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WILLIAM LEWIS,

—PERSEVERE—

Editor and Proprietor.

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justice which is inherent in our people, that the property in slaves has never disturbed to my knowledge, in any of the Territories. Even throughout the late troubles in Kansas there has not been any attempt, as I am credibly informed, to interfere, in a single instance, with the right of the master. Had any such attempt been made, the judiciary would doubtless have afforded an adequate remedy. Should they fail to do this hereafter, it will then be time enough to strengthen their hands by further legislation. Had it been decided that either Congress or the territorial legislature possess the power to annul or impair the right to property in slaves, the evil would be intolerable. In the latter event, there would be a struggle for a majority of the members of the legislature at each successive election, and the sacred rights of property held under the Federal Constitution would depend for the time being on the result. The agitation would thus be rendered incessant whilst the territorial condition remained, and its baneful influence would keep alive a dangerous excitement among the people of the several States.

Thus has the status of a Territory, during the intermediate period from its first settlement, until it shall become a State, been irrevocably fixed by the final decision of the Supreme Court. Fortunate has this been for the prosperity of the Territories, as well as for the tranquility of the States. Now, emigrants from the North and the South, the East and the West, will meet in the Territories on a common platform, having brought with them that species of property best adapted, in their own opinion, to promote their welfare. From natural causes the slavery question will in each case soon virtually settle itself; and before the Territory is prepared for admission as a State into the Union, this decision, one way or the other, will have been a foregone conclusion. Meanwhile the settlement of the new Territory will proceed without serious interruption, and its progress and prosperity will not be endangered or retarded by violent political struggles.

When in the progress of events the inhabitants of any Territory shall have reached the number required to form a State, they will then proceed, in a regular manner, and in the exercise of the rights of popular sovereignty, to form a constitution preparatory to admission into the Union. After this has been done, to employ the language of the Kansas and Nebraska act, they "shall be received into the Union with or without slavery, as their constitution may prescribe to the satisfaction of Congress." This sound principle has happily been recognized, in some form or other, by an almost unanimous vote of both houses of the late Congress.

All lawful means at my command have been employed, and shall continue to be employed, to execute the laws against the African slave-trade. After a most careful and rigorous examination of our coasts, and a thorough investigation of the subject, we have not been able to discover that any slaves have been imported into the United States except by the way of the Wanderer, numbering between three and four hundred. Those engaged in this unlawful enterprise have been rigorously prosecuted; but not with as much success as their crimes have deserved. A number of them are still under prosecution.

Our history proves that the Fathers of the Republic, in advance of all other nations, condemned the African slave trade. It was, notwithstanding, deemed expedient by the framers of the Constitution to deprive Congress of the power to prohibit "the migration or importation of such persons as any of the States now existing shall think proper to admit," prior to the year one thousand eight hundred and eight.

It will be seen that this restriction on the power of Congress was confined to such States only as might think proper to admit the importation of slaves. It did not extend to the other States or to the trade carried on abroad. Accordingly, we find that so early as the 22d March, 1794, Congress passed "an act to prohibit the entry of and punishments upon citizens and residents of the United States who should engage in this trade between foreign nations." The provisions of this act were extended and enforced by the act of 10th of May, 1800.

Again: The States themselves had a clear right to waive the constitutional privilege intended for their benefit, and to prohibit, by their own laws, this trade at any time they thought proper previous to 1808. Several of them exercised this right before that period, and among them some containing the greatest number of slaves. This gave to Congress the power to prohibit "the migration or importation of such persons as any of the States, because they themselves had removed the constitutional barrier. Congress accordingly passed an act on 28th February, 1803, "to prevent the importation of certain persons into certain States where, by the laws thereof, their admission is prohibited." In this manner the importation of African slaves into the United States was, to a great extent, prohibited some years in advance of 1808.

The year 1808 approached, Congress determined not to suffer this trade to exist even for a day after they had the power to abolish it. On the 2d of March, 1807, they passed an act to take effect "from and after the 1st of January, 1808," prohibiting the importation of African slaves into the United States. This was followed by subsequent acts of a similar character, to which I need not specially refer. Such were the principles and the practice of our ancestors more than fifty years ago in regard to the African slave trade.

It did not occur to the revered patriots who had been delegates to the convention, and afterwards became members of Congress, that in passing these laws they had violated the Constitution which they had framed with so much care and deliberation. They supposed that to prohibit Congress, in express terms, from exercising a specified power before an appointed day, necessarily involved the right to exercise this power after that day had arrived.

If this were not the case, the framers of the Constitution had expended much labor in vain. Had they imagined that Congress

would possess no power to prohibit the trade either before or after 1808, they would not have taken so much care to protect the States against the exercise of this power before that period. Nay more, they would not have attached such vast importance to this provision as to have excluded it from the possibility of future repeal or amendment, to which other portions of the Constitution were exposed. It would then have been wholly unnecessary to engrave on the fifth article of the Constitution, prescribing the mode of its own future amendment, the proviso, "that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect" the provision in the Constitution, securing to the States the right to admit the importation of African slaves previous to that period.

According to the adverse construction, the clause itself, on which so much care and discussion had been employed by the members of the convention, was an absolute nullity from the beginning, and all that has since been done under it a mere usurpation.

It was well and wise to confer this power on Congress, because, had it been left to the States, its efficient exercise would have been impossible. In that event any one State could have effectually continued the trade not only for itself but for all the other States, though never so much against their will. And why? Because African slaves, when once brought within the limits of any one State, in accordance with its laws, cannot practically be excluded from any other State where slavery exists. And even if all the States had separately passed laws prohibiting the importation of slaves, these laws would have failed of effect for want of a naval force to capture the slavers and to guard the coasts. Such a force no State can undertake at the time of peace without the consent of Congress.

These acts of Congress, it is believed, have with very rare and insignificant exceptions, accomplished their purpose. For a period of more than half a century there has been no perceptible addition to the number of our domestic slaves. During this period their advancement in civilization has far surpassed that of any other portion of the African race. The light and the blessings of Christianity have been extended to them, and both their moral and physical condition has been greatly improved.

Re-open the trade, and it would be difficult to determine whether the effect would be more deleterious to the interests of the master or to those native-born slaves. Of the evils to the master, the one most to be dreaded, would be the introduction of wild, headstrong, and ignorant barbarians among the sober, orderly, and quiet slaves, whose ancestors have been on the soil for generations.—This might tend to barbarize, demoralize, and exasperate the whole mass, and produce most deplorable consequences.

The effect upon the existing slave would, if possible, be still more deplorable. At present he is treated with kindness and humanity. He is well fed, well clothed, and not over-worked. His condition is incomparably better than that of the coolies which modern nations of high civilization have employed as a substitute for African slaves.—Both the philanthropy and self-interest of the master, have combined to produce this humane result. But let this trade be re-opened, and what will be the effect? The same, to a considerable extent, as on a neighboring island—the only spot now on which where the African slave trade is openly tolerated; and this in defiance of solemn treaties with a power abundantly able at any moment to enforce their execution. There the master, intent upon present gain, extorts from the slaves as much labor as his physical powers are capable of enduring—knowing that, when death comes to his relief, his place can be supplied at a price reduced to the lowest point by the competition of rival African slave-traders. Should this ever be the case in our country—which I do not deem possible—the present useful character of the domestic institutions, wherein those too old and too young to work, are provided for with care and humanity, and those capable of labor are not over-tasked, would undergo an unfortunate change. The feeling of reciprocal dependence and attachment, which now exists between master and slave would be converted into mutual distrust and hostility.

But we are obliged as a Christian and moral nation, to consider that it would be the African slave happy Africa itself, if we should re-open the slave trade. This would give the trade an impulse and extension which it has never had even in its palmiest days. The numerous victims required to supply it, would convert the whole slave coast into a private Pandemonium, for which this country would be held responsible in the eyes of both God and man. Its petty tribes would then be constantly engaged in predatory wars against each other, for the purpose of seizing slaves to supply the American market. All hopes of African civilization would thus be ended.

On the other hand, when a market for African slaves shall no longer be furnished in Cuba, and thus all the world be closed against this trade, we may then indulge a reasonable hope for the gradual improvement of Africa. The chief motive of war among the tribes will cease whenever there is no longer any demand for slaves. The resources of that fertile but miserable country might then be developed by the hand of industry, and afford subjects for legitimate foreign and domestic commerce. In this manner Christianity and civilization may gradually penetrate the existing gloom.

The wisdom of the course pursued by the Government towards China has been vindicated by the event. Whilst we sustained a neutral position in the war waged by Great Britain and France against the Chinese empire, our late minister, in obedience to his instructions, judiciously co-operated with the ministers of these powers in all peaceful measures to secure by treaty the just concessions demanded by the interests of foreign commerce. The result is that satisfactory

treaties have been concluded with China by the respective ministers of the United States, Great Britain, France and Russia. Our "trade and commerce" with that empire was "renewed" by a general convention of peace, amity, and commerce, which that empire was concluded at Tientsin on the 18th June, 1858, and was ratified by the President, by and with the advice and consent of the Senate, on the 21st December following.

On the 15th December, 1858, John E. Ward, a distinguished citizen of Georgia, was duly commissioned as Envoy Extraordinary and Minister Plenipotentiary to China. He left the United States for the place of his destination on the 5th of February, 1859, bearing with him the ratified copy of this treaty, and arrived at Shanghai on the 28th May. From thence he proceeded to Peking on the 16th June, but did not arrive in that city until the 27th July. According to the terms of the treaty the ratifications were to be exchanged on or before the 18th June, 1859. This was rendered impossible by reasons and events beyond his control, not necessary to detail; but still it is due to the Chinese authorities at Shanghai to state that they always assured him no advantage should be taken of the delay, and this pledge has been faithfully redeemed.

On the arrival of Mr. Ward at Peking he requested an audience of the Emperor to present his letter of credence. This he did not obtain, in consequence of his very proper refusal to the humiliating ceremonies required by the etiquette of this strange people in approaching their sovereign. Nevertheless the interviews on this question were conducted in the most friendly spirit and with all due regard to his personal feelings and the honor of his country. When a presentation to his Majesty was found impossible, the letter of credence from the President was received with peculiar honors by Kweliang, "the Emperor's prime minister and the second man in the empire to the Emperor himself." The ratifications of the treaty were afterwards, on the 16th of August, exchanged in person at Peking. As the exchange did not take place until after the day prescribed by the treaty, it is deemed proper, before its publication, again to submit it to the Senate.

It is but simple justice to the Chinese authorities to observe, that throughout the whole transaction, they appear to have acted in good faith and in a friendly spirit towards the United States. It is true this has been done in their own peculiar fashion; but we ought to regard with a lenient eye the ancient customs of an empire dating back for thousands of years, so many of the conventions of our national honor. The conduct of our minister on the occasion has received my entire approbation.

In order to carry out the spirit of this treaty, and to give it full effect, it became necessary to conclude two supplemental conventions—the one for the adjustment and satisfaction of the claims of our citizens, and the other to fix the tariff on imports and exports, and to regulate the transit duties and trade of our merchants with China. This duty was satisfactorily performed by our late minister. These conventions bear date at Shanghai on the 8th November, 1858.—Having been considered in the light of binding agreements subsidiary to the principal treaty, and to be carried into execution without delay, they do not provide for any formal ratification or exchange of ratifications by the contracting parties. This was not deemed necessary by the Chinese, who are already proceeding in good faith to satisfy the claims of our citizens, and, it is hoped, to carry out the provisions of the conventions. Still, I thought it was proper to submit them to the Senate, by which they were ratified on the 3d March, 1859. The ratified copies, however did not reach Shanghai until after the departure of our minister to Peking, and these conventions could not, therefore, be exchanged at the same time with the principal treaty. No doubt is entertained that they will be ratified and exchanged by the Chinese government, should this be thought advisable. I shall consider them binding engagements from their date on both parties, and cause them to be published as such for the information and guidance of our merchants trading with the Chinese empire.

It affords me much satisfaction to inform you that all our difficulties with the republic of Paraguay have been satisfactorily adjusted. It happily did not become necessary to employ the force which Congress had placed at my command, unless the contrary, the President of that republic, in a friendly spirit, acceded promptly to the just and reasonable demands of the Government of the United States. Our commissioner arrived at Assumption, the capital of the republic, on the 25th of January, 1859, and left on the 17th of February, having in three weeks ably and successfully accomplished all the objects of his mission. The treaties which he has concluded will be immediately submitted to the Senate.

In the view that the employment of other than peaceful means might become necessary to obtain "just satisfaction" from Paraguay, a strong naval force was concentrated in the waters of the La Plata to await contingencies, whilst our commissioner ascended the rivers to Assumption. The Naval Department is entitled to great credit for the promptness, efficiency, and economy with which this expedition was fitted out and conducted. It consisted of nineteen armed vessels, great and small, carrying 200 guns and 2,500 men, all under the command of the veteran and gallant Shubrick. The entire expenses of the expedition have been defrayed out of the ordinary appropriations for the naval service, except the sum of \$289,000, applied to the purchase of seven of the steamers, constituting a part of it, under the authority of the naval appropriation act of the 3d March last. It is believed that these steamers are worth more than their cost, and they are now actively and usefully employed in the naval service.

The appearance of so large a force, fitted out in such a prompt manner, in the far distant waters of the La Plata and the admirable conduct of the officers and men employed

in it, have had a happy effect in favor of our country throughout all that remote portion of the world.

Our relations with the great empires of France and Russia, as well as with all other governments on the continent of Europe, unless we may except that of Spain, happily continue to be of the most friendly character.

In my last annual message I presented a statement of the unsatisfactory condition of our relations with Spain; and I regret to say that this is not materially improved. Without special reference to other claims, even the "Cuban claims," the payment of which has been ably urged by our ministers, and in which more than a hundred of our citizens are directly interested, remain unsatisfied, notwithstanding both their justice and their amount (\$128,635 54) has been recognized and ascertained by the Spanish government itself.

I again recommend that an appropriation be made "to be paid to the Spanish government for the purpose of distribution among the claimants in the Amistad case." In common with two of my predecessors, I entertain no doubt that this is required by our treaty with Spain of the 27th of October, 1795. The failure to discharge this obligation has been employed by the cabinet of Madrid as a reason against the settlement of our claims.

I need not repeat the arguments which I urged in my last annual message in favor of the acquisition of Cuba by fair purchase.—My opinions on that measure remain unchanged. I, therefore, again call the serious attention of Congress to this important subject. Without a recognition of this policy on their part, it will be almost impossible to institute negotiations with any reasonable prospect of success.

Until a recent period there was good reason to believe that I should be able to announce to you on the present occasion that our difficulties with Great Britain, arising out of the Clayton and Bulwer treaty, had been finally adjusted in a manner alike honorable and satisfactory to both parties. From causes however, which the British government had not anticipated, they have not yet completed treaty arrangements with the republics of Honduras and Nicaragua, in pursuance of the understanding between the two governments. It is, nevertheless, confidently expected that this good work will ere long be accomplished.

Whilst indulging the hope that no other subject remained which could disturb the good understanding between the two countries, the question arising out of the adverse claims of the parties to the Island of San Juan, under the Oregon treaty of the 15th of June, 1846, suddenly assumed a threatening prominence. In order to prevent unfortunate collisions on that remote frontier, the late Secretary of State on the 17th of July 1855, addressed a note to Mr. Cramp-ton, then British minister at Washington, communicating to him a copy of the instructions which he (Mr. Marcy) had given, on the 14th of July, to Gov. Stevens, of Washington Territory, having a special reference to an "apprehended conflict between our citizens and the British subjects on the Island of San Juan." To prevent this, the Governor was instructed "that the officers of the Territory should abstain from all acts on the disputed grounds which are calculated to provoke any conflicts, so far as it can be done without implying the concession to the authorities of Great Britain of an exclusive right over the premises. The title ought to be settled before either party should attempt to exclude the other by force, or exercise complete and exclusive sovereign rights within the fairly disputed limits."

In acknowledging the receipt on the next day of Mr. Marcy's note, the British minister expressed his entire concurrence "in the propriety of the course recommended to the Governor of Washington Territory by your (Mr. Marcy's) instructions to that officer," stating that he had "lost no time in transmitting a copy of that document to the governor-general of British North America," and had "earnestly recommended to his Excellency to take such measures as to him may appear best calculated to secure, on the part of the British local authorities and inhabitants of the neighborhood of the line in question, the exercise of the same spirit of forbearance which is inculcated by you (Mr. Marcy) and the authorities and citizens of the United States."

Thus matters remained upon the faith of this arrangement until the 9th of July last, when Gen. Harney paid a visit to the Island. He found upon it twenty-five American residents with their families, and also an establishment of the Hudson's Bay Company for the purpose of raising sheep. A short time before his arrival one of these residents had shot an animal belonging to the company, whilst trespassing upon his premises, for which however, he offered to pay twice its value; but that was refused. Soon after "the chief factor of the company at Victoria, Mr. Dallas, son-in-law of Governor Douglas, came to the Island in the British sloop-of-war Sallie, and threatened to take "this American (Mr. Cutler) by force to Victoria, to answer for the trespass he had committed." The American seized his rifle and told Mr. Dallas if any such attempt was made he would kill him on the spot. The affair then ended.

Under these circumstances, the American settlers presented a petition to the General, "through the United States inspector of customs, Mr. Hubbs, to place a force upon the island to protect them from the Indians as well as the oppressive interference of the authorities of the Hudson Bay Company at Victoria with their rights as American citizens." The General immediately responded to this petition, and ordered Captain George E. Pickett, 9th infantry, "to establish his company on Bolleave, on San Juan Island, on some suitable position near the harbor at the southern extremity. This order was promptly obeyed, and a military post was established at the place designated. The force was afterwards increased, so that by the last return the whole number of troops then on the Island amounted in the aggregate to 691 men.

Whilst I do not deem it proper on the present occasion to go further into the subject, and discuss the weight which ought to be attached to the statements of the British colonial authorities, contesting the accuracy of the information on which the gallant General acted, it was due to him that I should thus present his own reasons for issuing the order to Captain Pickett. From these it is quite clear his object was to prevent the British authorities on Vancouver Island from exercising jurisdiction over American residents on the Island of San Juan, as well as to protect them against the incursions of the Indians.

Much excitement prevailed for some time throughout that region, and serious danger of collision between the parties was apprehended. The British had a large naval force in the vicinity; and it is but an act of simple justice to the admiral on that station to state that he wisely and discreetly forbore to commit any hostile act, and that he respectfully referred the whole affair to his government and await their instructions.

This aspect of the matter, in my opinion, demanded serious attention. It would have been a great calamity for both nations had they been precipitated into acts of hostility not on the question of title to the island, but merely concerning what should be its condition during the intervening period whilst the two governments might be employed in settling the question to which of them it belonged. For this reason Lieutenant General Scott was dispatched on the 17th September last to Washington Territory to take immediate command of the United States forces on the Pacific coast should he deem this necessary. The main object of his mission was to carry out the spirit of the precautionary arrangement between the late Secretary of State and the British minister, and thus to preserve the peace and prevent collision between the British and American authorities pending the negotiations between the two governments.

I am happy to state that the events which have since transpired, no doubt of the validity of our title, I need scarcely add that, in any event, American citizens were to be placed on a footing at least as favorable as that of British subjects, it being understood that Captain Pickett's company should remain on the Island. It is proper to observe that, considering the distance from the scene of action, and in ignorance of what have transpired on the spot before the General's arrival, it was necessary to leave much to his discretion, and I am happy to state that the events which have since transpired could not have been entrusted to more competent hands. General Scott has recently returned from his mission, having successfully accomplished its objects, and there is no longer any good reason to apprehend a collision between the forces of the two countries during the pendency of the existing negotiations.

I regret to inform you that there has been no improvement in the affairs of Mexico since my last annual message, and I am obliged to ask the earnest attention of Congress to the unhappy condition of that republic.

The constituent Congress of Mexico, which adjourned on the 17th of February, 1857, adopted a Constitution and provided for a popular election. This took place in the following July, 1857, and General Comonfort was chosen President, almost without opposition, at the same election a new Congress was chosen, whose first session commenced on the 16th of September, 1857. By the Constitution of 1857, the Presidential term was to begin on the 1st of December, 1857, and General Comonfort appeared before the assembled Congress in the city of Mexico, took the oath to support the new Constitution, and was duly inaugurated President. Within a month afterwards he had been driven from the capital, and a military rebellion had assigned the supreme power of the republic to General Zuloaga. The Constitution provided that in the absence of the President his office should devolve upon the Chief Justice of the Supreme Court, and Gen. Comonfort having left the country, this functionary, General Juarez, proceeded to form, at Guanajuato, a constitutional government. Before this was officially known, however, at the capital, the government of Zuloaga had been recognized by the entire diplomatic corps, including the minister of the United States, as the de facto government of Mexico. The constitutional President, nevertheless, maintained his position with firmness, and was soon established with his cabinet in Vera Cruz. Meanwhile the government of Zuloaga was earnestly resisted in many parts of the Republic, and even in the capital, a portion of the army having pronounced against it, its functions were declared terminated, and an assembly of citizens was invited for the choice of a new President. This assembly elected General Miramon, but that officer repudiated the plan under which he was chosen, and Zuloaga was thus restored to his position. Miramon, however, only to show from his appointment, "President Substitute," continues, with that title, at the head of the insurgent party.

In my last annual message I communicated to Congress the circumstances under which the late Minister of the United States suspended his official relations with the Central Government, and withdrew from the country. It was impossible to maintain friendly intercourse with a government, like that of the Central Government, whose usurped authority wrongs were constantly committed, but never redressed. Had this been an established Government, with its power extending, by the consent of the people, over the whole of Mexico, a resort to hostilities against it would have been quite justifiable, and indeed necessary. But the country was a prey to civil war; and it was hoped that the success of the constitutional President might lead to a condition of things less injurious to the United States. This does become so probable that, in January last, I employed a reliable agent to visit Mexico, and report to me the actual condition and prospect of the contending parties. In consequence of his report, and from information which reached me from other sources, favorable to the prospects of the constitutional cause, I felt justified in appointing a new Minister to Mexico, who might embrace the earliest suitable opportunity of restoring our diplomatic relations with that Republic.

For this purpose a distinguished citizen of Maryland was selected, who proceeded on his mission on the 8th of March last, with discretionary authority to recognize the government of President Juarez, if on his arrival in Mexico he should find it entitled to such recognition, according to the established practice of the United States. On the 7th of April following Mr. McLane presented his credentials to President Juarez, having no hesitation "in pronouncing the government of Juarez to be the only existing government of the Republic." He was cordially received by the authorities at Vera Cruz, and they have ever since manifested the most friendly disposition towards the United States. Unhappily, however, the Constitutional Government has not been able to establish its power over the