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S. B. & E. B. CHASE, PROPRIETORS | MONTROSE, PA., THURSDAY, DECEMBER 15, 1853. | VOLUME X., NUMBER 50.

THE PRESIDENT'S MESSAGE.

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

The interest with which the people of the Republic anticipate the assembling of Congress, and the fulfillment, on that occasion, of the duty imposed upon a new President, is one of the best evidences of their capacity to realize the hopes of the founders of a political system, at once complex and symmetrical. While the different branches of the Government are, to a certain extent, independent of each other, the duties of all, alike, have direct reference to the source of power. Fortunately, under this system, no man is so high, and none so humble, in the scale of public station, as to escape from the scrutiny, or to be exempt from the responsibility, which all official functions imply.

Upon the justice and intelligence of the masses, in a government thus organized, is the sole reliance of the Confederacy, and the only security for honest and earnest devotion to its interests, against the usurpation and encroachments of power on one hand, and the assaults of personal ambition on the other.

The interest, of which I have spoken, is inseperable from the inquiring, self-governing community, but stimulated, doubtless, at the present time, by the unsettled condition of our relations with several foreign powers; by the new obligations resulting from a sudden extension of the field of enterprise; by the spirit with which that field has been entered, and the amazing energy with which its resources for meeting the demands of humanity have been developed.

Although disease, assuming at one time the characteristics of a wide spread and devastating pestilence, has left its sad trace upon some portions of our country, we have still the most abundant cause for reverent thankfulness to God for an accumulation of signal mercies showered upon us a Nation. It is well that a consciousness of rapid advancement and increasing strength be habitually associated with an abiding sense of dependence upon Him who holds in His hands the destiny of men and of Nations.

Recognizing the wisdom of the broad principle of absolute religious toleration proclaimed in our fundamental law, and rejoicing in the benign influence which it has exerted upon our social and political condition, I should shrink from a clear duty, did I fail to express my deepest conviction, that we can place no secure reliance upon any apparent progress, if it be not sustained by national integrity, resting upon the great truths affirmed and illustrated by Divine Revelation.

In the midst of our sorrow for the afflicted and suffering, it has been consoling to see how promptly disaster made true neighbors of districts and cities separated widely from each other, and cheering to watch the strength of that common bond of brotherhood, which unites all hearts, in all parts of this Union, when danger threatens from abroad, or calamity impends over us at home.

Our diplomatic relations with foreign powers have undergone no essential change since the adjournment of the last Congress. With some of them, questions of a disturbing character are still pending, but there are good reasons to believe that these may all be amicably adjusted.

For some years past, Great Britain has so construed the first article of the Convention of the 20th of April, 1818, in regard to the fisheries on the north-eastern coast as to exclude our citizens from some of the fishing grounds, to which they freely resorted for nearly a quarter of a century subsequent to the date of that treaty. The United States have never acquiesced in this construction, but have always claimed for their fishermen all the rights which they had so long enjoyed without molestation. With a view to remove all difficulties on the subject, to extend the rights of our fishermen beyond the limits fixed by the Convention of 1818, and to regulate trade between the United States and the British North American Provinces, a negotiation has been opened, with a fair prospect of a favorable result. To protect our fishermen in the enjoyment of their rights, and prevent collision between them and British fishermen, I deemed it expedient to station a naval force in that quarter during the fishing season.

Embarrassing questions have also arisen between the two governments in regard to Central America. Great Britain has proposed to settle them by an amicable arrangement, and our Minister at London is instructed to enter into negotiations on that subject.

A Commission for adjusting the claims of our citizens against Britain, and those of British subjects against the United States, organized under the Convention of the 8th of February last, is now sitting in London for the transaction of business.

It is in many respects desirable that the boundary line between the United States and the British Provinces in the north-west, as designated in the Convention of the 15th of June, 1846, and especially that part which separates the Territory of Washington from the British possessions on the north, should be traced and marked. I therefore present the subject to your notice.

With France our relations continue on the most friendly footing. The extensive commerce between the United States and that country, might, it is conceived, be released from some unnecessary restrictions, to the mutual advantage of both parties. With a view to this object, some progress has been made in negotiating a treaty of commerce and navigation.

Independent of our valuable trade with Spain, we have important political relations with her, growing out of our neighborhood to the islands of Cuba and Porto Rico. I am happy to announce, that since the last Congress no attempts have been made, by unauthorized expeditions within the United States against either of these Colonies. Should any movement be manifested within our limits, all the means at my command will be vigorously exerted to repress it. Several annoying occurrences have taken place at Havanna, or in the vicinity of the island of Cuba, between our citizens and the Spanish authorities. Considering the proximity of that island to our shore—lying as it does, in the track of trade between some of our principal cities—and the suspicious vigilance with which foreign intercourse, particularly that with the United S., is there guarded, a repetition of such occurrences may be well apprehended. As no diplomatic intercourse is allowed between our Consul at Havanna and Captain General of Cuba, ready explanations cannot be made, or prompt redress afforded, where injury has resulted. All complaint on the part of our citizens, under the present arrangement, must be, in the first place, presented to this Govern-

refers it to her local authorities in Cuba for investigation, and postpones an answer till she has heard from those authorities. To avoid these irritating and vexatious delays, a proposition has been made to provide for a direct appeal for redress to the Captain-General by our Consul, in behalf of our injured fellow citizens. Hitherto, the Government of Spain has declined to enter into any such arrangement. This course on her part is deeply regretted; for, without some arrangement of this kind, the good understanding between the two countries may be exposed to occasional interruption. Our Minister at Madrid is instructed to renew the proposition, and to press it again upon the consideration of her Catholic Majesty's Government.

For several years Spain has been calling the attention of this Government to a claim for losses, by some of her subjects, in the case of the schooner Amistad. This claim is believed to rest on the obligations imposed by our existing treaty with that country. Its justice was admitted, in our diplomatic correspondence with the Spanish Government, as early as March 1787; and one of my predecessors, in his annual Message of that year, recommended that provision should be made for its payment. In January last it was again submitted to Congress by the Executive. It has received a favorable consideration by Committee of both branches, but as yet there has been no final action upon it. I conceive that good faith requires its prompt adjustment, and I present it to your early and favorable consideration.

Martin Koszta, a Hungarian by birth, came to this country in 1850, and declared his intention, in due form of law, to become a citizen of the United States. After remaining here nearly two years, he visited Turkey.—While at Smyrna, he was forcibly seized, taken on board an Austrian brig of war then lying in the harbor of that place, and there confined in irons, with the avowed design to take him into the domains of Austria. Our Consul at Smyrna and Legation at Constantinople interposed for his release, but their efforts were ineffectual. While thus imprisoned, Commander Ingraham, with the United States ship of war St. Louis, arrived at Smyrna, and after inquiring into the circumstances of the case, came to the conclusion that Koszta was entitled to the protection of this Government, and took energetic and prompt measures for his release. Under an arrangement between the agents of the United States and of Austria, he was transformed to the custody of the French Consul-General, at Smyrna, there to remain until he should be disposed of by the mutual agreement of the Consuls of the respective Governments at that place. Pursuant to that agreement he has been released and is now in the United States. The Emperor of Austria has made the conduct of our officers who took part in this transaction a subject of grave complaint. Regarding Koszta as still his subject and claiming a right to sieze him within the limits of the Turkish Empire, he has demanded of this Government its consent to the surrender of the prisoner, a disavowal of the acts of its agents, and satisfaction for the alleged outrage. After a careful consideration of the case, I came to the conclusion that Koszta was seized without legal authority at Smyrna; that he was wrongfully detained on board of the Austrian brig of war; that at the time of his seizure, he was clothed with the nationality of the United States; and that the acts of our officers, under the circumstances of the case, were justifiable, and their conduct has been fully approved by me, and a compliance with the several demands of the Emperor of Austria has been declined.

For a more full account of this transaction and my views in regard to it, I refer to the correspondence between the Charge d' Affaires of Austria and the Secretary of State, which is herewith transmitted. The principles and policy, therein maintained on the part of the United States, will, whenever a proper occasion occurs be applied and enforced.

The condition of China, at this time, renders it probable that some important change will occur in that vast empire, which will lead to a more unrestricted intercourse with it. The Commissioner to that country, who has been recently appointed, is instructed to avail himself of all occasions to open and extend our commercial relations, not only with the Empire of China, but with other Asiatic nations.

In 1852, an expedition was sent to Japan, under the Command of Commodore Perry, for the purpose of opening commercial intercourse with that Island. Intelligence has been received of his arrival there, and of his having made known to the Emperor of Japan, the object of his visit; but it is not ascertained how far the Emperor will be disposed to abandon his restrictive policy, and open that populous country to a commercial intercourse with the U. S.

It has been my earnest desire to maintain friendly intercourse with the Governments upon this continent, and to aid them in preserving good understanding among themselves.—With Mexico a dispute has arisen as to the true boundary line between our territory of New Mexico and the Mexican State of Chihuahua. A former Commissioner of the United States, employed in runing that line pursuant to the treaty of Guadelupe Hidalgo, made a serious mistake in determining the initial point on the Rio Grande; but, inasmuch as his decision was clearly a departure from the directions for tracing the boundary contained in that treaty, and was not concurred in by a surveyor appointed on the part of the United States, whose concurrence was necessary to give validity to that decision, this Government is not concluded thereby; but that of Mexico takes a different view of the subject.

There are also other questions of considerable magnitude pending between the two Republics. Our Minister in Mexico has ample instructions to adjust them. Negotiations have been opened, but sufficient progress has not been made thereto to enable me to speak of the probable result. Impressed with the importance of maintaining amicable relations with that Republic, and yielding with liberality to all her just claims, it is reasonable to expect that an arrangement mutually satisfactory to both countries may be concluded, and a lasting friendship between them confirmed and perpetuated.

Congress having provided for a full mission to the States of Central America, a minister was sent thither in July last. As yet he has had time to visit only one of these States, (Nicaragua,) where he was received in the most friendly manner. It is hoped that his presence and good offices will have a benign effect in composing the dissensions which prevail among them, and in establishing still more intimate and friendly relations between them respectively, and between each of them and

Considering the vast regions of this continent, and the number of States which would be made accessible by the free navigation of the river Amazon, particular attention has been given to this subject. Brazil, through whose territories it passes into the ocean, has hitherto persisted in a policy so restrictive, in regard to the use of this river, as to obstruct, and nearly exclude, foreign commercial intercourse with the States which lie upon its tributaries and upper branches. Our minister to that country is instructed to obtain a relaxation of that policy, and to use his efforts to induce the Brazilian Government to open to common use, under proper safeguards, this great natural highway for international trade. Several of the South American States are deeply interested in this attempt to secure the free navigation of the Amazon, and it is reasonable to expect their cooperation in the measure. As the advantages of free commercial intercouse among nations are better understood, more liberal views are generally entertained as to the common rights of all to the free use of those means which nature has provided for international communication. To these more liberal and enlightened views, it is hoped that Brazil will conform her policy, and remove all unnecessary restrictions upon the free use of a river, which traverses so many States and so large a part of the continent. I am happy to inform you that the Republic of Paraguay and the Argentine Confederation have yielded to the liberal policy still resisted by Brazil, in regard to the navigable rivers within their respective territories. Treaties embracing this subject among others have been negotiated with these Governments, which will be submitted to the Senate at the present session.

A new branch of comuerce, important to the agricultural interests of the United States, has, within a few years past, been opened with Peru. Notwithstanding the inexhaustible deposits of guano upon the Island of that country, considerable difficulties are experienced in obtaining the requisite supply. Measures have been taken to remove these difficulties, and to secure a more abundant importation of the article. Unfortunately, there has been a collision between our citizens, who have resorted to the Chincha Islands for it, and the Peruvian authorities stationed there. Redress for the outrages committed by the latter, was promptly demanded by our Minister at Lima. This subject is now under consideration, and there is reason to believe that Peru is disposed to offer adequate indemnity to the aggrieved parties.

We are thus not only at peace with all foreign countries, but, in regard to political affairs, are exempt from any cause of serious disquietude in our domestic relations.

The controversies, which have agitated the country heretofore, are passing away with the causes which produced them and the passions which they had awakened; or, if any trace of them remains, it may be reasonably hoped that it will only be perceived in the zealous rivalry of all good citizens to testify their respect for the rights of the States, their devotion to the Union, and their common determination that each one of the States, its institutions, its welfare, and its domestic peace shall be held alike secure under the sacred ægis of the Constitution.

This new league of amity and of mutual confidence and support into which the people of the Republic have entered, happily affords inducement and opportunity for the adoption of a more comprehensive and unembarrassed line of policy and action, as to the great material interests of the country, whether regarded in themselves or in connexion with the powers of the civilized world.

The United States have continued gradually and steadily to expand, through acquisitions of territory, which, how much soever some of them may have been questioned, are now universally seen and admitted to have been wise in policy, just in character, and a great element in the advancement of our country, and, with it, of the human race, in freedom, in prosperity, and in happiness. The thirteen States have grown to be thirty one, with relations reaching to Europe on the one side, on the other to the distant realms of Asia.

I am deeply sensible of the immense responsibility which the present magnitude of the Republic, and the diversity and multiplicity of its interests, devolves upon me; the alleviation of which, so far as relates to the immediate conduct of the public business is, first in my reliance on the wisdom and patriotism of the two Houses of Congress; and secondly, in the directions afforded me by the principles of public polity, affirmed by our fathers of the epoch of 1798, sanctioned by long experience, and consecrated anew by the overwhelming voice of the people of the U. S.

Recurring to these principles, which constitute the organic basis of union, and that, vast as are the functions and duties of the Federal Government, vested in, or entrusted to, its three great departments, the legislative, executive, and judicial, yet the substantive power, the popular force, and the large capacities for social and material development exist in the respective States, which, all being of themselves well constituted Republics, as they preceded, so they alone are capable of maintaining and perpetuating, the American Union. The Federal Government has its appropriate line of action in the specific and limited powers conferred on it by the Constitution, chiefly as to those things in which the States have a common interest in their relations to one another, and to foreign governments; while the great mass of interests which belong to enlivened men, the ordinary business of life, the springs of industry, all the diversified personal and domestic affairs of society, rest securely upon the general reserved powers of the people of the several States.—There is the effective Democracy of the nation and there the vital essence of its being and its greatness.

Of the practical consequences which flow from the nature of the Federal Government, the primary one is the duty of administering with integrity and fidelity the high trust reposed in it by the Constitution, especially in the application of the Public Funds, as drawn by taxation from the people, and appropriated to specific objects by Congress. Happily I have no occasion to suggest any radical changes in the financial policy of the Government.

Ours is almost, if not absolutely, the solitary power of Christendom having a surplus revenue, drawn immediately from imposts on commerce, and therefore measured by the spontaneous enterprise and national prosperity of the country, with such indirect relation to agriculture, manufactures, and the products of the earth and sea, as to violate no constitutional doctrine, and yet vigorously promote the general welfare. Neither as to the sources of the public treasury, nor as to the manner of keeping and managing it does any grave con-

acquiescence in the wisdom of the present system.

The Report of the Secretary of the Treasury will exhibit in detail, the state of the public finances, and the condition of the various branches of the public service administered by that department of the Government.

The revenue of the country, levied almost insensibly to the tax-payer, goes on from year to year increasing beyond either the interests or the prospective wants of the Government.

At the close of the fiscal year ending June 30, 1852, there remained in the Treasury a balance of fourteen million six hundred and thirty-two thousand one hundred and thirty-six dollars. The public revenue for the fiscal year ending June 30, 1853, amounted to fifty-eight million nine hundred and thirty-one thousand eight hundred and sixty-five dollars from customs, and to two million four hundred and five thousand seven hundred and eight dollars from public lands and other miscellaneous sources, amounting together to sixty-one million three hundred and thirty-seven thousand five hundred and seventy-four dollars; while the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to forty-three million five hundred and fifty-four thousand two hundred and sixty-two dollars; leaving a balance of thirty-two million four hundred and forty-seven dollars of receipts above expenditures.

This fact, of increasing surplus in the Treasury, became the subject of anxious consideration at a very early period of my Administration, and the path of duty in regard to it seemed to me obvious and clear, namely: first, to apply the surplus revenue to the discharge of the Public Debt, so far as it could judiciously be done: and, secondly, to devise means for the gradual reduction of the revenue to the public exigencies.

Of these objects, the first has been in the course of accomplishment, in a manner and to a degree highly satisfactory. The amount of the Public Debt, of all classes, was, on the 4th of March, 1850, sixty-nine million one hundred and ninety thousand and thirty-seven dollars; payments on account of which have been made, since that period, to the amount of twelve million seven hundred and three thousand three hundred and twenty-nine dollars, leaving unpaid, and in the continuous course of liquidation, the sum of fifty-six million four hundred and eighty-six thousand seven hundred and eight dollars. These payments, although made at the market price of the respective classes of stocks, have been effected readily, and to the general advantage of the Treasury, and have at the same time provided of signal utility in the relief they have incidentally afforded to the money market and to the industrial and commercial pursuits of the country.

The second of the above mentioned objects, that of the reduction of the Tariff, is of great importance, and the plan suggested by the Secretary of the Treasury, which is to reduce the duties on certain articles, and to add to the free lists many articles now taxed, and especially such as enter into manufactures, and are not largely, or at all, produced in the country, is commended to your candid and careful consideration.

You will find in the report of the Secretary of the Treasury, also, abundant proof of the entire adequacy of the present fiscal system to meet all the requirements of the public service, and that, while properly administered, it operates to the advantage of the community in ordinary business relations.

I respectfully ask your attention to sundry suggestions of improvements in the settlement of accounts, especially as regards the large sums of outstanding arrears due to the Government, and of other reforms in the administrative action of his department, which are indicated by the Secretary; as also to the progress made in the construction of Marine Hospitals, Custom Houses, and of a new Mint in California and Assay Office in the City of New York, heretofore provided for by Congress; and also to the eminently successful progress of the Coast Survey, and of the Light House Board.

Among the objects meriting your attention will be important recommendations from the Secretaries of War and Navy. I am fully satisfied that the Navy of the United States is not in a condition of strength and efficiency commensurate with the magnitude of our commercial and other interests; and commend to your especial attention the suggestions on this subject, made by the Secretary of the Navy. I respectfully submit that the Army, which, under our system, must always be regarded with the highest interest, as a nucleus around which the volunteer forces of the nation gather in the hour of danger, requires augmentation, or modification, to adapt it to the present extended limits and frontier relations of the country, and the condition of the Indian tribes in the interior of the continent; the necessity of which will appear in the communications of the Secretaries of War and the Interior.

In the administration of the Post-Office Department for the fiscal year ending June 30, 1853, the gross expenditure was seven million nine hundred and eighty-two thousand seven hundred and fifty-six dollars; and the gross receipts, during the same period, five million nine hundred and forty-two thousand seven hundred and thirty-four dollars; showing that the current revenue failed to meet the current expenses of the department by the sum of two million forty-two thousand and thirty-two dollars. The causes which, under the present postal system and laws, led inevitably to this result, are fully explained by the Report of the Postmaster-General; one great cause being the enormous rates the department has been compelled to pay for mail service rendered by Railroad Companies.

The exhibit in the Report of the Postmaster General of the income and expenditures by mail steamers will be found peculiarly interesting, and of a character to demand the immediate action of Congress.

Numerous and flagrant frauds upon the Pension Bureau have been brought to light within the past year, and, in some instances, merited punishment inflicted; but, unfortunately, in others guilty parties have escaped, not through the want of sufficient evidence to warrant a conviction, but in consequence of the provisions of limitation in the existing laws.

From the nature of these claims, the remoteness of the tribunals to pass upon them, and the mode in which the proof is, of necessity, furnished, temptations to crime have been greatly stimulated by the obvious difficulties of detection. The defects in the law upon the subject are so apparent, and so fatal to the ends of justice, that your early action relating to it is most desirable.

During the last fiscal year, nine million

hundred and eleven acres of the public lands have been surveyed, and ten million three hundred and sixty-three thousand eight hundred and ninety-one acres brought into market. Within the same period the sales by public purchase and private entry amounted to one million eighty-three thousand four hundred and ninety-five acres; located under military bounty land warrants, six million one hundred and forty-two thousand three hundred and sixty acres; located under other certificates, nine thousand four hundred and twenty-seven acres; ceded to the State as swamp lands, sixteen million six hundred and eighty-four thousand two hundred and fifty-three acres; selected for railroad and other objects, under acts of Congress, one-million four hundred and twenty-seven thousand four hundred and fifty-seven acres. Total amount of lands disposed of within the fiscal year, twenty-five million three hundred and forty-six thousand nine hundred and ninety-two acres—which is an increase in quantity sold and located under land warrants and grants, of twelve million two hundred and thirty-one thousand eight hundred and eighteen acres over the fiscal year immediately preceding. The quantity of land sold during the second and third quarters of 1852, was three hundred and thirty-four thousand four hundred and fifty-one acres. The amount received therefor was six hundred and twenty-three thousand six hundred and eighty-seven dollars. The quantity sold the second and third quarters of the year 1853, was one million six hundred and nine thousand nine hundred and nineteen acres; and the amount received therefor, two million two hundred and twenty-six thousand eight hundred and seventy-six dollars.

The whole number of land warrants issued under existing laws, prior to the 30th of September last, was two hundred and sixty-six thousand and forty-two; of which there were outstanding, at that date, sixty-six thousand nine hundred and forty-seven. The quantity of land required to satisfy these outstanding warrants is four million seven hundred and seventy-eight thousand one hundred and twenty acres.

Warrants have been issued to 30th September last, under the act of 11th February, 1847, calling for twelve million eight hundred and seventy-nine thousand two hundred and eighty acres; under acts of September 28, 1850, and March 22, 1852, calling for twelve million five hundred and five thousand three hundred and sixty acres—making a total of twenty-five million three hundred and eighty-four thousand six hundred and forty acres.

It is believed that experience has verified the wisdom and justice of the present system, with regard to the public domain, in most essential particulars.

You will perceive, from the Report of the Secretary of the Interior, that opinions, which have often been expressed in relation to the operation of the land system, as not being a source of revenue to the Federal Treasury, were erroneous. The net profits from the sale of the public lands to June 30, 1853, amounted to the sum of fifty-three million two hundred and eighty-nine thousand four hundred and sixty-five dollars.

I recommend the extension of the land system over the Territories of Utah and New Mexico, with such modifications as their peculiarities may require.

Regarding our public domain as chiefly valuable to provide homes for the industrious and enterprising, I am not prepared to recommend any essential change in the land system, except by modifications in favor of the actual settler, and an extension of the pre-emption principle in certain cases, for reasons and on grounds which will be fully developed in the reports to be laid before you.

Congress, representing the proprietors of the public domain, and charged especially with power to dispose of territory belonging to the United States, has, for a long course of years, beginning with the Administration of Mr. Jefferson, exercised the power to construct roads within the Territories; and there are so many and obvious distinctions between this exercise of power and that of making roads within the States, that the former has never been considered subject to such objections as apply to the latter, and such may now be considered the settled construction of the power of the Federal Government upon the subject.

Numerous applications have been, and no doubt will continue to be made for grants of land, in aid of the construction of railways.—It is not believed to be within the intent and meaning of the Constitution, that the power to dispose of the public domain should be used otherwise than might be expected from a prudent proprietor, and therefore, that grants of land to aid in the construction of roads should be restricted to cases where it would be for the interest of a proprietor, under like circumstances, thus to contribute to the construction of these works. For the practical operation of such grants thus far, in advancing the interests of the States in which the works are located, and at the same time the substantial interests of all the other States, by enhancing the value and promoting the rapid sale of the public domain, I refer you to the report of the Secretary of the Interior. A careful examination, however, will show that this experience is the result of a just discrimination, and will be far from affording encouragement to a reckless or indiscriminate extension of the principle.

I commend to your favorable consideration the men of genius of our country, who, by their inventions and discoveries in science and art, have contributed largely to the improvements of the age, without, in many instances, securing for themselves anything like an adequate reward. For many interesting details upon this subject I refer you to the appropriate reports, and especially urge upon your early attention the apparently slight but really important, modifications of existing laws therein suggested.

The liberal spirit which has so long marked the action of Congress in relation to the District of Columbia, will, I have no doubt, continue to be manifested.

The erection of an asylum for the insane of the District of Columbia, and of the Army and Navy of the United States, has been somewhat retarded; but full preparation for the reception of patients, before the return of another winter, is anticipated; and there is the best reason to believe, from the plan and contemplated arrangements which have been devised, with the large experience furnished within the last few years in relation to the nature and treatment of the disease, that it will prove an asylum indeed to this most helpless and afflicted class of sufferers, and stand as a noble monument of wisdom and mercy.

Under the acts of Congress of August 31, 1852, and of March 3, 1853, designed to secure for the cities of Washington and Georgetown an abundant supply of good and wholesome

port and plans of the engineer who had charge of the surveys under the act first named.—The best, if not the only plan, calculated to secure permanently the object sought, was that which contemplates taking the water from the Great Falls of the Potomac, and, consequently, I gave it my approval.

For the progress and present condition of this important work, and for its demands, so far as appropriations are concerned, I refer you to the report of the Secretary of War.

The present judicial system of the United States has now been in operation for so long a period of time, and has, in its general theory and much of its details, become so familiar to the country, and acquired so entirely the public confidence, that if modified in any respect, it should only be in those particulars which may adapt it to the increased extent, population, and legal business of the United States. In this relation, the organization of the Courts is now confessedly inadequate to the duties to be performed by them; in consequence of which, the States of Florida, Wisconsin, Iowa, Texas, and California, and districts of other States, are in effect excluded from the full benefits of the general system, by the functions of the Circuit Court being devolved on the District Judges in all those States, or parts of States.

The spirit of the Constitution and a due regard to justice require that all the States of the Union should be placed on the same footing in regard to the judicial tribunals. I therefore commend to your consideration this important subject, which, in my judgment, demands the speedy action of Congress. I will present to you, if deemed desirable, a plan which I am prepared to recommend, for the enlargement and modification of the present judicial system.

The act of Congress establishing the Smithsonian Institution provided that the President of the United States, and other persons therein designated, should constitute an "establishment" by that name, and that the members should hold stated and special meetings for the supervision of the affairs of the Institution. The organization not having taken place, it seemed to me proper that it should be effected without delay. This has been done; and an occasion was thereby presented for inspecting the condition of the Institution, and appreciating its successful progress thus far, and its high promise of great and general usefulness.

I have omitted to ask your favorable consideration for the estimates of works of a local character in twenty-seven of the thirty-one States, amounting to one million seven hundred and fifty-four thousand five hundred dollars, because, independently of the grounds which have so often been urged against the application of the Federal Revenue for works of this character, inequality with consequent injustice is inherent in the nature of the proposition, and because the plan has proved entirely inadequate to the accomplishment of the object sought.

The subject of internal improvements, claiming alike the interest and good will of all, has nevertheless been the basis of much political discussion, and has stood as a deep graven line of division between statesmen of eminent ability and patriotism. The rule of strict construction of all powers delegated by the States to the General Government has arrayed itself, from time to time, against the rapid progress of expenditures from the National Treasury on works of a local character within the states. Memorable as an epoch in the history of this subject is the Message of General Jackson, of the 27th of May, 1830, which met the system of internal improvements in its comparative infancy; but so rapid had been its growth, that the projected appropriations in that year for works of this character had risen to the alarming amount of more than one hundred million of dollars.

In that message the President admitted the difficulty of bringing back the operations of the Government to the construction of the Constitution set up in 1798, and marked it as an admonitory proof of the necessity of guarding that instrument with sleepless vigilance, against the authority of precedents, which had not the sanction of its most plainly defined powers.

Our Government exists under a written compact between sovereign States, uniting for specific objects, and with specific grants to their general agent. If, then, in the progress of its administration, there have been departures from the terms and intent of the compact, it is, and will ever be, proper to refer back to the fixed standard which our fathers left us, and make a stern effort to conform our action to it. It would seem that the fact of a principle having been resisted from the first by many of the wisest and most patriotic men of the Republic, and a policy having provoked constant strife, without arriving at a conclusion which can be regarded as satisfactory to its most earnest advocates, should suggest the inquiry whether there may not be a plan likely to be crowned by happier results. Without perceiving any sound distinction, or intending to assert any principle as opposed to improvements needed for the protection of internal commerce, which does not equally apply to improvements on the seaboard for the protection of foreign commerce, I submit to you, whether it may not be safely anticipated that, if the policy were once settled against appropriations by the General Government for local improvements for the benefit of commerce, localities requiring expenditures would not, by modes and means clearly legitimate and proper, raise the fund necessary for such construction as the safety or other interests of their commerce might require.

If that can be regarded as a system, which, in the experience of more than thirty years, has at no time so commanded the public judgment as to give it the character of a settled policy—which, though it has produced some works of conceded importance, has been attended with an expenditure quite disproportionate to their value—and has resulted in squandering large sums upon objects which have answered no valuable purpose—the interests of all the States require it to be abandoned, unless hopes may be indulged for the future which find no warrant in the past.

With an anxious desire for the completion of the works which are regarded by all good citizens with an interest, I have deemed it my duty to ask at your hands a deliberate reconsideration of the question, with a hope that, animated by a desire to promote the permanent and substantial interests of the country, your wisdom may prove equal to the task of devising and maturing a plan, which, applied to this subject, may promise something better than constant strife, the suspension of the powers of Local Sovereignty, the exciting of vain hopes, and the disappointment of their abused expectations.

In expending the appropriations made by

en in relation to works for the improvement of harbors, which involve a question as to right of soil and jurisdiction, and have threatened conflict between the authority of the State and General Governments. The right to construct a breakwater, jetty, or dam, would seem, necessarily, to carry with it the power to protect and preserve such constructions. This can only be effectually done by having jurisdiction over the soil. But no clause of the Constitution is found, on which to rest the claim of the United States to exercise jurisdiction over the soil of a State, except that conferred by the eighth section of the first article of the Constitution. It is, then, submitted, whether, in all cases where constructions are to be erected by the General Government, the right of soil should not first be obtained, and legislative provision be made to cover all such cases.

For the progress made in the construction of roads within the territories, as provided for in the appropriations of the last Congress, I refer you to the Report of the Secretary of War.

There is one subject of a domestic nature, which, from its intrinsic importance, and the many interesting questions of future policy which it involves, cannot fail to receive your early attention. I allude to the means of communication, by which different parts of the wide expanse of our country are to be placed in closer connexion for the purpose both of defense and commercial intercourse, and more especially such as appertain to the communication of those great divisions of the Union, which lie on the opposite sides of the Rocky Mountains.

That the Government has not been unmindful of this heretofore, is apparent from the aid it has afforded, through appropriations for mail facilities and other purposes. But the general subject will now present itself under aspects more imposing and more purely national, by reason of the surveys ordered by Congress, and now in the process of completion, for communication by railway across the Continent, and wholly within the limits of the United States.

The power to declare war, to raise and support armies, to provide and maintain a navy, and to call forth the militia to execute the laws, suppress insurrections, and repel invasions, was conferred upon Congress, as means to provide for the common defense, and to protect a territory and a population now widespread and vastly multiplied. As incidental to and indispensable for the exercise of this power, it must sometimes be necessary to construct military roads, and protect harbors of refuge. To appropriations by Congress for such objects, no sound objection can be raised. Happily for our country, its peaceful policy and rapidly increasing population impose upon us no urgent necessity for preparation, and leave but few trackless deserts between assailable points and a patriotic people ever ready and generally able to protect them. These necessary links, the enterprise and energy of our people are steadily and boldly struggling to supply. All experience affirms that wherever private enterprise will avail, it is most wise for the General Government to leave to that and individual watchfulness the location and execution of all means of communication.

The surveys before alluded to were designed to ascertain the most practicable and economical route for a Railroad from the Mississippi to the Pacific Ocean. Parties are now in the field making explorations, where previous examinations had not supplied sufficient data, and where there was the best reason to hope the object sought might be found. The means and time being both limited, it is not to be expected that all the accurate knowledge desired will be obtained; but it is hoped that much and important information will be added to the stock previously possessed, and that partial, if not full reports of the surveys ordered, will be received, in time for transmission to the two Houses of Congress, on or before the first Monday in February next, as required by the act of appropriation. The magnitude of the enterprise contemplated has aroused, and will doubtless continue to excite, a very general interest throughout the country. In its political, its commercial, and its military bearings, it has varied, great, and increasing claims to consideration. The heavy expense, the great delay, and, at times, fatality attending travel by either of the isthmus routes, have demonstrated the advantage, which would result from interoceanic communication by such safe and rapid means as a railroad would supply.

Those difficulties, which have been encountered in a period of peace, would be magnified and still further increased in time of war. But while the embarrassments already encountered, and others under new contingencies to be anticipated, may serve strikingly to exhibit the importance of such a work, neither these nor all considerations combined, can have an appreciable value, when weighed against the obligation strictly to adhere to the constitution, and faithfully to execute the powers it confers. Within this limit and to the extent of the interest of the government involved, it would seem both expedient and proper, if an economical and practicable route shall be found, to aid by all constitutional means, in the construction of a road, which will unite, by speedy transit, the populations of the Pacific and Atlantic States. To guard against misconception, it should be remarked that, although the power to construct, or aid in the construction of a road within the limits of a territory is not embarrassed by that question of jurisdiction which would arise within the limits of a State, it is nevertheless held to be of doubtful power, and more than doubtful propriety, even within the limits of a territory, for the general government to undertake to administer the affairs of a railroad, a canal, or other similar construction, and therefore that its connexion with a work of this character should be incidental rather than primary. I will only add, at present, that fully appreciating the magnitude of the subject, and solicitous that the Atlantic and Pacific shores of the republic may be bound together by inseparable ties of common interest, as well as of common loyalty and attachment to the Union, I shall be disposed, so far as my action is concerned, to follow the lights of the constitution, as expounded and illustrated by those whose opinions and expositions constitute the standard of my political faith in regard to the powers of the government. It is, I trust, not necessary to say, that no grandeur of enterprise, and no present urgent inducement presenting popular favor, will lead me to disregard those lights, or to depart from that path, which experience has provided to be safe, and which is now radiant with the glow of prosperity and legitimate constitutional progress. We can afford to wait, but we cannot afford to overlook the ark of our security.

It is my part of my purpose to give prompt issues to my subject