"THAT COUNTRY IS THE MOST PROSPEROUS WHERE LABOR COMMANDS THE GREATEST REWARD." BUCHANAN.

## VOL. LX.

## LANCASTER CITY, PA., TUESDAY MORNING, JANUARY 3, 1860.

Our deep and heart-felt gratitude is due to that Almighty Power which has bestowed upon us such varied and numerous blessings throughout the past year. The general health of the country has been excellent; our harvests have been unusually plentiful, and prosperity smiles throughout the land. Indeed,

Congress

1800

them are still under prosecution.

the constitutional barrier.

importation of African slaves

States.

slave-trade.

As the year 1808 approached, Congress de-

termined not to suffer this trade to exist even

for a single 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 day of January, 1808," prohibiting the

and such the practice of our ancestors more

than fifty years ago in regard to the African

It did not occur to the revered patriots who

had been delegates to the convention, and af-

terwards became members of Congress, that

This was followed by subsequent

into the United

Our history proves that the Fathers of the

Republic, in advance of all other nations, con-

demued the African slave-trade. It was, not-

withstanding, deemed expedient by the fra-mers of the Constitution to deprive Congress

of the power to prohibit "the migration or importation of such persons as any of the

It will be seen that this restriction on the power of Congress was confined to such States

notwithstanding our demerits, we have much reason to believe from the past events in our history, that we have enjoyed the special protection of Divine Providence ever since our origin as a nation. We have been exposed to many threatening and alarming difficulties in our progress ; but on each successive occasion the impending cloud has been dissipated at the moment it appeared ready to burst upon our head, and the danger to our institutions has passed away. May we ever be under the

divine guidance and protection ! Whilst it is the duty of the President "from time to time to give to Congress information of the state of the Union," I shall not refer in detail to the recent sad and bloody occurrences at Harper's Ferry. Still, it is proper to observe that these events, however, had and cruel in themselves, derive their chief importance from the apprehension that they are but symptoms of an incurable disease of the public mind, which may break out in still more dangerous outrages and terminate at last in an open war by the North to abolish slavery in the South. Whilst, for myself, I entertain no such apprehension, they ought to afford a solemn warn ing to us all to beware of the approach of dan Our Union is a stake of such inestimavalue as to demand our constant and watchful vigilance for its preservation. In this view, let me implore my countrymen, North and South, to cuitivate the ancient feelof mutual forbearance and good will to-

wards each other, and strive to allog on will to-mon spirit of sectional hatred and strize now alive in the land. This advice proceeds from the heart of an oid public functionary whose service commenced in the last generation, among the wise and conservative statesmen of that day, now nearly all passed away, and whose first and dearest earthly wish is to leave his country tranquil, prosperous, united, powerful.

We ought to reflect that in this age, and especially in this country, there is an incessant flux and reflux of public opinion. Ques tions which in their day assumed a most threatening aspect, have now nearly gone from the memory of men. They are "voicances burnt out, and on the lava and ashes and

squalid scorize of old eruptions grow the peace ful olive, the cheering vine, and the sustaining corn." Such, in my opinion, will prove to be the fate of the present sectional excitement, should those who wisely seek to apply the remedy, continue always to confine their efforts within the pale of the Constitution. If this course be pursued, the existing agitation on the subject of domestic slavery, like everyacts of a similar character, to which I need not specially refer. Such were the principles thing human, will have its day and give place to other and less threatening controversies.— Public opinion in this country is all powerful, and when it reaches a daugerous excess upon any question, the good sense of the people will furnish the corrective and bring it back within safe limits. Still, to hasten this ans picious result, at the present crisis, we ought

in passing these laws they had violated the to remember that every rational creature must Constitution which they had framed with so be presumed to intend the natural consequen-ces of his own teachings. Those who anmuch care and deliberation. They supposed that to prohibit Congress in express terms, nounce abstract doctrines subversive of the Constitution and the Union, must not be surfrom exercising a specified power before an appointed day, necessarily involved the right prised should their heated partisans advance one step further, and attempt by violence to rived. carry these doctrines into practical effect. In

view of the subi

PRESIDENT'S MESSAGE. Fellow Citizens of the Senate and House of Representatives: to supply the American market. All hopes of African civilzation would thus be ended. unanimous vote of both houses of the last

On the other hand, when a market for Af-rican slaves shall no longer be furnished in All lawful means at my command have been employed, and shall continue to be employed, to execute the laws against the African slave-Cuba, and thus all the world be closed against trade. After the most careful and rigorous this trade, we may then indulge a reaso able examination of our coasts and a thorough in- hope for the gradual improvement of Africa. vestigation of the subject, we have not been The chief motive of war among the tribes will able to discover that any slaves have been cease whenever there is no longer any demand imported into the United States except the for slaves. The resources of that fertile but cargo by the Wanderer, numbering between miserable country might then be developed by three and four hundred. Those engaged in the hand of industry and afford subjects for this unlawful enterprise have been rigorously | legitimate foreign and domestic commerce. prosecuted ; but not with as much success as In this manner Christianity and civilization their crimes have deserved. A number of

may gradually penetrate the existing gloom. The wisdom of the course pursued by this Government towards China has been vindica ted 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 se-

States now existing shall think proper to ad-mit " "prior to the year one thousand eight hundred and eight." cure by treaty the just concessions dema by the interests of foreign commerce. result is that satisfactory treaties have cure by treaty the just concessions demanded The result is that satisfactory treaties have been concluded with China by the respective min-isters of the United States, Great Britain, only as might think proper to admit the importation of slaves. It did not extend to other convention of peace, amity and commerce, er States or to the trade carried on abroad .- with that empire was concluded at Tientsin.

Accordingly, we find that so early as the 22nd March, 1794, Congress passed an act imposing the President, by and with the advice and

Ward, a distinguished citizen of Georgia, .... duly commissioned as envoy extraordinary international destination of the second tended and enforced by the act of 10th May, right to waive the constitutional privilege in-tended 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 immediate power to act in regard to all such States, because they themselves had removed Congress accordingly passed an act on 28th February, 1803, prevent the importation of certain persons Shanghai to state that they always assured him no advantage should be taken of the de-lay and this pledge has been faithfully perinto certain States where, by the laws thereof. their admission is prohibited." In this man ner the importation of African slaves into the ormed. United States was, to a great extent, prohibi-ted some years in advance of 1808.

On the arrival of Mr. Ward at Pekin 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 submit to the humiliating ceremonies required by the etiquette of this strange people in approaching their sovereign. Nevertheless approaching their sovereign. the interviews on this question were conduct ed 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 to be impossible, the letter of credence from the President was received with peculiar honors by Kweiliang, "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 proper form at Pei-tsang. As the exchange did not take place until after the day prescribed by the trastre its degreed proper before its public treaty, it is deemed proper, before its cation, again to submit it to the Senate. before its publi-

It is but simple justice to the Chinese au-thorities to observe that, throughout the

If this were not the case, the framers of the done after their own uliar fashion hnt we ought to regard with a lenient eye the ancient customs of an empire dated back for thousands of years, so far as this may be consistent with our own national honor. The conduct of our minister on the "occasion received my entire approbation. In order to carry out the spirit of this trea-ty, and to give it full effect, it became neces

mainer 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 argument 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 therefore, again invite 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 nego-tiations with any reasonable prospect of suc-

announce to you on the present occasion that our difficulties with Great Britain arising out f 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 ex-pected that this good work will ere long be tocomplished.

Whilst indulging the hope that no other subject remained which could disturb the good understanding between the two coun-tries, the question arising out of the adverse claims of the parties to the Island of severe penalties and punishments upon citi-zens and residents of the United States who should engage in this trade between foreign nations. The provisions of this act were ex-truded and enforced by the act of 10th Mar San Juan, under the Oregon treaty of the 15th of June, 1846, suddenly assumed a threatening prominence. In order to prevent tier, the late Secretary of State, on the 17th Again : The States themselves had a clear ght to waive the constitutional privilege in-uded for their benefit, and to prohibit, by nought proper previous to 1808. Several of thence he proceeded to Paking on the 18th Mary 18th with him the ratified copy of this treaty, and araived 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 instruction ware to be exchanged on or before the 18th June, 1859. This was instructed "that the officers of the Territory should abstain from all acts on the disputed beyond his control, not necessary to detail: but still it is due to the Chinese authorities at 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 beore 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 vernor of Washington Territory by your [Mr. Marcy's] instructions to that officer." and stateing that he had " lost no time in transmiting 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 the inhabitants of the neighborhood of the line in question, the exercise of the same spirit of forbearance which is inculcated by you [Mr. Marcy] on the authorities and citizens of the United States."

Thus matters remained upon the faith of this arrangement until the 9th July last, when ted his credentials to President Juarez, the solut simple justice to the Chinese and the arrangement multice standing last, when the solution is the president state of the solution of the solution in pronouncing found upon it twenty-five American residents the government of Jaarez to be the only is the united States. It is true this has been of the Hudson's Bay Company for the purpose the was cordially received by the authorof raising sheep. A short time before his ar-

gin on the 1st of December, [1857,] and con. tinue for four years. On that day General Comonfort appeared before the assembled Congress in the City of Mexico, took the oath to support the new Constitution, and was duly inaugurated as 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 Zuloaga .---The constitution provided that in the absence of the President his office should devolve upon the Chief Justice of the Supreme Court, ernment disappears from the country." have been reluctantly led to the same opinion and in justice to my countrymen who have suffered wrongs from Mexico, and who may still suffer them, I fell bound to announce

this conclusion to Congress. the capital, the government of Zuloaga had been recognized by the entire diplomatic corps, including the minister of the United States, as the de /acto government of Mexico. The con-stitutional President, nevertheless, maintained large amount. Nor is it merely the case o his position with firmness, and was soon es-tablished with his cabinet at Vera Cruz. Meanwhile, the government of Zuloaga was although the life and property of every Ameri-can citizen ought to be sacredly protected in every quarter of the world. But it is a quesearnestly resisted in many parts of the repub lic, and even in the capital, a portion of the army having pronounced against it, its func-tions were declared terminated, and an assembly of citizens was invited for the choice of a new President. This assembly elected Gen eral Miramon, but that officer repudiated the plan under which he was chosen, and Znlotect the rights of our own citizens is none the less to be desired, because efficient and neces-He assumed it, however, only to withdraw from it, and Miramon, having become by his appointment, "President Sulstitute," con-tinues, with that title of the bar sary aid may thus be rendered at the same time to restore peace and order to Mexico itself. In the accomplishment of this result the people of the United States must neces-sarily feel a deep and carnest interest. Mexnes, with that title, at the head of the insurgent party.

ico ought to be a rich and prosperous and In my last annual message I communicated powerful republic. She possesses an exten-sive territory, a fertile soil, and an incalculapowerful republic Congress the circumstances under which the late minister of the United States suspen ble store of mineral wealth. She occupies an ded his official relations with the central gov mportant position between the Gulf and the ernment, and withdrew from the country. ocean for transit routes and for commerce. Is was impossible to maintain friendly intercourse t possible that such a country as this can be with a government, like that at the capital, given up to anarchy and ruin without an efunder whose usurped authority wrongs were fort from any quarter for its rescue and its safety? Will the commercial nations of the constantly committed but never redressed Had this been an old established government world, which have so many interests connected with its power extending, by the consent of with it, remain wholly indifferent to such a result? Can the United States, especially, the people, over the whole of Mexico, a resort tilities against it would have been quite which ought to share most largely in its com-mercial intercourse, allow their immediate 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 neighbor thus to destroy itself and injure them? Yet, without support from some quarter, it is impossible to perceive how Mexico can resume her position among nations and enter ess injurious to the United States. This suc cess became so probable that, in January last, upon a career which promises any good results. I employed a reliable agent to visit Mexico, and report to me the actual condition and he aid which she requires, and which the nterests of all commercial countries require prospects of the contending parties. In conse quence of his report, and from information that she should have, it belongs to this Gov-ernment to render, not only by virtue of our which reached me from other sources, favorable neighborhood to Mexico, along whose territoto the prospects of the constitutional cause I felt justified in appointing a new minister to y we have a continuous frontier of nearly a housand miles, but by virtue, also, of our es-Mexico, who might embrace the earliest suit tablished policy, which is inconsistent with the intervention of any European power in able opportunity of restoring our diplomatic relations with that republic. For this purpose the domestic concerns of that republic. a distinguished citizen of Maryland was se The wrougs which we have suffered from ed, who proceeded on his mission on the 8th Mexico are before the world, and must deeply of March last, with discretionary authority to impres severy American citizen. A government which is either unable or unwilling to redress recognize the government of President Jnarez. if on his arrival in Mexico he should find i such wrongs is derelict to its highest duties. The difficulty consists in selecting and enfor

entitled to such recognition, according to the established practice of the United States. On cing the remedy. We may in vain apply to the 7th of April following, Mr. McLane presen the constitutional government at Vera Cruz, although it is well disposed to do us justice, for adequate redress. Whilst its authority is

naval force at his command for the purpose of protecting the lives and property of Amer-ican citizens passing in transit across the Pan-ama, Nicaragua, and Tehuantepeo routes, impunity." "I hope the President" wrote our present minister in August last) "will feel authorized to ask from Congress the pow-er to enter Mexico with the military forces of against sudden and lawful outbreaks and depedations. I shall not repeat the arguments employed in former messages in support of this measure. Suffice it to say that the lives the United States, at the call of the constitu tional authorities, in order to protect the citizens and the treaty rights of the United States. of many of our people, and the security of vast amounts of treasure passing and repas-sing over one or more of these routes between Unless such a power is conferred upon him, neither the one nor the other will be respected ed in the existing state of anarchy and disorthe Atlantic and Pacific, may be deeply in der, and the outrages already perpetrated volved in the action of Congress on this subwill never be chastised; and, as I assured you in my No. 23, all these evils must increase until every vestige of order and gov

I would also, again recommend to Congress that authority be given to the President to employ the naval force to protect American merchant vessels, their orews and cargoes, against violent and lawless seizure and confiscation in the ports of Mexico and the Span-ish American States when these countries

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may be in a disturbed and revolutionary con-dition. The mere knowledge that such an authority had been conferred, as I have al-The case presented, however, is not merely a case of individual claims, although our just claims against Mexico have reached a very ready stated, would of itself, in a great de-gree, prevent the evil. Neither would this rotection to the lives and property of the few equire any additional appropriation for the Americans who may still remain in Mexico, naval service.

The chief objection urged against the grant of this authority is, that Congress, by conferring it, would violate the constitution—that it would be a transfer of the war-making, or which relates to the future as well as to the briefly speaking, the war-declaring power to the Executive. If this were well founded, it would, of course, be conclusive. A very the present and the past, and which involves, indirectly at least, the whole subject of our duty to Mexico as a neighboring State. The exercise of the power of the United States in brief examination, however, will place this that country to redress the wrongs and pro-

objection at rest. Congress possess the sole and exclusive power, under the Constitution, "to declare war." They alone can "raise and support armies," and "provide and maintain a navy." But after Congress shall have declared way. But after Congress shall have declared war and provided the foree necessary to carry it on, the President, as Commander-in-Chief of the Army and Navy, can alone employ this that is was the well-known intention of the framers of the Constitution

It will not be denied that the general "power to declare war" is without limitation. and embraces within itself not only what writers on the law of nations term a public or per-fect war, but also an imporfect war-and, in short, every species of hostility, however confined or limited. Without the authority of Congress the President cannot fire a hos tile gun in any case, except to repel the at-tacks of an enemy. It will not be doubted that under this power Congress could, if they thought proper, authorize the President to employ the force at his command to seize a ? Yet, without support from some quarvessel belonging to an American citizen which had been illegally and unjustly captured in a foreign port and restore it to its owner.---But can Congress only act after the fact—af-ter the mischief has been done? Have they no power to confer upon the President the authority in advance to frunish instant redress should such a case afterwards occur? Must they wait until the mischief has been done, and can they apply the remedy only when it is too late ? To confer this authority to meet future cases under circumstances strictly specified, is as clearly within the war-declaring power as such an authority conferred up-on the President by act of Congress after the deed had been done. In the progress of a great nation many exigencies must arise imperstively requiring that Congress should au-thorize the President to act promptly on cer-

tain conditions which may or may not afterwards arise. Our history has already presented a number of such cases. I shall refer only to the latest. Under the resolution of June 2d, 1858, "for the adjustment of difficulties with the republic of Par agua," the Pr agua, the President is " altinorized to adopt such measures and use such force as in his judgment may be necessary and advisable in the event of a refusal of just satisfaction by the government of Paragan." " Just satisfaction" for what? For " the attack on the United States steamer Water With?" and it above protters referred to in the gr Witch," and "other matters referred to in the au-nual message of the President." Here the power is expressly granted upon the condition that the government of Paragua shall refuse to render this government of Paragua shall refuse to render this "just satisfaction." In this and other similar cases Congress have conferred upon the President power in advance to employ the army and navy upon the happening of contingent future events; and this most certainly is ounbraced within the power to declare war. ower to declare war. Now, if this conditional and contingent power power to d could be constitutionally conferred upon the could be constitutionally conferred upon the Presi-dent fur the case of Paragany, why may it not be conferred for the purpose of protecting the lives and property, of American citizens in the event that they may be violently and unlawfully attacked in pussing over the transit routes to and from Calipassing over the transit routes to and from Catt-formin, or assailed by the soluture of their vessels in a foreign port? To deny this power is to render the newy in a great degree useless for the protec-tion of the lives and property of American citizens in countries where neither protection nor redross can be otherwise obtained The thirty-fifth Congress terminated on the 3d of March, 1859, without having passed the "act mak-ing appropriations for the service of the Post Office Department during the fiscal year ending the 30th June, 1860." This act also contained an appro-June, 1850." This act also contained an appro-priation "to supply deficiencies in the revenue of the Post Office Department for the year ending the 30th of June, 1859." I believe this is the first in-stance since the origin of the Federal Government, now more than seventy years ago, when any Con-gress went out of existence without having passed all the general appropriation bills necessary to carall the general appropriation bins necessary to car-ry on the government until the regular period for the meeting of a new Congress. This event im-posed on the Executive a grave responsibility. It resented a choice of evils. Had this omission of duty occurred at the first ession of the last Congress the remedy would have been plain. I might then have instantly recalled hem to complete their work-and this wi out ex pense to the Government. But on the 4th of March pense to the Government. But on the 4th of march last there were fifteen of the thirty-three States which had not elected any representatives to the present Congress. Had Congress been called to-gether immediately, these States would have been virtually disfranchised. If an intermediate period ad been selected, several of the States would hav been compelled to hold extra sessions of their logislatures, at great inconvenience and expense, to provide for elections at an earlier day than that reviously fixed by law. In the regular course, n of these States would not elect until after the ten of these States beginning of August, and five of these ten not un-til October and November. On the other hand, when I came to examine carefully the condition of the Post Office De-<sup>c</sup> partment, I did not meet as many or as great difficulties as I had apprehended Had the bill which failed been confined to appropriations for the fiscal year ending on the 30th June next, there would have been no reason of pressing importance for the call of an extra session. Nothing would become due on con-tracts (those with railroad companies only excepted) for carrying the mail for the first quar-ter of the present fiscal year commencing on the 1st of July, until the 1st of December-less than one week before the meeting of the present Congress. The reason is that the mail contractors for this the current year did not complete their first quarter's service unti the 30th September last; and by the terms of their contracts sixty days more are allowed for the settlement of their accounts before the Department could be called upon for pay-The great difficulty and the great hardships consisted in the failure to provide for the pay-ment of the deficiency in the fiscal year ending ment of the deficiency in the fiscal year ending the 30th June, 1859. The Department had entered into contracts, in obedience to existing laws, for the service of that fiscal year, and the contractors were fairly entitled t their compensation as it became due. The deficiency as stated in the bill amounted to \$3,838,728, but, after a careful settlement of all these accounts it has been ascertained that it amounts to \$4,296,009. With the scanty means at his ommand the Postmaster General has managed to pay that portion of this deficiency, which occurred in the first two quarters. of the p.st fiscal year, ending on the 31st December In the mean time the contractors themselves, under these trying circumstances, have behaved in a manner worthy of all commendation They had one resource in the midst of their embarrassments. After the amount due to each of them had been ascertained and finally settled according to law, this became a specific debt of record against the United States which enabled them to borrow money on this unqueen tionable security. Still they were obliged to pay interest in consequence of the default of ongress, and on every principle ' of justice ought to receive interest from the Government. This interest should commence from the date when a warrant would have issued, for the payment of the principal had an app

## ess. Until a recent period there was good reason to believe that I should be able to Before this was officially known, however, at

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forgotten that, however great may have been the political advantages resulting from the Union to every portion of our common country, these would all prove to be as nothing, should the time ever arrive when they cannot be en joyed without serious danger to the personal safety of the people of fifteen members of the confederacy. If the peace of the domestic fireside throughout these States should ever h invaded—if the mothers of families within this extensive region should not be able to retire to rest at night without suffering dreadful apprehensions of what may be their own fate and that of their children before the morning -it would be vain to recount to such a people the political banefits which result to them from the Union. Self-preservation is the first in-stinct of nature; and therefore any state of society in which the sword is all the time sns pended over the heads of the people, must at last become intolerable. But I induige in no such gloomy forebodings. On the contrary, I firmly believe that the events at Harper's Ferry by causing the people to pause and reflect upon the possible peril to their cherished institutions, will be the means, under Providence of allaying the existing excitement and preventing future outbreaks of a similar charac ter. They will resolve that the Constitution and the Union shall not be endangered by rash counsels, knowing that, should "the silver cord be loosed or the golden bowl be broken at the fountain," human power couldneyer reunite the scattered and hostile fragments.

I cordially congratulate you upon the final settlement by the Supreme Court of the United States of the question of slavery in the Territories, which had presented an aspect so gtruly formidable at the commencement of my administration. The right has been established of every citizen to take his property of any kind, including slaves, into the common rritories belonging equally to all the States of the Confederacy, and to have it protected there under the Federal Constitution. Neither Congress nor a territorial legislature nor any human power has any authority to annul o impair this vested right. The supreme judicial tribunal of the country, which is a co-or-dinate branch of the Government has sanction-ed and affirmed these principles of constitutional law, so manifestly just in themselve and so well calculated to promote peace and harmony among the States. It is a striking proof of the sense of justice which is inherent in our people, that the property in slaves has n 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 prc; in slaves, the evil would be intolerable. In the latter event, there would be a struggle for a major ity of the members of the legislature at each successive election, and the sacred rights of property held under the Federal Constitutio yould depend for the time being on the result. The agitation would thus be rendered inces whilst the territorial condition remained, and its baneful influence would keep alive dangerous excitement among the people of the several States. Thus has the status of a territory, during

the intermediate period from its first settle ment until it shall become a state, been irre vocably fixed by the final decision of the Fortunate has this been for the prosperity of the Territories, as well as 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 price reduced to the lowest point by the comthat specie of property best adapted, in their own opinion, to promote their welfare. From natural cruses the slavery question will ineach itself; and before case soon virtually settl the Territory is prepared for admission as a State into the Union this decision, one way or theother, will have been a foregone conclusion. Meanwhile the settlement of thenew Territories will proceed without serious interruption, and its progress and prosperity will not be en-dangered or retarded by violent political strug-

When in the progress of events the inhabwhen in the progress of events the inhab-itants of any Territory shall have reached the number required to form a State, they will then proceed, in a regular manner, and from a Constitution preparatory to admission into this Union. After this has been done, to employ the language of the Kansas and Nebras-

Had they imagined that Congress would vain. 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 at period. Nay more, they would not have attached such vast importance to this provision as to have excluded it from the posibility of future repeal or amendment, to which other portions of the Constitution wer exposed. It would then have been wholly un cessary to engraft 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 ear 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,

clause itself, on which so much care and disussion had been employed by the member of the convention, was an absolute nullity from the beginning, and all that has sinc en done under it a mere usurpation.

It was well and wise to confer this nower Congress, because, had it been left to the States, its efficient exercise would have been mpossible. In that event any one State could ave effectually continued the trade not only for itself but for all the other slave States though never so much against their will. An why? Because African slaves, when once ought 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 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 State can employ in 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 blessings of Christianity have been extended to them, and both their moral and physical condition has been greatly improved.

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

The effect upon the existing slave would if possible, be still more deplorable. At pre-sent he is treated with kindness and humanity. He is well fed, well clothed, and not overworked. 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 a substitute for African slaves. oth the philanthropy and the 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 on earth where the African slave-trade is openly tolerated; and this in efiance of solemn treaties with a power abundantly able at any moment to enforce their execution. There the master, intent upou present gain, extorts from the slave as much

labor as his physical powers are capable of enduring-knowing that, when death comes world. petition 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 institution, wherein those too old and too young to work

are provided for with care and humanity, and se capable of labor are not overtasked would undergo an unfortunate change. The eeling of reciprocal dependance & attachment which now exists between master and slave would be converted into distrust and hostility. But we are obliged as a Christian and moral

nation to consider what would be the effect upon unhappy Africa itself if we should reopen the slave-trade. This would give the trade an impulse and extension which it has never had even in its palmiest days. The itself.

numerous victims required to supply it would I again recommend that an appropriation convert the whole slave coast into a perfect

ary 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 nerchants 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 subsid-iary to the principal treaty, and to be carried into execution without delay, they do not pro-vide for any formal ratification or exchange of ratifications by the contracting varties. 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 loped, to carry out the other provisons of the conventions. Still I thought it was proper to submit them to the Senate, by w were ratified on the 3d March, 1859. The rati fied 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 theaty. No doubt is entertained that they will be ratified and exchanged by the Chinese government, should this be though advisable : but. under the circumstances pre ented, I shall consider them binding engage ments from their date on both parties, and ause them to be published as such for the inormation and guidance of our merchants tra ding with the Chinese empire. It affords me much satisfaction to inform

ou that all our difficulties with the republic of Paraguay have been satisfactorily adjusted. It happily did not become necessary to employ the force for this purpose which Con-gress had placed at my command, under their oint resolution of 2d June, 1858. On 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 re-public, on the 25th of January 1859, and left t 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 Navy Department is enrivers titled to great credit for the promptness, effici-ency, and economy with which this expedition was fitted out and conducted. It consisted of nineteen armed vessels, great and small, car-rying 200 guns and 2,500 men, all-under the and of the veteran and gallant Shubrick. The entire expenses of the expedition have

\$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 all now usefully and actively employed in the naval service.

duct of the officers and men employed in it have had a happy effect in favor of our looun try throughout all that remote portion of the

France and Russia, as well as with all other governments of the continents of Europe, uness we may except that of Spain, happily continue to be of the most friendly charac 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 has not materially improved. With out special reference to other claims, even the Cuban claims," the payment of which has been ably urged by our ministers, and in

amount (\$128, 635, 54) had been recognised and ascertained by the Spanish government

been defrayed out of the ordinary appropriations for the naval service, except the sum of

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 con-

Our relations with the great empires o

which more than a hundred of our citizens are directly interested, remain unsatisfied, notwithstanding both their justice and their

be made "to be paid to the Spanish govern

rival one of these residents had shot an ani-mal belonging to the company, whilst tres passing upon his premises, for which, how ver, he offered to pay twice its value; but that was refused. Soon after "the chief factor of the company at Victoria, Mr. Dalles son-in-law of Governor Douglas, came to the Island in the British sloop of war Satulito, 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. Dalles 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 cus toms, Mr. Hubbs, to place a force upon the island to protect them from the Indians as well as the oppressive interference of the au thorities of the Hudson Bay Company at Vic toria with their rights as American citizens. The General immediately responded to this petition, and ordered Captain George E. Pick ett, 9th infantry, "to establish his company on Bellevue, or San Juan island, on some suitable position near the harbor at the south eastern extremity." This order was prompt y obeyed, and a military post was establish d at the place designated. The force was afterwards increased, so that by the last re-turn 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 pres ent occasion to go further into the subject and discuss the weight which ought to be at ached to the statements of the British colonial authorities, contesting the accuracy of the nformation on which the gallant General acted, it was due to him that I should thus resent his own reasons for issning the order o Captain Pickett. From these it is quite clear his object was to prevent the British authorities on Vancouver's island from exercising jurisdiction over the American resi-dents on the island of San Juan, as well as to protect them against the incursions of the

Much excitement prevailed for some time throughout that region, and serious danger of collision between the parties are apprehended. The British had a large naval 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, but determined to refer the whole affair to his government and awai. 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, bu merely concerning what should be its condition during the intervening period whilst the two governments might be employed in set tling the question to which of them it be ongs. For this reason Lientenant Genera Scott was despatched on the 17th September last to Washington Territory to take im-mediate command of the United States forces on the Pacific coast should he deem thi necessary. The main object of his mission was to carry out the spirit of the precau tionary arrangement between the late Secre tary of State and the British minister, and thus to preserve the peace and prevent col-lision between the British and American authorities pending the negotiation between the two governments. Entertaining 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, onsidering the distance from the scene of ac tion, and in ignorance of what might have transpired on the spot, before the General's arrival, it was necessary to leave much to his dis

retion, and I am happy to state the event has proven that this discretion could not have trate the wretched state of the country and been intrusted to more competent handseneral 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 bee o improvement in the affairs of Mexico since my last annual message, and I am again obliged to ask the earnest attention of Congress to the unhappy condition of that re oublic.

The constituent Congress of Mexico, which adjourned on the 17th of February, 1857, adjourned on the lite of rovided for a popular election. This took place in the fo ing July, [1857,] and General Comonfort was

ties at Vera Cruz. and thev 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 whole republic. It is supported by a large aajority of the people and the States, but there are important parts of the country where COLOUND TO OIL lence. Ocucial Misamo maintains himself at the capitol : and in some of the distant provinces there are military governors who pay little respect to the decrees ent. In the mean time the of either government. In the mean time the excesses which always attend upon civil war, specially in Mexico, are constantly recurring of the worst description are committed both upon persons and property. There s scarcely any form of injury which has not een suffered by our citizens in Mexico during the last few years. We have been nominally t peace with that republic, but " so far as the interests of our commerce or of our citizens who have visited the country as merchants shipmasters, or in other capacities, are concerned, we might as well have been at war Life has been insecure, property unprotected and trade impossible except at a risk of loss which prudent men cannot be expected to incur. Important contracts, involving large expenditures, entered into by the central government, have been set at defiance by the local governments. Peace-ful American residents, occupying their rightful possessions, have been suddenly excountry, in defiance of treaties, from control, and a recent decree of Miramon permits the intervention of government in all suits where either party is a foreigner .-Vessels of the United States have been seized vithout law, and a consular officer who protested against such seizure has been fined and imprisoned for disrespect to the authori-ties. Military contributions have been levied in violation of every principle of right, and the American who resisted the lawless demand has had his property forcibly taken away, and has been himself banished. From a conflict of authority in different parts of the country, tariff duties which have paid in one place have been exacted over again in another place. Large numbers of onr citizens have been arrested and imprisoned without any form of examination or any opportunity for a hearing, and even when released have only obtained their liberty after much suffering and injury and without any hope of redress. The wholesale massacre of Crabbe and his associates withou trial in Sonora, as well as the seizure and murder of four sick Americans who had taken shelter in the house of an American, upon the soil of the United States was ommunicated to Congress at its last session. Murders of a still more atrocions character have been committed in the very heart of Mexico, under the authority of Miramon's government, during the prethese were only worthy of a barbarons age, and, if they had not been clearly proven, would have seemed impossible in a country which claims to be civilized. Of this lescription was the brutal massacre in April last, by order of Gen. Marquez, of three American physicians, who were seized in the hospital at Tacubaya, while attending upon the sick and the dying of both parties, and without trial, as without crime, were hurried away to speedy execution. Little less shock ing was the recent fate of Ormond Chase, who was shot in Tepic on the 7th of August by order of the same Mexican general, not aly without a trial but without any conjucure by his friends of the cause of his arrest le'is represented as a young man of good character and intelligence, who had made numerous friends in Tepic by the courage and humanity which he had displayed on several trying occasions, and his death was unexpected as it was shocking to the whole commanity. Other outrages might be enumerated, but these are sufficient to illus-

the unprotected condition of the persons and property of our citizens in Mexico In all these cases our ministers have been onstant and faithful in their demands for redress, but both they and this Government. which they have successively represented have been wholly powerless to make their demands effective. Their testimony in this re-spect, and in reference to the only remedy

which, in their judgements, would meet the ex-igency, has been both uniform and emphatic. "Nothing but a manifestation of the power of the Government of the United States (wrote our late minister in 1856) and of its purpos to penish these wrongs will avail. I you that the universal belief here is that there is nothing to be apprehended from the Government of the United States, and that

acknowledged in all the important ports and throughout the sea-coasts of the republic, its power does not extend to the city of Mexico and the States in its vicinity, where nearly all the recent outrages have been committed on American citizens. We must penetrate into the interior before we can reach the offenders, and this can only be done by passing through the territory in the occupation o the constitutional government. The most acceptable and least difficult mode of accomwith that ' government. Their consent and their aid might, I believe, be obtained; but if not, our obligation to protect our own eitizen in their just rights, secured by treaty, would not be the less imperative. For these reasons, I recommend to Congress to pass a 'law authorizing the President, under such conditions as they may deem expedient, to employ a sufficient military force to enter Mexic the purpose of obtaining indemnity for the past and security for the future. I purposel refrain from any suggestion as to whether th force shall consist of regular troops or votuneers, or both. This question may appropriately left to the decision of Congress I would merely observe that, should volun-teers be selected, such a force could be easily raised in this country among those who sympathize with the sufferings of upfortunate fellow citizens in Mexico, and with the unhappy condition of that republic Such an accession to the forces of the cou stitutional government would enable it soon to reach the city of Mexico and extend its power over the whole republic. In that went there is no reason to doubt that th just claims of our citizens would be satisfied and adequate redress obtained for the inju-

ries inflicted upon them. The constitutional government have ever evinced a strong de sire to do us justice, and this might secured in advance by a preliminary treaty. It may be said that these measures will, ad least indirectly, be inconsistent with our wise and settled policy not to interfere in the domestic concerns of foreign nations. But does not the present case fairly constitute an exception ? An adjoining republic is in a state of anarchy and confusion from which she has proved wholly unable to extricate herself .-She is entirely destitute of the power to main tain peace upon her borders, or to preven the incursions of banditti into our territory In her fate and in her fortune-in her power to establish and maintain a settled govern ment-we have a far deeper interest, socially commercially and politically than any other nation. She is now a wreck upon the ocean, drifting about as she is impelled by different factions. As a good neighbor, shall we not extend to her a helping kand to save her ?-

f we do not, it would not be surprising should some other nation undertake the task, and thus force us to interfere at last, under cir-cumstances of increased difficulty, for the naintenance of our established policy

I repeat the recommendation contained in my last annual message that authority may f riven to the President to establish one of more temporary military posts across the Mexican line in Sonora and Chihuahuz, where these may be necessary to protect the lives and property of American and Mexican citizens against the incursions and depredations of the Indians, as well as of lawless rovers on that remote region. The establishment of one such post at a point called Arispe, in So nora, in a country now almost depopulated by the hostile inreads of the Indians from our side of the line, would, it is believed, have prevented much injury and many crusities luring the past season. A state of lawlessness and violence prevails on that distant frontier. Life and property are there wholly insecure. The population of Arizona, now numbering more than ten thousand souls, are practically destitute of government, of laws, or of any regular administration of justice. Murder, rapine, and other crimes are committed with in punity. I, therefore, again call the atten-tion of Congress to the necessity for establish-

ing a territorial government over Arizona. The treaty with Nicaragua of the 16th Feb ruary, 1857, to which 1 referred in my last annual message, failed to receive the ratification of the government of that republic, for reasons which I need not enumerate. A similar treaty has been since concluded between the parties bearing date on the 16th March, 1859, which has already been tatified by the Nicaraguan Congress. This will be immediately submitted to the Senate for their ratification. Its provisions cannot. 1 think, fail to be acceptable to the people of both countries.

Our claims against the governments of Cos ta Rica and Nicaragua remain unredressed, though they are pressed in an earnest manwithout hope of success. ner, and no

I deem it to be my duty once more earnest-y to recommend to Congress the passage of a law authorizing the President to employ the

[Conclusion on fourth page.] 01116