

(Continued from first page.)

United States." In the same section of the law it is further provided that no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas, for which duties on imports were specially pledged, shall first file with the Treasury of the United States releases of all claims against the United States, for an amount of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States.

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

The authorities of the State of Texas at the request of the Secretary of the Treasury have furnished a schedule of the public debt of that State created prior to her admission into the Union, with a copy of the laws under which each class was contracted. I have, from the documents furnished by the State of Texas, determined the classes of claims which, in my judgment fall within the provisions of the act of Congress of the 9th of September, 1850.

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

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

In my last annual message, to which I respectfully refer, I stated briefly the reasons which induced me to recommend a modification of the present tariff, by converting the ad valorem into a specific duty, wherever the article imported was of such a character as to permit it, and that such a discrimination should be made, in favor of the industrial pursuits of our own country, as to encourage home production without excluding foreign competition.

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

The report of the Secretary of the Interior, which accompanies this communication, will present a condensed statement of the operations of that important department of the Government. It will be seen that the cash sales of the public lands exceed those of the preceding year, and that there is reason to anticipate a still further increase, notwithstanding the large donations which have been made to many of the States, and the liberal grants to individuals as a reward for military services. This fact furnishes very gratifying evidence of the growing wealth and prosperity of the country.

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

On the 23d of March last an act was passed providing for the appointment of three commissioners to settle private land claims in California. Three persons were immediately appointed, all of whom, however, declined accepting the office, in consequence of the unagency of the compensation. Others were promptly selected, who, for the same reason, also declined; and it was not until late in the season that the services of suitable persons could be secured. A majority of the commissioners convened, in this city, on the 10th of September last, when detailed instructions were given to them in regard to their duties. Their first meeting for the transaction of business will be held in San Francisco on the 8th day of the present month.

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

The proper disposal of the mineral lands of California is a subject surrounded by great difficulties. In my last annual message I recommended the survey and sale of them in small parcels, under such restrictions as would effectually guard against monopoly and speculation. But upon further information, and in accordance to the opinions of persons familiar with the subject, I am inclined to change that recommendation, and to advise that they be permitted to remain,

as at present, a common field, open to the enterprise and industry of all our citizens, until further experience shall have developed the best policy to be ultimately adopted in regard to them. It is safer to suffer the inconvenience than now exist, for a short period, than by premature legislation to fasten on the country a system founded in error, which may place the whole subject beyond the future control of Congress.

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

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

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

Agriculture may justly be regarded as the great interest of our people. Four fifths of our active population are employed in the cultivation of the soil, and the rapid expansion of our settlements over new territory is daily adding to the number of those engaged in that vocation. Justice and sound policy, therefore, alike require that the government should use all the means authorized by the Constitution to promote the interests and welfare of that important class of our fellow citizens. And yet it is a singular fact, that whilst the manufacturing and commercial interests have engaged the attention of Congress during a large portion of every session, and our statutes abound in provisions for their protection and encouragement, little has yet been done directly for the advancement of agriculture. It is time that this reproach to our legislation should be removed; and I sincerely hope that the present Congress will not close their labors without adopting effective means to supply the omissions of those who preceded them.

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

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

The Secretary of the Interior has suggested in his report various amendments of the laws relating to pensions and bounty lands, for the purpose of more effectually guarding against abuses and frauds on the Government, to all of which I invite your particular attention. The large accession to our Indian population consequent upon the acquisition of New Mexico and California, and the extension of our settlements into Utah and Oregon, have given increased interest and importance to our relations with the original race.

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

Along the Mexican frontier, and in California, and Oregon, there have been occasional manifestations of a friendly feeling, and some depredations committed. I am satisfied, however, that they result more from the destitute and starving condition of the Indians than from any settled hostility towards the whites. As the settlements of our citizens progress towards them, the game upon which they mainly rely for subsistence is driven off or destroyed, and the only alternative left them is starvation or plunder. It becomes us to consider, in view of this condition of things, whether justice and humanity, as well as an enlightened economy, do not require, that instead of seeking to punish them for offences which are the result of our own policy towards them, we should not provide for their immediate wants and encourage them to engage in agriculture, and to rely on their labor, instead of the chase, for the means of support.

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

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

The initial point on the Rio Grande has also been fixed by the commissioners at latitude 32 deg. 22 min. and at the date of the last communication the survey of the line had made them westward about one hundred and fifty miles to the neighborhood of the copper mines.

The commission on our part was at first organized on a scale which proved to be unwieldy and attended with unnecessary expense. Orders have, therefore, been issued for the reduction of the number of persons

employed within the smallest limits, consistent with the safety of those engaged in the service, and in the prompt and efficient execution of their important duties.

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

The Superintendent of the Seventh Census is diligently employed, under the direction of the Secretary of the Interior, in classifying and arranging, in tabular form, all the statistical information derived from the returns of the marshals, and it is believed that when the work shall be completed it will exhibit a more perfect view of the population, a wealth, occupation, and social condition of a great country, than has ever been presented to the world. The value of such a work, as the basis of enlightened legislation, can hardly be over-estimated; and I earnestly hope that Congress will lose no time in making the appropriations necessary to complete the classifications, and to publish the results in a style worthy of the subject and of our national character.

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

In my last annual message I gave briefly my reasons for believing that you possessed the constitutional power to improve the harbors of our great lakes and coast, and the navigation of our principal rivers, and recommended that appropriations should be made for completing such works as had already been commenced, and for commencing such others as might seem to the wisdom of Congress to be of public and general importance. Without repeating the reasons then urged, I deem it my duty again to call your attention to this important subject. The works on many of the harbors were left in an unfinished state, and consequently exposed to the action of the elements, which is fast destroying them.

Great numbers of lives and vast amounts of property are annually lost for want of safe and convenient harbors on the lakes. None but those who have been exposed to that dangerous navigation can fully appreciate the importance of this subject. The whole northwest appeals to you for relief and I trust their appeal will receive due consideration at your hands.

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

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

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

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

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

To the difficulties of defending our own territory, as above mentioned, are superadded, in defending that of Mexico, those that arise from its remoteness, from the fact that we have no right to station our troops within her limits, and that there is no efficient military force on the Mexican

side to co-operate with our own. So long as this shall continue to be the case, the number and activity of our troops will rather increase than diminish the evil, as the Indians will naturally turn towards that country where they encounter the least resistance. Yet these troops are necessary to subdue them, and to compel them to make and observe treaties. Until this shall have been done, neither country will enjoy any security from their attacks.

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

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

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

The expenditures of that department, for the year ending 30th June last, were \$9,000,000 53. The estimates for the year commencing 1st July next and ending June 30, 1853, are \$7,998,775 83; showing a reduction of \$1,101,224 75.

The Board of Commissioners, to whom the management of the affairs of the Military Asylum created by the act of 2d March last was entrusted, have selected a site for the establishment of an Asylum in the vicinity of this city, which has been approved by me, subject to the production of a satisfactory title.

The Report of the Secretary of the Navy will exhibit the condition of the public service under the supervision of that department. Officers formerly employed in the present year have been actively and usefully employed in giving protection to our widely-extended and increasing commerce, and in the various quarters of the globe, and our flag has everywhere afforded the security and received the respect inspired by the justice and liberality of our intercourse, and the dignity and power of the nation.

The expedition commanded by Lieutenant De Haven, despatched in search of the British commander, Sir John Poirer, in the Arctic region, and who sailed from New York in the month of October, after having undergone great perils and sufferings from an unknown and dangerous disease, and the loss of a mother's child, without any satisfactory information of the objects of their search, but with new contributions to science and navigation from the unexplored polar regions. The officers and crew of the expedition, having all volunteered for this service, and having so conducted it as to meet the entire approbation of the Government, it is suggested, as an act of gratitude and generosity, that the same allowances of extra pay and emoluments be extended to them that were made to the officers and men of the expedition in the late exploring expedition to the South Seas.

I earnestly recommend to your attention the necessity of reorganizing the Naval establishment, apportioning and fixing the number of officers for each grade, providing some mode of promotion to the higher grades of the navy, having reference to merit and capacity, rather than to seniority, and to the services and conduct of the officers in the line of duty, and to the promotion of the effective list upon reduced pay those who may be incompetent to the performance of active duty.

The determination of the questions of relative rank between the officers of the army and navy, and the various grades of each, will also invite your attention. The failure to provide an adequate system of promotion in the army, and the abolition of officers in the navy, has occasioned the convening of numerous courts-martial upon the arrival of vessels in port, and is believed to have had an injurious effect upon the discipline and efficiency of the service. To moderate punishment from one grade to another, is among the humane reforms of the age; but the abolition of officers in the navy, and the promotion to offices on ship-board, and provide nothing in its stead, is to suppose a progress of improvement in every individual among seamen which is not assumed by the Legislature in respect to any other class of men engaged in the service. The ample opportunity afforded by the present session, will thoroughly investigate this subject, and such regulations of punishment as are consistent with humanity and the personal rights of individuals, and which will tend to increase the energetic and efficient performance of duty and the suppression of crime in our ships of war.

The stone dock in the navy yard at New York which was erected in pursuance of a resolution passed in 1810, and which is now in a state of decay, and the dock at Philadelphia is reported as completed, and to be tested in the course of the present year. The dock at Philadelphia is reported as completed, and to be tested in the course of the present year. The dock at Philadelphia is reported as completed, and to be tested in the course of the present year.

The estimates for the support of the Navy and Marine Corps the ensuing fiscal year will be found to be \$5,806,729 19, the estimates for the current year being \$5,900,000.

The estimates for special objects under the control of this Department amount to \$2,081,220 89, against the current year, the increase being \$1,200,000, occasioned by the additional mail routes in California, and the construction of the dock in California, authorized at the last session of Congress, and some other objects of improvement in the navy, and repairs in navy yards, building and machinery.

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

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

At the close of the last fiscal year, the length of mail routes within the United States was 126,200 miles; the annual transportation thereon 52,272,255 miles; and the annual cost of such transportation \$3,421,751.

The length of the foreign mail routes is estimated at 18,349 miles; and the annual transportation thereon is \$1,422,187, of which \$446,937 is paid by the Post Office Department, and \$975,250 is paid through the Navy Department.

The annual transportation within the United States, including the appropriations for the franking and delivery of the mail, and the foreign postages, collected for and payable to the British post office, amounted to \$5,747,946 78.

The expenditures for the same period, (excluding \$20,500,000 paid under an award of the Auditor, in purchase of the mail routes in California and Oregon, and the foreign postages collected for and payable to that office, and the interest on the debt for the purchase of revenue over the proper expenditures of the year of \$703,999 99.

made. It is believed, however, that they will fall far short of those of the last year. The surplus of the revenue now on hand is, however, so large that no further appropriation from the treasury, in aid of the revenues of the Department, is required for the current fiscal year; but an additional appropriation for the year ending June 30, 1853, will probably be found necessary when the receipts of the first two quarters of the fiscal year are fully ascertained.

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

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

The public statutes of the United States have now been accumulating for more than sixty years, and interspersed with private acts, are scattered through numerous volumes, and, from the cost of the whole, have become almost inaccessible to the great mass of the community. They also exhibit much of the incongruity and imperfection of hasty legislation. As it seems to be generally conceded that there is no "common law" of the United States to supply the defects of their legislation, it is most important that that legislation should be at perfect as possible, defining every power intended to be conferred, every crime intended to be made punishable, and prescribing the punishment to be inflicted.

In addition to some particular cases spoken of more at length, the whole criminal code is now lamentably defective. Some offences are imperfectly described, and others are entirely omitted; so that flagrant crimes may be committed with impunity. The scale of punishment is not in all cases graduated according to the degree and nature of the offence, and is often rendered more unequal by the different modes of imprisonment, or penitentiary confinement, in the different States.

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

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

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

The great object to be accomplished was to make such an addition as would afford ample and convenient halls for the deliberations of the two Houses of Congress, with sufficient accommodations for spectators, and suitable apartments for the committees and officers of the two branches of the Legislature. It was also desirable not to mar the harmony and beauty of the present structure, which, as a specimen of architecture, is so universally admired. Keeping these objects in view, I concluded to make the addition by wings, detached from the present building, yet connected with it by corridors. This mode of enlargement will leave the present Capitol unimpaired, and afford great advantages for ventilation and the admission of light, and will enable the work to progress without interrupting the deliberations of Congress. To carry this plan into effect I have appointed an experienced and competent architect. The corner stone was laid on the 4th day of July last, with suitable ceremonies, since which time the work has advanced with commendable rapidity, and the foundation of both wings are now nearly complete.

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

Other subjects were brought to the attention of Congress in my last annual message, to which I would respectfully refer. But there was one of more than ordinary interest to which I again invite your special

attention. I allude to the recommendation for the appointment of a commission to settle private claims against the United States. Justice to individuals as well as to the Government, imperatively demands that some more convenient and expeditious mode than an appeal to Congress should be adopted.

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

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

The Constitution declares, "That no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." This constitutional provision is equally obligatory upon the Legislative, the Executive, and Judicial Departments of the Government, and upon every citizen of the United States.

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

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

In my last annual message I stated that I considered the series of measures, which had been adopted at the previous session, in reference to the agitation growing out of the territorial and slavery questions, as a final settlement in principle and substance of the dangerous and exciting subjects which they embraced; and I recommended adherence to the adjustment established by those measures, until time and experience should demonstrate the necessity of further legislation to guard against evasion or abuse. I was not induced to make this recommendation because I thought those measures perfect, for no human legislation can be perfect. Wide differences and jarring opinions can only be reconciled by yielding something on all sides, and this result had reached after an angry conflict of many months, in which one part of the country was arrayed against another, and violent convulsion seemed so imminent. Looking at the interests of the whole country, I felt it to be my duty to seize upon this compromise as the best that could be obtained amid conflicting interests, and to insist upon it as a final settlement, to be adhered to by all who value the peace and welfare of the country. A year has now elapsed since that recommendation was made. To that recommendation I still adhere, and I congratulate you and the country upon the general acquiescence in these measures of peace, which has been exhibited in all parts of the Republic. And not only is there this general acquiescence in these measures, but the spirit of conciliation which has been manifested in regard to them in parts of the country; has removed doubts and uncertainties in the minds of thousands of our people concerning the durability of our popular institutions, and given renewed assurance that our Liberty and our Union, may subsist together for the benefit of this and all succeeding generations.

MILLARD FILLMORE.

WASHINGTON, December 2, 1851.