

the Secretary of War and the accompanying documents.

Experience, gathered from events which have transpired since my last annual message, has but served to confirm the opinion then expressed of the propriety of making provision, by a retired list, for disabled officers, and for increased compensation to the officers retained on the list for active duty. All the reasons which existed, when these measures were recommended on former occasions, continue without modification, except so far as circumstances have given to them additional force.

The reorganization of the army also has received, through the elementary education given to those officers who commence their service with the grade of cadet, confidence to a considerable extent, to perform the duties of every arm of the service; but to give the highest efficiency to artillery requires the practice and special study of many years; and it is not, therefore, believed to be an attainable object, in time of peace, a larger force of that arm than can be usefully employed in the duties pertaining to the service of field and siege artillery. The duties of the staff in all its various branches belong to the movements of the troops; and the efficiency of an army in the field would materially depend upon the ability with which those duties are discharged. It is, as in the case of the artillery, a specialty, but requires an intimate knowledge of the duties of an officer of the line, and it is not doubted that to complete the education of an officer for either the line or the general staff, it is desirable that he should have served in both. With this view, it was recommended on a former occasion, that the duties of the staff should be mainly performed by details from the line; and with conviction of the advantages that would result from such a change, it is again presented for the consideration of Congress.

The report of the Secretary of the Navy, heretofore submitted, exhibits full the naval operations of the past year, together with the great condition of the service, and it makes suggestions for further legislation, to which your attention is invited.

The construction of the six steam frigates, for which appropriations were made by the last Congress, has proceeded in the most satisfactory manner, and with such rapidity, as to warrant the belief that they will be ready for service early in the coming spring. Important as this addition to our naval force, it still remains inadequate to the constant exigencies of the protection of the extensive sea coast and vast commercial interests of the United States. In view of this fact, and of the acknowledged wisdom of the policy of a gradual and systematic increase of the navy, an appropriation is recommended for the construction of six steam sloops of war.

In regard to the steps taken in execution of the act of Congress to promote the efficiency of the navy, it is unnecessary for me to say more than to express entire concurrence in the observations on that subject presented by the Secretary in his report.

#### POST OFFICE.

It will be perceived by the report of the Postmaster General, that the gross expenditure of the department for the last fiscal year was one million three hundred and sixty eight thousand three hundred and forty-two dollars, and the gross receipts seven million three hundred and forty-two thousand one hundred and thirty-six dollars, making an excess of expenditure over receipts of two million six hundred and twenty-two thousand two hundred and sixty dollars; that the cost of mail transportation during that year was six hundred and eighty-four thousand five hundred and eighty-two dollars greater than the previous year. Much of the heavy expenditure, to which the treasury is thus subjected, is to be ascribed to the large quantity of printed matter conveyed by the mails, either franked, or liable to no postage by law, or to very low rates of postage compared with that charged on letters, and to the great cost of mail service on railroads and by ocean steamers. The suggestions of the Postmaster General on the subject deserve the consideration of Congress.

#### INTERIOR.

The report of the Secretary of the Interior will engage your attention, as well for useful suggestions it contains, as for the interest and importance of the objects to which they refer.

The aggregate amount of public land sold during the last fiscal year, located with military scrip or land warrants, taken up under grants for roads and selected as swamp lands by States, or twenty-four million five hundred and fifty-seven thousand four hundred and nine acres; of which the portion sold was fifteen million seven hundred and twenty-two thousand five hundred and eleven acres, yielding in receipts to the treasury four hundred and eighty-five thousand three hundred and eighty dollars. In the same period of time eight million seven hundred and twenty-three thousand eight hundred and fifty-five acres have been surveyed; but, in consideration of the quantity already subject to entry, no additional tracts have been brought into market.

The peculiar relation of the general government to the district of Columbia renders it proper to commend to your care not only its general, but also its moral interests, including education, more especially in those parts of the district outside of the cities of Washington and Georgetown.

The commissioners appointed to revise and codify the laws of the District have made such progress in the performance of their task as to insure its completion in the time prescribed by the act of Information recently received that the peace of the settlements in the territories of Oregon and Washington is disturbed by hostilities on the part of the Indians, with indications of extensive combinations of a hostile character among the tribes in that quarter, the more serious in their possible effect by reason of the undetermined foreign interests existing in those Territories, to which your attention has already been especially invited. Efficient measures have been taken, which it is believed will restore quiet, and afford protection to our citizens.

In the Territory of Kansas there have been acts prejudicial to good order, but as yet none have occurred under circumstances to justify the intervention of the Federal Executive. That could only be in case of obstruction to Federal law, or of organized resistance to territorial authority, assuming the character of insurrection, which, if it should occur, it would be my duty promptly to repress, and to suppress. I entertain the hope, however, that the occurrence of any such outbreak will be prevented by the sound sense of the people of the Territory, who, by its organic law, possessing the right to establish their own domestic institutions, are the free exercise of that right, and must be protected in the enjoyment of it, with no interference on the part of the citizens of any of the States.

The southern boundary line of this Territory has never been surveyed and established. The rapidly extending settlements in that region, and the fact that the main route between Independence, in the State of Missouri, and New Mexico is contiguous to this line, suggest the probability that encroaching questions of jurisdiction may consequently arise. For these and other considerations, I commend the subject to your early consideration.

CONSTITUTIONAL REPORT OF THE GOVERNMENT.

I have this passed in review the general state of the Union, including such particular concerns of the Federal Government, whether of domestic or foreign relation, as it appeared to me desirable and useful to bring to the special notice of Congress. Unlike the great States of Europe and Asia, and many of those of America, these United States are wanting their strength neither in foreign war nor domestic strife. Whatever of discontent or dissension exists is attributable to the imperfections of human nature, or to incidents to which our domestic institutions are not adapted, or to the imperfections of human nature, or to incidents to which our domestic institutions are not adapted, or to the imperfections of human nature, or to incidents to which our domestic institutions are not adapted.

Thus, and thus only, by the reciprocal guaranty of all the rights of every State against interference on the part of another, was the present form of government established by our fathers and made able to exist. If any State ceases to respect the rights of another, and obstructs the others, with its local interests, a portion of the States assume to impose their institutions on the others, or refuse to fulfill their obligations to them, we are no longer united friendly States, but distracted,

hostile ones, with little capacity left of common advantage, but abundant means of reciprocal injury and mischief.

Practically, it is immaterial whether aggressive interference between the States, or a deliberate refusal on the part of any one of them to comply with constitutional obligations, arise from erroneous conviction or blind prejudice, whether it be perpetrated by direction or induction. In either case, it is full of threat and danger to the durability of the Union.

#### CONSTITUTIONAL RELATIONS OF SLAVERY.

Placed in the office of Chief Magistrate, as the Executive Agent of the whole country, I am bound to take care that the laws be faithfully executed, and specially enjoined by the Constitution to give information to Congress on the state of the Union, it would be palpable neglect of duty on my part to pass over a subject like this, which, beyond all things at the present time, vitally concerns individual and public security.

It has been matter of painful regret to me State, conscious for their services in founding this Republic, and equally sharing its advantages, disregard their constitutional obligations to it. Although conscious of their inability to heal admitted and palpable social evils of their own, and which are completely within their jurisdiction, they engage in the offensive and hopeless undertaking of reforming the domestic institutions of other States wholly beyond their control and authority. In the vain pursuit of ends, by them entirely unattainable, and which they may not legally attempt to compass, they peril the very existence of the Constitution, and all the countless benefits which it has conferred. While the people of the Southern States confine their attention to their own affairs, not presuming officiously to intermeddle with the social institutions of the Northern States, too many of the inhabitants of the latter are permanently engaged in associations to inflict injury on the former, by wrongful acts, which would be cause of war as between foreign powers, and only fail to be such in our system, because perpetrated under cover of the Union.

It is impossible to present this subject as truth and the occasion require, without noticing the reiterated, but groundless, allegation, that the South has persistently asserted claims and obtained advantages in the practical Administration of the general Government, to the prejudice of the North, and in which the latter has acquiesced. That is, the States, which either promote or tolerate attacks on the rights of persons and of property in other States, to disguise their own injustice, pretend or imagine, and constantly aver, that they, whose constitutional rights are thus systematically assailed, are themselves the aggressors. At the present time, this impudent aggression, resting, as it does, only in the vague, declamatory charges of political agitators, resolves itself into misapprehension, or misrepresentation, of the principles and facts of the political organization of the new Territories of the United States.

What is the voice of history? When the ordinance which provided for the government of the territory northwest of the River Ohio, and for its eventual subdivision into new States, was adopted in the Congress of the Confederation, it is not to be supposed that the question of future relative power, as between the States which remained, and those which did not remain, a numerous colored population, escaped notice, or failed to be considered. And yet the concession of that vast territory to the interests and opinions of the Northern States—a territory now the seat of five among the largest members of the Union—was, in great measure, the act of the State of Virginia and of the South.

When Louisiana was acquired by the United States, it was an acquisition not less to the North than to the South; for, while it was important to the country at the mouth of the river Mississippi to become the emporium of the country above it, so also it was even more important to the whole Union to have that emporium; and, although the new province, by reason of its imperfect settlements, was mainly regarded as on the Gulf of Mexico, yet, in fact, it extended to the opposite boundaries of the United States, with far greater breadth above than below, and was in territory, as in every thing else, equally at least an accession to the Northern States. It is mere delusion and prejudice, therefore, to speak of Louisiana as acquisition in the special interest of the South.

The patriotic and just men who participated in that act were influenced by motives far above all sectional jealousies. It was in truth the great event which, by completing for us the possession of the valley of the Mississippi, with commercial access to the Gulf of Mexico, imparted unity and strength to the whole confederation, and attached together by indissoluble ties the East and the West, as well as the North and the South.

As to Florida, that was but the transfer by Spain to the United States of territory on the east side of the River Mississippi, in exchange for large territory, which the United States transferred to Spain on the west side of that River, as the entire diplomatic history of the transaction serves to demonstrate. Moreover, it was an acquisition demanded by the commercial interests and the security of the whole Union.

In the meantime the people of the United States had grown up to a proper consciousness of their strength, and in a brief conflict with France, and in a second serious war with Great Britain, they had shaken off all which remained of undue reverence for Europe, and merged in the atmosphere of those transatlantic influences which surrounded the infant Republic, and had begun to turn their attention to the full and systematic development of the internal resources of the Union.

Among the evanescent controversies of that period, the most conspicuous was the question of regulation by Congress of the social condition of the future States to be founded in the Territory of Louisiana.

The ordinance for the government of the territory northwest of the River Ohio had contained a provision, which prohibited the

use of servile labor therein, subject to the condition of the extradition of fugitives from service due in any other part of the United States. Subsequently to the adoption of the constitution, this provision ceased to remain as a law; for its operation as such was absolutely superseded by the Constitution. But the recollection of the fact excited the zeal of social propagandism in some sections of the confederation; and, when a second State, that of Missouri, came to be formed in the territory of Louisiana, a proposition was made to extend to the latter territory the restriction originally applied to the country situated between the Rivers Ohio and Mississippi.

Most questionable as was this proposition in all its constitutional relations, nevertheless it received the sanction of Congress, with some modifications of line, to save the existing rights of the intended new States. It was reluctantly acquiesced in by Southern States, as a sacrifice to the cause of peace and of the Union, not only of the rights stipulated by the treaty of Louisiana, but of the principle of equality among the States guaranteed by the Constitution. It was received by the Northern States with angry and resentful condemnation and complaint, because it did not concede all which they had exactingly demanded. Having passed through the forms of legislation, it took its place in the statute book, standing open to repeal, like any other act of doubtful constitutionality, subject to be pronounced null and void by the courts of law, and possessing no possible efficacy to control the rights of the States, which might thereafter be organized out of any part of the original territory of Louisiana.

In all this, if any aggression there were, any innovation upon preexisting rights, of which portion of the Union are they justly chargeable?

This controversy passed away with the occasion, nothing surviving it save the dormant letter of the statute.

But, long afterward, when by the proposed accession of the Republic of Texas, the United States were to take their next step in territorial greatness, a similar contingency occurred, and became the occasion for systematized attempts to intervene in the domestic affairs of one section of the Union, in defiance of their rights as States, and of the stipulations of the Constitution. These attempts assumed a practical direction, in the shape of persevering endeavors, by some of the representatives, in both houses of Congress, to deprive the Southern States of the supposed benefit of the provisions of the act authorizing the organization of the State of Missouri.

But, the good sense of the people, and the vital force of the Constitution, triumphed over sectional prejudice, and the political errors of the day, and the State of Texas returned to the Union as she was, with social institutions which her people had chosen for themselves, and with express agreement by the re-annexing act, that she should be susceptible of subdivision into a plurality of States.

Whatever advantage the interests of the Southern States, as such, gain'd by this were far inferior in results, as they unfolded in the progress of time, to those which sprang from previous concessions made by the South.

To every thoughtful friend of the Union, to the true lovers of their country, to all who longed and labored for the success of this great experiment of republican institutions—it was cause of gratulation that such an opportunity had occurred to illustrate our advancing power on this continent, and to furnish to the world additional assurance of the strength and stability of the Constitution. Who would wish to see Florida still a European country? Who would reject to hail Texas as a lone star, instead of one in the galaxy of States? Who does not appreciate the incalculable benefits of the acquisition of Louisiana? And yet narrow views and sectional purposes would inevitably have excluded them all from the Union.

But another struggle on the same point ensued, when our victorious armies returned from Mexico, and it devolved on Congress to provide for the territories acquired by the treaty of Guadalupe Hidalgo. The great relations of the subject had now become distinct and clear to the perception of the public mind, which appreciated the evils of sectional controversy upon the question of the admission of new States. In that crisis intense solicitude pervaded the nation. But the patriotic impulses of the popular heart, guided by the admonitory advice of the Father of his Country, rose superior to all the difficulties of the incorporation of a new empire into the Union. In the councils of Congress there was manifested extreme anagism of opinion and action between some representatives, who sought, by the abusive and unconstitutional employment of the legislative powers of the government, to interfere in the condition of the new States, and to impose their own social theories upon the latter; and other representatives, who repelled the interposition of the general government in this respect, and maintained the self-constituting rights of the States. In truth, the thing attempted was, in form alone, action of the general government, while in reality it was the endeavor, by abuse of legislative power, to force the ideas of internal policy, entertained in particular States, upon allied independent States. Once more the Constitution and the Union triumphed signally. The new Territories were organized without restrictions on the disputed point, and were thus left to judge in that particular for themselves; and the sense of constitutional propriety proved vigorous enough in Congress not only to accomplish this primary object, but also the incidental and hardly less important one, of so amending the provisions of the statute for the extradition of fugitives from service, as to place that public duty under the safe-guard of the general government, and thus relieve it from obstacles raised up by the legislation of some of the States.

Vain declamation regarding the privi-

leges of law for the extradition of fugitives from service, with occasional episodes of frantic effort to obstruct their execution by riot and murder, continuing, for a brief time, to agitate certain localities. But the true principle of leaving each State and Territory to regulate its own laws of labor according to its own sense of right and expediency, had acquired fast hold of the public judgment, to such a degree, that, by common consent, it was observed in the organization of the Territory of Washington.

When, more recently, it became requisite to organize the Territories of Nebraska and Kansas, it was the natural and legitimate, if not the inevitable, consequence of previous events and legislation, that the same great and sound principle, which had already been applied to Utah and New Mexico, should be applied to them;—that they should stand exempt from the restrictions proposed in the act relative to the State of Missouri.

These restrictions were, in the estimation of many thoughtful men, null from the beginning, unauthorized by the Constitution, contrary to the treaty stipulations for the cession of Louisiana, and inconsistent with the equality of the States.

They had been stripped of all moral authority, by persistent efforts to procure their indirect repeal through contradictory enactments. They had been practically abrogated by the legislation attending the organization of Utah, New Mexico, and Washington. If any vitality remained in them, it would have been taken away, in effect, by the new territorial acts, in the form originally proposed to the Senate at the first session of the last Congress. It was manly and ingenuous, as well as patriotic and just, to do this directly and plainly, and thus relieve the statute book of an act, which might be of possible future injury, but of no possible future benefit; and the measure of its repeal was the final consummation and complete recognition of the principle, that no portion of the United States shall undertake, through assumption of the powers of the general government, to dictate the social institutions of any other portion.

The scope and effect of the language of repeal were not left in doubt. It was declared, in terms, to be "the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

The measure could not be withstood upon its merits alone. It was attacked with violence, on the false or delusive pretext, that it constituted a breach of faith. Never was objection more utterly destitute of substantial justification. When, before, was it imagined by sensible men, that a regulative or declarative statute, whether enacted ten or forty years ago, is irrevocable,—that an act of Congress is above the Constitution? If, indeed, there were in the facts any cause to impute bad faith, it would attach to those who had never ceased, from the time of the enactment of the restrictive provision to the present day, to denounce and to condemn it; who have constantly refused to complete it by needful supplementary legislation; who have spared no exertion to deprive it of moral force; who have themselves again and again attempted its repeal by the enactment of incompatible provisions; and who, by the inevitable reaction of their own violence on the subject, awakened the country to perception of the true constitutional principle, of leaving the matter involved to the discretion of the people of the respective existing or incipient States.

It is not pretended that this principle, or any other, precludes the possibility of error in practice, disturbed as political action is liable to be by human passions. No form of government is exempt from inconveniences; but in this case they are the result of the abuse, and not of the legitimate exercise, of the powers reserved or conferred in the organization of a Territory. They are not to be charged to the great principle of popular sovereignty; on the contrary, they disappear before the intelligence and patriotism of the people, exerting through the ballot box their peaceful and silent but irresistible power.

If the friends of the Constitution are to have another struggle, its enemies could not present a more acceptable issue, than that of a State, whose constitution clearly embraces "a republican form of government," being excluded from the Union because its domestic institutions may not in all respects comport with the ideas of what is wise and expedient entertained in some other State. Fresh from groundless imputations of breach of faith against others, men will commence the agitation of this new question with indubitable violation of an express compact between the independent sovereign powers of the United States and of the republic of Texas, as well as of the older and equally solemn compacts, which assure the equality of all the States.

But, deplorable as would be such a violation of compact in itself, and in all its direct consequences, that is the very least of the evils involved. When sectional agitators shall have succeeded in forcing on this issue, can their pretensions fail to be met by counter pretensions? Will not different States be compelled respectively to meet extremes with extremes? And, if either extreme carry its point, what is that so far forth but dissolution of the Union? If a new State, formed from the territory of the United States, be absolutely excluded from the admission therein, that fact of itself constitutes the disruption of union between it and the other States. But the process of dissolution could not stop there. Would not a sectional decision, producing such result by a majority of votes, either north or south, of necessity drive out the oppressed and aggrieved minority, and place in presence of each other two irreconcilably hostile confederations?

It is necessary to speak thus plainly of projects, the offspring of that sectional agitation now prevailing in some of the States, which are as impracticable as they are unconstitutional, and which, if persevered in, must and will end calamitously. It is either disunion and civil war, or it is mere angry, idle, aimless disturbance of public peace and tranquility. Disunion for what? If the passionate rage of fanaticism and partisan spirit did not force the fact upon our attention, it would be difficult to believe, that any considerable portion of the people of this enlightened country could have so surrendered themselves to a fanatical devotion to the supposed interests of the relatively few Africans in the United States, as totally to abandon and disregard the interests of the twenty-five millions of Americans,—to trample under foot the injunctions of moral and constitutional obligation,—and to engage in plans of vindictive hostility against those who are associated with them in the enjoyment of the common heritage of our national institutions.

Nor is it hostility against their fellow-citizens of one section of the Union alone. The interests, the honor, the duty, the peace, and the prosperity of the people of all sections are equally involved and imperiled in this question. And are patriotic men in any part of the Union prepared, on such an issue, thus madly to invite all the consequences of the forfeiture of their constitutional engagements? It is impossible. The storm of phrensy and faction must inevitably dash itself in vain against the unshaken rock of the Constitution. I shall never doubt it. I know that the Union is stronger a thousand times than all the wild and chimerical schemes of social change, which are generated, one after another, in the unstable minds of visionary sophists and interested agitators. I rely confidently on the patriotism of the people, on the dignity and self-respect of the States, on the wisdom of Congress, and above all, on the continued gracious favor of Almighty God, to maintain, against all enemies, whether at home or abroad, the sanctity of the Constitution and the integrity of the Union.

FRANKLIN PIERCE.

WASHINGTON, December 31, 1855.

#### States Items.

Owing to continued sickness, Chief Justice Taney is not expected to take his seat on the bench during the present term of the Supreme Court of the United States.

Nicholas Deveroux, a prominent citizen, and one of the Managers of the State Lunatic Asylum, died at Utica, N. Y., on the 29th Dec., aged 67 years.

The death of Hon. John M. Berrien, of Georgia, is announced in the news by the last mail.

We have Nebraska dates to the 16th of Dec. The Legislature met on the 18th.—R. R. Folsom was elected President of the Council, and P. C. Sullivan Speaker of the House.

A delegation of Chippewa Indians, from Minnesota, has had a patient hearing before the Commissioner of Indian Affairs relative to their grievances.

Mr. BANKS, on one or two occasions, obtained precisely votes enough for the election of a Speaker, but before the result could be announced, several gentlemen who had been sent for hurriedly entered the House, and cast their suffrages for another, thus turning the scale.

The British ship Resolute, abandoned in the Arctic ice, was brought by Capt. Badington into the port of New London, Conn., on the 22d of Dec., with all her armaments, stores and equipments on board. She is a new and handsome vessel, and worth \$100,000. When found she had drifted over 1,000 miles from the place where she was abandoned.

A collision took place on the Ohio and Pennsylvania Railroad, Dec. 31st, by which four persons were killed and sixteen wounded.

Hon. Joseph B. Wells, of Chicago, a prominent lawyer of Illinois, died in New York city Dec. 26th.

The Santa Fe mail had arrived at Independence, but brought no news of importance. The winter in New Mexico has been of unusual severity. The Indians on the plains were generally quiet and submissive.

An interesting report on the effect of the reciprocity treaty between the United States and Canada, was made by the Hon. J. Phillips Phenix, at a meeting of the New York Chamber of Commerce. From this document it appears that the trade between the two countries has quadrupled during the last three years, and is only exceeded by two countries, viz:—England and France. Its value is nearly equal to the commerce of the latter. The report recommends Congress to still farther extend the principles of the reciprocity treaty, by admitting other articles of produce free.

A copy of an Order in Council, dated at Windsor Castle, Nov. 21, 1855, has been received at the office of the Prohibitionist, in Albany. In it, Her Majesty gives her official sanction to the Prohibitory Liquor Law of the Province of New-Brunswick, and directs the Governor or Commander-in-chief, and all other persons whom it may concern, to be governed thereby accordingly. The law takes effect on the 1st of January next.