rightfully rest upon the heads of the assailants.

Apart from the execution of the laws so far as this may be practicable, the executive has no authority to decide what shall be the relations between the Federal Government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere executive officer with the power of recognizing the dissolution of the confederacy among our thirty-three sovereign States. It bears no resemblance to the recognition of a foreign *de facto* government involving no such responsibilities. Any attempt to do this would, on his part, be a naked act of usurpation.—It is, therefore, my duty to submit to Congress the whole question in all its bearings. The course of events is so rapidly hastening forward, that the emergency may soon arrive when you may be called upon to decide the momentous question whether you possess the power by force of arms to compel a State to remain in the Union. I should feel myself recreant to my duty were I not to express an opinion on this important subject. The question fairly stated is:—Has the Constitution delegated to Congress the power to enforce a State into submission which is attempting to withdraw, or has actually withdrawn from the Confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare, and to make war against a State. After much serious reflection, I have arrived at the conclusion that no such power has been delegated to Congress, or to any other department of the Federal Government. It is manifest, upon an inspection of the Constitution, that this is not among the specific and enumerated powers granted to Congress, and it is equally apparent that its exercise is not necessary and proper for carrying into execution any one of these powers. So far from this power having been delegated to Congress, it was expressly refused by the Convention which formed the Constitution. It appears from the proceedings of that body, that on the 31st of May, 1787, the clause authorizing an execution of the force of the whole against a delinquent state came up for consideration. Mr. Madison opposed it in a brief but powerful speech, from which I shall extract but a single sentence. He observed: "The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound." Upon his motion the clause was unanimously postponed, and was never, I believe again presented. Soon afterwards, on the 5th of June, 1787, when incidentally adverting to this subject, he said any government for the United States formed on the supposed practicability of using force against the unconstitutional proceedings of the State would prove as visionary and fallacious as the government of Congress, evidently meaning the then existing Congress of the old confederation. Without descending to particulars, it may be safely asserted that the power to make war against a State is at variance with the whole spirit and intent of the Constitution. Suppose such a war should result in the conquest of a State, how are we to govern it afterwards? Shall we hold it as a province, and govern it by despotic power. In the nature of things we cannot by physical force control the will of the people, and compel them to elect Senators and Representatives to Congress, and to perform all the other duties depending upon their own volition, and required from the free citizens of a free State as a constituent member of the confederacy. But if we possessed this power, would it be wise to exercise it under existing circumstances. The city would be doubtless, to preserve the Union. War would not only prevent the most effectual means of destroying it, but would banish all hope of its peaceful reconstruction hereafter. In the fratricidal conflict a great amount of blood and treasure would be expended, rendering future reconciliation between the States impossible; in the meantime who can foretell what would be the sufferings and privations of the people during its existence. The fact is, that our Union rests upon public opinion, and can never be connected by the blood of its citizens, shed in civil war. If it cannot live in the affection of the people, it must, one day, perish. Congress possesses many means of preserving it by conciliation; but the sword was not placed in their hands to preserve it by force. But may I be permitted solemnly to invoke my countrymen to pause and deliberate before they determine to destroy this, the grandest temple which has ever been dedicated to human freedom since the world began. It has been consecrated by the blood of our fathers, by the glories of the past, and by the hopes of the future. The Union has already made us the most prosperous, and ere long will, if preserved, render us the most powerful nation on the face of the earth. In every foreign region of the globe the title of American citizen is held in the highest respect, and when pronounced in a foreign land, it causes the hearts of our countrymen to swell with honest pride.—Surely, when we reach the brink of the yawning abyss, we shall recoil with horror from the last fatal plunge. By such a dread catastrophe, the hopes of the friends of freedom throughout the world would be destroyed, and a long night of leaden despotism would enshroud the nation. Our example for more than eighty years would not only be lost, but it would be quoted as a conclusive proof that man is unfit for self-government. It is not every wrong—nay, it is not every grievous wrong which can justify a resort to such a fearful alternative. This ought to be the last desperate remedy of a despairing people after every other constitutional means of conciliation had been exhausted. We should reflect, that under this free government there is an incessant ebb and flow in public opinion; the slavery question, like everything human, will have its day. I firmly believe that it has already reached and passed the culminating point. But if, in the midst of the existing excitement, the Union shall perish, the evil may then become irreparable.

Congress can contribute much to avert it, by proposing and recommending to the Legislatures of the several States the remedy for existing evils which the constitution has itself provided for its own preservation.—This has been tried at different critical periods of our history, and always with eminent success. It is to be found in the fifth article providing for its own amendment.—Under this article amendments have been proposed by two-thirds of both Houses of Congress, and have been ratified by the Legislatures of three-fourths of the several States, and have consequently become parts of the Constitution. To this process the country is indebted for the clause prohibiting Congress from passing any law respecting an establishment of religion or abridging the freedom of speech, or of the press, or of the right of petition. To this we are also indebted for the bill of rights which secures the people against any abuse of power by the Federal Government. Such were the apprehensions justly entertained by the friends of State rights at that period as to have rendered it extremely doubtful whether the Constitution could have long survived without these amendments. Again, the Constitution was amended by the same process after the election of President Jefferson by the House of Representatives in February, 1803. This amendment was rendered necessary to prevent recurrence of the dangers which had seriously threatened the existence of the government during the pendency of that election. The article for its own amendment was intended to procure the amicable adjustment of conflicting Constitutional questions, like the present, which might arise between the governments of the States and that of the United States.

This appears from contemporaneous history. In this connection I shall merely call attention to a few instances in Mr. Madison's justly celebrated report in 1779, to the legislature of Virginia. In this he ably and conclusively defends the resolutions of the preceding legislature, against the strictures of several other State legislatures. These were mainly founded upon the protest of the Virginia legislature against the Alien and Sedition acts, as palpable and alarming infractions of the constitution. In pointing out the peaceful and constitutional remedies, and he referred to none other to which the States were authorized to resort on such occasions, he concludes by saying that the legislatures of the States might have made a direct representation to Congress with a view to obtain a rescinding of two offensive acts, or they might have represented to their respective Senators in Congress their wish that two-thirds thereof would propose any explanatory amendment to the Constitution, or two-thirds of themselves, if such had been their option, might, by an application to Congress, have obtained a convention for the same object. This is the very course which I earnestly recommend in order to obtain an explanatory amendment of the Constitution on the subject of slavery.—This might originate with Congress or the State Legislatures, as may be deemed most advisable to attain the object. The explanatory amendment might be confirmed to the final settlement of the true construction of the constitution on three special points. First, an express recognition of the right of property in slaves in the States where it now exists or may hereafter exist. Second, The duty of protecting this right in all the common territories throughout their territorial existance, and until they shall be admitted as States into the Union, with or without slavery, as their constitutions may prescribe. Third, A like recognition of the right of the master to have his slave who has escaped from one State to another restored and delivered up so him, and of the validity of the Fugitive Slave Law enacted for this purpose, together with a declaration that all State laws impairing or defeating this right are violations of the constitution, and are consequently null and void. It may be objected that this construction of the constitution has already been settled by the Supreme Court of the United States, and what more ought to be required? The answer is that a very large proportion of the people of the U. S. still contest the correctness of this decision, and never will cease from agitation and admit its binding force until clearly established by the people of the several States in their sovereign character. Such an explanatory amendment would, it is believed, forever terminate the existing dissensions, and restore peace and harmony among the States. It ought not to be doubted that such an appeal to the arbitrement established by the constitution itself would be received with favor by all the States of confederacy. In any event, it ought to be tried in a spirit of conciliation before any of these States shall separate themselves from the Union.

When I entered upon the duties of the Presidential office, the aspect of neither our foreign nor our domestic affairs was at all satisfactory. We were involved in dangerous complications with several nations, and two of our Territories were in a state of revolution against the government. A restoration of the African slave trade had numerous and powerful advocates. Unlawful military expeditions were countenanced by many of our citizens, and were suffered, in defiance of the efforts of the government, to depart from our shores, for the purpose of making war upon the unoffending people of neighboring republics, with whom we were at peace. In addition to these difficulties, we experienced a revulsion in monetary affairs, soon after my advent to power, of unexampled severity, and of ruinous consequence to all the great interests of the country. When we take a retrospect of what was then our condition, and contrast this with our material prosperity at the time of the Presidential election, we have abundant reason to return our grateful thanks to that merciful Providence which has never forsaken us as a nation in all our past trials.

Our relations with Great Britain are of the most friendly character. Since the commencement of my administration, the two dangerous questions arising from the Clayton and Bulwer treaty and from the right of search claimed by the British government, have been honorably and amicably adjusted.

The discordant construction of the Clayton and Bulwer treaty between the two governments, which, at different periods of the discussion, bore a threatening aspect, have resulted in a final settlement entirely satisfactory to this government. In my last message, I informed Congress that the British government had not then "completed treaty arrangements with the republics of Honduras and Nicaragua, in pursuance of the understanding between the two governments. It is nevertheless confidently expected that this good work will ere long be accomplished." This confident expectation has since been fulfilled. Her Britanic Majesty concluded a treaty with Honduras on the 28th of November, 1859, and with Nicaragua on the 28th of August, 1860, relinquishing the Mosquito protectorate. Besides, by the former, the Bay Islands are recognized as a part of the republic of Honduras. It may be observed that the stipulations of those treaties conform in every important particular to the amendments adopted by the Senate of the United States to the treaty concluded at London, on the 17th of October, 1856, between the two governments. It will be recollected that this treaty was rejected by the British government because of its objection to the just and important amendment of the Senate to the article relating to Rutan and the other islands in the Bay of Honduras.

It must be a source of sincere satisfaction to all classes of our fellow citizens, and especially those engaged in foreign commerce, that the claim, on the part of Great Britain, forcibly to visit and search American merchant vessels on the high seas in time of peace, has been abandoned. This was by far the most dangerous question to the peace of the two countries which has existed since the war of 1812. Whilst it remained open, they might, at any moment, have been precipitated into a war. This was rendered manifest by the exasperated state of public feeling throughout our entire country, produced by the forcible search of American merchant vessels by British cruisers on the coast of Cuba in the spring of 1858. The American people hailed with general acclaim the orders of the Secretary of the Navy to our naval force in the Gulf of Mexico, "to protect all vessels of the United States on the high seas from search or detention by the vessels of war of any other nation." These orders might have produced an immediate collision between the naval forces of the two countries. This was most fortunately prevented by an appeal to the justice of Great Britain, and to the law of nations as expounded by her own eminent jurists.

The only question of any importance which still remains open is the disputed title between the two governments to the island of San Juan, in the vicinity of Washington Territory. As the question is still under negotiation, it is not deemed advisable at the present moment to make any other allusion to the subject.

The recent visit of the Prince of Wales, in a private character, to the people of this country, has proved to be a most auspicious event. In its consequences it cannot fail to increase the kindred and friendly feeling which I trust may ever actuate the government and people of both countries in their political and social intercourse with each other.

With France, our ancient and powerful ally, our relations continue to be of the most friendly character. A decision has recently been made by a French judicial tribunal, with the approbation of the imperial government, which cannot fail to foster the sentiments of mutual regard that have so long existed between the two countries.—Under the French law no person can serve in the armies of France unless he be a French citizen. The law of France recognizing the natural right of expatriation, it follows as a necessary consequence that a Frenchman, by the fact of having become a citizen of the United States, has changed his allegiance and has lost his native character. He cannot, therefore, be compelled to serve in the French armies in case he should return to his native country. These principles were announced in 1852 by the French Ministers of War, and in two late cases have been confirmed by the French judiciary. In these, two natives of France have been discharged from the French army because they had become American citizens. To employ the language of our present Minister to France, who has rendered good service on this occasion. "I do not think our French naturalized fellow-citizens will hereafter experience much annoyance on this subject." I venture to predict that the time is not far distant when the other Continental powers will adopt the same wise and just policy which has done so much honor to the enlightened government of the Emperor. In any event our government is bound to protect the rights of our naturalized citizens everywhere to the same extent as though they had drawn their first breath in this country. We can recognize no distinction between our native and naturalized citizens.

Between the great empire of Russia and the U. S. the mutual friendship and regard which has so long existed still continues to prevail, and, if possible, to increase. Indeed, our relations with that empire are all that we could desire.

Our relations with Spain are now of a more complicated though less dangerous character than they have been for many years. Our citizens have long held, and continue to hold, numerous claims against the Spanish Government. These had been ably urged for a series of years by our successive diplomatic representatives at Madrid, but without obtaining redress. The Spanish government finally agreed to institute a joint commission for the adjustment of these claims, and on the fifth day of March, 1860, concluded a convention for the purpose with our present minister at Madrid. Under this convention, what have been denominated "the Cuban claims," amounting to $123,635 and 54 cents, in which more than one hundred of our fellow citizens are interested, were recognized, and the Spanish government agreed to pay $100,000 of this amount "within three months of the exchange of ratifications." The payment of the remaining $28,536 54 was to await the decision of the Commissioners for, or against, "the Amistad claim," but in any event the ballance was to be paid to the claimants, either by Spain or the United States. These terms I have every reason to know are highly satisfactory to the holders of the Cuban claims. Indeed, they have made a formal offer authorising the State Department to settle these claims, and to deduct the amount of the Amistad claim from the sums which they are entitled to receive from Spain. This offer, of course, cannot be accepted.

All other claims of the citizens of the United States against Spain, or of subjects of the Queen of Spain against the United States, including the "Amistad Claim," were by this convention referred to a board of commissioners in the usual form. Neither the validity of the Amistad claim nor any other claim against either party, with the single exception of the Cuban claims, was recognised by the convention. Indeed, the Spanish government did not insist that the validity of the Amistad claim should be thus recognized, notwithstanding its payment had been recommended to Congress by two of my predecessors as well as by myself, and an appropriation for that purpose had passed the Senate of the United States. They were content that it should be submitted to the board for examination and decision, like the other claims. Both governments were bound respectively to pay the amounts awarded to the several claimants "at such times and places as may be fixed by and according to the tenor of said awards."

I transmitted this convention to the Senate for their constitutional action on the 3d of May, 1860, and on the 27th of the succeeding June they determined that they would not "advise and consent" to its ratification.

These proceedings place our relations with Spain in an awkward and embarrassing position. It is more than probable that the final adjustment of these claims will devolve upon my successor.

I reiterate the recommendation contained in my annual Message of December, 1858, and repeated in that of 1859, in favor of the acquisition of Cuba from Spain by fair purchase. I firmly believe that such an acquisition would contribute essentially to the well being and prosperity of both countries in all future time, as well as prove the certain means of immediately abolishing the African Slave trade throughout the world. I would not repeat this recommendation upon the present occasion, if I believed that the transfer of Cuba to the United States, upon conditions highly favorable to Spain, could justly tarnish the national honor of the proud and ancient Spanish monarchy.—Surely no person never attributed to the first Napoleon a disregard of the national honor of France, for transferring Louisiana to the United States for a fair equivalent both in money and commercial advantage.

With the Emperor of Austria, and the remaining Continental Powers of Europe, including that of the Sultan, our relations continue to be of the most friendly character.

The friendly and peaceful policy pursued by the government of the United States towards the Empire of China has produced the most satisfactory results. The treaty of Tientsin of the 18th of June, 1858, has been faithfully observed by the Chinese authorities. The convention of the 8th November, 1858 supplementary to this act, for the adjustment and satisfaction of the claims of our citizens on China, referred to in my last annual Message, has been already carried into effect, so far as this was practicable.

Under this convention the sum of 500,000 teals, equal to about $700,000, was stipulated to be paid in satisfaction of the claims of American citizens, out of the one-fifth of the receipts of tonnage import, and export duties on American vessels at the ports of Canton, Shanghae, and Fuchan; and it was "agreed that this amount shall be in full liquidation of all claims of American citizens in the various ports to this date." Debenture for this amount, to wit: 300,000 teals for Canton, 100,000 for Shanghae, and 100,000 for Fuchan—were delivered according to the terms of the convention by the respective Chinese collectors of the customs of these ports to the agent selected by our minister to receive the same.

Since that time the claims of our citizens have been adjusted by the Board of Commissioners appointed for that purpose under the act of March 3, 1859, and their awards, which proved satisfactory to the claimants, have been approved by our Minister. In the aggregate they amount to the sum of $498,694 78. The claimants have already received a large proportion of the sums awarded to them out of the fund provided, and it is confidently expected that the remainder will ere long be entirely paid. After the awards shall have been satisfied there will remain a surplus of more than $200,000 at the disposition of Congress. As this will in equity belong to the Chinese government, would not justice require its appropriation to some benevolent object in which the Chinese may be especially interested?

Our Minister to China, in obedience to his instructions, has remained perfectly neutral in the war between Great Britain and France and the Chinese Empire; although, in conjunction with the Russian Minister, he was ever ready and willing, had the opportunity offered, to employ his good offices in restoring peace between the parties. It is but an act of justice, both to our present Minister and his predecessor, to state that they have proved fully equal to the delicate, trying and responsible position in which they have on different occasions been placed.

The ratifications of the treaty with Japan, concluded Yedo on the 29th of July, 1858, were exchanged at Washington the 22d of May last, and the treaty itself was proclaimed on the succeeding day. There is good reason to expect that under its protection and influence, our trade and intercourse with that distant and interesting people will rapidly increase.

The ratifications of the treaty were exchanged with unusual solemnity. For this purpose the Tycoon had accredited three of his most distinguished subjects as envoys extraordinary and ministers plenipotentiary, who were received and treated with marked distinction and kindness both by the government and the people of the United States. There is every reason to believe that they have returned to their native land entirely satisfied with their visit, and inspired by the most friendly feelings for our country. Let us ardently hope, in the language of the treaty itself that there shall henceforward be perpetual peace and friendship between the U. S. of America and his majesty the Tycoon of Japan and his successors."

With the wise, conservative and liberal government of the empire of Brazil our relations continue to be of the most amiable character.

The exchange of the ratifications of the convention with the republic of New Granada, signed at Washington on the 10th of September, 1857, has been long delayed from accidental causes, for which neither party is censurable. These ratifications were duly exchanged in this city on the 5th of November last. Thus has a controversy been amicably terminated which had become so serious at the period of my inauguration as to require me, on the 17th of April, 1857, to direct our Minister to demand his passports and return to the United States!

Under this convention the government of New Granada has specially acknowledged itself to be responsible to our citizens "for damages which were caused by the riot at Panama on the 15th of April, 1856.' These claims, together with other claims of our citizens which had been long urged in vain, are referred for adjustment to a Board of Commissioners. I submit a copy of the convention to Congress, and recommend the legislation necessary to carry it into effect

Persevering efforts have been made for the adjustment of the claims of American citizens against the government of Costa Rica, and I am happy to inform you that these have finally prevailed. A convention was signed at the city of San Juan on the 2d of July last, between the Minister resident of the United States in Costa Rica and the plenipotentiaries of that republic, referring these claims to a Board of Commissioners, and providing for the payment of their awards. This convention will be submitted immediately to the Senate for their constitutional action.

The claims of our citizens upon the republic of Nicaragua have not yet been provided for by treaty, although diligent efforts for this purpose have been made by our Minister resident to that republic. These are still continued, with a fair prospect of success.

Our relations with Mexico remain in a most unsatisfactory condition. In my last two annual messages I discussed extensively the subject of these relations, and do not now propose to repeat at length the facts and arguments then presented. They prove conclusively that our citizens residing in Mexico and our merchants trading thereto had suffered a series of wrongs and outrages such as we have never patiently borne from any other nation. For these, our successive ministers, invoking the faith of treaties, had, in the name of their country persistently demanded redress and indemnification, but without the slightest effect. Indeed, so confident had the Mexican authorities become of our patient endurance, that they universally believed they might commit these outrages upon American citizens with absolute impunity. Thus wrote our Minister in 1856, and expressed the opinion that nothing but a manifestation of the power of the government, and of its purpose to punish these wrongs, will avail.

Afterwards, in 1857, came the adoption of a new constitution for Mexico, the election of a President and Congress under its provisions, and the inauguration of the President. Within one short month, however, this President was expelled from the capital by a rebellion in the army, and the supreme power of the Republic was assigned to General Zuloga. This usurper was in his turn compelled to retire and give place to General Miramon.

Under the constitution which had thus been adopted, Senor Juarez, as Chief Justice of the Supreme Court, became the lawful President of the republic, and it was for the maintenance of the constitution and his authority derived from it that the civil war commenced and still continues to be prosecuted.

Throughout the year 1858 the constitutional party grew stronger and stronger.—In the previous history of Mexico a successful military revolution at the capital had almost universally been the signal for submission throughout the republic. Not so on the present occasion. A majority of the citizens persistently sustained the constitutional government. When this was recognized in April, 1859, by the government of the United States, its authority extended over a large majority of the Mexican States and people, including Vera Cruz and all the other important seaports of the republic.—From that period our commerce with Mexico began to revive, and the constitutional government has afforded it all the protection in their power.

Meanwhile the government of Miramon still held sway at the capital and over the surrounding country, and continued its outrages against the few American citizens who still had the courage to remain within its power. To cap the climax: After the battle of Tacubaya, in April, 1859, General Marquez ordered three citizens of the United States, two of them physicians, to be seized in the hospital at that place, taken out and shot, without crime and without trial. This was done, notwithstanding our unfortunate countrymen were at the moment engaged in the holy cause of affording relief to the soldiers of the parties who had been wounded in the battle, without making any distinction between them.

The time had arrived, in my opinion, when this government was bound to exert its power to avenge and redress the wrongs of our citizens and to afford them protection in Mexico. The interposing obstacle was that the portion of the country under the sway of Miramon could not be reached without passing over territory under the jurisdiction of the constitutional government. Under these circumstances, I deemed it my duty to recommend to Congress, in my last annual Message, the employment of a sufficient military force to penetrate into the interior, where the government of Miramon was to be found, with, or, if need be, without the consent of the Juarez government, though it was not doubted that this consent could be obtained. Never have I had a clearer conviction on any subject than that of the justice as well as wisdom of such a policy.—No other alternative was left, except the entire abandonment of our citizens who had gone to Mexico, under the faith of treaties, to the systematic injustice, cruelty and oppression of Miramon's government. Besides, it is almost certain that the simple authority to employ this force would of itself have accomplished all our objects without striking a single blow. The constitutional government would then ere this have been established at the city of Mexico, and would have been ready and willing, to the extent of its ability to do us justice.

In addition—and I deem this a most important consideration—European governments would have been deprived of all pretext to interfere in the territorial and domestic concerns of Mexico. We should thus have been relieved from the obligation of resisting, even by force, should it become necessary, any attempt by these governments to deprive our neighboring republic of portions of her territory; a duty from which we could not shrink without abandoning the traditional and established policy of the American people. I am happy to observe that, relying upon the justice and good faith of these governments, there is no present danger that such a contingency will happen.

Having discovered that my recommendations would not be sustained by Congress, the next alternative was to accomplish, in some degree, if possible the same objects by treaty stipulations with the constitutional government. Such treaties were accordingly concluded by our late able and excellent Minister to Mexico, and on the 4th of January last were submitted to the Senate for ratification. As these have not yet received the final action of that body, it would be improper for me to present a detailed statement of their provisions. Still I may be permitted to express the opinion in advance that they are calculated to promote the agricultural, manufacturing and commercial interests of the country, and to secure our just influence with an adjoining republic as to whose fortunes and fate we can never feel indifferent; whilst at the same time they provide for the payment of a considerable amount towards the satisfaction of the claims of our injured fellow-citizens.

At the period of my inauguration I was confronted in Kansas by a revolutionary government, existing under what is called the Topeka constitution. Its avowed object was to subdue the territorial government by force, and to inaugurate what was called the Topeka government in its stead. To accomplish this object an extensive military organization was formed, and its command entrusted to the most violent revolutionary leaders. Under these circumstances, it became my imperative duty to exert the whole constitutional power of the Executive to prevent the flames of civil war from again raging in Kansas, which, in the excited state of the public mind both North and South, might have extended into the neighboring States.

The hostile parties in Kansas had been inflamed against each other by emissaries both from the North and the South to a degree of malignity without parallel in our history. To prevent actual collision, and to assist the magistrates in enforcing the laws, a strong detatchment of the army was stationed in the Territory ready to aid the marshal and his deputies when lawfully called upon, as a *posse comitatus* in the execution of civil and criminal process.

Still, the troubles in Kansas could not have been permanently settled without an election by the people. The ballot box is the surest arbiter of disputes among freemen. Under this conviction, every proper effort was employed to induce the hostile parties to vote at the election of delegates to frame a State constitution, and afterwards at the election to decide whether Kansas should be a slave or a free State. The insurgent party refused to vote at either, lest this might be considered a recognition on their part of the Territorial government established by Congress. A better spirit, however, seemed soon after to prevail, and the two parties met face to face at the third election, held on the first Monday of January, 1858, for members of the Legislature and State officers under the Lecompton constitution.

The result was the triumph of the anti-slavery party at the polls. This decision of the ballot box proved clearly that this party were in the majority, and removed the danger of civil war. From that time we have heard little or nothing of the Topeka government; and all serious danger of revolutionary troubles in Kansas was then at an end.

The Lecompton constitution, which had been thus recognized at this State election by the votes of both political parties in Kansas, was transmitted to me with the request that I should present it to Congress. This I could not have refused to do without violating my clearest and strongest convictions of duty. The constitution, and all the proceedings which preceded and followed its formation, were fair and regular on their face. I then believed, and experience has proved, that the interests of the people of Kansas would have been best consulted by its admission as a State into the Union, especially as the majority, within a brief period, could have amended the constitution according to their will and pleasure. If fraud existed in all or any of these proceedings, it was not for the President, but for Congress, to investigate and determine the question of fraud and what ought to be its consequences. If at the two first elections, the majority refused to vote, it cannot be pretended that this refusal to exercise the elective franchise could invalidate an election fairly held under lawful authority, even if they had not subsequently voted at the third election. It is true that the whole constitution had not been submitted to the people as I always desired; but the precedents are numerous of the admission of States into the Union without such submission.

It would not comport with my present purposes to review the proceedings of Congress upon the Lecompton constitution. It is sufficient to observe that their final action has removed the last vestige of serious revolutionary troubles. The desperate band recently assembled, under a notorious outlaw, in the Southern portions of the Territory, to resist the execution of the laws and to plunder peaceful citizens, will, I doubt not, be speedily subdued and brought to justice.

Had I treated the Lecompton Constitution as a nulity and refused to submit it to Congress, it is not difficult to imagine, whilst recalling the position of the country at that moment, what would have been the disastrous consequences, both in and out of the Territory, from such a dereliction of duty on the part of the Executive.

Peace has also been restored within the Territory of Utah, which at the commencement of my administration was in a state of open rebellion. This was the more dangerous as the people, animated by a fanatical spirit, and entrenched within their distant fastnesses, might have made a long and formidable resistance. Cost what it might, it was necessary to bring them into subjection to the constitution and the laws. Sound policy, therefore, as well as humanity, required that this object should, if possible, be accomplished without the effusion of blood. This could only be effected by sending a military force into the Territory sufficiently strong to convince the people that resistance would be hopeless, and at the same time to offer them a pardon for past offences on condition of immediate submission to the government. This policy was pursued with eminent success; and the only cause for regret is the heavy expenditure required to march a large detatchment of the army to that remote region, and to furnish it subsistance. Utah is now comparatively peaceful and quiet, and the military force has been withdrawn, except that portion of it necessary to keep the Indians in check, and to protect the emigrant trains on their way to our Pacific possessions.

In my first annual message I promised to employ my best exertions, in co operation with Congress, to reduce the expenditures of the government within the limits of a wise and judicious economy. An overflowing treasury has produced habits of prodigality and extravagance which could only be gradually corrected. The work required both time and patience. I applied myself diligently to this task from the beginning, and was aided by the able and energetic efforts of the heads of the different Executive Departments. The result of our labors in this good cause did not appear in the sum total of our expenditures for the first two years, mainly in consequence of the extraordinary expenditure necessarily in the Utah expedition, and the very large amount of the contingent expenses of Congress during this period. These greatly exceeded the pay and mileage of the members. For the year ending 30th June, 1858, while the pay and mileage amounted to $1,390,214 the contingent expenses rose to $2,093 309.79, and for the year ending 30th June, 1859, whilst the pay and mileage amounted to $859,093,-66, the contingent expenses amounted to $1,431,565,78. I am happy, however, to be able to inform you that during the last fiscal year, ending on the 30th June, 1860, the total expenditures of the government in all its branches—legislative, executive and judicial—exclusive of the public debt, were reduced to the sum of $55,402,435 46. This conclusively appears from the books of the Treasury. In the year ending on the 30th June, 1858, the total expenditure, exclusive of the public debt, amounted to $71 901,-129 77, and that for the year ending 30th June, 1859, to $66,346,226 13. Whilst the books of the Treasury show an actual expenditure of $59,849,474 72 for the year ending on the 30th June, 1860, including $1,040 667 74 for the contingent expenses of Congress, there must be deducted from this amount the sum of $4,296 009 26, with the interest upon it of $150,000, appropriated by the act of 15th February, 1860, "for the purpose of supplying the deficiency in the revenues and defraying the expenses of the Post Office Department for the year ending the 30th of June, 1859." This sum, therefore, justly chargeable to the year 1859 must be deducted from the sum of $59,848,-474 72, in order to ascertain the expenditure of the year, ending on the 30th of June, 1860, which leaves a balance for the expenditures of that year of $55,402,435 46. The interest on the public debt, including Treasury notes for the same fiscal year ending on the 30th June, 1860, amounted to $3,177,314 62, which, added to the above sum of $55,402,435 46, makes the aggregate of $58,579,780 08.

It ought in justice to be observed that several of the estimates from the departments for the year ending 30th of June, 1860, were reduced by Congress below what was and still is deemed compatible with the public interest. Allowing a liberal margin of $2,500,000 for this reduction, and for other causes, it may be safely asserted that the sum of $61,000,000, or at the most $62,-000,000, is amply sufficient to administer the government and to pay the interest on the public debt, unless contingent events should hereafter render extraordinary expenditures necessary.

This result has been attained in a considerable degree by the care exercised by the appropriate departments in entering into public contracts. I have myself never interfered with the award of any such contract except in a single case with the Colonization Society, deeming it advisable to cast the whole responsibility in each case, on the proper head of the department, with the general instruction that these contracts should always be given to the lowest and best bidder. It has ever been my opinion that public contracts are not a legitimate source of patronage to be conferred upon personal or political favorites; but that in all such cases a public officer is bound to act for the government as a prudent individual would act for himself.

It is with great satisfaction I communicate the fact that since the date of my last annual message, not a single slave has been imported into the United States in violation of the laws prohibiting the African slave trade. This statement is founded upon a thorough examination and investigation of the subject. Indeed, the spirit which prevailed some time since among a portion of our fellow citizens in favor of this trade seems to have entirely subsided.

I also congratulate you upon the public sentiment which now exists against the crime of setting on foot military expeditions within the limits of the United States, to proceed from thence and make war upon the people of unoffending States, with whom we are at peace. In this respect, a happy change has been effected since the commencement of my administration. It surely ought to be the prayer of every Christian and patriot that such expeditions may never again receive countenance in our country, or depart from our shores.

It would be a useless repetition to do more than refer, with earnest commendation, to my former recommendations in favor of the Pacific Railroad—of the grant of power to the President to employ the naval force in the vicinity, for the protection of the lives and property of our fellow citizens passing in transit over the Central American route, against sudden and lawless outbreaks and depredations; and also to protect American merchant vessels, their crews and cargoes, against violent and unlawful seizure and confiscation in the ports of Mexico and the South American republics, when these may be in a disturbed and revolutionary condition. It is my settled conviction that without such a power we do not afford that protection to those engaged in the commerce of the country which they have a right to demand.

I again recommend to Congress the passage of a law in pursuance of the provisions of the Constitution, appointing a certain day previous to the 4th of March, in each year of an odd number, for the election of representatives throughout all the States. A similar power has already been exercised, with general approbation, in the appointment of the same day throughout the Union for holding the election of electors for President and Vice President of the United States. My attention was earnestly directed to this subject from the fact that the 35th Congress terminated on the 3d of March, 1859, without making the necessary appropriation for the service of the Post Office Department. I was then forced to consider the best remedy for this omission, and an immediate call of the present Congress was the natural resort. Upon inquiry, however, I ascertained that fifteen out of the thirty three States composing the Confederacy were without representatives, and that, consequently these fifteen States would be disfranchised by such a call. These fifteen States will be in the same condition on the 4th of March next. Ten of them cannot elect representatives, according to existing State laws, until different periods, extending from the beginning of August next until the months of October and November.

In my last message I gave warning that, in a time of sudden and alarming danger, the salvation of our institutions may depend upon the power of the President to assemble a full Congress, to meet the emergency.

It is now quite evident that the financial necessities of the government will require a modification of the tariff during the present session, for the purpose of increasing the revenue. In this aspect, I desire to reiterate the recommendation contained in my last two annual messages, in favor of imposing specific, instead of ad valorem, duties on all imported articles to which these can be properly applied. From long observation and experience I am convinced that specific duties are necessary, both to protect the revenue and to secure to our manufacturing interests that amount of incidental encouragement which unavoidably results from a revenue tariff.

As an abstract proposition it may be admitted that ad valorem duties would, in theory, be the most just and equal. But if the experience of this and of all other commercial nations has demonstrated that such duties cannot be assessed and collected without great frauds upon the revenue, then it is the part of wisdom to resort to specific duties. Indeed, from the very nature of an ad valorem duty, this must be the result.—Under it the inevitable consequence is that foreign goods will be entered at less than their true value. The treasury will, therefore, lose the duty on the difference between the real and fictitious value, and to this extent we are defrauded.

The temptations which ad valorem duties present to a dishonest importer are irresistible. His object is to pass his goods thro' the Custom House at the very lowest valuation necessary to save them from confiscation. In this he too often succeeds, in spite of the vigilance of the revenue officers.—Hence the resort to false invoices, one for the purchaser and another for the Custom House, and to other expedients to defraud the government. The honest importer presents his invoice to the collector, stating the actual price at which he purchased the article abroad. Not so the dishonest importer and agent of the foreign manufacturer. And here it may be observed that a very large proportion of the manufactures imported from abroad are consigned for sale to commission merchants, who are mere agents employed by the manufacturers. In such cases no actual sale has been made to fix their value. The foreign manufacturer, if he be dishonest, prepares an invoice of the goods, not at their actual value, but at the very lowest rate necessary to escape detection. In this manner the dishonest importer and the foreign manufacturer enjoy a decided advantage over the honest merchant. They are thus enabled to undersell their fair trader, and drive him from the market. In fact, the operation of this system has already driven from the pursuit of honorable commerce many of that class of regular and conscientious merchants, whose character, throughout the world, is the pride of our country.

The remedy of these evils is to be found in specific duties so far as this may be practicable. They dispense with any inquiry at the Custom House into the actual cost or value of the article, and it pays the precise amount of duty previously fixed by law.—They present no temptations to the appraisers of foreign goods who receive but small salaries, and might by undervaluation in a few cases render themselves independent.

Besides, specific duties best conform to the requisition in the Constitution that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." Under our ad valorem system such preference are to some extent inevitable, and complaints have often been made that the spirit of this provision has been violated by a lower appraisement of the same articles at one port than at another.

An impression, strangely enough, prevails to some extent, that specific duties are necessarily protective duties. Nothing can be more fallacious. Great Britain glories in free trade, and yet her whole revenue from imports at the present moment is collected under a system of specific duties. It is a striking fact in this connection that, in the commercial treaty of 23d January, 1860, between France and England, one of the articles provides that the ad valorem duties which it imposes shall be converted into specific duties within six months from its date, and these are to be ascertained by making an average of the prices for six months previous to that time. The reverse of the proposition would be nearer to the truth, because a much larger amount of revenue would be collected by merely converting the ad valorem duties of a tariff into equivalent specific duties. To this extent the revenue would be increased, and in the same proportion the specific duty might be increased.

Specific duties would secure to the American manufacturer the incidental protection to which he is fairly entitled under a revenue tariff, and to this surely no person would object. The framers of the existing tariff have gone further, and in a liberal spirit have discriminated in favor of large and useful branches of our manufactures, not by raising the rate of duty upon the importation of similar articles from abroad, but is the same in effect, by admitting articles free of duty which enter into the composition of their fabrics.

Under the present system it has been often remarked that this incidental protection decreases when the manufacturer needs it most, and increases when he needs it least, and constitutes a sliding scale which always operates against him. The revenues of the country are subject to similar fluctuation.—Instead of approaching a steady standard, as would be the case under a system of specific duties, they sink and rise with the sinking and rising prices of articles in foreign countries. It would not be difficult for Congress to arrange a system of specific duties which would afford additional stability both to revenue and our manufactures, and without injury or injustice to any interest of the country. This might be accomplished by ascertaining the average value of any given article for a series of years at the place of exportation, and by simply converting the rate of ad valorem duty upon it which might be deemed necessary for revenue purposes into the form of a specific duty. Such an arangement could not injure the consumer. If he should pay a greater amount of duty one year, this would be counterbalanced by a lesser amount the next, and in the end the aggregate would be the same.