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BY DAVID OVER.

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PRESIDENT'S MESSAGE.

[CONCLUDED.]

In regard to the Tehuantepec route, which has been recently opened under the most favorable auspices, our treaty with Mexico of the 30th December 1853, secures to the citizens of the United States a right of transit over it for their persons and merchandise, and stipulates that neither government shall interpose any obstacle thereto. It also concedes to the U. States the "the right to transport across the Isthmus, in closed bags, the mails of the U. States not intended for distribution along the line of the communication; also, the effects of the United States government and its citizens which may be intended for transit, and not for distribution on the Isthmus free of custom-house or other charges by the Mexican government."

These treaty stipulations with New Granada and Mexico, in addition to the considerations applicable to the Nicaragua route, seem to require legislation for the purpose of carrying them into effect.

The injuries which have been inflicted upon our citizens in Costa Rica and Nicaragua, during the last two or three years, have received the prompt attention of this government. Some of these injuries were of the most aggravated character. The transaction at Virgin Bay in April, 1856, when a company of unarmed Americans, who were in no way connected with any belligerent conduct or party, were fired upon by the troops of Costa Rica, and numbers of them killed and wounded, was brought to the knowledge of Congress by my predecessor soon after its occurrence, and was also presented to the government of Costa Rica, for that immediate investigation and redress which the nature of the case demanded.

A similar course was pursued with reference to other outrages in these countries, some of which were hardly less aggravated in their character than the transaction at Virgin Bay. At the time, however when our present Minister to Nicaragua was appointed, in December, 1857, no redress had been obtained for any of these wrongs, and no reply even had been received to the demands which had been made by this government upon that of Costa Rica, more than a year before. Our Minister was instructed, therefore, to lose no time in expressing to those governments the deep regret with which the President had witnessed this inattention to the just claims of the United States, and in demanding their prompt and satisfactory adjustment. Unless this demand shall be complied with at an early day, it will only remain for this government to adopt such other measures as may be necessary, in order to obtain for itself that justice which it has in vain attempted to secure by peaceful means from the governments of Nicaragua and Costa Rica. While it has shown, and will continue to show, the most sincere regard for the rights and honor of these republics, it cannot permit this regard to be met by an utter neglect, on their part, of what is due to the government and citizens of the United States.

Against New Granada we have long-standing causes of complaint, arising out of the unsatisfied claims of our citizens upon that republic; and to these have been more recently added the outrages committed upon our citizens at Panama in April, 1856. A treaty for the adjustment of these difficulties, was concluded by the Secretary of State and the Minister of New Granada, in September, 1857, which contained just and acceptable provisions for that purpose. This treaty was transmitted to Congress, and was ratified by the government of New Granada, but with certain amendments. It was not, however, returned to this city until after the close of the last session of the Senate. It will be immediately transmitted to that body for their advice and consent; and should this be obtained, it will remove all our existing causes of complaint against New Granada on the subject of claims.

Questions have arisen between the two governments, as to the right of New Granada to levy a tonnage duty upon the vessels of the U. States in its ports of the Isthmus, and to levy a passenger tax upon our citizens arriving in that country, whether with a design to remain there or to pass from ocean to ocean by the transit route; and also a tax upon the mail of the United States transported over the Panama railroad. The government of New Granada has been informed, that the United States would consider the collection of either of these taxes, as an act in violation of the treaty between the two countries, and as such would be resisted by the United States. At the same time, we are prepared to discuss these questions in a spirit of amity and justice, and with a sincere desire to adjust them in a satisfactory manner. A negotiation for that purpose has already been commenced. No effort has recently been made to collect these taxes, nor is any anticipated under present circumstances.

With the empire of Brazil our relations are of the most friendly character. The productions of the two countries, and especially those of an agricultural nature, are such as to invite extensive mutual exchanges. A large quantity of American flour is consumed in Brazil; whilst more than treble the amount in value of Brazilian coffee is consumed in the U. States. Whilst this is the case, a heavy duty has been levied, until very recently, upon the importation of American flour into Brazil. I am gratified, however, to be able to inform you that in September last this has been reduced from \$1.32 to about 49 cents per barrel, and the duties on other articles of our production have been diminished in nearly the same proportion.

I regret to state that the government of Brazil still continues to levy an export duty of about 11 per cent. on coffee, notwithstanding this article is admitted free from duty in the U. States. This is a heavy charge upon the consumers of coffee in our country, as we pur-

chase half of the entire surplus crop of that article raised in Brazil. Our minister, under instructions, will reiterate his efforts to have this export duty removed; and it is hoped that the enlightened government of the emperor will adopt this wise, just, and equal policy. In that event, there is good reason to believe that the commerce between the two countries will greatly increase, much to the advantage of both.

The claims of our citizens against the government of Brazil are not, in the aggregate, of very large amount; but some of these rest upon plain principles of justice, and their settlement ought not to be longer delayed. A renewed and earnest, and I trust a successful effort, will be made by our minister to procure their final adjustment.

On the 24 of June last, Congress passed a joint resolution authorizing the President "to adopt such measures and use such force as, in his judgment, may be necessary and advisable," "for the purpose of adjusting the differences between the U. States and the republic of Paraguay, in connexion with the attack on the U. States steamer Water Witch, and with other measures referred to" in his annual message. And on the 12th July following, they made an appropriation to defray the expenses and compensation of a commissioner to that republic, should the President deem it proper to make such an appointment.

In compliance with these enactments, I have appointed a commissioner, who has proceeded to Paraguay, with full powers and instructions to settle these differences in an amicable and peaceful manner, if this be practicable. His experience and discretion justify the hope, that he may prove successful in convincing the Paraguayan government, that it is due both to honor and justice, that they should voluntarily and promptly make amends for the wrongs which they have committed against the United States, and indemnify our injured citizens whom they have forcibly despoiled of their property.

Should our commissioner prove unsuccessful, after a sincere and earnest effort, to accomplish the object of his mission, then no alternative will remain, but the employment of force to obtain "just satisfaction" from Paraguay. In view of this contingency, the Secretary of the Navy, under my direction, has fitted out and despatched a naval force, to rendezvous near Buenos Ayres, which, it is believed, will prove sufficient for the occasion. It is my earnest desire, however, that it may not be found necessary to resort to this last alternative.

When Congress met in December last, the business of the country had just been crushed, by one of those periodical revulsions, which are the inevitable consequence of our unsound and extravagant system of bank credits and inflated currency. With all the elements of national wealth in abundance, our manufactures were suspended, our useful public and private enterprises were arrested, and thousands of laborers were deprived of employment and reduced to want. Universal distress prevailed among the commercial, manufacturing, and mechanical classes.

This revulsion was felt the more severely in the U. States, because similar causes had produced the like deplorable effect throughout the commercial nations of Europe. All were experiencing sad reverses at the same moment. Our manufacturers everywhere suffered severely, not because of the recent reduction in the tariff of duties on imports, but because there was no demand at any price for their productions. The people were obliged to restrict themselves, in their purchases, to articles of prime necessity. In the general prostration of business, the iron manufacturers in different States probably suffered more than any other class, and much destitution was the inevitable consequence, among the great number of workmen who had been employed in this useful branch of our industry. There could be no supply where there was no demand. To present an example, there could be no demand for railroad iron, after our magnificent system of railroads, extending its benefits to every portion of the Union, had been brought to a dead pause. The same consequences have resulted from similar causes to many other branches of useful manufactures. It is self-evident that where there is no ability to purchase manufactured articles, these cannot be sold, and consequently must cease to be produced.

No government, and especially a government of such limited powers as that of the U. States, could have prevented the late revulsion. The whole commercial world seemed for years to have been rushing to this catastrophe. The same ruinous consequences would have followed in the U. States, whether the duties upon foreign imports had remained as they were under the tariff of 1846, or had been raised to a much higher standard. The tariff of 1857 had no agency in the result. The general causes existing throughout the world, could not have been controlled by the legislation of any particular country.

The periodical revulsions which have existed in our past history, must continue to return at intervals, so long as our present unbounded system of bank credits shall prevail. They will, however, probably be less severe in the future; because it is not to be expected, at least for many years to come, that the commercial nations of Europe, with whose interests our own are so materially involved, will expose themselves to similar calamities. But this subject was treated so much at large in my last annual message that I shall not pursue it further. Still, I respectfully renew the recommendation, in favor of the passage of a uniform bankrupt law, applicable to banking institutions. This is all the power over the subject which, I believe, the federal government possesses. Such a law would mitigate, though it might not prevent the evil. The instinct of self-preservation might produce a wholesome restraint upon their banking business, if they knew in

advance, that a suspension of specie payments would inevitably produce their civil death.

But the effects of the revulsion are now slowly but surely passing away. The energy and enterprise of our own unbounded resources, will, within the period of another year, restore a state of wholesome industry and trade. Capital has again accumulated in our large cities. The rate of interest is there very low. Confidence is gradually reviving, and so soon as it is discovered that this capital can be profitably employed in commercial and manufacturing enterprises, and in the construction of railroads and other works of public and private improvement, prosperity will again smile throughout the land. It is vain, however, to disguise the fact from ourselves, that a speculative inflation of our currency, without a corresponding inflation in other countries whose manufactures come into competition with our own, must ever produce disastrous results to our domestic manufactures. No tariff, short of absolute prohibition, can prevent these evil consequences.

In connexion with this subject, it is proper to refer to our financial condition. The same causes which have produced pecuniary distress throughout the country, have so reduced the amount of imports from foreign countries, that the revenue has proved inadequate to meet the necessary expenses of the government. To supply the deficiency, Congress, by the act of the 23d of December, 1857, authorized the issue of \$20,000,000 of treasury notes; and this proving inadequate, they authorized, by the act of June 14th, 1858, a loan of \$20,000,000 "to be applied to the payment of appropriations made by law."

No statesman would advise, that we should go on increasing the national debt to meet the ordinary expenses of the government. This would be a most ruinous policy. In case of war, our credit must be our chief resource, at least for the first year, and this would be greatly impaired by having contracted a large debt in time of peace. It is our true policy, to increase our revenue so as to equal our expenditures. It would be ruinous to continue to borrow. Besides, it may be proper to observe, that the incidental protection, thus afforded by a revenue tariff, would at the present moment, to some extent, increase the confidence of the manufacturing interests, and give a fresh impulse to our reviving business. To this, surely, no person will object.

In regard to the mode of assessing and collecting duties under a strictly revenue tariff, I have long entertained and often expressed the opinion, that sound policy requires this should be done by specific duties, in cases to which these can be properly applied. They are well adapted to commodities which are usually sold by weight or measure, and which, from their nature, are of equal or of nearly equal value. Such, for example, are the articles of iron of different classes, raw sugar, and foreign wines and spirits.

In my deliberate judgment, specific duties are the best, if not the only means of securing the revenue against false and fraudulent invoices, and such has been the practice adopted for this purpose by other commercial nations. Besides, specific duties would afford to the American manufacturer the incidental advantages to which he is fairly entitled under a revenue tariff. The present system is a sliding scale to his disadvantage. Under it, when prices are high and business prosperous, the duties rise in amount when he least requires their aid. On the contrary, when prices fall, and he is struggling against adversity, the duties are diminished in the same proportion, greatly to his injury.

Neither would there be danger that a higher rate of duty than that intended by Congress, could be levied in the form of specific duties. It would be easy to ascertain the average value of any imported article for a series of years, and instead of subjecting it to an *ad valorem* duty at a certain rate per centum, to substitute in its place an equivalent specific duty.

By such an arrangement the consumer would not be injured. It is true, he might have to pay a little more duty on a given article in one year; but if so, he would pay a little less in another, and in a series of years these would counterbalance each other, and amount to the same thing, so far as his interest is concerned. This inconvenience would be trifling, when compared with the additional security thus afforded against frauds upon the revenue, in which every consumer is directly interested.

I have thrown out these suggestions as the fruit of my own observation, to which Congress, in their better judgment, will give such weight as they may justly deserve.

The report of the Secretary of the Treasury will explain in detail the operations of that department of the government. The receipts into the treasury from all sources during the fiscal year ending 30th June, 1858, including the treasury notes authorized by the act of December 23d, 1857, were seventy million two hundred and seventy-three thousand eight hundred and sixty-nine dollars and fifty-nine cents, (\$70,273,869 59), which amount, with the balance of seventeen million seven hundred and ten thousand one hundred and fourteen dollars and twenty-seven cents, (17,710,114 27) remaining in the treasury at the commencement of the year, made an aggregate for the service of the year of eighty-seven million nine hundred and eighty-three thousand nine hundred and eighty-three dollars and eighty-six cents, (\$87,983,983 86).

The public expenditures during the fiscal year ending June 30, 1858, amounted to eighty-one million five hundred and eighty-five thousand six hundred and sixty-seven dollars and seventy-six cents, (\$81,585,667 76), of which nine million six hundred and eighty-four thousand five hundred and thirty-seven dollars and ninety-nine cents, (\$9,684,537 99) were applied to the payment of the public debt, and the redemption of treasury notes with the

interest thereon, leaving in the treasury on July 1, 1858, being the commencement of the present fiscal year, six million three hundred and ninety-eight thousand three hundred and sixteen dollars and ten cents, (\$6,398,316 10).

The receipts into the treasury, during the first quarter of the present fiscal year, commencing the 1st July, 1858, including one-half of the loan of twenty millions of dollars, with the premium upon upon it, authorized by the act of 14th June, 1858, were twenty-five million two hundred and thirty thousand eight hundred and seventy-nine dollars and forty-six cents, (\$25,230,879 46) and the estimated receipts for the remaining three quarters to the 30th June, 1859, from ordinary sources, are thirty-eight million five hundred thousand dollars, (\$38,500,000), making, with the balance before stated, an aggregate of seventy-million one hundred and twenty-nine thousand one hundred and ninety-five dollars and fifty-six cents, (70,129,195 56).

The expenditures, during the first quarter of the present fiscal year, were twenty-one million seven hundred and eight thousand one hundred and ninety-eight dollars and fifty cents, (\$21,708,198 51), of which one million and ten thousand one hundred and forty-two dollars and thirty-seven cents, (\$1,010,142 27) were applied to the payment of the public debt and the redemption of treasury notes and the interest thereon. The estimated expenditures, during the remaining three quarters to 30th June, 1859, are fifty-two million three hundred and fifty seven thousand six hundred and ninety-eight dollars and forty-eight cents, (\$52,357,698 48), making an aggregate of seventy-four million six thousand six hundred and ninety-six dollars and ninety-nine cents, (\$74,965,896 99), being an excess of expenditure, beyond the estimated receipts into the treasury from ordinary sources, during the fiscal year to the 30th June, 1859 of three million nine hundred and thirty six thousand seven hundred and one dollar and forty three cents, (\$3,937,701 43). Extraordinary means are placed by law within the command of the Secretary of the Treasury, by the reissue of treasury notes redeemed, and by negotiating the balance of the loan authorized by the act of 14th June, 1858, to the extent of eleven millions of dollars, which, if realized during the present fiscal year, will leave a balance in the treasury, on the first day of July, 1859, of seven million six hundred and thirty three thousand two hundred and eighty-eight dollars and fifty seven cents, (\$7,633,228 07).

The estimated receipts during the next fiscal year ending 30th June, 1860, are sixty two millions of dollars, (\$62,000,000), which, with the above estimated balance of seven million six hundred and thirty three thousand two hundred and eighty eight dollars and fifty seven cents, (7,633,228 07) make an aggregate for the service of the next fiscal year, of sixty nine million six hundred and thirty three thousand two hundred and ninety eight dollars and fifty seven cents, (\$69,633,228 07). The estimated expenditures during the next fiscal year ending 30th June, 1860, are seventy three million one hundred and thirty nine thousand one hundred and forty seven dollars and forty six cents, (73,139,147 46), which leave a deficit of estimated means, compared with the estimated expenditures for that year, commencing on the 1st of July, 1859, of four million and seventy five thousand eight hundred and forty eight dollars and eighty nine cents, (\$4,475,848 89).

In addition to this sum, the Postmaster General will require from the treasury, for the service of the Post Office Department, three million eight hundred and thirty eight thousand seven hundred and twenty eight dollars (\$3,838,728), as explained in the report of the Secretary of the Treasury, which will increase the estimated deficit on the 30th June, 1860, to seven million nine hundred and fourteen thousand five hundred and seventy six dollars and eighty nine cents, (\$7,914,576 89). To provide for the payment of this estimated deficiency, which will be increased by such appropriations as may be made by Congress, estimated for in the report of the Treasury Department, as well as to provide for the gradual redemption, from year to year, of the outstanding treasury notes, the Secretary of the Treasury recommends such a revision of the present tariff as will raise the required amount. After what I have already said, I need scarcely add that I concur in the opinion expressed in his report—that the public debt should not be increased by an additional loan, and would therefore strongly urge upon Congress the duty of making, at their present session, the necessary provision for meeting these liabilities.

The public debt on the 1st July, 1858, the commencement of the present fiscal year, was \$25,155,977 66. During the first quarter of the present year, the sum of \$10,000,000 has been negotiated in the loan authorized by the act of 14th June 1858—making the present outstanding public debt, exclusive of treasury notes, \$35,155,977 66. There was on the 1st July, 1858, of treasury notes issued by authority of the act of December 23, 1857, unredeemed, the sum of \$19,754,800—making the amount of actual indebtedness, at that date, \$54,910,777 66. To this will be added \$10,000,000 during the present fiscal year—this being the remaining half of the loan of \$20,000,000 not yet negotiated.

The rapid increase of the public debt, and the necessity which exists for a modification of the tariff, to meet even the ordinary expenses of the government, ought to admonish us all, in our respective spheres of duty, to the exercise of rigid economy. The objects of expenditure should be limited in number, as far as possible, and the appropriations should be disbursed under the strictest accountability. Enlightened economy does not consist in the refusal to appropriate money for constitutional purposes, essential to the defence, pro-

gress and prosperity of the republic, but in taking care that none of this money shall be wasted by mismanagement, in its application to the objects designated by law.

Comparisons between the annual expenditure at the present time, and what it was ten or twenty years ago, are altogether fallacious. The rapid increase of our country in extent and population, renders a corresponding increase of expenditure, to some extent, unavoidable. This is constantly creating new objects of expenditure, and augmenting the amount required for the old. The true questions, then, are, have these objects been unnecessarily multiplied? or, has the amount expended upon any or all of them, been larger than comports with due economy? In accordance with these principles, the heads of the different executive departments of the government have been instructed to reduce their estimates for the next fiscal year to the lowest standard consistent with the efficiency of the service, and this duty they have performed in a spirit of just economy.

The estimates of the Treasury, War, Navy and Interior Departments, have each been in some degree reduced; and unless a sudden and unforeseen emergency should arise, it is not anticipated that a deficiency will exist in either within the present or the next fiscal year. The Post-office Department is placed in a peculiar position, different from the other departments, and to this I shall hereafter refer.

I invite Congress to institute a rigid scrutiny to ascertain whether the expenses in all the departments cannot be still further reduced; and I promise them all the aid in my power in pursuing the investigation.

I transmit herewith the reports made to me by the Secretaries of War, of the Navy, of the Interior, and of the Postmaster General. They each contain valuable information and important recommendations, to which I invite the attention of Congress.

In my last annual message, I took occasion to recommend the immediate construction of ten small steamers, of light draught, for the purpose of increasing the efficiency of the navy. Congress responded to the recommendation, by authorizing the construction of eight of them. The progress which has been made in executing this authority, is stated in the report of the Secretary of the Navy. I concur with him in the opinion, that a greater number of this class of vessels is necessary, for the purpose of protecting in a more efficient manner the persons and property of American citizens on the high seas, and in foreign countries, as well as in guarding more effectually our own coasts. I accordingly recommend the passage of an act for this purpose.

The suggestions contained in the report of the Secretary of the Interior, especially those in regard to the disposition of the public domain, the pension and bounty land system, the policy towards the Indians, and the amendment of our patent laws, are worthy of the serious consideration of Congress.

The Post Office Department occupies a position very different from that of the other departments. For many years it was the policy of the government to render this self-sustaining department; and if this cannot now be accomplished, in the present condition of the country, we ought to make as near an approach to it as may be practicable.

The Postmaster General is placed in a most embarrassing position by the existing laws. He is obliged to carry these into effect. He has no other alternative. He finds, however, that this cannot be done without heavy demands on the treasury over and above what he receives for postage; and these have been progressively increasing from year to year until they amounted for the last fiscal year ending on the 30th June, 1858, to more than four millions and a half of dollars; whilst it is estimated that for the present fiscal year they will amount to \$6,290,000. The sums are exclusive of the U. S. annual appropriation of \$700,000 for "compensation for the mail service performed for the two houses of Congress and the other departments and officers of the government in the transportation of free matter."

The cause of these large deficits is mainly attributable to the increased expense of transporting the mails. In 1852 the sum paid for this service was but a fraction above the four millions and a quarter. Since that year it has annually increased until in 1858 it has reached more than eight millions and a quarter, and for the service of 1859, it is estimated that it will amount to more than ten millions of dollars.

The receipts of the Post Office Department can be made to approach, or to equal its expenditure, only by means of the legislation of Congress. In applying any remedy, care should be taken that the people shall not be deprived of the advantages, which they are fairly entitled to enjoy from the Post Office Department. The principal remedies recommended to the consideration of Congress by the Postmaster-General, are to restore the former rate of postage upon single letters to five cents; to substitute for the franking privilege the delivery to those now entitled to enjoy it, of post office stamps for their correspondence, and to direct the department, in making contracts for the transportation of the mail, to confine itself to the payment of the sum necessary for this single purpose, without requiring it to be transported in post coaches or carriages of any particular description. Under the present system, the expense to the government is greatly increased, by requiring that the mail shall be carried in such vehicles as will accommodate passengers. This will be done without pay from the department, over all roads where the travel will remunerate the contractors.

These recommendations deserve the grave consideration of Congress. I would again call your attention to the construction of a Pacific railroad. Time and reflection have but served to confirm me in the truth and justice of the observations which I

made on this subject, in my last annual message, to which I beg most respectfully to refer.

It is freely admitted that it would be inexpedient for this government to exercise the power of constructing the Pacific railroad by its own immediate agents. Such a policy would increase the patronage of the executive to a dangerous extent, and introduce a system of jobbing and corruption, which no vigilance on the part of federal officials, could either prevent or detect. This can only be done by the keen eye, and the active and careful supervision of individual and private interest.

The construction of the road ought, therefore, to be committed to companies incorporated by the States, or other agencies whose pecuniary interests would be directly involved. Congress might then assist them in the work by grants of land or of money, or both, under such conditions and restriction as would secure the transportation of troops and munitions of war free from any charge, and that of the U. States mail at a fair and reasonable price.

The progress of events since the commencement of your last session, has shown how soon difficulties disappear before a firm and determined resolution. At that time, such a road was deemed by wise and patriotic men to be a visionary project. The great distance to be overcome, and the intervening mountains and deserts in the way, were obstacles which, in the opinion of many, could not be surmounted. Now, after the lapse of but a single year, these obstacles, it has been discovered, are far less formidable than they were supposed to be; and mail stages, with passengers, now pass and re-pass regularly, twice in each week, by a common wagon road between San Francisco and St. Louis and Memphis, in less than twenty-five days. The service has been as regularly performed, as it was, in former years, between N. York and this city.

Whilst disclaiming all authority to appropriate money for the construction of this road, except that derived from the war-making power of the constitution, there are important collateral considerations urging us to undertake the work as speedily as possible.

The first and most momentous of these is, that such a road would be a powerful bond of union between the States east and west of the Rocky mountains. This is so self-evident as to require no illustration.

But again, in a commercial point of view, I consider this the great question of the day. With the eastern front of our republic stretching along the Atlantic, and its western front along the Pacific, if all the parts should be united by a safe, easy, and rapid intercommunication, we must necessarily command a very large proportion of the trade both of Europe and Asia.

Our recent treaties with China and Japan will open these rich and populous empires to our commerce; and the history of the world proves that the nation which has gained possession of the trade with Eastern Asia, has always become wealthy and powerful. The peculiar geographical position of California and our Pacific possessions invites American capital and enterprise into this fruitful field. To reap the harvest here, however, it is an indispensable prerequisite, that we shall first have a railroad to convey and circulate its products throughout every portion of the Union. Besides, such a railway through our temperate latitude, which would not be impeded by the frosts and snows of winter, nor by the tropical heats of summer, would attract to itself much of the travel and the trade of all nations passing between Europe and Asia.

On the 21st of August last, Lieut. J. N. Maffit, of the U. S. brig Dolphin, captured the slave ship "Rebo," (formerly the Putnam of New Orleans), near Key Verde, on the coast of Cuba, with more than three hundred African negroes on board. The prize, under the command of Lieut. Bradford of the United States navy, arrived at Charleston on the 27th August; when the negroes, three hundred and six in number, were delivered into the custody of the U. S. marshal for the district of South Carolina. They were placed in Castle Pinckney, and afterwards in Fort Sumpter, for safe-keeping, and were detained there until the 19th September, when the survivors, two hundred and seventy-one in number, were delivered on board the U. S. steamer Niagara, to be transported to the coast of Africa, under the charge of the agent of the U. States, pursuant to the provisions of the 3d March, 1819, "in addition to the acts prohibiting the slave trade." Under the 2d section of this act, the President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limit of the U. States, of all such negroes, mulattoes or persons of color, captured by vessels of the U. States, as may be delivered to the marshal of the district into which they are brought; and to appoint a proper person or persons residing upon the coast of Africa, as agent or agents for receiving the negroes, mulattoes or persons of color, delivered from on board vessels seized in the prosecution of the slave trade by commanders of the U. S. armed vessels.

A doubt immediately arose as to the true construction of this act. It is quite clear from its terms that the President was authorized to provide for the safe-keeping, support, and removal of these negroes up till the time of their delivery to the agent on the coast of Africa; but no express provision was made for their protection and support after they had reached the place of their destination. Still, an agent was to be appointed to receive them in Africa; and it could not have been supposed that Congress intended he should desert them at the moment they were received, and turn them loose on that inhospitable coast to perish for want of food, or to become again the victims of the slave trade. Had this been the intention of Congress, the employment of an agent to re-

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