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BY GEO. W. BOWMAN.

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PRESIDENT'S MESSAGE.

Read in Congress, Tuesday, Dec. 2, 1856.

Fellow-Citizens of the Senate and House of Representatives:

The Constitution requires that the President shall, from time to time, not only recommend to the consideration of Congress such measures as he may judge necessary and expedient, but also that he shall give information to them of the state of the Union. To do this fully involves exposition of all matters in the actual condition of the country, domestic or foreign, which essentially concern the general welfare. While performing his constitutional duty in this respect, the President does not speak merely to express personal convictions, but as the executive minister of the government, enabled by his position, and called upon by his official obligations, to scan with an impartial eye, the interests of the whole, and of every part of the United States.

Of the condition of the domestic interests of the Union, its agriculture, mines, manufactures, navigation and commerce, it is necessary only to say that the internal prosperity of the country, its continuous and steady advancement in wealth and population, and in private as well as public well-being, attest the wisdom of our institutions, and the predominant spirit of intelligence and patriotism, which, notwithstanding occasional irregularities of opinion or action resulting from popular freedom, has distinguished and characterized the people of America.

In the brief interval between the termination of the last and the commencement of the present session of Congress, the public mind has been occupied with the care of selecting, for another constitutional term, the President and Vice President of the United States.

The determination of the persons who are of right, or contingently, to preside over the administration of the government, is, under our system, committed to the States and the people. We appeal to them, by their voice pronounced in the forms of law, to call whosoever they will to the high post of Chief Magistrate. And thus it is that as the Senators represent the respective States of the Union, and the members of the House of Representatives the several constituencies of each State, so the President represents the aggregate population of the United States. Their election of him is the explicit and solemn act of the sole sovereign authority of the Union.

It is impossible to misapprehend the great principles, which, by their recent political action, the people of the United States have sanctioned and announced.

They have asserted the constitutional equality of each and all of the States of the Union as States; they have affirmed the constitutional equality of each and all of the citizens of the United States as citizens, whatever their religion, wherever their birth, or their residence; they have maintained the inviolability of the constitutional rights of the different sections of the Union; and they have proclaimed their devoted and unalterable attachment to the Union and to the Constitution, as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and the essence of the liberty, peace and greatness of the Republic.

In doing this, they have, at the same time, emphatically condemned the idea of organizing in these United States mere geographical parties; of marshalling in hostile array towards each other the different parts of the country, North or South, East or West.

Schemes of this nature, fraught with incalculable mischief, and which the consideration of the people has rejected, could have had countenance in no part of the country, had they not been disguised by suggestions plausible in appearance, acting upon an excited state of the mind, induced by causes temporary in their character, and it is to be hoped transient in their influence.

Perfect liberty of association for political objects, and the widest scope of discussion, are the received and ordinary conditions of government in our country. Our institutions, framed in the spirit of confidence, in the intelligence and integrity of the people, do not forbid citizens either individually or associated together, to attack by writing, speech or any other methods short of physical force, the Constitution and the very existence of the Union. Under the shelter of this great liberty, and protected by the laws and usages of the government they assail, associations have been formed, in some of the States, of individuals, who, pretending to seek only to prevent the spread of the institution of slavery into the present or future inchoate States of the Union, are really inflamed with desire to change the domestic institutions of existing States. To accomplish their objects, they dedicate themselves to the odious task of depreciating the government or organization which stands in their way, and of calumniating, with indiscriminate invective, not only the citizens of particular States, with whose laws they find fault, but all others of their fellow-citizens throughout the country, who do not participate with them in their assaults upon the Constitution, formed and adopted by our fathers, and claiming for the privileges it has secured, and the blessings it has conferred, the steady support and grateful reverence of their children. They seek an object which they well know to be a revolutionary one.

They are perfectly aware that the change in the relative condition of the white and black races in the slaveholding States, which they would promote, is beyond their lawful authority; that to them it is a foreign object; that it cannot be effected by any peaceful instrumentality of theirs; that for them, and the States of which they are citizens, the only path to its accomplishment is through burning cities, and ravaged fields, and slaughtered populations, and

to cede Louisiana to the United States, and that accession was accepted by the United States, the latter expressly engaged that the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess—that is to say, while it remains in a territorial condition, its inhabitants are maintained and protected in the free enjoyment of their liberty and property, with a right then to pass into the condition of States on a footing of perfect equality with the original States.

The enactment, which established the restrictive geographical line, was acquiesced in rather than approved by the States of the Union. It stood on the statute books, however for a number of years; and the people of the respective States acquiesced in the re-enactment of the principle as applied to the State of Texas; and it was proposed to acquiesce in its further application to the territory acquired by the United States from Mexico. But this proposition was successfully resisted by the representatives from the Northern States, who, regardless of the line, insisted upon applying restriction to the new territory generally, whether lying North or South of it, thereby repealing it as a legislative compromise, and, on the part of the North, persistently violating the compact, if compact there was.

Thereupon this enactment ceased to have binding virtue in any sense, whether as respects the North or the South; and so in effect it was treated on the occasion of the admission of the State of California, and the organization of the Territories of New Mexico, Utah and Washington.

Such was the State of this question when the time arrived for the organization of the Territories of Kansas and Nebraska. In the progress of constitutional inquiry and reflection, it had now at length come to be seen clearly that Congress does not possess constitutional power to impose restrictions of this character upon any present or future State of the Union. In a long series of decisions, on the fullest argument, and after the most deliberate considerations, the Supreme Court of the United States had finally determined this point, in every form under which the question could arise, whether as affecting public or private rights—in questions of the public domain, of religion, of navigation, and of servitude.

The several States of the Union are, by force of the Constitution, co-equal in domestic legislative power. Congress cannot change a law of domestic relation in the State of Maine; no more can it in the State of Missouri. Any statute which proposes to do this is a mere nullity; it takes away no right, it confers none.—If it remains on the statute book unrevoked, it remains there only as monument of error, and a beacon of warning to the legislator and the statesman. To repeal it will be only to remove imperfection from the statutes without affecting, either in the sense of permission or of prohibition, the action of the States, or of their citizens.

Still, when the nominal restriction of this nature, already a dead letter in law, was in terms repealed by the last Congress, in a clause of the act organizing the Territories of Kansas and Nebraska, that repeal was made the occasion of a wide spread and dangerous agitation.

It was alleged that the original enactment being a compact of perpetual moral obligation, its repeal constituted an odious breach of faith. An act of Congress, while it remains unrevoked, more especially if it be constitutionally valid in the judgment of those public functionaries whose duty it is to pronounce on that point, is undoubtedly binding on the conscience of each good citizen of the Republic. But in what sense can it be asserted that the enactment in question was invested with perpetuity and entitled to the respect of a solemn compact?—Between whom was the compact? No distinct contending powers of the government, no separate sections of the Union, treating as such, entered into treaty stipulations on the subject.

It was a mere clause of an act of Congress, and like any other controverted matter of legislation received its final shape and was passed by compromise of the conflicting opinions or sentiments of the members of Congress. But if it had moral authority over men's consciences, to whom did this authority attach? Not to those of the North, who had repeatedly refused to confirm it by extension, and who had zealously striven to establish other and incompatible regulations upon the subject. And if, as it thus appears, the supposed compact had no obligatory force as to the North, of course it could not have had any as to the South, for all such compacts must be mutual and of reciprocal obligation.

It has not infrequently happened that lawyers, with undue estimation of the value of the law they give, or in the view of imparting to it peculiar strength, make it perpetual in terms; but they cannot thus bind the conscience, the judgment, and the will of those who may succeed them, invested with similar responsibilities, and clothed with equal authority. More careful investigation may prove the law to be unsound in principle. Experience may show it to be imperfect in detail and impracticable in execution. And then both reason combine not merely to justify, but to require its repeal.

The Constitution, supreme as it is over all the departments of the government, legislative, executive and judicial, is open to amendment by its very terms; and Congress or the States may, in their discretion, propose amendment to it, solemn compact though it be between the sovereign States of the Union. In the present instance, a political enactment, which had

ceased to have legal power or authority of any kind, was repealed. The position assumed, that Congress had no moral right to enact such repeal, was strange enough, and singularly so in view of the fact that the argument came from those who openly refused obedience to existing laws of the land, having the same popular designation and quality as compromise—nay, more, who unequivocally disregarded and condemned the most positive and obligatory injunctions of the Constitution itself, and sought, by every means within their reach, to deprive a portion of their fellow-citizens of the equal enjoyment of those rights and privileges guaranteed alike to all by the fundamental compact of our Union.

This argument against the repeal of the statute in question, was accompanied by another of congenial character, and equally with the former destitute of foundation in reason and truth. It was intimated that the measure originated in the conception of extending the limits of slave labor beyond those previously assigned to it, and that such was its natural as well as intended effect; and these baseless assumptions were made, in the Northern States, the ground of increasing assault upon constitutional right.

The repeal in terms of a statute, which was already absolute, and also null for unconstitutionality, could have no influence to obstruct or to promote the propagation of conflicting views of political or social institution. When the act organizing the Territories of Kansas and Nebraska was passed, the inherent effect upon that portion of the public domain thus opened to legal settlement, was to admit settlers from all the States of the Union alike, each with his convictions of public policy and private interest, there to found in their discretion, subject to such limitations as the Constitution and acts of Congress might prescribe, new States, hereafter to be admitted into the Union.

It was a free field, open alike to all, whether the statute line of assumed restriction were repealed or not. The repeal did not open to free competition of the diverse opinions and domestic institutions a field, which, without such repeal, would have been closed against them; it found that field of competition already opened, in fact and in law. All the repeal did was to relieve the statute book of an objectionable enactment, unconstitutional in effect, and injurious in terms to a large portion of the States.

Is it the fact that, in all the unsettled regions of the United States, if emigration be left free to act in this respect for itself, without legal prohibitions on either side, slave labor will spontaneously go everywhere, in preference to free labor? Is it the fact, that the peculiar domestic institutions of the Southern States possess relatively so much of vigor, that, wherever an avenue is freely open to all the world, they will penetrate to the exclusion of those of the Northern States? Is it the fact, that the former enjoy, compared with the latter, such irresistibly superior vitality, independent of climate, soil and all other accidental circumstances, as to be able to produce the supposed result, in spite of the assumed moral and natural obstacles to its accomplishment, and of the more numerous population of the Northern States?

Of course these imputations on the intentions of Congress in this respect, conceived as they were in prejudice and disseminated in passion, are utterly destitute of any justification in the nature of things, and contrary to all the fundamental doctrines and principles of civil liberty and self-government.

The argument of those who advocate the enactment of new laws of restriction, and condemn the repeal of old ones, in effect avers that their particular views of government have no self-extending or self-sustaining power of their own, and will go nowhere unless forced by act of Congress. And if Congress do but pause for a moment in the policy of stern coercion—if it venture to try the experiment of leaving men to judge for themselves what institutions will best suit them—if it be not strained up to prevent legislative exertion on this point—if Congress proceed thus to act in the very spirit of liberty, it is at once charged with aiming to extend slave labor into all the new territories of the United States.

While, therefore, in general, the people of the Northern States have never, at any time, arrogated to the Federal government the power to interfere directly with the domestic condition of the persons in the Southern States, but, on the contrary, have disavowed all such intentions, and have shrunk from conspicuous affiliation with those few who pursue their fanatical objects avowedly through the contemplated means of revolutionary change of the government, and with acceptance of the necessary consequences—a civil and servile war—yet many citizens have suffered themselves to be drawn into one evanescent political issue of agitation after another, appertaining to the same set of opinions, and which subsided as rapidly as they arose when it came to be seen, as it uniformly did, that they were incompatible with the compacts of the Constitution and the existence of the Union. Thus, when the acts of some of the States to nullify the existing extradition law, imposed upon Congress the duty of passing a new one, the country was invited by agitators to enter into party organization for its repeal; but that agitation speedily ceased by reason of the impracticability of its object. So, when the statute restriction upon the institutions of new States, by a geographical line, had been repealed, the country was urged to demand its restoration, and that project also died almost with its birth. Then follows the cry of alarm from the North against imputed Southern encroachments; which cry sprang in reality from the spirit of revolutionary attack on the domestic institutions of the South, and, after a troubled existence of a few months, has been rebuked by the voice of a patriotic people.

Of this last agitation one lamentable feature was, that it was carried on at the immediate expense of the peace and happiness of the people of the territory of Kansas. That was made the battle-field, not so much of opposing factions or interests within itself as of the conflicting passions of the whole people of the United States. Revolutionary disorder in Kansas had its origin in projects of intervention, deliberately arranged by certain members of that Congress which enacted the law for the organization of the territory. And when propagandist colonization of Kansas had thus been undertaken in one section of the Union, for the systematic promotion of its views of policy, there ensued, as a matter of course, a counteraction with opposite views in other sections of the Union.

In consequence of these and other incidents, many acts of disorder, it is understood, have been perpetrated in Kansas, to the occasional interruption, rather than the permanent suspension, of regular government. Aggressive and most reprehensible incursions into the territory were undertaken, both in the North and the South, and entered in on its northern border by way of Iowa, as well as on the eastern by way of Missouri, and there has existed within it a state of insurrection against the constituted authorities, not without countenance from inconsiderate persons in each of the great sections of the Union. But the difficulties in that Territory have been extravagantly exaggerated for purposes of political agitation elsewhere.

The number and gravity of the acts of violence have been magnified partly by statements entirely untrue, and partly by reiterated accounts of the same rumors or facts. Thus the Territory has been seemingly filled with extreme violence, when the whole amount of such acts has not been greater than what occasionally passes before us in single cities to the regret of all good citizens, but without being regarded as of general or permanent political consequence.

Imputed irregularities in the elections held in Kansas, like occasional irregularities of the same description in the States, were beyond the sphere of the Executive. But incidents of actual violence or of organized obstruction of law, pertinaciously renewed from time to time, have been met as they occurred, by such means as were available and as the circumstances required; and nothing of this character now remains to affect the general peace of the Union. The attempt of a part of the inhabitants of the territory to erect a revolutionary Government, though sedulously encouraged and supplied with pecuniary aid from active agents of disorder in some of the States, has completely failed. Bodies of armed men, foreign to the territory, have been prevented from entering, or compelled to leave it. Predatory bands, engaged in acts of rapine, under cover of the existing political disturbances, have been arrested or dispersed. And every well-disposed person is now enabled once more to devote himself in peace to the pursuits of prosperous industry, for the prosecution of which he undertook to participate in the settlement of the Territory.

It affords me unmingled satisfaction thus to announce the peaceful condition of things in Kansas, especially considering the means to which it was necessary to have recourse for the attainment of the end, namely, the employment of a part of the military force of the U. S. The withdrawal of that force from its proper duty of defending the country against foreign foes or the savages of the frontier, to employ it for the suppression of domestic insurrection, is, when the exigency occurs, a matter of the most earnest solicitude.

On this occasion of imperative necessity, it has been done with the best results, and my satisfaction in the attainment of such results by such means is greatly enhanced by the consideration that, through the wisdom and energy of the present Executive of Kansas, and the prudence, firmness, and vigilance of the military officers on duty there, tranquility has been restored without one drop of blood having been shed in its accomplishment by the force of the United States.

The restoration of comparative tranquility in that territory furnishes the means of observing calmly, and appreciating at their just value, the events which have occurred there, and the discussions of which the Government of the Territory has been the subject.

We perceive that controversy concerning its future domestic institutions was inevitable: that no human prudence, no form of legislation, no wisdom on the part of Congress, could have prevented this.

It is idle to suppose that the particular provisions of their organic law were the causes of agitation. These provisions were but the occasion, or the pretext of agitation, which was inherent in the nature of things. Congress legislated upon the subject in such terms as were most consonant with the principle of popular sovereignty which underlies our government. It could not have legislated otherwise without doing violence to another great principle of our institutions, the inalienable right of equality of the several States.

We perceive, also, that sectional interests and party passions have been the great impediment to the salutary operation of the organic principles adopted, and the chief cause of the successive disturbances in Kansas. The assumption that, because in the organization of the territories of Nebraska and Kansas, Congress abstained from imposing restraints upon them to certain other territories had been subject, therefore disorders occurred in the latter territory, is emphatically contradicted by the fact that none have occurred in the former.

Those disorders were not the consequence in Kansas of the freedom of self-government conceded to that Territory by Congress, but of unjust interference on the part of persons not inhabitants of the Territory. Such interference, wherever it has exhibited itself, by acts of an insurrectionary character, or of obstruction to processes of law, has been repelled or suppressed, by all the means which the Constitution and the laws place in the hands of the Executive.

In those parts of the U. S. where, by reason

of the inflamed state of the public mind, false rumors and misrepresentations have the greatest currency, it has been assumed that it was the duty of the Executive not only to suppress insurrectionary movements in Kansas, but also to see to the regularity of local elections. It needs little argument to show that the President has no such power. All government in the U. S. rests substantially upon popular election. The freedom of elections is liable to be impaired by the intrusion of unlawful votes, or the exclusion of lawful ones, by improper influences, by violence or fraud.

But the people of the U. S. are themselves the all-sufficient guardians of their own rights, and to suppose that they will not remedy, in due season, any such incidents of civil freedom, is to suppose them to have ceased to be capable of self-government. The President of the U. S. has no power to interpose in elections, to see to their freedom, to canvass their votes, or to pass upon their legality in the Territories any more than in the States.

If he had such power, the Government might be republican in form, but it would be a monarchy in fact; and if he had undertaken to exercise it in the case of Kansas, he would have been justly subject to the charge of usurpation, and of violation of the dearest rights of the people of the U. S.

Unwise laws, equally with irregularities at elections, are, in periods of great excitement, the occasional incidents of even the freest and best political institutions. But all experience demonstrates in a country like ours, where the right of self-constitution exists in the completest form, the attempt to remedy unwise legislation by resort to revolution, is totally out of place; inasmuch as existing legal institutions afford more prompt and efficacious means for the redress of wrong.

I confidently trust that now, when the peaceful condition of Kansas affords opportunity for calm reflection and wise legislation, either the legislative assembly of the Territory, or of Congress, will see that no act shall remain on its statute book violative of the provisions of the Constitution, or subversive of the great objects for which that was ordained and established, and will take all necessary steps to assure to its inhabitants the enjoyment, without obstructions or abridgement, of all the constitutional rights, privileges, and immunities of citizens of the U. S., as contemplated by the organic law of the Territory.

Full information in relation to recent events in this Territory will be found in the documents communicated herewith from the Departments of State and War.

I refer you to the report of the Secretary of the Treasury for particular information concerning the financial condition of the government, and the various branches of public service connected with the Treasury Department.

During the last fiscal year the receipts from customs were, for the first time, more than \$64,000,000, and from all sources, \$73,918,181; which, with the balance on hand up to the first of July, 1855, made the total resources of the year to amount to \$92,850,117.

The expenditures, including \$3,000,000 in execution of the treaty with Mexico, and including sums paid on account of the public debt, amount to \$60,172,401; and including the latter, to \$72,948,792, the payment on this account having amounted to \$12,776,390.

On the 4th of March 1853, the amount of the public debt was \$69,129,939. There was a subsequent increase of 11,756,000 for the debt of Texas, making a total of \$71,879,937. Of this sum \$45,525,319, including premium, has been discharged, reducing the debt to \$30,737,121; all which might be paid within a year without embarrassing the public service, but being not yet due, and only redeemable at the option of the holder, cannot be pressed to payment by the Government.

On examining the expenditures of the last five years, it will be seen that the average, deducting payments on account of the public debt, and \$10,000,000 paid by treaty to Mexico, has been but about \$48,000,000. It is believed that, under an economical administration of the Government, the average expenditure for the ensuing five years will not exceed that sum, unless extraordinary occasion for its increase should occur.

The act granting bounty lands will soon have been executed, while the extension of our frontier settlements will cause a continued demand for lands, and augmented receipts, probably, from that source. These considerations will justify a reduction of revenue from customs, so as not to exceed 48 or 50 millions of dollars. I think the exigency for such reduction is imperative, and again urge it upon the consideration of Congress.

The amount of reduction, as well as the manner of effecting it, are questions of great and general interest; it being essential to industrial enterprise and public prosperity, as well as the dictate of obvious justice, that the burden of taxation be made to rest as equally as possible on all classes, and all sections and interests of the country.

I have heretofore recommended to your consideration the revision of the revenue laws, prepared under the direction of the Secretary of the Treasury, and also legislation upon some special questions affecting the business of that department, more especially the enactment of a law to punish the abstraction of official books or papers from the files of the Government, and requiring all such books and papers and all other public property to be turned over by the outgoing officer to his successor; of a law requiring disbursing officers to deposit all public money in the vaults of the Treasury or in other legal depositories, where the same are conveniently accessible; and a law to extend existing penal provisions to all persons who may become possessed of public money by deposit or otherwise, or who shall refuse or neglect, on due demand, to pay the same into the Treasury. I invite your attention anew to each of these objects.

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