PRESIDENT'S MESSAGE.

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

[illegible] with which the people of the Re[illegible] the assembling of Congress, [illegible] occasion of the duty im[illegible] new President, is one of the best [illegible] of their capacity to realize the hopes [illegible] the founders of a political system, at once simple and systematical. While the different branches of the Government are, to a certain extent, independent of each other, the duties of all, alike, have a direct reference to the success of power. Fortunately, under this system no man is so high, and none so humble in the scale of public station, as to escape from the scrutiny or to be exempt from the responsibility which all official functions imply. Upon the justice and intelligence of the passes in a government thus organized, is the sole reliance of the confederacy, and the only security for honest and earnest devotion to its interests against the usurpation and encroachments of power on the one hand, and the assaults of personal ambition on the other.

The interest of which I have spoken is inseparable from an inquiring, self-governing community, but stimulated doubtless at the present time by the unsettled condition of our relations with several foreign powers; by the new obligations resulting from a sudden extension of the field of enterprise; by the spirit with which that field has been entered, and the amazing energy with which its resources for meeting the demands of humanity have been developed. Although disease, assuming at one time the characteristics of a wide-spread devastating pestilence, has left its sad trace upon some portions of our country, we have still the most abundant cause for reverent thankfulness to God, for an accumulation of signal mercies showered upon us as a nation. It is well that a consciousness of rapid advancement and increasing strength be habitually associated with an abiding sense of dependence on Him who holds in his hands the destinies of men and of nations.

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

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

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

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

Embarrassing questions had also arisen between the two Governments in regard to Central America. Great Britain has proposed to settle these by an amicable arrangement; and our minister at London is instructed to enter into negotiations on that subject. A commission for adjusting the claims of our citizens against Great Britain, and those of British subjects against the United States, organized under the convention of the 8th of February, is now sitting in London for the transaction of business.

It is in many prospects desirable that the boundary line between the United States and the British provinces in the north-west, as designated in the convention of the 15th January, 1846, and especiallly that part which separates the Territory of Washington from the British Possessions on the north, should be surveyed and marked; and therefore I present the subject to your notice.

With France, our relations are on the most friendly footing. The extensive commercial intercourse between the United States and that country might, it is conceived, be released from some unnecessary restrictions, to the mutual advantage of both parties.

With a view to this object, some progress has been made in negotiating a treaty of commercial navigation.

Independently of our valuable trade with Spain, we have important political relations with her, growing out of our neighborhood to the island of Cuba and Porto Rico. I am happy to announce that since the last Congress, not attempts have been made by unauthorized expeditions within the United States, against either of these colonies. Should any such movement be manifested within our limits, all the means at my command will be vigorously exerted to repress it.

Several annoying occurrences have taken place at Havana or in the vicinity of the Island of Cuba, between our citizens, and the Spanish authorities. Considering the proximity of that island to our shores, lying as it does in the track of trade between some of our principal cities, and the suspicious vigilance with which foreign intercourse, particularly that with the United States, is there regarded, a repetition of such occurrences may well be apprehended, as no diplomatic intercourse is allowed between our Consulate at Havana, and the Captain General of Cuba, ready explanations cannot be made, or prompt redress afforded, where injury has resulted. All complaints on the part of our citizens, under the present arrangements must be, in the first place, presented to this Government, and then referred to Spain. Spain again refers it to her local authorities in Cuba for investigation, and postpones an answer until she has heard those authorities. To avoid these irritating and vexatious delay, a proposition has been made to provide for a direct appeal for redress to the Captain General, by our Consul, in behalf of our injured fellow citizens. Hitherto the Government of Spain has declined to enter into any such arrangement. This course, on her part, is deeply regretted; for without some arrangement of this kind, the good understanding between the two countries may be exposed to occasional interruption. Our Minister at Madrid is instructed to renew the proposition, and to press it again upon Her Catholic Majesty's Government.

For several years Spain has been calling the attention of this Government to a claim for losses by some of her subjects, in the case of the schooner Armistad. This claim is believed to rest on the obligations imposed by our existing treaty with that country. Its justice was admitted in our diplomatic correspondence with the Spanish Government, as early as March, 1847; and one of my predecessors, in his annual message that year, recommended that provision should be made for its payment. In January last it was again submitted to Congress by the Executive. It has received a favorable consideration by committees of both branches, but as yet there has been no final action upon it. I conceive that good faith requires its prompt adjustment, and I present it to your early and favorable consideration.

Martin Koszta, a Hungarian by birth, came to this country in 1850, and declared his intention, in due form of law, to become a citizen of the United States. After remaining here nearly two years, he visited Turkey. While at Smyrna, he was forcibly seized, taken on board an Austrian Brig-of-war then lying in the harbor of that place, and there confined in irons, with the avowed design to take him into the dominions of Austria. Our Consul at Smyrna and Legation interposed for his release, but their efforts were ineffectual. While thus imprisoned, Commander Ingraham, with the U. S. Sloop-of-War St. Louis, arrived at Smyrna, and after inquiry into the circumstances of the case, came to the conclusion that Koszta was entitled to the protection of this Government, and took energetic and prompt measures for his release.

Under an arrangement between the agents of the United States and of Austria, he was transferred to the custody of the French Consul General at Smyrna, there to remain until disposed of by the mutual agreement of the Consuls of the respective Governments at that place. Pursuant to that agreement he has been released and is now on his way to the United States.—The Emperor of Austria has made the conduct of our officers who took part in the transaction a subject of grave complaint. Regarding Koszta as still his subject, and claiming a right to seize him within the limits of the Turkish Empire, he has demanded of this Government its consent to the surrender of the prisoner and disavowal of the acts of its agents, and satisfaction for the alleged outrage.

After a careful consideration of the case, I came to the conclusion that Kozta was seized without legal authority, at Smyrna; that he was wrongfully detained on board the Austran brig-of-war; that at the time of his seizure he was clothed with the nationality of the United States; and that the acts of our officers, under the circumstances of the case, were justifiable, and their conduct has been fully approved by me, and a compliance with the several demands of the Emperor of Austria has been declined.

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

The condition of China at this time renders it probable that some important changes will occur in that vast empire which will lead to a more unrestricted intercourse with it. The Commissioner to that country who has been recently appointed is instructed to avail himself of all occasions to open and extend our commercial relations, not only with the empire of China, but with other Asiatic nations. In 1852 an expedition was sent to Japan, under the command of Commodore Perry, for the purpose of opening commercial intercourse with that empire. Intelligence has been received of his arrival there, and of his having made known to the emperor of Japan the object of his visit; but it is not yet ascertained how far the emperor will be disposed to abandon his restrictive policy and open that populous country to commercial intercourse with the United tates.

It has been my earnest desire to maintain friendly intercourse with the Governments upon this continent, and to aid them in preserving understanding among themselves. With Mexico a dispute has arisen as to the true boundary between the Territory of New Mexico and the Mexican State of Chihuahua. A former Commissioner, pursuant to the treaty of Gaudalupe Hidalgo, made a serious mistake in determining the initial point on the Rio Grande; but inasmuch as his decision was clearly a departure from the directions for tracing the boundary contained in the treaty, and was not concurred in by the Surveyor appointed on the part of the United States, whose concurrence was necessary to give validity to that decision, this Government is not concluded thereby; but that of Mexico takes a different view of the subject. There are also other questions of considerable magnitude pending between the two Republics. Our Minister in Mexico has ample instructions to adjust them. Regulations have been opened; but sufficient progress has not been made therein to enable me to speak of the probable result. Impressed with the importance of maintaining amicable relations with the Republic, and yielding with liberality to all just claims, it is reasonable to expect that an arrangement, mutually satisfactory to both countries, may be concluded, and a lasting friendship between them confirmed and perpetuated.

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

Considering the vast regions of this continent and the number of tates which would be made accessible by the free navigation of the river Amazon, particular attention has been given to the subject. Brazil, through whose territories it passes into the ocean, has hitherto persisted in a policy so restrictive in regard to the use of this river, as to obstruct and nearly exclude foreign commercial intercourse with the States which lie upon its tributaries and upper branches.

Our Minister to that country is instructed to obtain a relaxation of that policy, and to use his efforts to induce the Brazilian Government to open to commerce, under proper safeguards, this great national highway for international trade. Several of the South American States are deeply interested in this attempt to secure the free navigation of the Amazon, and it is reasonable to expect their co-operation in the measure. As the advantages of free commercial intercourse among nations are better understood, more liberal views are generally entertained as to the common rights of all to the free use of those means which nature has provided for international communication. To these more liberal and enlightened views it is hoped that Brazil will conform in her policy and remove all unnecessary restriction upon the free use of a river which traverses so many States, and so large a portion of the continent. I am happy to inform you that the republic of Paraguay and the Argentine Confederation have yielded to the liberal policy, though still resisted by Brazil, in regard to navigable rivers within their respective territories. Treaties embracing this subject, among others, have been negotiated with these governments, which will be submitted to the Senate at the present session.

A new branch of commerce, important to the agricultural interest of the United States, has, within a few years past, been opened with Peru. Notwithstanding the inexhaustible deposits of guano upon the islands of that country, considerable difficulties have been encountered in securing a more abundant importation of the article. Unfortunately there has been a serious collision between our citizens who have resorted to the Chincha Islands for it, and the Peruvian authorities stationed there. Redress for the outrages committed by the latter was promptly demanded by our Minister at Lima. This subject is now under consieration, and there is reason to believe that Peru is disposed to concede adequate indemnity to the aggrieved parties.

We are thus not only at peace with all foreign countries, but in political affairs, are exempt from any cause of serious disquietude in our domestic relations. The controversies which have agitated the country heretofore are passing away with the causes which produced them, and the passions which they have awakened; or, if any trace of them remains, it may be reasonably hoped that it will only be perceived in the zealous rivalry of all good citizens to testify their respect for the right of the States, their devotion to the Union, and their common determination that each one of the States, its institutions, its welfare, and its domestic peace, shall be held alike secure under the sacred segis of the Constitution. This new league of amity, of mutual confidence and comfort, into which the people of the Republic have entered, happily affords inducements and opportunity for the adoption of a more compact Union and unembarrassed line of policy and action, as to the great material interests of the country, whether regarded in themselves, or in common with the powers of the civilized world. The United States have continued gradually to expand, through acquisitions of Territory, which, howmuchsoever some of them may have been questioned, are now unversally seen and admitted to have been wise in policy, just in character, and a great advancement of our country, and with it, of the human race, in freedom, in prosperity, and in happiness.

The thirteen States have grown to thirty-one, with relations reaching to Europe on the one side, on the other the distant relations of Asia. I am deeply sensible of the immense responsibility which the present magnitude of the republic, and the diversity and multiplicity of its interests, devolves upon me—the alleviation of which, so far as relates to the immediate conduct of the public business, is, first, in my reliance on the wisdom and the patriotism of the two houses of Congress; and, secondly, in the directions afforded me by the principles of public policy affirmed by our fathers of the epoch of 1797, sanctioned by long experience and consecrated anew by the overwhelming voice of the people of the United States. Recurring to these principles, which constitute the organic basis of union, we perceive that, vast as are the functions and duties of the Federal Government, vested or entrusted to its three great departments—Legislative, Executive, and Judicial—yet the substantial power, the popular source, and the large capacities for social and material development exist in the respective States with all. Being of themselves well-constituted republics, as they proceed, so they alone are capable of maintaining and perpetuating the American Union.

The Federal Government has its appropriate line of action in the specific and limited powers conferred upon it by the Constitution, chiefly as to those things in which the States have a common interest in their relations to one another and to foreign Governments, while the great mass of interests which it behooves us to cultivate in the ordinary business of life, the springs of industry, and all the diversified personal and domestic affairs of society, rest surely upon the general reserved powers of the people of the several States. This is the effective Democracy of the nation, and there the vital essence of its being and its greatness—of the practical consequences which flow from the nature of the Federal Government, the primary fact is the duty of administering with integrity and fidelity, the high trust reposed in it by the Constitution; especially in the appropriation of the public funds as drawn by taxation from the people and devoted to specific objects by Congress.

Happily I have no occasion to suggest any radical changes in the financial policy of the Government. Ours is almost, if not absolutely, the solitary power of Christendom having a surplus revenue from imports and commerce, and therefore measured by the spontaneous enterprise and natural prosperity of the country, with such indirect relation to the agriculture, manufacture and produce of the earth and sea, as to violate no constitutional doctrine, and yet vigorously promote the general welfare, neither as to the sources of the public treasures nor as to the manner of keeping and managing it, does any grave controversy now prevail; there being a general acquiescence in the wisdom of the present system.

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

The revenue of the country, levied almost insensibly to the tax payer, goes on from year to year increasing beyond either the interest or the prospective wants of the government. At the close of the fiscal year ending June 30th, 1853, there remained in the Treasury a balance of $14,632,136. The public revenue for the fiscal year ending June 30th, 1853, amounted to $58,931,865, from customs; and $2,405,708 from public lands and other miscellaneous sources—amounting together, to $61,337,574; while the public expenditure for the same period, exclusive of payments on account of the public debt, amounted to $43,554,262—leaving a balance of $32,425,447, of receipts above expenditures.

This fact of increasing surplus in the Treasury became the subject of anxious consideration at a very early period of my administration; and the path of duty in regard to it seemed to me obvious and clear, namely: first to apply the surplus revenues to the discharge of the public debt, so far as it could judiciously be done, and secondly, to devise measures for the gradual reduction of the revenue to the standard of the public exigencies. Of these objects, the first has been in the course of accomplishment in a manner, and to a degree highly satisfactory.

The amount of public debt of all classes, was, on the 3th of March, 1852, sixty-nine millions one hundred and ninety thousand and thirty-seven dollars—payments on account of which have been made since that period to the amount of twelve millions seven hundred and twenty-nine dollars leaving unpaid, and in the continuous course of liquidations, the sum of $56,486,780. These payments, although made at the market price of the respective classes of stocks, have been effected readily, and to the general advantage of the Treasury, and have at the same time proved of signal utility in the relief hey have incidently afforded to the money-market, and to the industrial and commercial pursuits of the country.

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

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

Among the objects needing your attention will be important recommendation from Secretaries of War and Navy. I am fully satisfied that the Navy of the United States is not in a condition of strength and efficacy commensurate with our commercial and other interests, and commend your especial attention to the suggestions on this subject, made by the Secretary of the Navy.

In the administration of the Post Office Department for the fiscal year ending June 30th, 1853, the gross expenditure was $7,982,756; and the gross receipts during the same period were $5,942,734; showing that the current revenues failed to meet the current expenses of the Department by the sum of $2,042,032. The causes which, under the present postal system have led inevitably to this, are fully explained in the report of the Postmaster General—one great cause being the enormous rates the Department has been compelled to pay for mail service rendered by railroad companies. The exhibit in the report of the Postmaster General, of the income and expenditures by mail steamers, will be found peculiarly interesting, and of a character to demand the attention of Congress.

Numerous and flagrant frauds upon the Pension Bureau have been brought to light within the last year, and in some instances merited punishment inflicted; but unfortunately, in others, guilty parties have escaped—not through the want of sufficient evidence to warrant a conviction, but in consequence of the provisions of limitation in the existing laws. From the nature of these claims, the remoteness of the tribunals to pass upon them, and the mode in which the proof is of necessity furnished, temptations to crime have been greatly stimulated by the obvious difficulties of detection. The defects in the law upon this subject are so apparent and so fatal to the ends of justice that your early action in regard to it is most desirable.

During the last fiscal year, nine millions eight hundred and nineteen thousand four hundred and eleven acres of the public lands have been surveyed; and ten millions three thousand eight hundred and ninety one acres brought into market.

Within the same period the sales by public purchase and private outlay amounted to 1,083,499, located under military bounty land warrants; 6,142,360 acres, located under other certificates; 9,400,27 acres are ceded to the States as swamp lands; 16,684,253 acres, selected for railroad and other objects, under acts of Congress; 1,427,450 acres. Total amount of land disposed of within the fiscal year, 25,346,992 acres, which is an increase in the quantity sold and located under land warrants and grants of 12,231,818 acres over the fiscal year immediately preceding. The quantity of land sold during the second and third quarters of 1852 was 334,451 acres.

The amount received therefore was $623.687. The quantities sold during the second and third quarters of 1853 was 1,609,919 acres, and the amount received therefor $2,226 876. The whole number of land warrants issued under existing laws, prior to the 30th of Sept. last was 266,042; of which there was outstanding, at that date, 66,947. The amount of lands required to satisfy these outstanding warrants is 4,778,120 acres. Warrants have been issued to the 30th of September last, under the act of the 11th of February, 1847, calling for 12,879,280 acres. Under acts of September 13th, 1850, and March 22d, 1852, calling for 12,505,360 acres; making a total of 25,384 640 acres.

It is believed that experience has modified the wisdom and justice of the present system with regard to the public domain, in its most essential particulars.—You will perceive, from the report of the Secretary of the Interior, that opinions which have been expressed in relation to the operation of the land system as not being a source of revenue to the Federal Treasury, were erroneous. The nett profits from the sale of the public lands to June 30, 1853, amounted to the sum of $43 289,365. I recommend the extension of the land system over the Territories of Utah and New Mexico, with such modifications as their peculiarities may require.

Regarding our public domain as chiefly valuable to provide homes for the industrious and enterprising, I am not prepared to recommend any essential change in the land system, except modification in favor of the actual settler and an extension of the pre-emption principle in certain cases for reasons and on grounds which will be fully developed in the reports to be laid before the Congress. Representing the proprietors of the territorial domain, and charged especially with power to dispose of territory belonging to the United States. it has for a long course of years, beginning with the administration of Mr. Jefferson. exercised the power to construct roads within the territories; and there are so many obviovs distinctions between the exercise of power and that of making roads within the State that the former has never been considered subject to such objections as applying to the latter; and such may now be considered and settled construction of the Federal Government upon the subject. Numerous applications have been, and no doubt will continue to be made, for grants of lands in aid of the construction of railways. It is not believed to be within the intent and meaning of the Constitution, that the disposition of the public domain should be otherwise than must be expected from a prudent proprietor, and therefore, that grants of land to aid in the construction of roads should be restricted to cases where it would be for the interest of a proprietor under like circumstances, thus to contribute to the construction of the work.

For the practical operation of such grants, thus far, in advancing the interest of the State in which the works are located, and at the same time the substantial interests of all the other States, in enhancing the value and promoting the rapid sale of the public domain, I refer you to the report of the Secretary of the Interior. A careful examination, however, will show that this experience is the result of a wise discrimination, and will be far from affording encouragement to a reckless or indiscriminate extension of the principle.

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

The liberal spirit which has so long marked the action of Congress in relation to the District of Columbia, will, I have no doubt, continue to be manifested. The erection of an Asylum for the District of Columbia, and for the Army and Navy of the United States, has been somewhat retarded by the great demand for materials and labor during the summer, but full preparation for the reception of patients before the return of another winter, is anticipated, and there is the best reason to believe from the plan and contemplated arrangements which have been devised with the large experience furnished within the last few years in relation to the nature and treatment of disease, but it will prove an Asylum indeed to this most hopeless and afflicted class of sufferers, and stand as a noble monument of wisdom and mercy.

Under the acts of Congress of August 21st, 1852, and March 2d, 1853, designed to secure for the cities of Washington and Georgetown an abundant supply of good and wholesome water, according to the report of the engineer who had charge of the surveys under the act first named, the best if not the only plan calculated to secure the object sought, was that which contemplated taking the water from the great falls o the Potomac, and consequently I gave it my approval. For the progress and present condition of this important work, and for its demand so far as appropriations are concerned, I refer you to the report of the Secretary of War.

The present judicial system of the U. S. has now been in operation for a long period of time, and has in its general theory and much of its details become so familiar to the country and acquired so entirely the public confidence, that if modified in any respec, it should only be in those particulars which may adapt it to the increased extent, population and legal business of the United States.

In this relation the organization of the courts is now confessedly inadequate to the duties to be performed by them, in consequence of which the State of Florida, Wisconsin, Iowa, Texas and California, and districts of other States, are in effect excluded from the full benefits of the general system, by the functions of the circuit being devolved on the District Judge in all these States or parts of States. The spirit of the Constitution and a due regard to justice require that all the States of the Union should be placed on the same footing in regard to the judicial tribunals. I therefore commend to your consideration this important subject, which in my judgment demands the speedy action of Congress. I will present, if deemed desirable, a plan which I am prepared to recommend, for the enlargement and modification of the present judicial system.

The act of Congress establishing the Smithsonian Institute, provided that the President of the United States and other persons therein designated, should constitute an establishment by that name, and that the members shall hold stated and special meetings for the supervision of the affairs of the Institute. The organization having taken place, it seemed to me proper that it should be done without delay. This has been done and an occasion was thereby presented for inspecting the condition of the institution, and appreciating its successful progress thus far, and its high promise of great and general usefulness.

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

The subject of internal improvements, claiming alike the interest and good will of all, has nevertheless been the basis of much political discussion and has stood as a deep graven line of division between statesmen of eminent ability and patriotism. The rule of strict construction of all powers delegated by the States to the General Government, has arrayed itself from time to time against the rapid progress of expenditures from the National Treasury in works of a local character within the States. Memorable as an epoch in the history of this subject, is the message of President Jackson of the 27th of May, 1830, which met the system of internal improvements in its comparative infancy, but so rapid had been its growth that the projected appropriations in that year for works of this character had arisen to the alarming amount of more than one hundred millions of dollars. In that message the President admitted the difficulty of bringing back the operations of the Government to the construction of the Constitution set up in 1798. It should be marked as an admonitory proof of the necessity of guarding that instrument with sleepless vigilance against the authority of precedents which had not the sanction of its most plainly power. Our Government exists under a written compact between sovereign States, uniting for specific objects and with specific grants.

If then, in the progress of its administion, there have been departures from the terms and intent of the compact, it is, and ever will be, proper to refer back to the fixed standard which our fathers left us, and make a stern determination to conform our action to it.

It would seem that the fact of a principle having been resisted from the first by many of the wisest and most patriotic men of the Republic, and the policy having provoked constant strife without having arrived at a conclusion which can be regarded as satisfactory to its most earnest advocates, should suggest the inquiry whether there may not be a plan likely to be crowned by any happier results. Without perceiving any sound distinction or intending to assert any principle as apt to advance and needed for the promotion of internal improvements and commerce, I submit to you whether it may not be safely anticipated that if the policy were at once against appropriations by the General Government for local improvements and for the benefit of commerce, localities requiring expenditures would not be made, and most clearly, legitimately and properly, to raise the fund necessary for such construction, as the safety of other interests of their commerce might require.

If that can be regarded as a system which in the experience of more than thirty years, has at no time so commanded the public judgment as to give it the character of a settled policy, which though it has produced some works of conceded importance, has been attended with an expenditure quite disproportionate to their value, and has resulted in squandering large sums upon objects which have answered no valuable purpose the interests of all the States requires that it should be abandoned, unless hopes may be indulged for the future which find no warrant in the past. With an anxious desire for the completion of the works, which are regarded by all good citizens with sincere interest, I have deemed it my duty to asked at your hands a deliberate reconsideration of the question with a hope that for the substantial interest of the country, your wisdom may prove equal to the task of designing and maturing a plan, which if applied to this subject may promise something better than restraint, the suspension of the power of local enterprise, the exciting of warm hopes and the disappointment of cherished expectations. In expending the appropriations made by the last Congress several cases have arisen in relation to works for the improvement of harbors which involve the question as to the right of local jurisdiction and have threatened conflict between the authority of the State and General Government.

The right to construct a breakwater jetty or dam, would seem necessarily to carry with it the power to protect, and preserve of such construction. This can only be effectually done, by having jurisdiction over the suit; but no clause of the Constitution is found on which to rest the claim of the U. S., except that contained in the eighth section of the first article of the Constitution. It is then submitted, whether in all cases where constructions are to be erected by the general Government the right of soil should be first obtained, and legislative provision be made to cover such cases.

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

There is one subject of a domestic nature, which, from intrinsic importance, and the many interesting questions of future policy which it involves, cannot fail to receive your early attention. I allude to the means of communication by which different parts of the wide expanse of our country are to be placed in close connection for purposes both of defence and commercial intercourse, and more especially such as appertain to the communication of those great divisions of the Union which lie on the opposite side of the Rocky Mountains. That the Government has not been unmindful of this heretofore, is apparent from the aid it has afforded through appropriations for mail facilities and other purposes. But the general subject will now present itself under an aspect more imposing and more purely national, by each of the surveys ordered by Congress, and now in the process of completion, for communication by railway across the continent, and wholly within the limits of the United States.

"The power to declare war, to raise and support armies, to provide and maintain a navy, and to call forth the militia to execute the laws, suppress insurrections and repel invasions," was conferred upon Congress as a means "to provide for the common defence," and to protect the territory and population now wide spread and vastly multiplied.

As incident to, and indispensible for the exercise of this power, it must be necessary to construct military roads and protect harbors of refuge. To appropriations by Congress for such objects, no sound objections can be raised. Happily for our country, its peaceful and rapidly increasing population imposes upon us no urgent necessity for preparation, and leaves the few trackless deserts between assailable points and patriotic people, ever ready and generally able to protect themselves. The enterprise and energy of our people are steadily struggling to supply the rest. All experience affirms that where private enterprise will avail, it is most wise for the General Government to leave to that individual watchfulness the location and execution of all means of communication. The surveys alluded to, were designed to ascertain the most practicable and economical route for a railroad from the Mississippi to the Pacific. Parties are now in the field, making explorations where previous examinations had not supplied sufficient data, and where there were the best reasons to hope the object sought might be gained. The means being at most limited, it is not to be expected that all the accurate knowledge will be obtained; but it is to be hoped that much and important information will be added to the stock previously possessed, and that partial, if not full reports will be received in time for transmission to the House, on or before the first Monday in February next, as requested by the act of appropriations. The magnitude of the enterprise has aroused, and will doubtless continue to excite a very general interest throughout the country. In its political, its commercial and military bearings, it has varied, great and increasing claims to consideration.

The heavy expense, the great delay, and, at times, fatality attending travel, by either of the Isthmus routes, have demonstrated the advantage which would result from inter-territorial communication by such safe and rapid means as a railroad would supply. The difficulties which have been encountered, it appears, would be magnified and still far her increased in time of war. But whilst the embarassments already encountered, and others under new contingencies, to be anticipated, may seem strikingly to exhibit the importance of such a work, neither these nor all considerations combined can have an appreciable value, when weighed against the obligation strictly to adhere to the Constitution, and faithfully to execute the powers it confers. Within the limit and to the extent of the interests of the government involved, it would seem both expedient and proper, if an economical and practicable route shall be found, to aid by all Constitutional means in the prosecution of a road which will unite by speedy transit, the population of the Pacific and Atlantic States. To guard against misconstruction, it should be remarked, that, although power to construct, or aid in the construction of a road within the limits of a State, it is nevertheless held to be a doubtful power, and of more than doubtful propriety, even within the limits of a Territory for the general government to undertake to administer the affairs of a railroad, a canal, or other similar construction; and, therefore, its connection with a work of this character should be incidental rather than primary.

Appreciating the magnitude of the subject, and solicitous that the Atlantic and Pacific shores of the Republic may be bound together by inseparable ties of common interest, as well as of common fealty and attachment to the Union, I shall be disposed, so far as my own action is concerned, to follow the light of the Constitution as expounded and illustrated by those whose opinions and expositions constitute the standard of my political faith. In regard to the powers of the Federal Government, it is not necessary to add that no grandeur of enterprise, and no present urgent inducement, promising popular favor, will lead me to disregard these lights, or to depart from that position which experience has proven to be safe, and which is now radiant with the glow of prosperity, and legitimate constitutional progress. We can afford to wait, but we cannot afford to overlock the ark of our own security. It is no part of my purpose to give prominence to any subject which may be regarded as set at rest by the deliberate judgment of the people; but while the present is bright with promise, and the future is full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its designs serve not as beacons they will evidently fail to fulfill the object of a wise design.

When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1853 will be recurred to as a period filled with anxious apprehensions. A successful war had just terminated; peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the democratic institution of a portion of the confederacy, and involving the constitutional right of the States. But notwithstanding differences of opinion and sentiment which then existed in relation to detals and specific provisions the acquiescence of distinguished citizens whose devotion to the Union can never be doubted, has given renewed vigor to our institutions and restored a sense of repose and security to the public mind throughout the confederacy. That this repose is to suffer no shock during my official term, if I have the power to avoid it, those who placed me here, may be assured.

The wisdom of men who knew what independence cost, who had put all at stake upon the issue of the revolutionary struggle, disposed of the subject to which I refer in the only way consistent with he union of these States, and with the march of the power and prosperity which has made us what we are. It is a significant fact that from the adoption of the Constitution until the officers and soldiers of the Revolution had passed to their graves, or through the infirmities of age and wounds, had ceased to participate actively in public affairs, there was not merely a quiet acquiescence in, but a prompt vindication of, the constitutional right of the States.

The reserved powers were scrupulously respected. No statesman put forth the narrow views of casuists to justify interference and agitation; but the spirit of the compact was regarded as sacred in the eye of honor, and indispensable for the great experiment of civil liberty, which, environed by inherent difficulties, was yet borne forward, in apparent weakness, by a power superior to all obstacles. There is no condemnation which the voice of freedom will not pronounce upon us, should we prove faithless to this great trust. While men inhabiting different parts of this vast continent can no more be expected to hold the same opinions, or entertain the same sentiments, than every variety of climate or soil can be expected to furnish the same agricultural produce, they can unite in a common object and sustain common principles essential to the maintenance of that object.

The gallant men of the South and the North could stand together in the more trying period which succeeds the clangor of arms, as their united valor was adequate to all the trials of the camp and dangers of the field, so their united wisdom proved equal to the greater task of founding, upon a deep and broad basis, institutions which it has been our privilege to enjoy, and will ever be our most sacred duty to sustain.

It is but the feeble expression of a faith strong and universal, to say that their sons whose blood mingled so often upon the same field during the war of 1812, and who have more recently borne in tri-