD FILLMORE.

WASHINGTON, *February 25, 1851.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and the Mexican Republic for the protection of a transit way across the Isthmus of Tehuantepec, signed in the City of Mexico on the 25th ultimo.

Accompanying the treaty is a letter from Mr. P. A. Hargous, the present proprietor and holder of the privileges granted by Mexico, signifying his assent to and acceptance of the terms of its provisions. There is also an abstract of title to him from the original grantee and copies of the several powers and conveyances by which that title is derived to him. It may be well that these papers should be returned to be deposited among the archives of the Department of State.

The additional article of the treaty makes an unnecessary reference to the eleventh, twelfth, and thirteenth articles of the treaty of the 22d of June last, because the eleventh, twelfth, and thirteenth articles of the present treaty contain exactly the same provisions as those contained in the same articles of that treaty, as will appear from the copy of the treaty of the 22d of June last, herewith communicated.

MILLARD FILLMORE.

WASHINGTON, *February 26, 1851.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration, a convention for the adjustment of certain claims of citizens of the United States against Her Most Faithful Majesty's Government,\* concluded and signed this day in the city of Washington by the respective plenipotentiaries.

MILLARD FILLMORE

\* Portugal.

WASHINGTON, *February 27, 1851.*

*To the Senate of the United States:*

I transmit herewith a report of the Secretary of State, with accompanying documents,\* in compliance with the resolution of the Senate of the 17th ultimo.

MILLARD FILLMORE.

WASHINGTON, *February 28, 1851.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 16th ultimo, requesting information touching the difficulties between the British authorities and San Salvador, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

HON. HOWELL COBB,

WASHINGTON, *March 1, 1851.*

*Speaker of the House of Representatives:*

I have the honor herewith to transmit to the House of Representatives manuscript No. 2 of the opinions of the Attorneys-General, prepared in pursuance of its resolution.

MILLARD FILLMORE.

WASHINGTON, *March 3, 1851.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 26th ultimo, calling for information respecting a forcible abduction of any citizen of the United States from the Territory of New Mexico and his conveyance within the limits of the Mexican Republic, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 9th of September, 1850, entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries and of all her claims upon the United States, and to establish a Territorial government for New Mexico," it was provided that the

\* Correspondence relative to prisoners captured by Spanish authorities at or near the island of Contoy, and to projected expeditions to Cuba.



following propositions should be, and the same were thereby, offered to the State of Texas, which, when agreed to by the said State in an act passed by the general assembly, should be binding and obligatory upon the United States and upon the said State of Texas, provided the said agreement by the said general assembly should be given on or before the 1st day of December, 1850, namely:

“First. The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of  $100^{\circ}$  west from Greenwich is intersected by the parallel of  $36^{\circ} 30'$  north latitude, and shall run from said point due west to the meridian of  $103^{\circ}$  west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of  $32^{\circ}$  of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico.

“Second. The State of Texas cedes to the United States all her claim to territory exterior to the limits and boundaries which she agrees to establish by the first article of this agreement.

“Third. The State of Texas relinquishes all claim upon the United States for liability of the debts of Texas and for compensation or indemnity for the surrender to the United States of her ships, forts, arsenals, custom-houses, custom-house revenue, arms and munitions of war, and public buildings with their sites, which became the property of the United States at the time of the annexation.

“Fourth. The United States, in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims, will pay to the State of Texas the sum of \$10,000,000 in a stock bearing 5 per cent interest, and redeemable at the end of fourteen years, the interest payable half-yearly at the Treasury of the United States.

“Fifth. Immediately after the President of the United States shall have been furnished with an authentic copy of the act of the general assembly of Texas accepting these propositions, he shall cause the stock to be issued in favor of the State of Texas, as provided for in the fourth article of this agreement: *Provided also*, That no more than \$5,000,000 of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas for which duties on imports were specially pledged shall first file at the Treasury of the United States releases of all claim against the United States for or on account of said bonds or certificates in such form as shall be prescribed by the Secretary of the Treasury and approved by the President of the United States: *Provided*, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the ‘Joint resolution for annexing Texas to the United States,’ approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise;” and

Whereas it was further provided by the eighteenth section of the same

act of Congress "that the provisions of this act be, and they are hereby, suspended until the boundary between the United States and the State of Texas shall be adjusted, and when such adjustment shall have been effected the President of the United States shall issue his proclamation declaring this act to be in full force and operation;" and

Whereas the legislature of the State of Texas, by an act approved the 25th of November last, entitled "An act accepting the propositions made by the United States to the State of Texas in an act of the Congress of the United States approved the 9th day of September, A. D. 1850, and entitled 'An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries and of all her claims upon the United States, and to establish a Territorial government for New Mexico,' " of which act a copy, authenticated under the seal of the State, has been furnished to the President, enacts "that the State of Texas hereby agrees to and accepts said propositions, and it is hereby declared that the said State shall be bound by the terms thereof, according to their true import and meaning:"

Now, therefore, I, Millard Fillmore, President of the United States of America, do hereby declare and proclaim that the said act of the Congress of the United States of the 9th of September last is in full force and operation.

Given under my hand, at the city of Washington, this 13th day of  
[SEAL.] December, A. D. 1850, and the seventy-fifth of the Independence of these United States.

MILLARD FILLMORE.

By the President:

DANL. WEBSTER,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

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

Now, therefore, to the end that the authority of the laws may be maintained and those concerned in violating them brought to immediate and

condign punishment, I have issued this my proclamation, calling on all well-disposed citizens to rally to the support of the laws of their country, and requiring and commanding all officers, civil and military, and all other persons, civil or military, who shall be found within the vicinity of this outrage, to be aiding and assisting by all means in their power in quelling this and other such combinations and assisting the marshal and his deputies in recapturing the above-mentioned prisoner; and I do especially direct that prosecutions be commenced against all persons who shall have made themselves aiders or abettors in or to this flagitious offense; and I do further command that the district attorney of the United States and all other persons concerned in the administration or execution of the laws of the United States cause the foregoing offenders and all such as aided, abetted, or assisted them or shall be found to have harbored or concealed such fugitive contrary to law to be immediately arrested and proceeded with according to law.

Given under my hand and the seal of the United States this 18th day of February, 1851.

[SEAL.]

MILLARD FILLMORE.

DANL. WEBSTER,  
*Secretary of State.*

[From Executive Journal of the Senate, Vol. VIII, p. 299.]

WASHINGTON, *March 3, 1851.*

*To the Senators of the United States, respectively.*

SIR: Whereas divers and weighty causes connected with executive business necessary to be transacted create an extraordinary occasion requiring that the Senate be convened, you are therefore requested, as a member of that body, to attend a meeting thereof to be holden at the Capitol, in the city of Washington, on the 4th day of March instant.

MILLARD FILLMORE.

## SPECIAL MESSAGES.

WASHINGTON, *March 4, 1851.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *March 10, 1851.**To the Senate of the United States:*

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

MILLARD FILLMORE.

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES.

## A PROCLAMATION.

Whereas there is reason to believe that a military expedition is about to be fitted out in the United States with intention to invade the island of Cuba, a colony of Spain, with which this country is at peace; and

Whereas it is believed that this expedition is instigated and set on foot chiefly by foreigners who dare to make our shores the scene of their guilty and hostile preparations against a friendly power and seek by falsehood and misrepresentation to seduce our own citizens, especially the young and inconsiderate, into their wicked schemes—an ungrateful return for the benefits conferred upon them by this people in permitting them to make our country an asylum from oppression, and in flagrant abuse of the hospitality thus extended to them; and

Whereas such expeditions can only be regarded as adventures for plunder and robbery, and must meet the condemnation of the civilized world, whilst they are derogatory to the character of our country, in violation of the laws of nations, and expressly prohibited by our own. Our statutes declare “that if any person shall, within the territory or jurisdiction of the United States, begin or set on foot or provide or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state or of any colony, district, or people with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor and shall be fined not exceeding \$3,000 and imprisoned not more than three years:”

Now, therefore, I have issued this my proclamation, warning all persons who shall connect themselves with any such enterprise or expedition in violation of our laws and national obligations that they will thereby subject themselves to the heavy penalties denounced against such offenses and will forfeit their claim to the protection of this Government or any interference on their behalf, no matter to what extremities they may be reduced in consequence of their illegal conduct. And therefore I exhort all good citizens, as they regard our national reputation, as they respect

\* Correspondence with the United States minister at Constantinople respecting the liberation of Kossuth and his companions.

their own laws and the laws of nations, as they value the blessings of peace and the welfare of their country, to discountenance and by all lawful means prevent any such enterprise; and I call upon every officer of this Government, civil or military, to use all efforts in his power to arrest for trial and punishment every such offender against the laws of the country.

Given under my hand the 25th day of April, A. D. 1851, and the seventy-fifth of the Independence of the United States.

[SEAL.]

MILLARD FILLMORE.

By the President:

W. S. DERRICK,  
*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas there is reason to believe that a military expedition is about to be fitted out in the United States for the purpose of invading the Mexican Republic, with which this country is at peace; and

Whereas there is reason to apprehend that a portion of the people of this country, regardless of their duties as good citizens, are concerned in or may be seduced to take part in the same; and

Whereas such enterprises tend to degrade the character of the United States in the opinion of the civilized world and are expressly prohibited by law:

Now, therefore, I have issued this my proclamation, warning all persons who shall connect themselves with any such enterprise in violation of the laws and national obligations of the United States that they will thereby subject themselves to the heavy penalties denounced against such offenses; that if they should be captured within the jurisdiction of the Mexican authorities they must expect to be tried and punished according to the laws of Mexico and will have no right to claim the interposition of this Government in their behalf.

I therefore exhort all well-disposed citizens who have at heart the reputation of their country and are animated with a just regard for its laws, its peace, and its welfare to discountenance and by all lawful means prevent any such enterprise; and I call upon every officer of this Government, civil or military, to be vigilant in arresting for trial and punishment every such offender.

Given under my hand the 22d day of October, A. D. 1851, and the seventy-sixth of the Independence of the United States.

By the President: \_\_\_\_\_

MILLARD FILLMORE.

J. J. CRITTENDEN,  
*Acting Secretary of State.*

## SECOND ANNUAL MESSAGE.

WASHINGTON, *December 2, 1851.**Fellow-Citizens of the Senate and of the House of Representatives:*

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

Since the close of the last Congress certain Cubans and other foreigners resident in the United States, who were more or less concerned in the previous invasion of Cuba, instead of being discouraged by its failure have again abused the hospitality of this country by making it the scene of the equipment of another military expedition against that possession of Her Catholic Majesty, in which they were countenanced, aided, and joined by citizens of the United States. On receiving intelligence that such designs were entertained, I lost no time in issuing such instructions to the proper officers of the United States as seemed to be called for by the occasion. By the proclamation a copy of which is herewith submitted I also warned those who might be in danger of being inveigled into this scheme of its unlawful character and of the penalties which they would incur. For some time there was reason to hope that these measures had sufficed to prevent any such attempt. This hope, however, proved to be delusive. Very early in the morning of the 3d of August a steamer called the *Pampero* departed from New Orleans for Cuba, having on board upward of 400 armed men with evident intentions to make war upon the authorities of the island. This expedition was set on foot in palpable violation of the laws of the United States. Its leader was a Spaniard, and several of the chief officers and some others engaged in it were foreigners. The persons composing it, however, were mostly citizens of the United States.

Before the expedition set out, and probably before it was organized, a slight insurrectionary movement, which appears to have been soon suppressed, had taken place in the eastern quarter of Cuba. The importance of this movement was, unfortunately, so much exaggerated in the accounts of it published in this country that these adventurers seem to have been led to believe that the Creole population of the island not

only desired to throw off the authority of the mother country, but had resolved upon that step and had begun a well-concerted enterprise for effecting it. The persons engaged in the expedition were generally young and ill informed. The steamer in which they embarked left New Orleans stealthily and without a clearance. After touching at Key West, she proceeded to the coast of Cuba, and on the night between the 11th and 12th of August landed the persons on board at Playtas, within about 20 leagues of Havana.

The main body of them proceeded to and took possession of an inland village 6 leagues distant, leaving others to follow in charge of the baggage as soon as the means of transportation could be obtained. The latter, having taken up their line of march to connect themselves with the main body, and having proceeded about 4 leagues into the country, were attacked on the morning of the 13th by a body of Spanish troops, and a bloody conflict ensued, after which they retreated to the place of disembarkation, where about 50 of them obtained boats and reembarked therein. They were, however, intercepted among the keys near the shore by a Spanish steamer cruising on the coast, captured and carried to Havana, and after being examined before a military court were sentenced to be publicly executed, and the sentence was carried into effect on the 16th of August.

On receiving information of what had occurred Commodore Foxhall A. Parker was instructed to proceed in the steam frigate *Saranac* to Havana and inquire into the charges against the persons executed, the circumstances under which they were taken, and whatsoever referred to their trial and sentence. Copies of the instructions from the Department of State to him and of his letters to that Department are herewith submitted.

According to the record of the examination, the prisoners all admitted the offenses charged against them, of being hostile invaders of the island. At the time of their trial and execution the main body of the invaders was still in the field making war upon the Spanish authorities and Spanish subjects. After the lapse of some days, being overcome by the Spanish troops, they dispersed on the 24th of August. Lopez, their leader, was captured some days after, and executed on the 1st of September. Many of his remaining followers were killed or died of hunger and fatigue, and the rest were made prisoners. Of these none appear to have been tried or executed. Several of them were pardoned upon application of their friends and others, and the rest, about 160 in number, were sent to Spain. Of the final disposition made of these we have no official information.

Such is the melancholy result of this illegal and ill-fated expedition. Thus thoughtless young men have been induced by false and fraudulent representations to violate the law of their country through rash and unfounded expectations of assisting to accomplish political revolutions in

other states, and have lost their lives in the undertaking. Too severe a judgment can hardly be passed by the indignant sense of the community upon those who, being better informed themselves, have yet led away the ardor of youth and an ill-directed love of political liberty. The correspondence between this Government and that of Spain relating to this transaction is herewith communicated.

Although these offenders against the laws have forfeited the protection of their country, yet the Government may, so far as consistent with its obligations to other countries and its fixed purpose to maintain and enforce the laws, entertain sympathy for their unoffending families and friends, as well as a feeling of compassion for themselves. Accordingly, no proper effort has been spared and none will be spared to procure the release of such citizens of the United States engaged in this unlawful enterprise as are now in confinement in Spain; but it is to be hoped that such interposition with the Government of that country may not be considered as affording any ground of expectation that the Government of the United States will hereafter feel itself under any obligation of duty to intercede for the liberation or pardon of such persons as are flagrant offenders against the law of nations and the laws of the United States. These laws must be executed. If we desire to maintain our respectability among the nations of the earth, it behooves us to enforce steadily and sternly the neutrality acts passed by Congress and to follow as far as may be the violation of those acts with condign punishment.

But what gives a peculiar criminality to this invasion of Cuba is that, under the lead of Spanish subjects and with the aid of citizens of the United States, it had its origin with many in motives of cupidity. Money was advanced by individuals, probably in considerable amounts, to purchase Cuban bonds, as they have been called, issued by Lopez, sold, doubtless, at a very large discount, and for the payment of which the public lands and public property of Cuba, of whatever kind, and the fiscal resources of the people and government of that island, from whatever source to be derived, were pledged, as well as the good faith of the government expected to be established. All these means of payment, it is evident, were only to be obtained by a process of bloodshed, war, and revolution. None will deny that those who set on foot military expeditions against foreign states by means like these are far more culpable than the ignorant and the necessitous whom they induce to go forth as the ostensible parties in the proceeding. These originators of the invasion of Cuba seem to have determined with coolness and system upon an undertaking which should disgrace their country, violate its laws, and put to hazard the lives of ill-informed and deluded men. You will consider whether further legislation be necessary to prevent the perpetration of such offenses in future.

No individuals have a right to hazard the peace of the country or to



violate its laws upon vague notions of altering or reforming governments in other states. This principle is not only reasonable in itself and in accordance with public law, but is ingrafted into the codes of other nations as well as our own. But while such are the sentiments of this Government, it may be added that every independent nation must be presumed to be able to defend its possessions against unauthorized individuals banded together to attack them. The Government of the United States at all times since its establishment has abstained and has sought to restrain the citizens of the country from entering into controversies between other powers, and to observe all the duties of neutrality. At an early period of the Government, in the Administration of Washington, several laws were passed for this purpose. The main provisions of these laws were reenacted by the act of April, 1818, by which, amongst other things, it was declared that—

If any person shall, within the territory or jurisdiction of the United States, begin, or set on foot, or provide or prepare the means for, any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding \$3,000 and imprisoned not more than three years.

And this law has been executed and enforced to the full extent of the power of the Government from that day to this.

In proclaiming and adhering to the doctrine of neutrality and nonintervention, the United States have not followed the lead of other civilized nations; they have taken the lead themselves and have been followed by others. This was admitted by one of the most eminent of modern British statesmen, who said in Parliament, while a minister of the Crown, "that if he wished for a guide in a system of neutrality he should take that laid down by America in the days of Washington and the secretaryship of Jefferson;" and we see, in fact, that the act of Congress of 1818 was followed the succeeding year by an act of the Parliament of England substantially the same in its general provisions. Up to that time there had been no similar law in England, except certain highly penal statutes passed in the reign of George II, prohibiting English subjects from enlisting in foreign service, the avowed object of which statutes was that foreign armies, raised for the purpose of restoring the house of Stuart to the throne, should not be strengthened by recruits from England herself.

All must see that difficulties may arise in carrying the laws referred to into execution in a country now having 3,000 or 4,000 miles of sea-coast, with an infinite number of ports and harbors and small inlets, from some of which unlawful expeditions may suddenly set forth, without the knowledge of Government, against the possessions of foreign states.

"Friendly relations with all, but entangling alliances with none," has long been a maxim with us. Our true mission is not to propagate our opinions or impose upon other countries our form of government by arti-

force or force, but to teach by example and show by our success, moderation, and justice the blessings of self-government and the advantages of free institutions. Let every people choose for itself and make and alter its political institutions to suit its own condition and convenience. But while we avow and maintain this neutral policy ourselves, we are anxious to see the same forbearance on the part of other nations whose forms of government are different from our own. The deep interest which we feel in the spread of liberal principles and the establishment of free governments and the sympathy with which we witness every struggle against oppression forbid that we should be indifferent to a case in which the strong arm of a foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country.

The Governments of Great Britain and France have issued orders to their naval commanders on the West India station to prevent, by force if necessary, the landing of adventurers from any nation on the island of Cuba with hostile intent. The copy of a memorandum of a conversation on this subject between the chargé d'affaires of Her Britannic Majesty and the Acting Secretary of State and of a subsequent note of the former to the Department of State are herewith submitted, together with a copy of a note of the Acting Secretary of State to the minister of the French Republic and of the reply of the latter on the same subject. These papers will acquaint you with the grounds of this interposition of two leading commercial powers of Europe, and with the apprehensions, which this Government could not fail to entertain, that such interposition, if carried into effect, might lead to abuses in derogation of the maritime rights of the United States. The maritime rights of the United States are founded on a firm, secure, and well-defined basis; they stand upon the ground of national independence and public law, and will be maintained in all their full and just extent. The principle which this Government has heretofore solemnly announced it still adheres to, and will maintain under all circumstances and at all hazards. That principle is that in every regularly documented merchant vessel the crew who navigate it and those on board of it will find their protection in the flag which is over them. No American ship can be allowed to be visited or searched for the purpose of ascertaining the character of individuals on board, nor can there be allowed any watch by the vessels of any foreign nation over American vessels on the coast of the United States or the seas adjacent thereto. It will be seen by the last communication from the British chargé d'affaires to the Department of State that he is authorized to assure the Secretary of State that every care will be taken that in executing the preventive measures against the expeditions which the United States Government itself has denounced as not being entitled to the protection of any government no interference shall take place with the lawful commerce of any nation.

In addition to the correspondence on this subject herewith submitted,

official information has been received at the Department of State of assurances by the French Government that in the orders given to the French naval forces they were expressly instructed, in any operations they might engage in, to respect the flag of the United States wherever it might appear, and to commit no act of hostility upon any vessel or armament under its protection.

Ministers and consuls of foreign nations are the means and agents of communication between us and those nations, and it is of the utmost importance that while residing in the country they should feel a perfect security so long as they faithfully discharge their respective duties and are guilty of no violation of our laws. This is the admitted law of nations and no country has a deeper interest in maintaining it than the United States. Our commerce spreads over every sea and visits every clime, and our ministers and consuls are appointed to protect the interests of that commerce as well as to guard the peace of the country and maintain the honor of its flag. But how can they discharge these duties unless they be themselves protected? And if protected it must be by the laws of the country in which they reside. And what is due to our own public functionaries residing in foreign nations is exactly the measure of what is due to the functionaries of other governments residing here. As in war the bearers of flags of truce are sacred, or else wars would be interminable, so in peace ambassadors, public ministers, and consuls, charged with friendly national intercourse, are objects of especial respect and protection, each according to the rights belonging to his rank and station. In view of these important principles, it is with deep mortification and regret I announce to you that during the excitement growing out of the executions at Havana the office of Her Catholic Majesty's consul at New Orleans was assailed by a mob, his property destroyed, the Spanish flag found in the office carried off and torn in pieces, and he himself induced to flee for his personal safety, which he supposed to be in danger. On receiving intelligence of these events I forthwith directed the attorney of the United States residing at New Orleans to inquire into the facts and the extent of the pecuniary loss sustained by the consul, with the intention of laying them before you, that you might make provision for such indemnity to him as a just regard for the honor of the nation and the respect which is due to a friendly power might, in your judgment, seem to require. The correspondence upon this subject between the Secretary of State and Her Catholic Majesty's minister plenipotentiary is herewith transmitted.

The occurrence at New Orleans has led me to give my attention to the state of our laws in regard to foreign ambassadors, ministers, and consuls. I think the legislation of the country is deficient in not providing sufficiently either for the protection or the punishment of consuls. I therefore recommend the subject to the consideration of Congress.

Your attention is again invited to the question of reciprocal trade

between the United States and Canada and other British possessions near our frontier. Overtures for a convention upon this subject have been received from Her Britannic Majesty's minister plenipotentiary, but it seems to be in many respects preferable that the matter should be regulated by reciprocal legislation. Documents are laid before you showing the terms which the British Government is willing to offer and the measures which it may adopt if some arrangement upon this subject shall not be made.

From the accompanying copy of a note from the British legation at Washington and the reply of the Department of State thereto it will appear that Her Britannic Majesty's Government is desirous that a part of the boundary line between Oregon and the British possessions should be authoritatively marked out, and that an intention was expressed to apply to Congress for an appropriation to defray the expense thereof on the part of the United States. Your attention to this subject is accordingly invited and a proper appropriation recommended.

A convention for the adjustment of claims of citizens of the United States against Portugal has been concluded and the ratifications have been exchanged. The first installment of the amount to be paid by Portugal fell due on the 30th of September last and has been paid.

The President of the French Republic, according to the provisions of the convention, has been selected as arbiter in the case of the *General Armstrong*, and has signified that he accepts the trust and the high satisfaction he feels in acting as the common friend of two nations with which France is united by sentiments of sincere and lasting amity.

The Turkish Government has expressed its thanks for the kind reception given to the Sultan's agent, Amin Bey, on the occasion of his recent visit to the United States. On the 28th of February last a dispatch was addressed by the Secretary of State to Mr. Marsh, the American minister at Constantinople, instructing him to ask of the Turkish Government permission for the Hungarians then imprisoned within the dominions of the Sublime Porte to remove to this country. On the 3d of March last both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.

The instruction above referred to was complied with, and the Turkish Government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam frigate *Mississippi*, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the *Mississippi* at Gibraltar for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State he has expressed his grateful acknowledgments for the interposition of this Government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom

political events have exiled from their own homes in Europe, and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated.

It is earnestly to be hoped that the differences which have for some time past been pending between the Government of the French Republic and that of the Sandwich Islands may be peaceably and durably adjusted so as to secure the independence of those islands. Long before the events which have of late imparted so much importance to the possessions of the United States on the Pacific we acknowledged the independence of the Hawaiian Government. This Government was first in taking that step, and several of the leading powers of Europe immediately followed. We were influenced in this measure by the existing and prospective importance of the islands as a place of refuge and refreshment for our vessels engaged in the whale fishery, and by the consideration that they lie in the course of the great trade which must at no distant day be carried on between the western coast of North America and eastern Asia.

We were also influenced by a desire that those islands should not pass under the control of any other great maritime state, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations. I need not say that the importance of these considerations has been greatly enhanced by the sudden and vast development which the interests of the United States have attained in California and Oregon, and the policy heretofore adopted in regard to those islands will be steadily pursued.

It is gratifying, not only to those who consider the commercial interests of nations, but also to all who favor the progress of knowledge and the diffusion of religion, to see a community emerge from a savage state and attain such a degree of civilization in those distant seas.

It is much to be deplored that the internal tranquillity of the Mexican Republic should again be seriously disturbed, for since the peace between that Republic and the United States it had enjoyed such comparative repose that the most favorable anticipations for the future might with a degree of confidence have been indulged. These, however, have been thwarted by the recent outbreak in the State of Tamaulipas, on the right bank of the Rio Bravo. Having received information that persons from the United States had taken part in the insurrection, and apprehending that their example might be followed by others, I caused orders to be issued for the purpose of preventing any hostile expeditions against Mexico from being set on foot in violation of the laws of the United States. I likewise issued a proclamation upon the subject, a copy of which is herewith laid before you. This appeared to be rendered imperative by the obligations of treaties and the general duties of good neighborhood.

In my last annual message I informed Congress that citizens of the

United States had undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehuantepec, under a grant of the Mexican Government to a citizen of that Republic, and that this enterprise would probably be prosecuted with energy whenever Mexico should consent to such stipulations with the Government of the United States as should impart a feeling of security to those who should invest their property in the enterprise.

A convention between the two Governments for the accomplishment of that end has been ratified by this Government, and only awaits the decision of the Congress and the Executive of that Republic.

Some unexpected difficulties and delays have arisen in the ratification of that convention by Mexico, but it is to be presumed that her decision will be governed by just and enlightened views, as well of the general importance of the object as of her own interests and obligations.

In negotiating upon this important subject this Government has had in view one, and only one, object. That object has been, and is, the construction or attainment of a passage from ocean to ocean, the shortest and the best for travelers and merchandise, and equally open to all the world. It has sought to obtain no territorial acquisition, nor any advantages peculiar to itself; and it would see with the greatest regret that Mexico should oppose any obstacle to the accomplishment of an enterprise which promises so much convenience to the whole commercial world and such eminent advantages to Mexico herself. Impressed with these sentiments and these convictions, the Government will continue to exert all proper efforts to bring about the necessary arrangement with the Republic of Mexico for the speedy completion of the work.

For some months past the Republic of Nicaragua has been the theater of one of those civil convulsions from which the cause of free institutions and the general prosperity and social progress of the States of Central America have so often and so severely suffered. Until quiet shall have been restored and a government apparently stable shall have been organized, no advance can prudently be made in disposing of the questions pending between the two countries.

I am happy to announce that an interoceanic communication from the mouth of the St. John to the Pacific has been so far accomplished as that passengers have actually traversed it and merchandise has been transported over it, and when the canal shall have been completed according to the original plan the means of communication will be further improved. It is understood that a considerable part of the railroad across the Isthmus of Panama has been completed, and that the mail and passengers will in future be conveyed thereon.

Whichever of the several routes between the two oceans may ultimately prove most eligible for travelers to and from the different States on the Atlantic and Gulf of Mexico and our coast on the Pacific, there is little reason to doubt that all of them will be useful to the public, and

will liberally reward that individual enterprise by which alone they have been or are expected to be carried into effect.

Peace has been concluded between the contending parties in the island of St. Domingo, and, it is hoped, upon a durable basis. Such is the extent of our commercial relations with that island that the United States can not fail to feel a strong interest in its tranquillity.

The office of commissioner to China remains unfilled. Several persons have been appointed, and the place has been offered to others, all of whom have declined its acceptance on the ground of the inadequacy of the compensation. The annual allowance by law is \$6,000, and there is no provision for any outfit. I earnestly recommend the consideration of this subject to Congress. Our commerce with China is highly important, and is becoming more and more so in consequence of the increasing intercourse between our ports on the Pacific Coast and eastern Asia. China is understood to be a country in which living is very expensive, and I know of no reason why the American commissioner sent thither should not be placed, in regard to compensation, on an equal footing with ministers who represent this country at the Courts of Europe.

By reference to the report of the Secretary of the Treasury it will be seen that the aggregate receipts for the last fiscal year amounted to \$52,312,979.87, which, with the balance in the Treasury on the 1st July, 1850, gave as the available means for the year the sum of \$58,917,524.36.

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

Since the 1st of December last the payments in cash on account of the public debt, exclusive of interest, have amounted to \$7,501,456.56, which, however, includes the sum of \$3,242,400, paid under the twelfth article of the treaty with Mexico, and the further sum of \$2,591,213.45, being the amount of awards to American citizens under the late treaty with Mexico, for which the issue of stock was authorized, but which was paid in cash from the Treasury.

The public debt on the 20th ultimo, exclusive of the stock authorized to be issued to Texas by the act of 9th September, 1850, was \$62,560,395.26.

The receipts for the next fiscal year are estimated at \$51,800,000, which, with the probable unappropriated balance in the Treasury on the 30th June next, will give as the probable available means for that year the sum of \$63,258,743.09.

It has been deemed proper, in view of the large expenditures consequent upon the acquisition of territory from Mexico, that the estimates for the next fiscal year should be laid before Congress in such manner as

to distinguish the expenditures so required from the otherwise ordinary demands upon the Treasury.

The total expenditures for the next fiscal year are estimated at \$42,892,299.19, of which there is required for the ordinary purposes of the Government, other than those consequent upon the acquisition of our new territories, and deducting the payments on account of the public debt, the sum of \$33,343,198.08, and for the purposes connected, directly or indirectly, with those territories and in the fulfillment of the obligations of the Government contracted in consequence of their acquisition the sum of \$9,549,101.11.

If the views of the Secretary of the Treasury in reference to the expenditures required for these territories shall be met by corresponding action on the part of Congress, and appropriations made in accordance therewith, there will be an estimated unappropriated balance in the Treasury on the 30th June, 1853, of \$20,366,443.90 wherewith to meet that portion of the public debt due on the 1st of July following, amounting to \$6,237,931.35, as well as any appropriations which may be made beyond the estimates.

In thus referring to the estimated expenditures on account of our newly acquired territories, I may express the hope that Congress will concur with me in the desire that a liberal course of policy may be pursued toward them, and that every obligation, express or implied, entered into in consequence of their acquisition shall be fulfilled by the most liberal appropriations for that purpose.

The values of our domestic exports for the last fiscal year, as compared with those of the previous year, exhibit an increase of \$43,646,322. At first view this condition of our trade with foreign nations would seem to present the most flattering hopes of its future prosperity. An examination of the details of our exports, however, will show that the increased value of our exports for the last fiscal year is to be found in the high price of cotton which prevailed during the first half of that year, which price has since declined about one-half.

The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have greatly augmented, has fallen from \$68,701,921 in 1847 to \$26,051,373 in 1850 and to \$21,948,653 in 1851, with a strong probability, amounting almost to a certainty, of a still further reduction in the current year.

The aggregate values of rice exported during the last fiscal year, as compared with the previous year, also exhibit a decrease, amounting to \$460,917, which, with a decline in the values of the exports of tobacco for the same period, make an aggregate decrease in these two articles of \$1,156,751.

The policy which dictated a low rate of duties on foreign merchandise, it was thought by those who promoted and established it, would tend to



benefit the farming population of this country by increasing the demand and raising the price of agricultural products in foreign markets.

The foregoing facts, however, seem to show incontestably that no such result has followed the adoption of this policy. On the contrary, notwithstanding the repeal of the restrictive corn laws in England, the foreign demand for the products of the American farmer has steadily declined, since the short crops and consequent famine in a portion of Europe have been happily replaced by full crops and comparative abundance of food.

It will be seen by recurring to the commercial statistics for the past year that the value of our domestic exports has been increased in the single item of raw cotton by \$40,000,000 over the value of that export for the year preceding. This is not due to any increased general demand for that article, but to the short crop of the preceding year, which created an increased demand and an augmented price for the crop of last year. Should the cotton crop now going forward to market be only equal in quantity to that of the year preceding and be sold at the present prices, then there would be a falling off in the value of our exports for the present fiscal year of at least \$40,000,000 compared with the amount exported for the year ending 30th June, 1851.

The production of gold in California for the past year seems to promise a large supply of that metal from that quarter for some time to come. This large annual increase of the currency of the world must be attended with its usual results. These have been already partially disclosed in the enhancement of prices and a rising spirit of speculation and adventure, tending to overtrading, as well at home as abroad. Unless some salutary check shall be given to these tendencies it is to be feared that importations of foreign goods beyond a healthy demand in this country will lead to a sudden drain of the precious metals from us, bringing with it, as it has done in former times, the most disastrous consequences to the business and capital of the American people.

The exports of specie to liquidate our foreign debt during the past fiscal year have been \$24,263,979 over the amount of specie imported. The exports of specie during the first quarter of the present fiscal year have been \$14,651,827. Should specie continue to be exported at this rate for the remaining three quarters of this year, it will drain from our metallic currency during the year ending 30th June, 1852, the enormous amount of \$58,607,308.

In the present prosperous condition of the national finances it will become the duty of Congress to consider the best mode of paying off the public debt. If the present and anticipated surplus in the Treasury should not be absorbed by appropriations of an extraordinary character, this surplus should be employed in such way and under such restrictions as Congress may enact in extinguishing the outstanding debt of the nation.

By reference to the act of Congress approved 9th September, 1850, it will be seen that, in consideration of certain concessions by the State of Texas, it is provided that—

The United States shall pay to the State of Texas the sum of \$10,000,000 in a stock bearing 5 per cent interest and redeemable at the end of fourteen years, the interest payable half-yearly at the Treasury of the United States.

In the same section of the law it is further provided—

That no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas, *for which duties on imports were specially pledged*, shall first file at the Treasury of the United States releases of all claims against the United States for or on account of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury and approved by the President of the United States.

The form of release thus provided for has been prescribed by the Secretary of the Treasury and approved. It has been published in all the leading newspapers in the commercial cities of the United States, and all persons holding claims of the kind specified in the foregoing proviso were required to file their releases (in the form thus prescribed) in the Treasury of the United States on or before the 1st day of October, 1851. Although this publication has been continued from the 25th day of March, 1851, yet up to the 1st of October last comparatively few releases had been filed by the creditors of Texas.

The authorities of the State of Texas, at the request of the Secretary of the Treasury, have furnished a schedule of the public debt of that State created prior to her admission into the Union, with a copy of the laws under which each class was contracted.

I have, from the documents furnished by the State of Texas, determined the classes of claims which in my judgment fall within the provisions of the act of Congress of the 9th of September, 1850.

On being officially informed of the acceptance by Texas of the propositions contained in the act referred to I caused the stock to be prepared, and the five millions which are to be issued unconditionally, bearing an interest of 5 per cent from the 1st day of January, 1851, have been for some time ready to be delivered to the State of Texas. The authorities of Texas up to the present time have not authorized anyone to receive this stock, and it remains in the Treasury Department subject to the order of Texas.

The releases required by law to be deposited in the Treasury not having been filed there, the remaining five millions have not been issued. This last amount of the stock will be withheld from Texas until the conditions upon which it is to be delivered shall be complied with by the creditors of that State, unless Congress shall otherwise direct by a modification of the law.

In my last annual message, to which I respectfully refer, I stated briefly the reasons which induced me to recommend a modification of

the present tariff by converting the *ad valorem* into a specific duty wherever the article imported was of such a character as to permit it, and that such a discrimination should be made in favor of the industrial pursuits of our own country as to encourage home production without excluding foreign competition.

The numerous frauds which continue to be practiced upon the revenue by false invoices and undervaluations constitute an unanswerable reason for adopting specific instead of *ad valorem* duties in all cases where the nature of the commodity does not forbid it. A striking illustration of these frauds will be exhibited in the report of the Secretary of the Treasury, showing the custom-house valuation of articles imported under a former law, subject to specific duties, when there was no inducement to undervaluation, and the custom-house valuations of the same articles under the present system of *ad valorem* duties, so greatly reduced as to leave no doubt of the existence of the most flagrant abuses under the existing laws. This practical evasion of the present law, combined with the languishing condition of some of the great interests of the country, caused by overimportations and consequent depressed prices, and with the failure in obtaining a foreign market for our increasing surplus of breadstuffs and provisions, has induced me again to recommend a modification of the existing tariff.

The report of the Secretary of the Interior, which accompanies this communication, will present a condensed statement of the operations of that important Department of the Government.

It will be seen that the cash sales of the public lands exceed those of the preceding year, and that there is reason to anticipate a still further increase, notwithstanding the large donations which have been made to many of the States and the liberal grants to individuals as a reward for military services. This fact furnishes very gratifying evidence of the growing wealth and prosperity of our country.

Suitable measures have been adopted for commencing the survey of the public lands in California and Oregon. Surveying parties have been organized and some progress has been made in establishing the principal base and meridian lines. But further legislation and additional appropriations will be necessary before the proper subdivisions can be made and the general land system extended over those remote parts of our territory.

On the 3d of March last an act was passed providing for the appointment of three commissioners to settle private land claims in California. Three persons were immediately appointed, all of whom, however, declined accepting the office in consequence of the inadequacy of the compensation. Others were promptly selected, who for the same reason also declined, and it was not until late in the season that the services of suitable persons could be secured. A majority of the commissioners convened in this city on the 10th of September last, when detailed instructions were given to them in regard to their duties. Their first meeting

for the transaction of business will be held in San Francisco on the 8th day of the present month.

I have thought it proper to refer to these facts, not only to explain the causes of the delay in filling the commission, but to call your attention to the propriety of increasing the compensation of the commissioners. The office is one of great labor and responsibility, and the compensation should be such as to command men of a high order of talents and the most unquestionable integrity.

The proper disposal of the mineral lands of California is a subject surrounded by great difficulties. In my last annual message I recommended the survey and sale of them in small parcels under such restrictions as would effectually guard against monopoly and speculation; but upon further information, and in deference to the opinions of persons familiar with the subject, I am inclined to change that recommendation and to advise that they be permitted to remain as at present, a common field, open to the enterprise and industry of all our citizens, until further experience shall have developed the best policy to be ultimately adopted in regard to them. It is safer to suffer the inconveniences that now exist for a short period than by premature legislation to fasten on the country a system founded in error, which may place the whole subject beyond the future control of Congress.

The agricultural lands should, however, be surveyed and brought into market with as little delay as possible, that the titles may become settled and the inhabitants stimulated to make permanent improvements and enter on the ordinary pursuits of life. To effect these objects it is desirable that the necessary provision be made by law for the establishment of land offices in California and Oregon and for the efficient prosecution of the surveys at an early day.

Some difficulties have occurred in organizing the Territorial governments of New Mexico and Utah, and when more accurate information shall be obtained of the causes a further communication will be made on that subject.

In my last annual communication to Congress I recommended the establishment of an agricultural bureau, and I take this occasion again to invoke your favorable consideration of the subject.

Agriculture may justly be regarded as the great interest of our people. Four-fifths of our active population are employed in the cultivation of the soil, and the rapid expansion of our settlements over new territory is daily adding to the number of those engaged in that vocation. Justice and sound policy, therefore, alike require that the Government should use all the means authorized by the Constitution to promote the interests and welfare of that important class of our fellow-citizens. And yet it is a singular fact that whilst the manufacturing and commercial interests have engaged the attention of Congress during a large portion of every session and our statutes abound in provisions for their protection and

encouragement, little has yet been done directly for the advancement of agriculture. It is time that this reproach to our legislation should be removed, and I sincerely hope that the present Congress will not close their labors without adopting efficient means to supply the omissions of those who have preceded them.

An agricultural bureau, charged with the duty of collecting and disseminating correct information as to the best modes of cultivation and of the most effectual means of preserving and restoring the fertility of the soil and of procuring and distributing seeds and plants and other vegetable productions, with instructions in regard to the soil, climate, and treatment best adapted to their growth, could not fail to be, in the language of Washington in his last annual message to Congress, a "very cheap instrument of immense national benefit."

Regarding the act of Congress approved 28th September, 1850, granting bounty lands to persons who had been engaged in the military service of the country, as a great measure of national justice and munificence, an anxious desire has been felt by the officers intrusted with its immediate execution to give prompt effect to its provisions. All the means within their control were therefore brought into requisition to expedite the adjudication of claims, and I am gratified to be able to state that near 100,000 applications have been considered and about 70,000 warrants issued within the short space of nine months. If adequate provision be made by law to carry into effect the recommendations of the Department, it is confidently expected that before the close of the next fiscal year all who are entitled to the benefits of the act will have received their warrants.

The Secretary of the Interior has suggested in his report various amendments of the laws relating to pensions and bounty lands for the purpose of more effectually guarding against abuses and frauds on the Government, to all of which I invite your particular attention.

The large accessions to our Indian population consequent upon the acquisition of New Mexico and California and the extension of our settlements into Utah and Oregon have given increased interest and importance to our relations with the aboriginal race.

No material change has taken place within the last year in the condition and prospects of the Indian tribes who reside in the Northwestern Territory and west of the Mississippi River. We are at peace with all of them, and it will be a source of pleasure to you to learn that they are gradually advancing in civilization and the pursuits of social life.

Along the Mexican frontier and in California and Oregon there have been occasional manifestations of unfriendly feeling and some depredations committed. I am satisfied, however, that they resulted more from the destitute and starving condition of the Indians than from any settled hostility toward the whites. As the settlements of our citizens progress toward them, the game, upon which they mainly rely for subsistence, is

driven off or destroyed, and the only alternative left to them is starvation or plunder. It becomes us to consider, in view of this condition of things, whether justice and humanity, as well as an enlightened economy, do not require that instead of seeking to punish them for offenses which are the result of our own policy toward them we should not provide for their immediate wants and encourage them to engage in agriculture and to rely on their labor instead of the chase for the means of support.

Various important treaties have been negotiated with different tribes during the year, by which their title to large and valuable tracts of country has been extinguished, all of which will at the proper time be submitted to the Senate for ratification.

The joint commission under the treaty of Guadalupe Hidalgo has been actively engaged in running and marking the boundary line between the United States and Mexico. It was stated in the last annual report of the Secretary of the Interior that the initial point on the Pacific and the point of junction of the Gila with the Colorado River had been determined and the intervening line, about 150 miles in length, run and marked by temporary monuments. Since that time a monument of marble has been erected at the initial point, and permanent landmarks of iron have been placed at suitable distances along the line.

The initial point on the Rio Grande has also been fixed by the commissioners, at latitude  $32^{\circ} 22'$ , and at the date of the last communication the survey of the line had been made thence westward about 150 miles to the neighborhood of the copper mines.

The commission on our part was at first organized on a scale which experience proved to be unwieldy and attended with unnecessary expense. Orders have therefore been issued for the reduction of the number of persons employed within the smallest limits consistent with the safety of those engaged in the service and the prompt and efficient execution of their important duties.

Returns have been received from all the officers engaged in taking the census in the States and Territories except California. The superintendent employed to make the enumeration in that State has not yet made his full report, from causes, as he alleges, beyond his control. This failure is much to be regretted, as it has prevented the Secretary of the Interior from making the decennial apportionment of Representatives among the States, as required by the act approved May 23, 1850. It is hoped, however, that the returns will soon be received, and no time will then be lost in making the necessary apportionment and in transmitting the certificates required by law.

The Superintendent of the Seventh Census is diligently employed, under the direction of the Secretary of the Interior, in classifying and arranging in tabular form all the statistical information derived from the returns of the marshals, and it is believed that when the work shall be completed it will exhibit a more perfect view of the population, wealth,

occupations, and social condition of a great country than has ever been presented to the world. The value of such a work as the basis of enlightened legislation can hardly be overestimated, and I earnestly hope that Congress will lose no time in making the appropriations necessary to complete the classifications and to publish the results in a style worthy of the subject and of our national character.

The want of a uniform fee bill, prescribing the compensation to be allowed district attorneys, clerks, marshals, and commissioners in civil and criminal cases, is the cause of much vexation, injustice, and complaint. I would recommend a thorough revision of the laws on the whole subject and the adoption of a tariff of fees which, as far as practicable, should be uniform, and prescribe a specific compensation for every service which the officer may be required to perform. This subject will be fully presented in the report of the Secretary of the Interior.

In my last annual message I gave briefly my reasons for believing that you possessed the constitutional power to improve the harbors of our Great Lakes and seacoast and the navigation of our principal rivers, and recommended that appropriations should be made for completing such works as had already been commenced and for commencing such others as might seem to the wisdom of Congress to be of public and general importance. Without repeating the reasons then urged, I deem it my duty again to call your attention to this important subject. The works on many of the harbors were left in an unfinished state, and consequently exposed to the action of the elements, which is fast destroying them. Great numbers of lives and vast amounts of property are annually lost for want of safe and convenient harbors on the Lakes. None but those who have been exposed to that dangerous navigation can fully appreciate the importance of this subject. The whole Northwest appeals to you for relief, and I trust their appeal will receive due consideration at your hands.

The same is in a measure true in regard to some of the harbors and inlets on the seacoast.

The unobstructed navigation of our large rivers is of equal importance. Our settlements are now extending to the sources of the great rivers which empty into and form a part of the Mississippi, and the value of the public lands in those regions would be greatly enhanced by freeing the navigation of those waters from obstructions. In view, therefore, of this great interest, I deem it my duty again to urge upon Congress to make such appropriations for these improvements as they may deem necessary.

The surveys of the Delta of the Mississippi, with a view to the prevention of the overflows that have proved so disastrous to that region of country, have been nearly completed, and the reports thereof are now in course of preparation and will shortly be laid before you.

The protection of our southwestern frontier and of the adjacent Mex-

ican States against the Indian tribes within our border has claimed my earnest and constant attention. Congress having failed at the last session to adopt my recommendation that an additional regiment of mounted men specially adapted to that service should be raised, all that remained to be done was to make the best use of the means at my disposal. Accordingly, all the troops adapted to that service that could properly be spared from other quarters have been concentrated on that frontier and officers of high reputation selected to command them. A new arrangement of the military posts has also been made, whereby the troops are brought nearer to the Mexican frontier and to the tribes they are intended to overawe.

Sufficient time has not yet elapsed to realize all the benefits that are expected to result from these arrangements, but I have every reason to hope that they will effectually check their marauding expeditions. The nature of the country, which furnishes little for the support of an army and abounds in places of refuge and concealment, is remarkably well adapted to this predatory warfare, and we can scarcely hope that any military force, combined with the greatest vigilance, can entirely suppress it.

By the treaty of Guadalupe Hidalgo we are bound to protect the territory of Mexico against the incursions of the savage tribes within our border "with equal diligence and energy" as if the same were made within our territory or against our citizens. I have endeavored to comply as far as possible with this provision of the treaty. Orders have been given to the officers commanding on that frontier to consider the Mexican territory and its inhabitants as equally with our own entitled to their protection, and to make all their plans and arrangements with a view to the attainment of this object. Instructions have also been given to the Indian commissioners and agents among these tribes in all treaties to make the clauses designed for the protection of our own citizens apply also to those of Mexico. I have no reason to doubt that these instructions have been fully carried into effect; nevertheless, it is probable that in spite of all our efforts some of the neighboring States of Mexico may have suffered, as our own have, from depredations by the Indians.

To the difficulties of defending our own territory, as above mentioned, are superadded, in defending that of Mexico, those that arise from its remoteness, from the fact that we have no right to station our troops within her limits and that there is no efficient military force on the Mexican side to cooperate with our own. So long as this shall continue to be the case the number and activity of our troops will rather increase than diminish the evil, as the Indians will naturally turn toward that country where they encounter the least resistance. Yet these troops are necessary to subdue them and to compel them to make and observe treaties. Until this shall have been done neither country will enjoy any security from their attacks.



The Indians in California, who had previously appeared of a peaceable character and disposed to cultivate the friendship of the whites, have recently committed several acts of hostility. As a large portion of the reinforcements sent to the Mexican frontier were drawn from the Pacific, the military force now stationed there is considered entirely inadequate to its defense. It can not be increased, however, without an increase of the Army, and I again recommend that measure as indispensable to the protection of the frontier.

I invite your attention to the suggestions on this subject and on others connected with his Department in the report of the Secretary of War.

The appropriations for the support of the Army during the current fiscal year ending 30th June next were reduced far below the estimate submitted by the Department. The consequence of this reduction is a considerable deficiency, to which I invite your early attention.

The expenditures of that Department for the year ending 30th June last were \$9,060,268.58. The estimates for the year commencing 1st July next and ending June 30, 1853, are \$7,898,775.83, showing a reduction of \$1,161,492.75.

The board of commissioners to whom the management of the affairs of the military asylum created by the act of 3d March last was intrusted have selected a site for the establishment of an asylum in the vicinity of this city, which has been approved by me subject to the production of a satisfactory title.

The report of the Secretary of the Navy will exhibit the condition of the public service under the supervision of that Department. Our naval force afloat during the present year has been actively and usefully employed in giving protection to our widely extended and increasing commerce and interests in the various quarters of the globe, and our flag has everywhere afforded the security and received the respect inspired by the justice and liberality of our intercourse and the dignity and power of the nation.

The expedition commanded by Lieutenant De Haven, dispatched in search of the British commander Sir John Franklin and his companions in the Arctic Seas, returned to New York in the month of October, after having undergone great peril and suffering from an unknown and dangerous navigation and the rigors of a northern climate, without any satisfactory information of the objects of their search, but with new contributions to science and navigation from the unfréquented polar regions. The officers and men of the expedition having been all volunteers for this service and having so conducted it as to meet the entire approbation of the Government, it is suggested, as an act of grace and generosity, that the same allowance of extra pay and emoluments be extended to them that were made to the officers and men of like rating in the late exploring expedition to the South Seas.

I earnestly recommend to your attention the necessity of reorganizing the naval establishment, apportioning and fixing the number of officers in each grade, providing some mode of promotion to the higher grades of the Navy having reference to merit and capacity rather than seniority or date of entry into the service, and for retiring from the effective list upon reduced pay those who may be incompetent to the performance of active duty. As a measure of economy, as well as of efficiency, in this arm of the service, the provision last mentioned is eminently worthy of your consideration.

The determination of the questions of relative rank between the sea officers and civil officers of the Navy, and between officers of the Army and Navy, in the various grades of each, will also merit your attention. The failure to provide any substitute when corporal punishment was abolished for offenses in the Navy has occasioned the convening of numerous courts-martial upon the arrival of vessels in port, and is believed to have had an injurious effect upon the discipline and efficiency of the service. To moderate punishment from one grade to another is among the humane reforms of the age, but to abolish one of severity, which applied so generally to offenses on shipboard, and provide nothing in its stead is to suppose a progress of improvement in every individual among seamen which is not assumed by the Legislature in respect to any other class of men. It is hoped that Congress, in the ample opportunity afforded by the present session, will thoroughly investigate this important subject, and establish such modes of determining guilt and such gradations of punishment as are consistent with humanity and the personal rights of individuals, and at the same time shall insure the most energetic and efficient performance of duty and the suppression of crime in our ships of war.

The stone dock in the navy-yard at New York, which was ten years in process of construction, has been so far finished as to be surrendered up to the authorities of the yard. The dry dock at Philadelphia is reported as completed, and is expected soon to be tested and delivered over to the agents of the Government. That at Portsmouth, N. H., is also nearly ready for delivery; and a contract has been concluded, agreeably to the act of Congress at its last session, for a floating sectional dock on the Bay of San Francisco. I invite your attention to the recommendation of the Department touching the establishment of a navy-yard in conjunction with this dock on the Pacific. Such a station is highly necessary to the convenience and effectiveness of our fleet in that ocean, which must be expected to increase with the growth of commerce and the rapid extension of our whale fisheries over its waters.

The Naval Academy at Annapolis, under a revised and improved system of regulations, now affords opportunities of education and instruction to the pupils quite equal, it is believed, for professional improvement, to those enjoyed by the cadets in the Military Academy. A large class of

acting midshipmen was received at the commencement of the last academic term, and a practice ship has been attached to the institution to afford the amplest means for regular instruction in seamanship, as well as for cruises during the vacations of three or four months in each year.

The advantages of science in nautical affairs have rarely been more strikingly illustrated than in the fact, stated in the report of the Navy Department, that by means of the wind and current charts projected and prepared by Lieutenant Maury, the Superintendent of the Naval Observatory, the passage from the Atlantic to the Pacific ports of our country has been shortened by about forty days.

The estimates for the support of the Navy and Marine Corps the ensuing fiscal year will be found to be \$5,856,472.19, the estimates for the current year being \$5,900,621.

The estimates for special objects under the control of this Department amount to \$2,684,220.89, against \$2,210,980 for the present year, the increase being occasioned by the additional mail service on the Pacific Coast and the construction of the dock in California, authorized at the last session of Congress, and some slight additions under the head of improvements and repairs in navy-yards, buildings, and machinery.

I deem it of much importance to a just economy and a correct understanding of naval expenditures that there should be an entire separation of the appropriations for the support of the naval service proper from those for permanent improvements at navy-yards and stations and from ocean steam mail service and other special objects assigned to the supervision of this Department.

The report of the Postmaster-General, herewith communicated, presents an interesting view of the progress, operations, and condition of his Department.

At the close of the last fiscal year the length of mail routes within the United States was 196,290 miles, the annual transportation thereon 53,272,252 miles, and the annual cost of such transportation \$3,421,754.

The length of the foreign mail routes is estimated at 18,349 miles and the annual transportation thereon at 615,206 miles. The annual cost of this service is \$1,472,187, of which \$448,937 are paid by the Post-Office Department and \$1,023,250 are paid through the Navy Department.

The annual transportation within the United States, excluding the service in California and Oregon, which is now for the first time reported and embraced in the tabular statements of the Department, exceeds that of the preceding year 6,162,855 miles, at an increased cost of \$547,110.

The whole number of post-offices in the United States on the 30th day of June last was 19,796. There were 1,698 post-offices established and 256 discontinued during the year.

The gross revenues of the Department for the fiscal year, including the appropriations for the franked matter of Congress, of the Departments, and officers of Government, and excluding the foreign postages

collected for and payable to the British post-office, amounted to \$6,727,-866.78.

The expenditures for the same period, excluding \$20,599.49, paid under an award of the Auditor, in pursuance of a resolution of the last Congress, for mail service on the Ohio and Mississippi rivers in 1832 and 1833, and the amount paid to the British post-office for foreign post-ages collected for and payable to that office, amounted to \$6,024,566.79, leaving a balance of revenue over the proper expenditures of the year of \$703,299.99.

The receipts for postages during the year, excluding the foreign post-ages collected for and payable to the British post-office, amounted to \$6,345,747.21, being an increase of \$997,610.79, or 18.65 per cent, over the like receipts for the preceding year.

The reduction of postage under the act of March last did not take effect until the commencement of the present fiscal year. The accounts for the first quarter under the operation of the reduced rates will not be settled before January next, and no reliable estimate of the receipts for the present year can yet be made. It is believed, however, that they will fall far short of those of the last year. The surplus of the revenues now on hand is, however, so large that no further appropriation from the Treasury in aid of the revenues of the Department is required for the current fiscal year, but an additional appropriation for the year ending June 30, 1853, will probably be found necessary when the receipts of the first two quarters of the fiscal year are fully ascertained.

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

He also recommends that the rates of postage on printed matter be so revised as to render them more simple and more uniform in their operation upon all classes of printed matter. I submit the recommendations of the report to your favorable consideration.

The public statutes of the United States have now been accumulating for more than sixty years, and, interspersed with private acts, are scattered through numerous volumes, and, from the cost of the whole, have become almost inaccessible to the great mass of the community. They also exhibit much of the incongruity and imperfection of hasty legislation. As it seems to be generally conceded that there is no "common law" of the United States to supply the defects of their legislation, it

is most important that that legislation should be as perfect as possible, defining every power intended to be conferred, every crime intended to be made punishable, and prescribing the punishment to be inflicted. In addition to some particular cases spoken of more at length, the whole criminal code is now lamentably defective. Some offenses are imperfectly described and others are entirely omitted, so that flagrant crimes may be committed with impunity. The scale of punishment is not in all cases graduated according to the degree and nature of the offense, and is often rendered more unequal by the different modes of imprisonment or penitentiary confinement in the different States.

Many laws of a permanent character have been introduced into appropriation bills, and it is often difficult to determine whether the particular clause expires with the temporary act of which it is a part or continues in force. It has also frequently happened that enactments and provisions of law have been introduced into bills with the title or general subject of which they have little or no connection or relation. In this mode of legislation so many enactments have been heaped upon each other, and often with but little consideration, that in many instances it is difficult to search out and determine what is the law.

The Government of the United States is emphatically a government of written laws. The statutes should therefore, as far as practicable, not only be made accessible to all, but be expressed in language so plain and simple as to be understood by all and arranged in such method as to give perspicuity to every subject. Many of the States have revised their public acts with great and manifest benefit, and I recommend that provision be made by law for the appointment of a commission to revise the public statutes of the United States, arranging them in order, supplying deficiencies, correcting incongruities, simplifying their language, and reporting them to Congress for its action.

An act of Congress approved 30th September, 1850, contained a provision for the extension of the Capitol according to such plan as might be approved by the President, and appropriated \$100,000 to be expended under his direction by such architect as he should appoint to execute the same. On examining the various plans which had been submitted by different architects in pursuance of an advertisement by a committee of the Senate no one was found to be entirely satisfactory, and it was therefore deemed advisable to combine and adopt the advantages of several.

The great object to be accomplished was to make such an addition as would afford ample and convenient halls for the deliberations of the two Houses of Congress, with sufficient accommodations for spectators and suitable apartments for the committees and officers of the two branches of the Legislature. It was also desirable not to mar the harmony and beauty of the present structure, which, as a specimen of architecture, is so universally admired. Keeping these objects in view, I concluded to make the addition by wings, detached from the present building, yet

connected with it by corridors. This mode of enlargement will leave the present Capitol uninjured and afford great advantages for ventilation and the admission of light, and will enable the work to progress without interrupting the deliberations of Congress. To carry this plan into effect I have appointed an experienced and competent architect. The corner stone was laid on the 4th day of July last with suitable ceremonies, since which time the work has advanced with commendable rapidity, and the foundations of both wings are now nearly complete.

I again commend to your favorable regard the interests of the District of Columbia, and deem it only necessary to remind you that although its inhabitants have no voice in the choice of Representatives in Congress, they are not the less entitled to a just and liberal consideration in your legislation. My opinions on this subject were more fully expressed in my last annual communication.

Other subjects were brought to the attention of Congress in my last annual message, to which I would respectfully refer. But there was one of more than ordinary interest, to which I again invite your special attention. I allude to the recommendation for the appointment of a commission to settle private claims against the United States. Justice to individuals, as well as to the Government, imperatively demands that some more convenient and expeditious mode than an appeal to Congress should be adopted.

It is deeply to be regretted that in several instances officers of the Government, in attempting to execute the law for the return of fugitives from labor, have been openly resisted and their efforts frustrated and defeated by lawless and violent mobs; that in one case such resistance resulted in the death of an estimable citizen, and in others serious injury ensued to those officers and to individuals who were using their endeavors to sustain the laws. Prosecutions have been instituted against the alleged offenders so far as they could be identified, and are still pending. I have regarded it as my duty in these cases to give all aid legally in my power to the enforcement of the laws, and I shall continue to do so wherever and whenever their execution may be resisted.

The act of Congress for the return of fugitives from labor is one required and demanded by the express words of the Constitution.

The Constitution declares that—

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

This constitutional provision is equally obligatory upon the legislative, the executive, and judicial departments of the Government, and upon every citizen of the United States.

Congress, however, must from necessity first act upon the subject by prescribing the proceedings necessary to ascertain that the person is a

fugitive and the means to be used for his restoration to the claimant. This was done by an act passed during the first term of President Washington, which was amended by that enacted by the last Congress, and it now remains for the executive and judicial departments to take care that these laws be faithfully executed. This injunction of the Constitution is as peremptory and as binding as any other; it stands exactly on the same foundation as that clause which provides for the return of fugitives from justice, or that which declares that no bill of attainder or *ex post facto* law shall be passed, or that which provides for an equality of taxation according to the census, or the clause declaring that all duties shall be uniform throughout the United States, or the important provision that the trial of all crimes shall be by jury. These several articles and clauses of the Constitution, all resting on the same authority, must stand or fall together. Some objections have been urged against the details of the act for the return of fugitives from labor, but it is worthy of remark that the main opposition is aimed against the Constitution itself, and proceeds from persons and classes of persons many of whom declare their wish to see that Constitution overturned. They avow their hostility to any law which shall give full and practical effect to this requirement of the Constitution. Fortunately, the number of these persons is comparatively small, and is believed to be daily diminishing; but the issue which they present is one which involves the supremacy and even the existence of the Constitution.

Cases have heretofore arisen in which individuals have denied the binding authority of acts of Congress, and even States have proposed to nullify such acts upon the ground that the Constitution was the supreme law of the land, and that those acts of Congress were repugnant to that instrument; but nullification is now aimed not so much against particular laws as being inconsistent with the Constitution as against the Constitution itself, and it is not to be disguised that a spirit exists, and has been actively at work, to rend asunder this Union, which is our cherished inheritance from our Revolutionary fathers.

In my last annual message I stated that I considered the series of measures which had been adopted at the previous session in reference to the agitation growing out of the Territorial and slavery questions as a final settlement in principle and substance of the dangerous and exciting subjects which they embraced, and I recommended adherence to the adjustment established by those measures until time and experience should demonstrate the necessity of further legislation to guard against evasion or abuse. I was not induced to make this recommendation because I thought those measures perfect, for no human legislation can be perfect. Wide differences and jarring opinions can only be reconciled by yielding something on all sides, and this result had been reached after an angry conflict of many months, in which one part of the country was arrayed against another, and violent convulsion seemed to be imminent. Looking

at the interests of the whole country, I felt it to be my duty to seize upon this compromise as the best that could be obtained amid conflicting interests and to insist upon it as a final settlement, to be adhered to by all who value the peace and welfare of the country. A year has now elapsed since that recommendation was made. To that recommendation I still adhere, and I congratulate you and the country upon the general acquiescence in these measures of peace which has been exhibited in all parts of the Republic. And not only is there this general acquiescence in these measures, but the spirit of conciliation which has been manifested in regard to them in all parts of the country has removed doubts and uncertainties in the minds of thousands of good men concerning the durability of our popular institutions and given renewed assurance that our liberty and our Union may subsist together for the benefit of this and all succeeding generations.

MILLARD FILLMORE.

## SPECIAL MESSAGES.

WASHINGTON, *December 12, 1851.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and the Republic of Costa Rica, signed in this city on the 10th day of July last.

MILLARD FILLMORE.

WASHINGTON, *December 15, 1851.*

*To the Senate of the United States:*

I transmit to the Senate a report\* of the Secretary of State, in answer to their resolution of the 8th of March last.

MILLARD FILLMORE.

WASHINGTON, *December 15, 1851.*

*To the Senate of the United States:*

I have received a resolution of the Senate, adopted on the 12th instant, in the following terms:

*Resolved,* That the President of the United States be requested to communicate to the Senate, if not inconsistent with the public interest, any information the Executive may have received respecting the firing into and seizure of the American steamship *Prometheus* by a British vessel of war in November last near Greytown, on the Mosquito Coast, and also what measures have been taken by the Executive to ascertain the state of the facts and to vindicate the honor of the country.

\* Relating to the free navigation of the St. Lawrence, St. John, and other large rivers, and to the free enjoyment of the British North American fisheries by United States citizens.



In answer to this request I submit to the Senate the accompanying extracts from a communication addressed to the Department of State by Mr. Joseph L. White, as counsel of the American, Atlantic and Pacific Ship Canal Company, dated 2d instant.

This communication is the principal source of the information received by the Executive in relation to the subject alluded to, and is presumed to be essentially correct in its statement of the facts. Upon receiving this communication instructions such as the occasion seemed to demand were immediately dispatched to the minister of the United States in London. Sufficient time has not elapsed for the return of any answer to this dispatch from him, and in my judgment it would at the present moment be inconsistent with the public interest to communicate those instructions. A communication, however, of all the correspondence will be made to the Senate at the earliest moment at which a proper regard to the public interest will permit.

At the same time instructions were given to Commodore Parker, commanding the Home Squadron, a copy of which, so far as they relate to the case of the *Prometheus*, is herewith transmitted to the Senate.

MILLARD FILLMORE.

WASHINGTON, *December 16, 1851.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 9th instant, requesting information in regard to the imprisonment of John S. Thrasher at Havana, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *December 16, 1851.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 8th instant, requesting the communication of a dispatch\* addressed to the Department of State by Mr. Niles, late chargé d'affaires of the United States at Turin, I transmit a report from the Secretary of State, which is accompanied by a copy of the dispatch.

MILLARD FILLMORE.

WASHINGTON, *December 23, 1851.*

*To the House of Representatives:*

I transmit to the House of Representatives a report from the Secretary of State, in answer to the first part† of a resolution of the 15th Decem-

\* On the subject of a ship canal between the Atlantic and Pacific oceans.

† Relating to the conclusion of a treaty between Spain, France, and Great Britain in respect to the island of Cuba.

ber, 1851, and also a report from the Secretary of the Navy, in answer to the remaining part\* of the same resolution.

MILLARD FILLMORE.

WASHINGTON, *December 23, 1851.*

*To the House of Representatives:*

In answer to a resolution of the House of Representatives of the 15th instant, requesting information in regard to the imprisonment, trial, and sentence of John S. Thrasher in the island of Cuba, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *December 29, 1851.*

*To the Senate and House of Representatives:*

I transmit herewith a copy of a letter of the 26th instant, addressed to the Secretary of State by the contractors for paying the next installment due to Mexico pursuant to the treaty of Guadalupe Hidalgo, representing the necessity of an immediate appropriation by Congress of the money necessary for that purpose.

MILLARD FILLMORE.

WASHINGTON, *January 2, 1852.*

*To the House of Representatives:*

As a further answer to the resolution of the House of Representatives of the 15th ultimo, calling for information respecting the imprisonment, trial, and sentence of John S. Thrasher in the island of Cuba, I transmit another report from the Secretary of State.

MILLARD FILLMORE.

WASHINGTON, *January 2, 1852.*

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

I transmit to the House of Representatives a copy of the resolution adopted by the Legislative Council of Canada, together with the copy of the note by which the resolution was communicated to this Government, expressing the satisfaction of that Council at receiving intelligence of certain donations in aid of the reconstruction of the library of the Canadian Parliament.

MILLARD FILLMORE.

[The same message, dated January 6, 1852, was sent to the Senate.]

\* Pertaining to the relative strength of the British, French, and United States squadrons in the West India seas, and whether additional appropriations are necessary to increase the United States force on that station.

WASHINGTON, *January 3, 1852.**To the Senate of the United States:*

I nominate Elisha Whittlesey and Elias S. Terry to be commissioners under the seventeenth article of the treaty concluded with the Cherokee tribe of Indians at New Echota on the 29th day of December, 1835, to adjudicate the claim of David Taylor for 640 acres of land, which has been duly appraised in accordance with the terms of the ninth article of said treaty, but not paid for. The facts of the case will more fully appear in the accompanying papers from the Department of the Interior.

MILLARD FILLMORE.

WASHINGTON, *January 5, 1852.**To the House of Representatives:*

I transmit to the House of Representatives a report of the Secretary of State, relative to the persons belonging to the expedition of Lopez who were taken prisoners in Cuba and afterwards sent to Spain, and who have now been pardoned and released by Her Catholic Majesty. The appropriation the expediency of which is suggested in the report I cordially commend to the consideration of Congress, with the single additional suggestion that to be available it should be promptly made.

MILLARD FILLMORE.

[The same message was sent to the Senate.]

WASHINGTON, *January 9, 1852.**To the House of Representatives:*

In answer to a resolution of the House of Representatives of the 15th ultimo, requesting information in regard to the Territory of Utah, I transmit a report from the Secretary of State, to whom the resolution was referred.

MILLARD FILLMORE.

WASHINGTON, *January 12, 1852.**To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 5th instant, I herewith transmit to it a report and accompanying papers\* from the Secretary of State.

MILLARD FILLMORE.

WASHINGTON, *January 16, 1852.**To the House of Representatives:*

I transmit a copy of a letter which has been addressed to me by the secretary of the Territory of Utah since my recent message to the House

\*Relating to a circular issued by the secretary of state for the British colonial department relative to the employment in the British West India colonies of free blacks and liberated slaves from the United States.

of Representatives in answer to its resolution requesting information in regard to the affairs of that Territory.

MILLARD FILLMORE.

WASHINGTON, *January 19, 1852.*

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

I transmit to Congress a report from the Secretary of State, accompanied by a letter to him from the contractors for paying the installment of Mexican indemnity due on the 31st May next, and respectfully invite attention to the subject.

MILLARD FILLMORE.

WASHINGTON, *January 20, 1852.*

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

I communicate to both Houses of Congress a report from the Department of State, containing copies of the correspondence which has taken place between that Department and the minister of the United States in Paris respecting the political occurrences which have recently taken place in France.

MILLARD FILLMORE.

WASHINGTON, *January 22, 1852.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate passed March 13, 1851, I herewith transmit a report of the Secretary of War, containing information in regard to the claims of citizens of California for services rendered and for money and for property furnished in 1846 and 1847 in the conquest of that country.

MILLARD FILLMORE.

WASHINGTON, *January 23, 1852.*

*To the House of Representatives:*

I transmit a report from the Secretary of State and the documents which accompanied it, upon the subject of a resolution of the House of Representatives of yesterday, relative to the Mexican indemnity.

MILLARD FILLMORE.

WASHINGTON, *January 28, 1852.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 15th ultimo, requesting information respecting the seizure and confiscation of the bark *Georgiana*, of Maine, and brig *Susan Loud*, of Massachusetts,\* I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

\* By the Spanish or Cuban authorities.

WASHINGTON, *January 28, 1852.**To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 7th August, 1850, and the 17th December, 1851, requesting information touching the claims of citizens of the United States on the Government of Portugal, I transmit a report from the Secretary of State and the documents which accompanied the same.

MILLARD FILLMORE.

WASHINGTON, *February 9, 1852.**To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and the Republic of Peru, concluded and signed at Lima on the 26th day of July last.

A copy of a dispatch of Mr. J. R. Clay, the chargé d'affaires of the United States at Lima, to the Secretary of State, bearing date the 6th December last, is also transmitted for the information of the Senate.

MILLARD FILLMORE.

WASHINGTON, *February 10, 1852.**To the Senate and House of Representatives:*

I transmit to Congress a copy of the instruction dispatched from the Department of State to the minister of the United States at London respecting the attack on the United States steamer *Prometheus* in the harbor of San Juan de Nicaragua by the British brig of war *Express*, and also a copy of the dispatches of Mr. Lawrence to that Department and of his correspondence with Her Britannic Majesty's principal secretary of state for foreign affairs on the same subject.

MILLARD FILLMORE.

EXECUTIVE CHAMBER,

*Washington City, February 10, 1852.**To the Senate and House of Representatives of the United States:*

I transmit herewith a report from the Secretary of the Interior, containing a report from Thomas U. Walter, architect for the extension of the Capitol.

MILLARD FILLMORE.

WASHINGTON, *February 12, 1852.**To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 26th of December last, requesting information in regard to the seizure

of the brig *Arve*\* at Jeremie, in the island of St. Domingo, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *February 12, 1852.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 26th ultimo, requesting information upon the subject of the mission of Mr. Balistier, late consul at Singapore, to eastern Asia, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *February 13, 1852.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, treaties recently concluded with certain Indian tribes at Traverse des Sioux, Mendota, Pembina, and Fort Laramie, together with communications from the Department of the Interior and other documents connected therewith.

MILLARD FILLMORE.

WASHINGTON, *February 14, 1852.*

*To the House of Representatives:*

I communicate to the House of Representatives herewith a report to me, dated the 13th instant, from the Secretary of the Interior, respecting the delay and difficulty in making the apportionment among the several States of the Representatives in the Thirty-third Congress, as required by the act of 23d May, 1850, in consequence of the want of full returns of the population of the State of California, and suggesting the necessity for remedial legislation.

The subject is one of much importance, and I earnestly commend it to the early consideration of Congress.

MILLARD FILLMORE.

[The same message was sent to the Senate.]

WASHINGTON, *February 16, 1852.*

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

I transmit to Congress a letter addressed to the Secretary of State by the commissioner of the United States under the convention with Brazil, setting forth the obstacles which have impeded the conclusion of the business of that commission.

MILLARD FILLMORE.

\* By Haytien authorities.

WASHINGTON, February 16, 1852.

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration with a view to ratification, a treaty of commerce and navigation concluded by the minister resident of the United States at Constantinople with the chargé d'affaires of the Shah of Persia at the same place. The treaty is in the Persian and French languages, but is accompanied by an English translation. A copy of the correspondence between the Department of State and the legation of the United States at Constantinople on the subject is also herewith communicated.

MILLARD FILLMORE.

WASHINGTON, February 18, 1852.

*To the House of Representatives:*

In answer to the resolution of the House of Representatives requesting the official correspondence respecting an alleged misunderstanding between Captain Long, of the Navy of the United States, and Louis Kosuth, I transmit reports from the Secretaries of State and of the Navy and the papers which accompanied them.

MILLARD FILLMORE.

WASHINGTON, March 1, 1852.

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

In compliance with the provisions of the act of Congress of the 11th August, 1848, I transmit to that body the copy of a dispatch from the commissioner *ad interim* of the United States at Canton, together with the copy of certain rules and regulations for masters, officers, and seamen of vessels of the United States of America at the free ports of China, which accompanied said dispatch, and which are submitted for the revision of Congress.

MILLARD FILLMORE.

WASHINGTON, March 4, 1852.

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

In compliance with the resolution of the House of Representatives of the 17th ultimo, I transmit herewith a report from the Secretary of the Navy and a report from the Solicitor of the Treasury Department in relation to the accounts of Prosper M. Wetmore, late navy agent in the city of New York.

MILLARD FILLMORE.

WASHINGTON, March 4, 1852.

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

I transmit to Congress a letter addressed to me by the governor of the Territory of Minnesota, with the statements to which it refers, of the dis-

bursements up to the 1st of January last of the money appropriated by the act approved June 11, 1850, for the erection of public buildings in that Territory.

MILLARD FILLMORE.

WASHINGTON, *March 4, 1852.*

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

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

MILLARD FILLMORE.

WASHINGTON, *March 25, 1852.*

*To the House of Representatives:*

As a further answer to the resolution of the House of Representatives of the 5th of January last, requesting information in regard to a circular of Her Britannic Majesty's secretary of state for colonial affairs in respect to the encouragement of the emigration of colored laborers from the United States to the British West India islands, I transmit another dispatch addressed to the Department of State by the minister of the United States at London.

MILLARD FILLMORE.

WASHINGTON, *March 26, 1852.*

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

At the close of the commission to adjudicate upon the claims of citizens of the United States under the treaty of Guadalupe Hidalgo I directed a list to be made of papers which had been presented to that commission, and, pursuant to the act of Congress approved 3d March, 1849, the papers themselves to be carefully arranged and deposited for safe-keeping in the Department of State. I deemed all this necessary as well for the interest of the claimants as to secure the Government against fraudulent claims which might be preferred hereafter. A few days since I was surprised to learn that some of these papers had been fraudulently abstracted by one



of the claimants, and upon the case being made known to me by the Secretary of State I referred it to the Attorney-General for the purpose of ascertaining what punishment could be inflicted upon the person who had been guilty of this offense.

I now communicate to you his opinion and that of the attorney of the United States for this District, by which you will perceive that it is doubtful whether there be any law for punishing the very grave offense of fraudulently abstracting or mutilating the papers and public documents in the several Departments of this Government. It appears to me that the protection of the public records and papers requires that such acts should be made penal and a suitable punishment inflicted upon the offender, and I therefore bring the subject to your consideration, to enable you to act upon it should you concur with me in this opinion.

MILLARD FILLMORE.

WASHINGTON, *March 26, 1852.*

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 18th instant, I transmit a copy of the correspondence with John P. Gaines, governor of the Territory of Oregon, relative to the seat of government of said Territory.

MILLARD FILLMORE.

WASHINGTON, *March 29, 1852.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 24th instant, relating to the extension of the Capitol, I have the honor to submit herewith a report from the Secretary of the Interior, which furnishes, it is believed, the required information.

MILLARD FILLMORE.

WASHINGTON CITY, *March 29, 1852.*

*To the Senate of the United States:*

I have the resolution of your honorable body adopted in executive session March 24, 1852, by which I am requested to return to the Senate the resolution advising and consenting to the appointment of George C. Laurason as collector of the customs for the district of New Orleans, provided a commission had not been issued to him, and in reply thereto I would respectfully state that prior to the receipt of said resolution I had signed the commission to Mr. Laurason and transmitted it to the Secretary of the Treasury, to whom your resolution was immediately referred; and I have the honor now to transmit his reply, by which it will be seen that the commission, after having been duly executed, was sent to the First Comptroller, where it still remains. I suppose, according to

the doctrine laid down in the case of *Marbury v. Madison* (1 Cranch R., 137), the appointment must be deemed complete, and nothing short of the removal of Mr. Laurason can enable me again to submit his nomination to the consideration of the Senate; but as the commission has not been technically issued to Mr. Laurason, I deem it most respectful to comply with your request by returning the copy of the resolution which notified me that the Senate advised and consented to his appointment.

MILLARD FILLMORE.

WASHINGTON CITY, *April 6, 1852.*

*To the House of Representatives:*

In compliance with the resolution of the House of the 31st ultimo, I have the honor herewith to transmit a report from the Secretary of War, accompanied by the original manuscript report of Captain Thomas J. Crane, dated February 3, 1844, on the best mode of improving the navigation of the Ohio River at the Falls of Louisville, together with the original maps accompanying the same.

MILLARD FILLMORE.

WASHINGTON, *April 8, 1852.*

*To the Senate of the United States:*

I herewith transmit to the Senate, in reply to their resolution of the 4th ultimo, a report from the Secretary of State, with accompanying papers.\*

MILLARD FILLMORE.

WASHINGTON, *April 19, 1852.*

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

I invite the attention of Congress to the state of affairs in the Territory of Oregon, growing out of a conflict of opinion among the authorities of that Territory in regard to a proper construction of the acts of Congress approved the 14th August, 1848, and 11th June, 1850, the former entitled "An act to establish a Territorial government of Oregon," and the latter entitled "An act to make further appropriations for public buildings in the Territories of Minnesota and Oregon." In order to enable Congress to understand the controversy and apply such remedy with a view to adjust it as may be deemed expedient, I transmit—

1. An act of the legislative assembly of that Territory, passed February 1, 1851, entitled "An act to provide for the selection of places for the location and erection of public buildings of the Territory of Oregon."

2. Governor Gaines's message to the legislative assembly of the 3d February, 1851.

3. The opinion of the Attorney-General of the United States of 23d

\*Relating to the relations between the United States and Japan.

April, in regard to the act of the legislative assembly of the 1st February, 1851.

4. The opinion of the supreme court of Oregon, pronounced on the 9th December, 1851.

5. A letter of Judge Pratt of the 15th December, 1851, dissenting from that opinion.

6. Governor Gaines's letter to the President of the 1st January, 1852.

7. Report of the Attorney-General of the United States on that letter, dated 22d March, 1852.

If it should be the sense of Congress that the seat of government of Oregon has not already been established by the local authorities pursuant to the law of the United States for the organization of that Territory, or, if so established, should be deemed objectionable, in order to appease the strife upon the subject which seems to have arisen in that Territory I recommend that the seat of government be either permanently or temporarily ordained by act of Congress, and that that body should in the same manner express its approval or disapproval of such laws as may have been enacted in the Territory at the place alleged to be its seat of government, and which may be so enacted until intelligence of the decision of Congress shall reach there.

MILLARD FILLMORE.

WASHINGTON, *May 1, 1852.*

*To the Senate of the United States:*

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention between the United States and the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck, signed in this city by their respective plenipotentiaries on the 30th day of April, A. D. 1852, for the mutual extension of the jurisdiction of consuls. A copy of a note from the special plenipotentiary of Hamburg, Bremen, and Lubeck accompanies the convention.

MILLARD FILLMORE.

WASHINGTON, *May 5, 1852.*

*To the Senate of the United States:*

On the 3d of March, 1849, a general convention of peace, amity, commerce, and navigation between the United States and the Republic of Guatemala, by Elijah Hise, the chargé d'affaires of the United States to that Republic, on the part of this Government, and by Señor Don Jose Mariano Rodriguez, minister for foreign affairs, on the part of the Government of Guatemala. This convention was approved by the Senate on the 24th of September, 1850, and by a resolution of the 27th of that month that body authorized the ratification of this Government to be exchanged for the ratification of the Government of Guatemala at any

time prior to the 1st of April, 1851. I accordingly ratified the convention on the 14th of November, 1850, but there was then no person in this country authorized to effect the exchange of ratifications on the part of the Guatemalan Government, and the United States had no diplomatic representative there. When, however, in the summer of 1851, Mr. J. Boz-  
man Kerr proceeded to Nicaragua as the chargé d'affaires of the United States, he was empowered and instructed, when he should have concluded the business, which it was presumed would not have detained him long, in Nicaragua, to repair to Guatemala and effect the exchange on the part of this Government. Circumstances, however, have hitherto prevented him from accomplishing this object. Meanwhile Señor Don Felipe Molina has been received as chargé d'affaires of Guatemala here, and has been empowered to effect the exchange on the part of that Government.

I accordingly recommend that the Senate authorize a further extension of the period for exchanging the ratifications, in order that the convention may go into operation. It is presumed that if this recommendation should be adopted a few weeks from the date of the decision of the Senate upon the subject would be necessary to complete the preparations for carrying it into effect.

MILLARD FILLMORE.

WASHINGTON, *May 29, 1852.*

*To the Senate of the United States:*

The resolution of the Senate of the 6th instant, requesting the "papers and proofs on file in any of the Executive Departments touching the claim of Samuel A. Belden & Co., of Brownsville, Tex., against the Mexican Government for injuries inflicted upon said Belden & Co., as alleged by them in violation of the treaty of Guadalupe Hidalgo," was referred to the heads of those Departments, and the documents herewith transmitted have been reported to me from the Department of State as comprising all on the files of that Department called for by the resolution, with the exception of those of a diplomatic character. As the claim referred to is a subject of negotiation with the Mexican Government, it is not deemed expedient at this juncture to make public the documents which have been reserved. According to the reports of the Secretary of the Treasury, of the Secretary of the Interior, of the Secretary of War, of the Secretary of the Navy, and of the Postmaster-General, there are no papers in their respective Departments relative to the claim of Messrs. Belden & Co.

MILLARD FILLMORE.

WASHINGTON, *June 1, 1852.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, eighteen treaties negotiated with Indian tribes in California, as

described in the accompanying letter of the Secretary of the Interior, dated the 22d ultimo, with a copy of the report of the superintendent of Indian affairs for the State of California and other correspondence in relation thereto.

MILLARD FILLMORE.

WASHINGTON, June 11, 1852.

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and the Sultan of Borneo, signed at Bruni on the 23d of June, 1850. A copy of two dispatches to this department from Mr. Balestier, who concluded the convention on the part of this Government, one dated the 22d of April and the other the 24th June, 1851, is also transmitted for the information of the Senate. As the period limited for the exchange of the ratifications, which is to be effected at Bruni, will expire on the 23d instant, I recommend that if the Senate should approve the convention authority may be given to perform that ceremony within a year from that date. The instrument would have been submitted to the Senate in season for the ratification to be exchanged within the stipulated time had not Mr. Balestier's arrival with it in the United States been unavoidably delayed.

MILLARD FILLMORE.

WASHINGTON, June 11, 1852.

*To the Senate and House of Representatives:*

I transmit to Congress a report from the Secretary of State, on the subject of the disorders on the Rio Grande frontier, and recommend the legislation which it suggests, in order that the duties and obligations of this Government occasioned thereby may be more effectually discharged and the peace and security of the inhabitants of the United States in that quarter more efficiently maintained.

MILLARD FILLMORE.

WASHINGTON, June 14, 1852.

*To the Senate and House of Representatives:*

I transmit herewith, for your consideration, a report from the Secretary of State, accompanied by a communication from His Excellency Señor Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Her Catholic Majesty, claiming indemnity for those Spanish subjects in New Orleans who sustained injury from the unlawful violence of the mob in that city consequent upon hearing the news of the execution of those persons who unlawfully invaded Cuba in August, 1851. My own views of the national liability upon this subject were expressed in the note of the Secretary of State to Mr. Calderon of the 13th November, 1851, and I do not understand that Her Catholic Majesty's minister con-

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

This view of the case is at his request submitted for your consideration, but whether you may deem it correct or not, there is, perhaps, one ground upon which this indemnity, which can not be large in amount, may be granted without establishing a dangerous precedent, and the granting of which would commend itself to the generous feelings of the entire country, and that is this: The Queen of Spain, with a magnanimity worthy of all commendation, in a case where we had no legal right to solicit the favor, granted a free pardon to all the persons who had so unjustifiably invaded her dominions and murdered her subjects in Cuba, in violation of her own laws as well as those of the United States and the public law of nations. Such an act of mercy, which restored many misguided and unfortunate youth of this country to their parents and friends, seems to me to merit some corresponding act of magnanimity and generosity on the part of the Government of this country, and I think that there can be none more appropriate than to grant an indemnity to those Spanish subjects who were resident among us and who suffered by the violence of the mob, not on account of any fault which they themselves had committed, but because they were the subjects of the Queen of Spain. Such an act would tend to confirm that friendship which has so long existed between the two nations and to perpetuate it as a blessing to both, and I therefore recommend it to your favorable consideration.

MILLARD FILLMORE.

WASHINGTON, *June 22, 1852.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, with the accompanying documents,\* in compliance with the Senate's resolution of the 29th of April last.

MILLARD FILLMORE.

WASHINGTON, *June 22, 1852.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention for the mutual delivery of criminals fugitives from justice in certain cases between the United States on the one part and Prussia and other States of the Germanic Confederation on the other part, signed in this city on the 16th instant.

MILLARD FILLMORE.

\* Correspondence of the American chargé at Vienna on the subject of the apprehension and imprisonment by the Austrian authorities of Rev. Charles L. Brace, an American citizen.

WASHINGTON, June 23, 1852.

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, with the accompanying documents,\* in compliance with the Senate's resolution of the 3d instant.

MILLARD FILLMORE.

WASHINGTON, June 26, 1852.

*To the Senate of the United States:*

I transmit and commend to the consideration of the Senate a report from the Secretary of State, touching the convention between the United States and the Mexican Republic for the mutual extradition of fugitives from justice in certain cases, which convention I submitted to the Senate soon after I entered upon the office of President of the United States.

MILLARD FILLMORE.

DEPARTMENT OF STATE,

*Washington, June 26, 1852.*

THE PRESIDENT OF THE UNITED STATES:

It was understood that at the close of the Administration of your predecessor an extradition treaty was concluded in this city between the United States and the Mexican Republic, which, however, was submitted to the Senate by yourself, but before I entered upon my present office.

It is presumed that as the treaty has not been returned to this Department the Senate has made no decision in regard to it.

The necessity for a compact upon that subject between the two Governments, whose territories, being conterminous, afford great facilities for wrongdoers in the one to screen themselves from punishment by seeking refuge in the other, would at all times be obvious, but at the present juncture may be considered as urgent.

I would consequently suggest that the attention of the Senate be respectfully invited to the matter, in order that if the treaty before them should be deemed objectionable another, embodying such amendments as may be supposed to be necessary, may be proposed to the Mexican Government.

Respectfully submitted.

DANL. WEBSTER.

WASHINGTON, June 26, 1852.

*To the Senate of the United States:*

I have received and taken into respectful consideration the resolution of the Senate of yesterday, adopted in executive session, requesting information in regard to supposed negotiations between the United States and Great Britain and between the United States and the Republics of Nicaragua and Costa Rica, respectively. Any information which may be in the possession of the Executive on these subjects shall in due time be laid before the Senate, but it is apprehended that it would not comport with the public interests to communicate it under existing circumstances.

—MILLARD FILLMORE.—

\*Correspondence relative to the withdrawal of Mr. Hülsemann, chargé d'affaires from Austria to the United States.

WASHINGTON, *June 26, 1852.**To the Senate of the United States:*

I have received the resolution of the Senate of the 11th instant, passed in executive session, making inquiry respecting supposed propositions of the King of the Sandwich Islands to convey the sovereignty of those islands to the United States and requesting all official information in my possession touching the subject.

This request has been taken into the most respectful consideration, but the conclusion at which I have arrived is that the public interest would not be promoted, but, on the contrary, might under circumstances of possible occurrence, be seriously endangered if it were now to be complied with.

MILLARD FILLMORE.

WASHINGTON CITY, *July 1, 1852.**To the Senate of the United States:*

On the 26th ultimo I received a resolution of the Senate, passed in executive session, in the following words:

*Resolved*, That the President of the United States be requested to inform the Senate, if not in his opinion incompatible with the public interest, whether any convention or compact has been entered into on the part of the United States and the Government of Great Britain whereby the two Governments jointly recommend or advise the Republics of Costa Rica and Nicaragua, or either of those Republics, and the Mosquito Indians, inhabiting the Mosquito Coast, in Central America, on matters affecting their several and respective boundaries, or whereby any recommendation or advice is given to either of said Republics or said Indians respecting the territorial rights thereafter to be enjoyed or observed by them respectively, or in any other manner affecting or regulating the relations hereafter to be maintained between said Republics themselves, or either of them, and the said Indians concerning their territorial boundaries or other matters thereto appertaining. And if there be any such convention or compact, then that the President be requested to communicate the same, or a copy thereof, to the Senate, and to inform the Senate whether the same was made at the request or invitation of either of said Republics or of said Indians, or with their privity, approbation, or consent. And that the President be further requested to communicate to the Senate copies of all correspondence between the Executive and Great Britain, or with either of said Republics of Central America, touching said convention, and of all documents connected therewith. And if such convention or compact has been made, that the President be further requested to inform the Senate whether the same has been formally communicated to the respective Governments of Nicaragua and Costa Rica and the Mosquito Indians on the part of the Governments of Great Britain and the United States, and in what form such communications have been made to them, and that he lay before the Senate copies of any instructions that have been given to the representatives or agents of the United States at Nicaragua and Costa Rica touching such convention and the matters therein contained, with copies of like instructions to any naval officer of the United States relating to or in any manner concerning the said convention or its communication to said Republics or said Indians.

On the same day I returned the following answer to that resolution:

I have received and taken into respectful consideration the resolution of the Senate of yesterday, adopted in executive session, requesting information in regard to



supposed negotiations between the United States and Great Britain and between the United States and the Republics of Nicaragua and Costa Rica, respectively. Any information which may be in the possession of the Executive on these subjects shall in due time be laid before the Senate, but it is apprehended that it would not comport with the public interests to communicate it under existing circumstances.

Great was my surprise to observe this morning in one of the public journals a statement of what purports to be a proposition, jointly signed by Her Britannic Majesty's minister here and the Secretary of State, for the adjustment of certain claims to territory between Nicaragua, Costa Rica, and the Mosquito Indians. I have caused immediate inquiry to be made into the origin of this highly improper publication, and shall omit no proper or legal means for bringing it to light. Whether it shall turn out to have been caused by unfaithfulness or breach of duty in any officer of this Government, high or low, or by a violation of diplomatic confidence, the appropriate remedy will be immediately applied, as being due not only to this Government, but to other governments. And I hold this communication to be especially proper to be made immediately by me to the Senate, after what has transpired on this subject, that the Senate may be perfectly assured that no information asked by it has been withheld and at the same time permitted to be published to the world.

This publication can not be considered otherwise than as a breach of official duty by some officer of the Government or a gross violation of the confidence necessary always to be reposed in the representatives of other nations. An occurrence of this kind can not but weaken the faith so desirable to be preserved between different governments and to injure the negotiations now pending, and it merits the severest reprobation.

MILLARD FILLMORE.

WASHINGTON CITY, *July 2, 1852.*

*To the Senate of the United States:*

I herewith transmit, for the advice and consent of the Senate, a treaty recently negotiated with the Chickasaw Nation of Indians.

The nature and objects of the treaty are fully explained by the report of Mr. Harper, who negotiated it in behalf of the United States.

MILLARD FILLMORE.

WASHINGTON, *July 2, 1852.*

*To the Senate and House of Representatives:*

By an act of Congress approved on the 10th day of February, 1852, an appropriation of \$6,000 was made for the relief of *American citizens* then lately imprisoned and pardoned by the Queen of Spain, intended to provide for the return of such of the Cuban prisoners as were citizens of the United States who had been transported to Spain and there pardoned by the Spanish Government. It will be observed that no provision was

made for such foreigners or aliens as were engaged in the Cuban expedition, and who had shared the fate of American citizens, for whose relief the said act was intended to provide. I now transmit a report from the First Comptroller, with accompanying papers, from which it will be perceived that fifteen foreigners were connected with that expedition, who were also pardoned by the Queen of Spain, and have been transported to the United States under a contract made with our consul, at an expense of \$1,013.34, for the payment of which no provision has been made by law. The consul having evidently acted with good intentions, the claim is submitted for the consideration of Congress.

MILLARD FILLMORE.

WASHINGTON, *July 13, 1852.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives requesting information relative to the policy of the Government in regard to the island of Cuba, I transmit a report from the Department of State and the documents by which it was accompanied.

MILLARD FILLMORE.

EXECUTIVE MANSION,  
*Washington City, July 26, 1852.*

*To the Senate of the United States:*

In obedience to your resolution adopted in executive session June 11, 1852, I have the honor herewith to communicate a report\* from the Secretary of the Interior, containing the information called for by that resolution.

MILLARD FILLMORE.

WASHINGTON, *July 27, 1852.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *July 29, 1852.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

\* Relating to the boundary line between the United States and Mexico.

† Upon the subject of the American and Mexican boundary commission.

WASHINGTON, July 31, 1852.

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, nineteen treaties negotiated by commissioners on the part of the United States with various tribes of Indians in the Territory of Oregon, accompanied by a letter to me from the Secretary of the Interior and certain documents having reference thereto.

MILLARD FILLMORE.

WASHINGTON, August 2, 1852.

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 23d ultimo, requesting information in regard to the fisheries on the coasts of the British possessions in North America, I transmit a report from the Acting Secretary of State and the documents by which it was accompanied. Commodore M. C. Perry, with the United States steam frigate *Mississippi* under his command, has been dispatched to that quarter for the purpose of protecting the rights of American fishermen under the convention of 1818.

MILLARD FILLMORE.

WASHINGTON, August 9, 1852.

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

I transmit a report from the Acting Secretary of State and the documents by which it was accompanied, in answer to a resolution of the House of Representatives of the 22d ultimo, on the subject of the fisheries, and state for the information of that House that the United States steam frigate *Mississippi* has been dispatched to the fishing grounds on the coasts of the British possessions in North America for the purpose of protecting the rights of American fishermen under the convention between the United States and Great Britain of the 20th of October, 1818.

MILLARD FILLMORE.

WASHINGTON, August 10, 1852.

*To the Senate of the United States:*

I transmit a copy of the certificate of the exchange of the ratifications of the general convention of peace, amity, commerce, and navigation between the United States and the Republic of San Salvador, signed at Leon, in Nicaragua, on the 2d of January, 1850. It will be seen that the exchange was not effected until the 2d of June last, but that it was stipulated that the convention was not to be binding upon either of the parties thereto until the Senate of the United States should have duly sanctioned the exchange.

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

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

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

MILLARD FILLMORE.

WASHINGTON, *August 12, 1852.*

*To the Senate of the United States:*

In answer to the resolution of the Senate dated the 20th ultimo, requesting information in regard to controversies between the consul of the United States at Acapulco and the Mexican authorities, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *August 13, 1852.*

*To the Senate of the United States:*

I transmit a report from the Secretary of State upon the subject of the relations between the United States and the Republics of Nicaragua and Costa Rica, in Central America, which has been delayed longer than I desired in consequence of the ill health of the Secretary of State.

MILLARD FILLMORE.

WASHINGTON, *August 14, 1852.*

*To the Senate of the United States:*

I have received a resolution from your honorable body of the 6th instant, appearing to have been adopted in open legislative session, requesting me "to inform the Senate, if not incompatible with the public interests, whether any propositions have been made by the King of the Sandwich Islands to transfer the sovereignty of these islands to the United States, and to communicate to the Senate all the official information on that subject in my possession;" in reply to which I have to state that on or about the 12th day of June last I received a similar resolution from the Senate adopted in executive or secret session, to which I returned an answer stating that in my opinion a communication of the information requested at that juncture would not comport with the public interest. Nothing has since transpired to change my views on that subject, and I therefore feel constrained again to decline giving the information asked.

MILLARD FILLMORE.

WASHINGTON, *August 21, 1852.**To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.**To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.**To the Senate of the United States:*

I transmit a further report from the Secretary of State relative to the Lobos Islands. This report is accompanied by a copy of the orders of the Navy Department to Commodore McCauley, requested by the resolution of the Senate of the 9th instant.

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.**To the Senate of the United States:*

As it is not deemed advisable that the instruction to Mr. R. M. Walsh,\* a copy of which is herewith transmitted, should be published at this time, I communicate it confidentially to the Senate in executive session.

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.**To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a supplementary convention relative to commerce and navigation between the United States and the Netherlands, signed in this city on the 26th instant.

MILLARD FILLMORE.

\*Special agent of the United States in the island of St. Domingo.

WASHINGTON, *August 27, 1852.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Belgium for regulating the right of inheriting and acquiring property, signed in this city on the 25th instant.

MILLARD FILLMORE.

WASHINGTON, *August 31, 1852.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 21st instant, requesting information in respect to foreign postal arrangements, and especially cheap ocean postage, I transmit a report of the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

## EXECUTIVE ORDERS.

WASHINGTON CITY,

*May 17, 1852.*

The SECRETARY OF WAR.

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

I am, your obedient servant,

MILLARD FILLMORE.

WASHINGTON CITY,

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

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

I have the honor to be, your obedient servant,

MILLARD FILLMORE.

\*Addressed to the heads of the several Executive Departments.

WASHINGTON, *September 13, 1852.*

General JOS. G. TOTTEN.

SIR: I have to acknowledge the receipt of your favor of the 11th instant and to say that I shall be pleased if you will cause the necessary surveys, projects, and estimates for determining the best means of affording the cities of Washington and Georgetown an unfailing and abundant supply of good and wholesome water to be made as soon as possible.

I am, very respectfully, your obedient servant,

MILLARD FILLMORE.

[From the Daily National Intelligencer, October 26, 1852.]

EXECUTIVE MANSION,

*Washington, Monday Morning, October 25, 1852.*

The ACTING SECRETARY OF STATE and the SECRETARIES OF THE TREASURY, INTERIOR, WAR, NAVY, the ATTORNEY-GENERAL and POSTMASTER-GENERAL.

GENTLEMEN: The painful intelligence received yesterday enforces upon me the sad duty of announcing to the Executive Departments the death of the Secretary of State. Daniel Webster died at Marshfield, in Massachusetts, on Sunday, the 24th of October, between 2 and 3 o'clock in the morning.

Whilst this irreparable loss brings its natural sorrow to every American heart and will be heard far beyond our borders with mournful respect wherever civilization has nurtured men who find in transcendent intellect and faithful, patriotic service a theme for praise, it will visit with still more poignant emotion his colleagues in the Administration, with whom his relations have been so intimate and so cordial.

The fame of our illustrious statesman belongs to his country, the admiration of it to the world. The record of his wisdom will inform future generations not less than its utterance has enlightened the present. He has bequeathed to posterity the richest fruits of the experience and judgment of a great mind conversant with the greatest national concerns. In these his memory will endure as long as our country shall continue to be the home and guardian of freemen.

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

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

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

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

I am, gentlemen, your obedient servant,

MILLARD FILLMORE.

### THIRD ANNUAL MESSAGE.

WASHINGTON, *December 6, 1852.*

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

The brief space which has elapsed since the close of your last session has been marked by no extraordinary political event. The quadrennial election of Chief Magistrate has passed off with less than the usual excitement. However individuals and parties may have been disappointed in the result, it is, nevertheless, a subject of national congratulation that the choice has been effected by the independent suffrages of a free people, undisturbed by those influences which in other countries have too often affected the purity of popular elections.

Our grateful thanks are due to an all-merciful Providence, not only for staying the pestilence which in different forms has desolated some of our cities, but for crowning the labors of the husbandman with an abundant harvest and the nation generally with the blessings of peace and prosperity.

Within a few weeks the public mind has been deeply affected by the death of Daniel Webster, filling at his decease the office of Secretary of State. His associates in the executive government have sincerely sympathized with his family and the public generally on this mournful occasion. His commanding talents, his great political and professional eminence, his well-tryed patriotism, and his long and faithful services in the most important public trusts have caused his death to be lamented throughout the country and have earned for him a lasting place in our history.

In the course of the last summer considerable anxiety was caused for a short time by an official intimation from the Government of Great Britain that orders had been given for the protection of the fisheries upon the coasts of the British Provinces in North America against the alleged encroachments of the fishing vessels of the United States and France. The shortness of this notice and the season of the year seemed to make it a matter of urgent importance. It was at first apprehended that an increased naval force had been ordered to the fishing grounds to carry into effect the British interpretation of those provisions in the convention of 1818 in reference to the true intent of which the two Governments differ. It was soon discovered that such was not the design of Great Britain,



and satisfactory explanations of the real objects of the measure have been given both here and in London.

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

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

The affairs of Cuba formed a prominent topic in my last annual message. They remain in an uneasy condition, and a feeling of alarm and irritation on the part of the Cuban authorities appears to exist. This feeling has interfered with the regular commercial intercourse between the United States and the island and led to some acts of which we have a right to complain. But the Captain-General of Cuba is clothed with

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

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

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

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

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

of opinion between the different sections of the country which lately shook the Union to its center, and which have been so happily compromised.

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

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

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

The recent revolution in Buenos Ayres and the Confederate States having opened the prospect of an improved state of things in that quarter, the Governments of Great Britain and France determined to negotiate with the chief of the new confederacy for the free access of their commerce to the extensive countries watered by the tributaries of the La Plata; and they gave a friendly notice of this purpose to the United States, that we might, if we thought proper, pursue the same course. In compliance with this invitation, our minister at Rio Janeiro and our

chargé d'affaires at Buenos Ayres have been fully authorized to conclude treaties with the newly organized confederation or the States composing it. The delays which have taken place in the formation of the new government have as yet prevented the execution of those instructions, but there is every reason to hope that these vast countries will be eventually opened to our commerce.

A treaty of commerce has been concluded between the United States and the Oriental Republic of Uruguay, which will be laid before the Senate. Should this convention go into operation, it will open to the commercial enterprise of our citizens a country of great extent and unsurpassed in natural resources, but from which foreign nations have hitherto been almost wholly excluded.

The correspondence of the late Secretary of State with the Peruvian chargé d'affaires relative to the Lobos Islands was communicated to Congress toward the close of the last session. Since that time, on further investigation of the subject, the doubts which had been entertained of the title of Peru to those islands have been removed, and I have deemed it just that the temporary wrong which had been unintentionally done her from want of information should be repaired by an unreserved acknowledgment of her sovereignty.

I have the satisfaction to inform you that the course pursued by Peru has been creditable to the liberality of her Government. Before it was known by her that her title would be acknowledged at Washington, her minister of foreign affairs had authorized our chargé d'affaires at Lima to announce to the American vessels which had gone to the Lobos for guano that the Peruvian Government was willing to freight them on its own account. This intention has been carried into effect by the Peruvian minister here by an arrangement which is believed to be advantageous to the parties in interest.

Our settlements on the shores of the Pacific have already given a great extension, and in some respects a new direction, to our commerce in that ocean. A direct and rapidly increasing intercourse has sprung up with eastern Asia. The waters of the Northern Pacific, even into the Arctic Sea, have of late years been frequented by our whalers. The application of steam to the general purposes of navigation is becoming daily more common, and makes it desirable to obtain fuel and other necessary supplies at convenient points on the route between Asia and our Pacific shores. Our unfortunate countrymen who from time to time suffer shipwreck on the coasts of the eastern seas are entitled to protection. Besides these specific objects, the general prosperity of our States on the Pacific requires that an attempt should be made to open the opposite regions of Asia to a mutually beneficial intercourse. It is obvious that this attempt could be made by no power to so great advantage as by the United States, whose constitutional system excludes every idea of distant colonial dependencies. I have accordingly been led to order an

appropriate naval force to Japan, under the command of a discreet and intelligent officer of the highest rank known to our service. He is instructed to endeavor to obtain from the Government of that country some relaxation of the inhospitable and antisocial system which it has pursued for about two centuries. He has been directed particularly to remonstrate in the strongest language against the cruel treatment to which our shipwrecked mariners have often been subjected and to insist that they shall be treated with humanity. He is instructed, however, at the same time, to give that Government the amplest assurances that the objects of the United States are such, and such only, as I have indicated, and that the expedition is friendly and peaceful. Notwithstanding the jealousy with which the Governments of eastern Asia regard all overtures from foreigners, I am not without hopes of a beneficial result of the expedition. Should it be crowned with success, the advantages will not be confined to the United States, but, as in the case of China, will be equally enjoyed by all the other maritime powers. I have much satisfaction in stating that in all the steps preparatory to this expedition the Government of the United States has been materially aided by the good offices of the King of the Netherlands, the only European power having any commercial relations with Japan.

In passing from this survey of our foreign relations, I invite the attention of Congress to the condition of that Department of the Government to which this branch of the public business is intrusted. Our intercourse with foreign powers has of late years greatly increased, both in consequence of our own growth and the introduction of many new states into the family of nations. In this way the Department of State has become overburdened. It has by the recent establishment of the Department of the Interior been relieved of some portion of the domestic business. If the residue of the business of that kind—such as the distribution of Congressional documents, the keeping, publishing, and distribution of the laws of the United States, the execution of the copyright law, the subject of reprieves and pardons, and some other subjects relating to interior administration—should be transferred from the Department of State, it would unquestionably be for the benefit of the public service. I would also suggest that the building appropriated to the State Department is not fireproof; that there is reason to think there are defects in its construction, and that the archives of the Government in charge of the Department, with the precious collections of the manuscript papers of Washington, Jefferson, Hamilton, Madison, and Monroe, are exposed to destruction by fire. A similar remark may be made of the buildings appropriated to the War and Navy Departments.

The condition of the Treasury is exhibited in the annual report from that Department.

The cash receipts into the Treasury for the fiscal year ending the 30th June last, exclusive of trust funds, were \$49,728,386.89, and the expend-

itures for the same period, likewise exclusive of trust funds, were \$46,007,896.20, of which \$9,455,815.83 was on account of the principal and interest of the public debt, including the last installment of the indemnity to Mexico under the treaty of Guadalupe Hidalgo, leaving a balance of \$14,632,136.37 in the Treasury on the 1st day of July last. Since this latter period further purchases of the principal of the public debt have been made to the extent of \$2,456,547.49, and the surplus in the Treasury will continue to be applied to that object whenever the stock can be procured within the limits as to price authorized by law.

The value of foreign merchandise imported during the last fiscal year was \$207,240,101, and the value of domestic productions exported was \$149,861,911, besides \$17,204,026 of foreign merchandise exported, making the aggregate of the entire exports \$167,065,937. Exclusive of the above, there was exported \$42,507,285 in specie, and imported from foreign ports \$5,262,643.

In my first annual message to Congress I called your attention to what seemed to me some defects in the present tariff, and recommended such modifications as in my judgment were best adapted to remedy its evils and promote the prosperity of the country. Nothing has since occurred to change my views on this important question.

Without repeating the arguments contained in my former message in favor of discriminating protective duties, I deem it my duty to call your attention to one or two other considerations affecting this subject. The first is the effect of large importations of foreign goods upon our currency. Most of the gold of California, as fast as it is coined, finds its way directly to Europe in payment for goods purchased. In the second place, as our manufacturing establishments are broken down by competition with foreigners, the capital invested in them is lost, thousands of honest and industrious citizens are thrown out of employment, and the farmer, to that extent, is deprived of a home market for the sale of his surplus produce. In the third place, the destruction of our manufactures leaves the foreigner without competition in our market, and he consequently raises the price of the article sent here for sale, as is now seen in the increased cost of iron imported from England. The prosperity and wealth of every nation must depend upon its productive industry. The farmer is stimulated to exertion by finding a ready market for his surplus products, and benefited by being able to exchange them without loss of time or expense of transportation for the manufactures which his comfort or convenience requires. This is always done to the best advantage where a portion of the community in which he lives is engaged in other pursuits. But most manufactures require an amount of capital and a practical skill which can not be commanded unless they be protected for a time from ruinous competition from abroad. Hence the necessity of laying those duties upon imported goods which the Constitution authorizes for revenue in such a manner as to protect and encourage the labor

of our own citizens. Duties; however, should not be fixed at a rate so high as to exclude the foreign article, but should be so graduated as to enable the domestic manufacturer fairly to compete with the foreigner in our own markets, and by this competition to reduce the price of the manufactured article to the consumer to the lowest rate at which it can be produced. This policy would place the mechanic by the side of the farmer, create a mutual interchange of their respective commodities, and thus stimulate the industry of the whole country and render us independent of foreign nations for the supplies required by the habits or necessities of the people.

Another question, wholly independent of protection, presents itself, and that is, whether the duties levied should be upon the value of the article at the place of shipment, or, where it is practicable, a specific duty, graduated according to quantity, as ascertained by weight or measure. All our duties are at present *ad valorem*. A certain percentage is levied on the price of the goods at the port of shipment in a foreign country. Most commercial nations have found it indispensable, for the purpose of preventing fraud and perjury, to make the duties specific whenever the article is of such a uniform value in weight or measure as to justify such a duty. Legislation should never encourage dishonesty or crime. It is impossible that the revenue officers at the port where the goods are entered and the duties paid should know with certainty what they cost in the foreign country. Yet the law requires that they should levy the duty according to such cost. They are therefore compelled to resort to very unsatisfactory evidence to ascertain what that cost was. They take the invoice of the importer, attested by his oath, as the best evidence of which the nature of the case admits. But everyone must see that the invoice may be fabricated and the oath by which it is supported false, by reason of which the dishonest importer pays a part only of the duties which are paid by the honest one, and thus indirectly receives from the Treasury of the United States a reward for his fraud and perjury. The reports of the Secretary of the Treasury heretofore made on this subject show conclusively that these frauds have been practiced to a great extent. The tendency is to destroy that high moral character for which our merchants have long been distinguished, to defraud the Government of its revenue, to break down the honest importer by a dishonest competition, and, finally, to transfer the business of importation to foreign and irresponsible agents, to the great detriment of our own citizens. I therefore again most earnestly recommend the adoption of specific duties wherever it is practicable, or a home valuation, to prevent these frauds.

I would also again call your attention to the fact that the present tariff in some cases imposes a higher duty upon the raw material imported than upon the article manufactured from it, the consequence of which is that the duty operates to the encouragement of the foreigner and the discouragement of our own citizens.

For full and detailed information in regard to the general condition of our Indian affairs, I respectfully refer you to the report of the Secretary of the Interior and the accompanying documents.

The Senate not having thought proper to ratify the treaties which have been negotiated with the tribes of Indians in California and Oregon, our relations with them have been left in a very unsatisfactory condition.

In other parts of our territory particular districts of country have been set apart for the exclusive occupation of the Indians, and their right to the lands within those limits has been acknowledged and respected. But in California and Oregon there has been no recognition by the Government of the exclusive right of the Indians to any part of the country. They are therefore mere tenants at sufferance, and liable to be driven from place to place at the pleasure of the whites.

The treaties which have been rejected proposed to remedy this evil by allotting to the different tribes districts of country suitable to their habits of life and sufficient for their support. This provision, more than any other, it is believed, led to their rejection; and as no substitute for it has been adopted by Congress, it has not been deemed advisable to attempt to enter into new treaties of a permanent character, although no effort has been spared by temporary arrangements to preserve friendly relations with them.

If it be the desire of Congress to remove them from the country altogether, or to assign to them particular districts more remote from the settlements of the whites, it will be proper to set apart by law the territory which they are to occupy and to provide the means necessary for removing them to it. Justice alike to our own citizens and to the Indians requires the prompt action of Congress on this subject.

The amendments proposed by the Senate to the treaties which were negotiated with the Sioux Indians of Minnesota have been submitted to the tribes who were parties to them, and have received their assent. A large tract of valuable territory has thus been opened for settlement and cultivation, and all danger of collision with these powerful and warlike bands has been happily removed.

The removal of the remnant of the tribe of Seminole Indians from Florida has long been a cherished object of the Government, and it is one to which my attention has been steadily directed. Admonished by past experience of the difficulty and cost of the attempt to remove them by military force, resort has been had to conciliatory measures. By the invitation of the Commissioner of Indian Affairs, several of the principal chiefs recently visited Washington, and whilst here acknowledged in writing the obligation of their tribe to remove with the least possible delay. Late advices from the special agent of the Government represent that they adhere to their promise, and that a council of their people has been called to make their preliminary arrangements. A general emigration may therefore be confidently expected at an early day.



The report from the General Land Office shows increased activity in its operations. The survey of the northern boundary of Iowa has been completed with unexampled dispatch. Within the last year 9,522,953 acres of public land have been surveyed and 8,032,463 acres brought into market.

	Acres.
In the last fiscal year there were sold.....	1,553,071
Located with bounty-land warrants.....	3,201,314
Located with other certificates.....	115,682
Making a total of .....	4,870,067
In addition there were—	
Reported under swamp-land grants.....	5,219,188
For internal improvements, railroads, etc.....	3,025,920
Making an aggregate of ... ..	13,115,175

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

The whole amount thus sold, located under land warrants, reported under swamp-land grants, and selected for internal improvements exceeds that of the previous year by 3,342,372 acres; and the sales would without doubt have been much larger but for the extensive reservations for railroads in Missouri, Mississippi, and Alabama.

	Acres.
For the quarter ending 30th September, 1852, there were sold.....	243,255
Located with bounty-land warrants.....	1,387,116
Located with other certificates.....	15,649
Reported under swamp-land grants.....	2,485,233
Making an aggregate for the quarter of.....	4,131,253

Much the larger portion of the labor of arranging and classifying the returns of the last census has been finished, and it will now devolve upon Congress to make the necessary provision for the publication of the results in such form as shall be deemed best. The apportionment of representation on the basis of the new census has been made by the Secretary of the Interior in conformity with the provisions of law relating to that subject, and the recent elections have been made in accordance with it.

I commend to your favorable regard the suggestion contained in the report of the Secretary of the Interior that provision be made by law for the publication and distribution, periodically, of an analytical digest of all the patents which have been or may hereafter be granted for useful inventions and discoveries, with such descriptions and illustrations as may be necessary to present an intelligible view of their nature and operation. The cost of such publication could easily be defrayed out of the patent fund, and I am persuaded that it could be applied to no object more acceptable to inventors and beneficial to the public at large.

An appropriation of \$100,000 having been made at the last session for the purchase of a suitable site and for the erection, furnishing, and fitting up of an asylum for the insane of the District of Columbia and of the Army and Navy of the United States, the proper measures have been adopted to carry this beneficent purpose into effect.

By the latest advices from the Mexican boundary commission it appears that the survey of the river Gila from its confluence with the Colorado to its supposed intersection with the western line of New Mexico has been completed. The survey of the Rio Grande has also been finished from the point agreed on by the commissioners as "the point where it strikes the southern boundary of New Mexico" to a point 135 miles below Eagle Pass, which is about two-thirds of the distance along the course of the river to its mouth.

The appropriation which was made at the last session of Congress for the continuation of the survey is subject to the following proviso:

*Provided*, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established by the commissioner and surveyor of the United States farther north of the town called "Paso" than the same is laid down in Disturnell's map, which is added to the treaty.

My attention was drawn to this subject by a report from the Department of the Interior, which reviewed all the facts of the case and submitted for my decision the question whether under existing circumstances any part of the appropriation could be lawfully used or expended for the further prosecution of the work. After a careful consideration of the subject I came to the conclusion that it could not, and so informed the head of that Department. Orders were immediately issued by him to the commissioner and surveyor to make no further requisitions on the Department, as they could not be paid, and to discontinue all operations on the southern line of New Mexico. But as the Department had no exact information as to the amount of provisions and money which remained unexpended in the hands of the commissioner and surveyor, it was left discretionary with them to continue the survey down the Rio Grande as far as the means at their disposal would enable them or at once to disband the commission. A special messenger has since arrived from the officer in charge of the survey on the river with information that the funds subject to his control were exhausted and that the officers and others employed in the service were destitute alike of the means of prosecuting the work and of returning to their homes.

The object of the proviso was doubtless to arrest the survey of the southern and western lines of New Mexico, in regard to which different opinions have been expressed; for it is hardly to be supposed that there could be any objection to that part of the line which extends along the channel of the Rio Grande. But the terms of the law are so broad as to forbid the use of any part of the money for the prosecution of the work, or even for the payment to the officers and agents of the arrearages of pay which are justly due to them.

I earnestly invite your prompt attention to this subject, and recommend a modification of the terms of the proviso, so as to enable the Department to use as much of the appropriation as will be necessary to

discharge the existing obligations of the Government and to complete the survey of the Rio Grande to its mouth.

It will also be proper to make further provision by law for the fulfillment of our treaty with Mexico for running and marking the residue of the boundary line between the two countries.

Permit me to invite your particular attention to the interests of the District of Columbia, which are confided by the Constitution to your peculiar care.

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

At the last session of Congress an appropriation was made to defray the cost of the surveys necessary for determining the best means of affording an unfailing supply of good and wholesome water. Some progress has been made in the survey, and as soon as it is completed the result will be laid before you.

Further appropriations will also be necessary for grading and paving the streets and avenues and inclosing and embellishing the public grounds within the city of Washington.

I commend all these objects, together with the charitable institutions of the District, to your favorable regard.

Every effort has been made to protect our frontier and that of the adjoining Mexican States from the incursions of the Indian tribes. Of about 11,000 men of which the Army is composed, nearly 8,000 are employed in the defense of the newly acquired territory (including Texas) and of emigrants proceeding thereto. I am gratified to say that these efforts have been unusually successful. With the exception of some partial outbreaks in California and Oregon and occasional depredations on a portion of the Rio Grande, owing, it is believed, to the disturbed state of that border region, the inroads of the Indians have been effectually restrained.

Experience has shown, however, that whenever the two races are brought into contact collisions will inevitably occur. To prevent these collisions the United States have generally set apart portions of their territory for the exclusive occupation of the Indian tribes. A difficulty occurs, however, in the application of this policy to Texas. By the terms of the compact by which that State was admitted into the Union she retained the ownership of all the vacant lands within her limits. The government of that State, it is understood, has assigned no portion of her territory to the Indians, but as fast as her settlements advance lays it off into counties and proceeds to survey and sell it. This policy manifestly tends not only to alarm and irritate the Indians, but to compel them to resort to plunder for subsistence. It also deprives this

Government of that influence and control over them without which no durable peace can ever exist between them and the whites. I trust, therefore, that a due regard for her own interests, apart from considerations of humanity and justice, will induce that State to assign a small portion of her vast domain for the provisional occupancy of the small remnants of tribes within her borders, subject, of course, to her ownership and eventual jurisdiction. If she should fail to do this, the fulfillment of our treaty stipulations with Mexico and our duty to the Indians themselves will, it is feared, become a subject of serious embarrassment to the Government. It is hoped, however, that a timely and just provision by Texas may avert this evil.

No appropriations for fortifications were made at the two last sessions of Congress. The cause of this omission is probably to be found in a growing belief that the system of fortifications adopted in 1816, and heretofore acted on, requires revision.

The subject certainly deserves full and careful investigation, but it should not be delayed longer than can be avoided. In the meantime there are certain works which have been commenced, some of them nearly completed, designed to protect our principal seaports from Boston to New Orleans and a few other important points. In regard to the necessity for these works, it is believed that little difference of opinion exists among military men. I therefore recommend that the appropriations necessary to prosecute them be made.

I invite your attention to the remarks on this subject and on others connected with his Department contained in the accompanying report of the Secretary of War.

Measures have been taken to carry into effect the law of the last session making provision for the improvement of certain rivers and harbors, and it is believed that the arrangements made for that purpose will combine efficiency with economy. Owing chiefly to the advanced season when the act was passed, little has yet been done in regard to many of the works beyond making the necessary preparations. With respect to a few of the improvements, the sums already appropriated will suffice to complete them; but most of them will require additional appropriations. I trust that these appropriations will be made, and that this wise and beneficent policy, so auspiciously resumed, will be continued. Great care should be taken, however, to commence no work which is not of sufficient importance to the commerce of the country to be viewed as national in its character. But works which have been commenced should not be discontinued until completed, as otherwise the sums expended will in most cases be lost.

The report from the Navy Department will inform you of the prosperous condition of the branch of the public service committed to its charge. It presents to your consideration many topics and suggestions of which I ask your approval. It exhibits an unusual degree of activity

in the operations of the Department during the past year. The preparations for the Japan expedition, to which I have already alluded; the arrangements made for the exploration and survey of the China Seas, the Northern Pacific, and Behrings Straits; the incipient measures taken toward a reconnoissance of the continent of Africa eastward of Liberia; the preparation for an early examination of the tributaries of the river La Plata, which a recent decree of the provisional chief of the Argentine Confederation has opened to navigation—all these enterprises and the means by which they are proposed to be accomplished have commanded my full approbation, and I have no doubt will be productive of most useful results.

Two officers of the Navy were heretofore instructed to explore the whole extent of the Amazon River from the confines of Peru to its mouth. The return of one of them has placed in the possession of the Government an interesting and valuable account of the character and resources of a country abounding in the materials of commerce, and which if opened to the industry of the world will prove an inexhaustible fund of wealth. The report of this exploration will be communicated to you as soon as it is completed.

Among other subjects offered to your notice by the Secretary of the Navy, I select for special commendation, in view of its connection with the interests of the Navy, the plan submitted by him for the establishment of a permanent corps of seamen and the suggestions he has presented for the reorganization of the Naval Academy.

In reference to the first of these, I take occasion to say that I think it will greatly improve the efficiency of the service, and that I regard it as still more entitled to favor for the salutary influence it must exert upon the naval discipline, now greatly disturbed by the increasing spirit of insubordination resulting from our present system. The plan proposed for the organization of the seamen furnishes a judicious substitute for the law of September, 1850, abolishing corporal punishment, and satisfactorily sustains the policy of that act under conditions well adapted to maintain the authority of command and the order and security of our ships. It is believed that any change which proposes permanently to dispense with this mode of punishment should be preceded by a system of enlistment which shall supply the Navy with seamen of the most meritorious class, whose good deportment and pride of character may preclude all occasion for a resort to penalties of a harsh or degrading nature. The safety of a ship and her crew is often dependent upon immediate obedience to a command, and the authority to enforce it must be equally ready. The arrest of a refractory seaman in such moments not only deprives the ship of indispensable aid, but imposes a necessity for double service on others, whose fidelity to their duties may be relied upon in such an emergency. The exposure to this increased and arduous labor since the passage of the act of 1850 has already had, to a most observable and

injurious extent, the effect of preventing the enlistment of the best seamen in the Navy. The plan now suggested is designed to promote a condition of service in which this objection will no longer exist. The details of this plan may be established in great part, if not altogether, by the Executive under the authority of existing laws, but I have thought it proper, in accordance with the suggestion of the Secretary of the Navy, to submit it to your approval.

The establishment of a corps of apprentices for the Navy, or boys to be enlisted until they become of age, and to be employed under such regulations as the Navy Department may devise, as proposed in the report, I cordially approve and commend to your consideration; and I also concur in the suggestion that this system for the early training of seamen may be most usefully ingrafted upon the service of our merchant marine.

The other proposition of the report to which I have referred—the reorganization of the Naval Academy—I recommend to your attention as a project worthy of your encouragement and support. The valuable services already rendered by this institution entitle it to the continuance of your fostering care.

Your attention is respectfully called to the report of the Postmaster-General for the detailed operation of his Department during the last fiscal year, from which it will be seen that the receipts from postages for that time were less by \$1,431,696 than for the preceding fiscal year, being a decrease of about 23 per cent.

This diminution is attributable to the reduction in the rates of postage made by the act of March 3, 1851, which reduction took effect at the commencement of the last fiscal year.

Although in its operation during the last year the act referred to has not fulfilled the predictions of its friends by increasing the correspondence of the country in proportion to the reduction of postage, I should, nevertheless, question the policy of returning to higher rates. Experience warrants the expectation that as the community becomes accustomed to cheap postage correspondence will increase. It is believed that from this cause and from the rapid growth of the country in population and business the receipts of the Department must ultimately exceed its expenses, and that the country may safely rely upon the continuance of the present cheap rate of postage.

In former messages I have, among other things, respectfully recommended to the consideration of Congress the propriety and necessity of further legislation for the protection and punishment of foreign consuls residing in the United States; to revive, with certain modifications, the act of 10th March, 1838, to restrain unlawful military expeditions against the inhabitants of ~~contiguous~~ states or territories; for the preservation and protection from mutilation or theft of the papers, records, and archives of the nation; for authorizing the surplus revenue to be applied

to the payment of the public debt in advance of the time when it will become due; for the establishment of land offices for the sale of the public lands in California and the Territory of Oregon; for the construction of a road from the Mississippi Valley to the Pacific Ocean; for the establishment of a bureau of agriculture for the promotion of that interest, perhaps the most important in the country; for the prevention of frauds upon the Government in applications for pensions and bounty lands; for the establishment of a uniform fee bill, prescribing a specific compensation for every service required of clerks, district attorneys, and marshals; for authorizing an additional regiment of mounted men for the defense of our frontiers against the Indians and for fulfilling our treaty stipulations with Mexico to defend her citizens against the Indians "with equal diligence and energy as our own;" for determining the relative rank between the naval and civil officers in our public ships and between the officers of the Army and Navy in the various grades of each; for reorganizing the naval establishment by fixing the number of officers in each grade, and providing for a retired list upon reduced pay of those unfit for active duty; for prescribing and regulating punishments in the Navy; for the appointment of a commission to revise the public statutes of the United States by arranging them in order, supplying deficiencies, correcting incongruities, simplifying their language, and reporting them to Congress for its final action; and for the establishment of a commission to adjudicate and settle private claims against the United States. I am not aware, however, that any of these subjects have been finally acted upon by Congress. Without repeating the reasons for legislation on these subjects which have been assigned in former messages, I respectfully recommend them again to your favorable consideration.

I think it due to the several Executive Departments of this Government to bear testimony to the efficiency and integrity with which they are conducted. With all the careful superintendence which it is possible for the heads of those Departments to exercise, still the due administration and guardianship of the public money must very much depend on the vigilance, intelligence, and fidelity of the subordinate officers and clerks, and especially on those intrusted with the settlement and adjustment of claims and accounts. I am gratified to believe that they have generally performed their duties faithfully and well. They are appointed to guard the approaches to the public Treasury, and they occupy positions that expose them to all the temptations and seductions which the cupidity of speculators and fraudulent claimants can prompt them to employ. It will be but a wise precaution to protect the Government against that source of mischief and corruption, as far as it can be done, by the enactment of all proper legal penalties. The laws in this respect are supposed to be defective, and I therefore deem it my duty to call your attention to the subject and to recommend that provision be made by law for the punishment not only of those who shall accept bribes, but also of those

who shall either promise, give, or offer to give to any of those officers or clerks a bribe or reward touching or relating to any matter of their official action or duty.

It has been the uniform policy of this Government, from its foundation to the present day, to abstain from all interference in the domestic affairs of other nations. The consequence has been that while the nations of Europe have been engaged in desolating wars our country has pursued its peaceful course to unexampled prosperity and happiness. The wars in which we have been compelled to engage in defense of the rights and honor of the country have been, fortunately, of short duration. During the terrific contest of nation against nation which succeeded the French Revolution we were enabled by the wisdom and firmness of President Washington to maintain our neutrality. While other nations were drawn into this wide-sweeping whirlpool, we sat quiet and unmoved upon our own shores. While the flower of their numerous armies was wasted by disease or perished by hundreds of thousands upon the battlefield, the youth of this favored land were permitted to enjoy the blessings of peace beneath the paternal roof. While the States of Europe incurred enormous debts, under the burden of which their subjects still groan, and which must absorb no small part of the product of the honest industry of those countries for generations to come, the United States have once been enabled to exhibit the proud spectacle of a nation free from public debt, and if permitted to pursue our prosperous way for a few years longer in peace we may do the same again.

But it is now said by some that this policy must be changed. Europe is no longer separated from us by a voyage of months, but steam navigation has brought her within a few days' sail of our shores. We see more of her movements and take a deeper interest in her controversies. Although no one proposes that we should join the fraternity of potentates who have for ages lavished the blood and treasure of their subjects in maintaining "the balance of power," yet it is said that we ought to interfere between contending sovereigns and their subjects for the purpose of overthrowing the monarchies of Europe and establishing in their place republican institutions. It is alleged that we have heretofore pursued a different course from a sense of our weakness, but that now our conscious strength dictates a change of policy, and that it is consequently our duty to mingle in these contests and aid those who are struggling for liberty.

This is a most seductive but dangerous appeal to the generous sympathies of freemen. Enjoying, as we do, the blessings of a free Government, there is no man who has an American heart that would not rejoice to see these blessings extended to all other nations. We can not witness the struggle between the oppressed and his oppressor anywhere without the deepest sympathy for the former and the most anxious desire for his triumph. Nevertheless, is it prudent or is it wise to involve ourselves in these foreign wars? Is it indeed true that we have heretofore refrained



from doing so merely from the degrading motive of a conscious weakness? For the honor of the patriots who have gone before us, I can not admit it. Men of the Revolution, who drew the sword against the oppressions of the mother country and pledged to Heaven "their lives, their fortunes, and their sacred honor" to maintain their freedom, could never have been actuated by so unworthy a motive. They knew no weakness or fear where right or duty pointed the way, and it is a libel upon their fair fame for us, while we enjoy the blessings for which they so nobly fought and bled, to insinuate it. The truth is that the course which they pursued was dictated by a stern sense of international justice, by a statesmanlike prudence and a far-seeing wisdom, looking not merely to the present necessities but to the permanent safety and interest of the country. They knew that the world is governed less by sympathy than by reason and force; that it was not possible for this nation to become a "propagandist" of free principles without arraying against it the combined powers of Europe, and that the result was more likely to be the overthrow of republican liberty here than its establishment there. History has been written in vain for those who can doubt this. France had no sooner established a republican form of government than she manifested a desire to force its blessings on all the world. Her own historian informs us that, hearing of some petty acts of tyranny in a neighboring principality, "the National Convention declared that she would afford succor and fraternity to all nations who wished to recover their liberty, and she gave it in charge to the executive power to give orders to the generals of the French armies to aid all citizens who might have been or should be oppressed in the cause of liberty." Here was the false step which led to her subsequent misfortunes. She soon found herself involved in war with all the rest of Europe. In less than ten years her Government was changed from a republic to an empire, and finally, after shedding rivers of blood, foreign powers restored her exiled dynasty and exhausted Europe sought peace and repose in the unquestioned ascendancy of monarchical principles. Let us learn wisdom from her example. Let us remember that revolutions do not always establish freedom. Our own free institutions were not the offspring of our Revolution. They existed before. They were planted in the free charters of self-government under which the English colonies grew up, and our Revolution only freed us from the dominion of a foreign power whose government was at variance with those institutions. But European nations have had no such training for self-government, and every effort to establish it by bloody revolutions has been, and must without that preparation continue to be, a failure. Liberty unregulated by law degenerates into anarchy, which soon becomes the most horrid of all despotisms. Our policy is wisely to govern ourselves, and thereby to set such an example of national justice, prosperity, and true glory as shall teach to all nations the blessings of self-government and the unparalleled enterprise and success of a free people.

We live in an age of progress, and ours is emphatically a country of progress. Within the last half century the number of States in this Union has nearly doubled, the population has almost quadrupled, and our boundaries have been extended from the Mississippi to the Pacific. Our territory is checkered over with railroads and furrowed with canals. The inventive talent of our country is excited to the highest pitch, and the numerous applications for patents for valuable improvements distinguish this age and this people from all others. The genius of one American has enabled our commerce to move against wind and tide and that of another has annihilated distance in the transmission of intelligence. The whole country is full of enterprise. Our common schools are diffusing intelligence among the people and our industry is fast accumulating the comforts and luxuries of life. This is in part owing to our peculiar position, to our fertile soil and comparatively sparse population; but much of it is also owing to the popular institutions under which we live, to the freedom which every man feels to engage in any useful pursuit according to his taste or inclination, and to the entire confidence that his person and property will be protected by the laws. But whatever may be the cause of this unparalleled growth in population, intelligence, and wealth, one thing is clear—that the Government must keep pace with the progress of the people. It must participate in their spirit of enterprise, and while it exacts obedience to the laws and restrains all unauthorized invasions of the rights of neighboring states, it should foster and protect home industry and lend its powerful strength to the improvement of such means of intercommunication as are necessary to promote our internal commerce and strengthen the ties which bind us together as a people.

It is not strange, however much it may be regretted, that such an exuberance of enterprise should cause some individuals to mistake change for progress and the invasion of the rights of others for national prowess and glory. The former are constantly agitating for some change in the organic law, or urging new and untried theories of human rights. The latter are ever ready to engage in any wild crusade against a neighboring people, regardless of the justice of the enterprise and without looking at the fatal consequences to ourselves and to the cause of popular government. Such expeditions, however, are often stimulated by mercenary individuals, who expect to share the plunder or profit of the enterprise without exposing themselves to danger, and are led on by some irresponsible foreigner, who abuses the hospitality of our own Government by seducing the young and ignorant to join in his scheme of personal ambition or revenge under the false and delusive pretense of extending the area of freedom. These reprehensible aggressions but retard the true progress of our nation and tarnish its fair fame. They should therefore receive the indignant frowns of every good citizen who sincerely loves his country and takes a pride in its prosperity and honor.

Our Constitution, though not perfect, is doubtless the best that ever was formed. Therefore let every proposition to change it be well weighed and, if found beneficial, cautiously adopted. Every patriot will rejoice to see its authority so exerted as to advance the prosperity and honor of the nation, whilst he will watch with jealousy any attempt to mutilate this charter of our liberties or pervert its powers to acts of aggression or injustice. Thus shall conservatism and progress blend their harmonious action in preserving the form and spirit of the Constitution and at the same time carry forward the great improvements of the country with a rapidity and energy which freemen only can display.

In closing this my last annual communication, permit me, fellow-citizens, to congratulate you on the prosperous condition of our beloved country. Abroad its relations with all foreign powers are friendly, its rights are respected, and its high place in the family of nations cheerfully recognized. At home we enjoy an amount of happiness, public and private, which has probably never fallen to the lot of any other people. Besides affording to our own citizens a degree of prosperity of which on so large a scale I know of no other instance, our country is annually affording a refuge and a home to multitudes, altogether without example, from the Old World.

We owe these blessings, under Heaven, to the happy Constitution and Government which were bequeathed to us by our fathers, and which it is our sacred duty to transmit in all their integrity to our children. We must all consider it a great distinction and privilege to have been chosen by the people to bear a part in the administration of such a Government. Called by an unexpected dispensation to its highest trust at a season of embarrassment and alarm, I entered upon its arduous duties with extreme diffidence. I claim only to have discharged them to the best of an humble ability, with a single eye to the public good, and it is with devout gratitude in retiring from office that I leave the country in a state of peace and prosperity.

MILLARD FILLMORE.

## SPECIAL MESSAGES.

WASHINGTON, *December 7, 1852.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation, between the United States and the Oriental Republic of Uruguay, signed at Montevideo on the 28th of August last.

MILLARD FILLMORE.

WASHINGTON, *December 8, 1852.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, an additional article, signed in this city on the 16th ultimo, to the convention for the mutual delivery of criminals fugitives from justice in certain cases between the United States on the one part and Prussia and other States of the Germanic Confederation on the other part, concluded on the 15th of June, 1852.

MILLARD FILLMORE.

WASHINGTON, *January 4, 1853.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *January 4, 1853.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *January 12, 1853.*

*To the Senate of the United States:*

In pursuance of the eleventh article of the treaty with the Chickasaw Indians signed on the 20th day of October, 1832, I herewith transmit a recommendation from the Secretary of the Treasury for the investment of a portion of the funds belonging to said nation, for the purpose of obtaining the advice and consent of the Senate to make the investment as therein recommended.

MILLARD FILLMORE.

WASHINGTON, *January 12, 1853.*

*To the Senate of the United States:*

In reply to the resolution of your honorable body of the 5th instant, I herewith communicate a report of the Secretary of the Interior giving the information\* required.

MILLARD FILLMORE.

\*Relating to the Mexican boundary commission.

*To the Senate of the United States:*

In answer to the resolution of the Senate dated the 13th ultimo, requesting further information in regard to the imprisonment of the United States consul and of other American citizens in the castle at Acapulco, I transmit a report from the Secretary of State and the documents by which it is accompanied.

JANUARY 17, 1853.

MILLARD FILLMORE.

WASHINGTON, *January 17, 1853.*

*To the Senate and House of Representatives:*

I transmit herewith a communication lately received at the Department of State from the minister of Her Most Catholic Majesty, accompanied by a letter of instructions from the Spanish Government relative to the case of the *Amistad*. In Mr. Calderon's communication reference is had to former letters addressed by him to the Department of State on the same subject, copies of which are herewith transmitted, and an earnest wish is expressed that a final settlement of this long-pending claim should be made. The tone of the letter of instructions from Mr. Manuel Bertran de Lis is somewhat more peremptory than could be wished, but this circumstance will not, probably, prevent Congress from giving his suggestions the attention to which they may be entitled.

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

Under these circumstances the attention of Congress is again invited to the subject. Respect to the Spanish Government demands that its urgent representation should be candidly and impartially weighed. If Congress should be of opinion that the claim is just, every consideration points to the propriety of its prompt recognition and payment, and if the two Houses should come to the opposite conclusion it is equally desirable that the result should be announced without unnecessary delay.

MILLARD FILLMORE.

WASHINGTON, *January 18, 1853.*

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

I have the honor herewith to transmit a report from the Secretary of the Interior, from which it appears that the efforts of that Department

to induce the Indians remaining in Florida to migrate to the country assigned to their tribe west of the Mississippi have been entirely unsuccessful. The only alternative that now remains is either to compel them by force to comply with the treaty made with the tribe in May, 1832, by which they agreed to migrate within three years from that date, or allow the arrangement made with them in 1842, referred to in the Secretary's report, by which they were permitted to remain in the temporary occupancy of a portion of the peninsula until the Government should see fit to remove them, to continue.

It can not be denied that the withholding so large a portion of her territory from settlement is a source of injury to the State of Florida; and although, ever since the arrangement above referred to, the Indians have manifested a desire to remain at peace with the whites, the presence of a people who may at any time and upon any real or fancied provocation be driven to acts of hostility is a source of constant anxiety and alarm to the inhabitants on that border.

There can be no doubt, also, that the welfare of the Indians would be promoted by their removal from a territory where frequent collisions between them and their more powerful neighbors are daily becoming more inevitable.

On the other hand, there is every reason to believe that any manifestation of a design to remove them by force or to take possession of the territory allotted to them would be immediately retaliated by acts of cruelty on the defenseless inhabitants.

The number of Indians now remaining in the State is, it is true, very inconsiderable (not exceeding, it is believed, 500), but owing to the extent of the country occupied by them and its adaptation to their peculiar mode of warfare, a force very disproportioned to their numbers would be necessary to capture them, or even to protect the white settlements from their incursions. The military force now stationed in that State would be inadequate to these objects, and if it should be determined to enforce their removal or to survey the territory allotted to them some addition to it would be necessary, as the Government has but a small force available for that service. Additional appropriations for the support of the Army would also, in that event, be necessary.

For these reasons I have deemed it proper to submit the whole matter to Congress, for such action as they may deem best.

MILLARD FILLMORE.

WASHINGTON, *January 19, 1853.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 27th ultimo, requesting information relative to the claims on Spain in the cases

of the bark *Georgiana* and the brig *Susan Loud*, I transmit a report from the Secretary of State, to whom the resolution was referred.

MILLARD FILLMORE.

WASHINGTON, *January 21, 1853.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 10th instant, requesting certain correspondence relative to Central America, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *January 24, 1853.*

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

In obedience to a resolution of your honorable body of December 27, 1852, in reference to claims of custom-house officers for additional pay, I have the honor herewith to transmit a report from the Secretary of the Treasury giving the desired information; and in answer to the seventh interrogatory, asking "whether in my opinion further legislation is necessary or advisable either to protect the Treasury from unjust claims or to secure to the claimants their just rights," I would state that in my opinion no further legislation is necessary to effect either object. My views on this subject will be more fully seen on reference to an opinion given by me to the Secretary of the Treasury, a copy of which is annexed to his report.

MILLARD FILLMORE.

WASHINGTON, *January 24, 1853.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *January 27, 1853.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *January 27, 1853.**To the House of Representatives:*

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

MILLARD FILLMORE.

WASHINGTON, *February 3, 1853.**To the Senate of the United States:*

I transmit herewith to the Senate in a new draft the convention with the Swiss Confederation, originally negotiated at Berne and concluded in that city on the 25th of November, 1850. On the 7th of March, 1851, it was considered by the Senate of the United States, whose assent was given to it with certain amendments, as will appear from the Journal of the Senate of that day. The convention was sent back to Switzerland with these alterations, which were taken into consideration by the Government of that Confederation, whose action in the premises will be learned by a letter from its President of the 5th of July, 1852.

The modifications which the Government of the Swiss Confederation are desirous of introducing into the amendments made by the Senate of the United States and the articles affected by them are not inconsistent with the object and spirit of those amendments, and appear to me to proceed upon a reasonable principle of compromise.

I have thought it expedient, in submitting them to the Senate with a view to their advice and consent to the ratification of the treaty in its present form, to have the entire instrument taken into a continuous draft, as well the portions—by far the greater part—already assented to by the Senate as the modifications proposed by the Government of the Swiss Confederation in reference to these amendments. In preparing the new draft a few slight alterations have been made in the modifications proposed by the Swiss Government.

Should the convention receive the approbation of the Senate in its present form, it will be immediately transmitted to Switzerland for ratification by the Swiss Confederation.

The delays which have taken place in the negotiation of this treaty have been principally caused by the want of a resident diplomatic agent of the United States at Berne, and are among the reasons for which an appropriation for a chargé d'affaires to that Government has recently, by my direction, been recommended in a letter from the Department of State to the chairman of the Committee on Foreign Relations of the Senate.

MILLARD FILLMORE.



WASHINGTON, *February 3, 1853.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *February 7, 1853.*

*To the Senate and House of Representatives:*

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

MILLARD FILLMORE.

WASHINGTON, *February 9, 1853.*

*To the Senate and House of Representatives:*

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

MILLARD FILLMORE.

WASHINGTON, *February 14, 1853.*

*To the Senate of the United States:*

I herewith communicate to the Senate, for its consideration with a view to ratification, a convention on the subject of the extradition of fugitives from justice between the United States and Belgium, concluded and signed in this city on the 11th instant by the respective plenipotentiaries.

MILLARD FILLMORE.

WASHINGTON, *February 18, 1853.*

*To the Senate and House of Representatives:*

I transmit a report from the Secretary of State, embodying the substance of recent communications made by the minister of Her Britannic Majesty to the Department of State on the subject of the interoceanic

canal by the Nicaragua route, which formed the chief object of the treaty between the United States and Great Britain of the 19th April, 1850, and the relations of Great Britain to the protectorate of Mosquito, which she expresses herself desirous of relinquishing on terms consistent with her honorable engagements to the Indians of that name.

In consequence of these communications and other considerations stated in the report, it is deemed advisable by the Department that our diplomatic relations with the States of Central America should be placed on a higher and more efficient footing, and this measure meets my approbation. The whole subject is one of so much delicacy and importance that I should have preferred, so near the close of my Administration, not to make it the subject of an Executive communication. But inasmuch as the measure proposed can not, even if deemed expedient by my successor, take effect for near a twelvemonth unless an appropriation is made by this Congress, I have thought it my duty to submit the report of the Department to the two Houses. The importance of the measure seemed to require an exposition somewhat in detail of the grounds on which it is recommended.

MILLARD FILLMORE.

WASHINGTON, *February 18, 1853.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *February 19, 1853.*

*To the Senate of the United States:*

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

MILLARD FILLMORE.

WASHINGTON, *February 21, 1853.*

*To the Senate of the United States:*

In compliance with your resolution of the 19th of February instant, I herewith communicate a report from the Secretary of War, containing the report of Lieutenant Meigs, of the Engineer Corps, on the surveys, projects, and estimates for supplying the cities of Washington and Georgetown with an unfailing and abundant supply of water.

MILLARD FILLMORE.

WASHINGTON, *February 21, 1853.**To the Senate of the United States:*

I have the honor to transmit herewith a report from the Secretary of the Treasury of the 21st instant, in reference to the reinvestment of certain moneys belonging to the Chickasaw Nation of Indians which will come into the Treasury during the succeeding vacation of the Senate, and I respectfully concur in the recommendation made by the Secretary.

MILLARD FILLMORE.

WASHINGTON, *February 23, 1853.**To the Senate of the United States:*

I transmit to the Senate, for advice and consent with a view to ratification, a convention between the United States and Her Britannic Majesty for the adjustment of certain claims of citizens of the United States on the British Government and of British subjects on the Government of the United States, signed in London on the 8th instant. Although it is stipulated by the terms of the first article of the convention that the commissioner on the part of this Government shall be appointed by the President of the United States, it is not understood that this stipulation was intended to dispense with the concurrence of the Senate in such appointment.

MILLARD FILLMORE.

WASHINGTON, *February 25, 1853.**To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a consular convention concluded in this city on the 23d instant between the United States and His Majesty the Emperor of the French.

MILLARD FILLMORE.

WASHINGTON, *February 26, 1853.**To the Senate of the United States:*

I transmit a copy of a proclamation of yesterday, which I deemed it advisable to issue, relative to an extraordinary session of the Senate on the 4th of March next.

MILLARD FILLMORE.

WASHINGTON, *February 28, 1853.**To the Senate of the United States:*

In answer to the resolution of the Senate of the 17th January last, requesting information in regard to the fisheries on the coasts of the British North American Provinces, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *February 28, 1853.*

*To the Senate of the United States:*

I herewith transmit, for the consideration and advice of the Senate, a treaty recently entered into with the Apache Indians in New Mexico by Colonel Sumner and Mr. Greiner, acting on behalf of the United States, together with the letter of Colonel Sumner on the subject of the treaty and reports thereon from the Commissioner of Indian Affairs and the Secretary of the Interior.

MILLARD FILLMORE.

## PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

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

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

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

MILLARD FILLMORE.

By the President:

EDWARD EVERETT,  
*Secretary of State.*