

THE RALEIGH STAR.

"North Carolina—Powerful in intellectual, moral and physical resources the land of our fires and home of our affections."

RALEIGH, WEDNESDAY, JANUARY 30, 1850.

PRESIDENT'S MESSAGE

UPON THE TERRITORIAL QUESTION.

We lay before our readers, this morning, a document which, we believe, is destined to exert a more powerful and salutary influence upon the public mind, than any paper which has issued from the Executive office for many years. It is the message of President Taylor in reply to the resolutions which were offered in the House of Representatives by Mr. VENABLE on the 31st of December, and passed by that body on the same day.

From the documents accompanying the message which are very voluminous, we are only able to transfer to our columns today the instructions of the Secretary of State to Mr. KING, a letter from Mr. BUCHANAN to Mr. VORHIES, and Mr. CLAYTON's report to the President. The remaining papers relate more to the details of what was done, than to the policy upon which the Administration adopted its measures in regard to the Territories acquired by the treaty of Guadalupe Hidalgo.

The message now before us, is an amplification of the recommendation contained in the annual message in relation to these possessions, and the suggestion of a distinct and specific method of adjusting the vexed and difficult questions to which they have given rise.

Any comments which we might feel disposed to make at another time would be lost sight of now in the eager interest with which the message itself will be read, if we may judge of what its effect will be elsewhere from the intense silence which prevailed in the House whilst it was being read at the Clerk's Table. The subject is one of the gravest imaginable consequence, and the recommendations of the President touch the peace and happiness of a whole people. We cannot have been mistaken in the indications of satisfaction and approval with which they were received.

We have no doubt that every member, who is not an agitator from choice, or a "Bitter Ender" by position, "breathed free and deeper" at the prospect of the solution of difficulties surrounded by dangers.

We shall have abundant occasions to refer to this message hereafter. It covers the whole ground. It submits to the safe and quiet operation of nature causes the disposition of questions which convulse and threaten the Union whenever they are sought to be disposed of by legislative interference.

WASHINGTON, Jan. 21, 1850

To the House of Representatives

I transmit to the House of Representatives, in answer to a resolution of that body, passed on the 31st of December last, the accompanying reports of heads of Departments, which contain all the official information in the possession of the Executive asked for by the resolution.

On coming into office I found the military commandant of the department of California exercising the functions of civil governor in that Territory; and left as I was to act under the treaty of Guadalupe Hidalgo without the aid of any legislative provision in establishing a Government in that Territory, I thought it best not to disturb that arrangement, made under my predecessor, until Congress should take some action on that subject. I therefore did not interfere with the powers of the military commandant who continued to exercise functions of civil governor as before, but I made no such appointment, conferred no such authority, and have allowed no increased compensation to the commandant for his services.

With a view to the faithful execution of the treaty, so far as lay in the power of the Executive, and to enable Congress to act at the present session with as full knowledge and as little difficulty as possible on all matters of interest in these Territories, I sent the Hon. Thomas Butler King as bearer of despatches to California and certain officers to California and New Mexico, whose duties are particularly defined in the accompanying letters of instruction addressed to them severally by the proper department.

I did not hesitate to express to the people of those Territories my desire that each Territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State constitution, and submit the same to Congress, with a prayer for admission into the Union as a State; but I did not anticipate, suggest or authorize the establishment of any such government without the assent of Congress, nor did I authorize any government agent, or officer to interfere with or exercise any influence or control over the election of delegates, or over any convention, in making or modifying their domestic institutions, or any of the provisions of their proposed constitution. On the contrary, the instructions given by my orders were, that all measures of domestic policy adopted by the people of California must originate solely with themselves; that while the Executive of the United States was desirous to protect them in the formation of any government republican in its character, to be at the proper time submitted to Congress, yet it was to be distinctly understood that the plan of such a government must at the same time be the result of their own deliberate choice,

and originate with themselves, without the interference of the Executive.

I am unable to give any information as to laws passed by any supposed government in California, or of any census taken in either of the Territories mentioned in the resolution, as I have no information on those subjects.

As already stated, I have not disturbed the arrangements which I found had existed under my predecessor.

In advising an early application by the people of these Territories for admission as States, I was actuated, principally by an earnest desire to afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry discussions among the people of the United States.

Under the Constitution every State has the right of establishing, and from time to time altering, its municipal laws and domestic institutions, independently of every other State, and of the General Government, subject only to the prohibitions and guarantees expressly set forth in the Constitution of the United States. The subjects thus left exclusively to the respective States were not designed or expected to become topics of national agitation. Still, as under the Constitution Congress has power to make all needful rules and regulations respecting the Territories of the United States, every new acquisition of Territory has led to discussions on the question whether the system of involuntary servitude which prevails in many of the States should or should not be prohibited in that Territory. The periods of excitement from this cause which have heretofore occurred have been safely passed, but during the interval of whatever length which may elapse before the admission of the Territories ceded by Mexico as States, it appears probable that similar excitement will prevail to an undue extent.

Under these circumstances I thought, and still think, that it was my duty to endeavor to put it in the power of Congress, by the admission of California and New Mexico as States, to remove all occasion for the unnecessary agitation of the public mind.

It is understood that the people of the western part of California have formed a plan of a State constitution, and will soon submit the same to the judgment of Congress, and apply for admission as a State. This course on their part, though in accordance with, was not adopted exclusively in consequence of, any expression of my wishes, inasmuch as measures tending to this end had been promoted by the officers sent there by my predecessor, and were already in active progress of execution before any communication from me reached California. If the proposed constitution shall, when submitted to Congress, be found to be in compliance with the requisitions of the Constitution of the United States, I earnestly recommend that it may receive the sanction of Congress.

The part of California not included in the proposed State of that name is believed to be uninhabited, except in a settlement of our countrymen in the vicinity of Salt Lake.

A claim has been advanced by the State of Texas to a very large portion of the most populous district of the Territory commonly designated by the name of New Mexico. If the people of New Mexico had formed a plan of a State government for that Territory as ceded by the treaty of Guadalupe Hidalgo, and had been admitted by Congress as a State, our Constitution would have afforded the means of obtaining an adjustment of the question of boundary with Texas by a judicial decision. At present, however, no judicial tribunal has the power of deciding that question, and it remains for Congress to devise some mode for its adjustment. Meanwhile I submit to Congress the question, whether it would be expedient before such adjustment to establish a territorial government, which, by including the district so claimed, would practically decide the question adversely to the State of Texas, or, by excluding it, would decide it in her favor. In my opinion such a course would not be expedient, especially as the people of this Territory still enjoy the benefit and protection of their municipal laws, originally derived from Mexico, and have a military force stationed there to protect them against the Indians. It is undoubtedly true that the property, lives, liberties, and religion of the people of New Mexico, are better protected than they ever were before the treaty of cession.

Should Congress, when California shall present herself for incorporation into the Union, annex a condition to her admission as a State affecting her domestic institutions contrary to the wishes of her people, and even compel her temporarily to comply with it, yet the State could change her constitution at any time after admission, when to her it should seem expedient. Any attempt to deny to the people of the State the right of self-government in a matter which peculiarly affects themselves will infallibly be regarded by them as an invasion of their rights; and upon the principles laid down in our own Declaration of Independence, they will certainly be sustained by the great mass of the American people. To assert that they are a conquered people, and must as a State submit to the will of their conquerors, in this regard, will meet with no cordial response among American freemen. Great numbers of them are native citizens

of the United States, not inferior to the rest of our countrymen in intelligence and patriotism; and no language of menace to restrain them in the exercise of an undoubted right, substantially guaranteed to them by the treaty of cession itself, shall ever be uttered by me, or encouraged and sustained by persons acting under my authority. It is to be expected that in the residue of the territory ceded to us by Mexico, the people residing there will, at the time of their incorporation into the Union as a State, settle all questions of domestic policy to suit themselves.

No material inconvenience will result from the want, for a short period, of a government established by Congress over that part of the territory which lies eastward of the new State of California; and the reasons for my opinion that New Mexico will at no very distant period ask for admission into the Union, are founded on unofficial information, which I suppose is common to all who have cared to make inquiries on that subject.

Seeing, then, that the question which now excites such painful sensations in the country, will, in the end, certainly be settled by the silent effect of causes independent of the action of Congress, I again submit to your wisdom the policy recommended in my annual message of awaiting the salutary operation of those causes, believing that we shall thus avoid the creation of geographical parties, and secure the harmony of feeling so necessary to the beneficial action of our political system. Connected as the Union is with the remembrance of past happiness, the sense of present blessings, and the hope of future peace and prosperity, every dictate of wisdom, every feeling of duty, and every emotion of patriotism tend to inspire fidelity and devotion, to it, and admonish us cautiously to avoid any unnecessary controversy which can either endanger it or impair its strength, the chief element of which is to be found in the regard and affection of the people for each other.

Z. TAYLOR.

DEPARTMENT OF STATE,
WASHINGTON, 7th January, 1850.

To the Secretary of the United States

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 31st ult., requesting the President of the United States to communicate to that body, as early as he conveniently can, whether, since the last session of Congress any person has been appointed either a civil or military governor of California and New Mexico. If any military or civil governor has been appointed, their names and their compensation. If a military and civil governor has been united in one person, whether any additional compensation has been given for said duties, and the same.

Also, that he be requested to communicate to this House whether any agent or agents, or other persons, have been appointed by the President or any of the Departments of the Government, and sent to California, or New Mexico, or recognized in said territories by this Government, authorized to organize the people of California or New Mexico into a government, or to aid or advise them in such organization; or whether such agent, civil or military governor, was instructed or directed to aid, preside over, or be present at the assembly of a body of persons called a convention in California, to control, advise, direct, or participate in any manner in the deliberations of that body of persons. If any of the names of such agent or agents, and their compensation. Also, that the President be requested to inform this House whether the Executive, or either of the Departments, have sent any agent or agents on the part of this Government to California or New Mexico, to aid or advise the people of those territories as to the formation of a government for themselves, and if such agent or agents have been sent, who they are, and their compensation. Also, that the President be respectfully requested to communicate to this House all the instructions given to such governor, civil or military, in California or New Mexico, or to any officers of the army of the United States, or any other persons, who may have been sent by this Government to New Mexico or California, and the proclamations and communications by them made to the people of said Territories, as well as the entire correspondence of such agents or governor with this Government. And, also, whether any person or persons have been authorized by this Government, or any of its departments, to appoint and direct the elections in said Territories, and determine the qualifications of the voters at the same; and whether any laws have been created by any supposed government in California; and if so, what laws?

And that the President be requested to communicate to this House all correspondence held by this Government with any persons in California and New Mexico relative to the formation of a Government for the said Territories by the inhabitants thereof; and whether any census of citizens of said Territories has been made; and that the same, if made, be communicated to this House. Also all similar instructions that were given to similar officers or agents by the late Executive, and all similar information of which the Department of

State had possession, and similar matters, at the expiration of the term of office of the late President. Has the honor to report to the President the accompanying papers on file in his Department embraced by the resolution. Copies of so much of the correspondence of this Department, during the last administration, with officers and agents in California, after the Treaty of Guadalupe, as was deemed proper or useful to be communicated to Congress, will be found among the papers accompanying the message of President Polk of December 5, 1848, from page 45 to page 69 inclusive. [See vol. 1 Executive Documents, 2d session 30th Congress.] Prior to that period T. O. Larken, esquire, was appointed confidential agent of the Department in California, and received for his services the sum of \$6,107. The sum of \$1,000 has been paid to Mr. King.

The Secretary of State has the honor to add, that no official report has yet been received at this Department from Mr. King, who, on the 3d of April last, was appointed bearer of despatches to California, and agent to collect information necessary to the proper execution of the treaty with Mexico, as well as to communicate information to the people of that Territory, as is fully stated in the copy of his instructions herewith sent. Private advices from California have informed us that he was confined by severe illness, not long after his arrival at San Francisco; but that he had recovered, and his arrival in the United States may, therefore, soon be expected.

A report will then, doubtless, be made by him in obedience to his instructions.

Respectfully submitted,
J. M. CLAYTON.

(Copy)

DEPARTMENT OF STATE,
WASHINGTON, 7th October, 1848.

Wm. V. VORHIES, Esq., Washington City: Sir:—Previous to your departure for California, the President has instructed me to make known, through your agency, to the citizens of the United States inhabiting that Territory, his views respecting their present condition and future prospects. He deems it proper to employ you for this purpose, because the Postmaster General has appointed you an agent under the act "to establish certain post routes," approved August 14th, 1848, "to make arrangements for the establishment of post-offices, and for the transmission, receipt, and conveyance of letters in Oregon and California."

The President congratulates the Citizens of California on the annexation of their fine prairies to the United States. On the 30th of May, 1848—the day on which the ratifications of our late treaty with Mexico were exchanged—California finally became an integral portion of this great and glorious republic; and the act of Congress, to which I have already referred, in express terms recognizes it to be "within the territory of the United States."

May this Union be perpetual! The people of California may feel the firmest conviction that the Government and people of the United States will never abandon them, or prove unmindful of their prosperity. Their fate and their fortunes are now indissolubly united with that of their brethren on this side of the Rocky Mountains. How propitious this event both for them and for us! Whilst the other nations of the world are distracted by domestic dissensions and are involved in a struggle between the privileges of the few and the rights of the many, Heaven has blessed our happy land with a government which secures equal rights to all our citizens, and has produced peace and contentment throughout our borders.—It has combined liberty with order, and all the sacred and indefeasible rights of the citizens with the strictest observance of law. Satisfied with the institutions under which we live, each individual is, therefore, left free to promote his own prosperity and happiness in the manner most in accordance with his own judgment.

Under such a constitution and such laws, the prospects of California are truly encouraging. Blessed with a mild and salubrious climate, and a fertile soil, rich in mineral resources, and extending over nearly ten degrees of latitude along the coast of the Pacific, with some of the finest harbors in the world, the imagination can scarcely fix a limit to its future wealth and prosperity.

We can behold in the not distant future, one or more glorious States of this confederacy springing into existence in California, governed by institutions similar to our own and extending the blessings of religion, liberty and law over that vast region. Their free and unrestricted commerce and intercourse with the other States of the Union will confer mutual benefits and will bind us all together by the strongest ties of reciprocal affection and interest. Their foreign trade with the west coast of America, with Asia, and the isles of the Pacific, will be protected by our common flag, and cannot fail to bear back to their shores the rich rewards of enterprise and industry.

After all, however, the speedy realization of these bright prospects depends much upon the wise and prudent conduct of the citizens of California in the present emergency. If they commence their career under proper auspices, their advance will be rapid and certain; but should they become entangled in difficulties and dissensions at the

start, their progress will be greatly retarded.

The President deeply regrets that Congress did not, at their last session, establish a territorial government for California. It would now be vain to enter into the reasons for this omission. Whatever those may have been, he is firmly convinced that Congress feel a deep interest in the welfare of California and its people, and will at an early period of the next session, provide for them a territorial government suited to their wants. Our laws relating to trade and intercourse with the Indians will then be extended over them. Custom-houses will be established for the collection of the revenue; and liberal grants of land will be made to those bold and patriotic citizens who, amidst privations and dangers have emigrated or shall emigrate to that territory from the States on this side of the Rocky mountains.

The President in his annual message at the commencement of the next session, will recommend all these great measures to Congress, in the strongest terms, and will use every effort, consistently with his duty, to insure their accomplishment.

In the mean time, the condition of the people of California is anomalous, and will require on their part the exercise of great prudence and discretion. By the conclusion of the treaty of peace, the military government which was established over them, under the laws of war as recognized by the practice of all civilized nations, has ceased to derive its authority from this source of power. But is there, for this reason, no government in California? Are life, liberty and property under the protection of no existing authorities? This would be a singular phenomenon in the face of the world, and especially among American citizens distinguished as they are above all other people for their law abiding character.

Fortunately they are not reduced to this sad condition. The termination of the war left an existing government—a government *de facto*—in full operation; and this will continue with the presumed consent of the people until Congress shall provide for them a territorial government. The great law of necessity justifies this conclusion. The consent of the people is irresistibly inferred from the fact that no civilized community could possibly desire to abrogate an existing government, when the alternative presented would be to place themselves in a state of anarchy beyond the protection of all laws, and reduce them to the unhappy necessity of submitting to the dominion of the strongest.

This government *de facto* will, of course, exercise power in consistent with the provisions of the Constitution of the United States, which is the supreme law of the land. For this reason, no import duties can be levied in California on articles the growth, produce, or manufacture of the United States as no such duties can be imposed in any other part of our Union on the production of California. Nor can new duties be charged in California upon such foreign productions as have already paid duties in any of our ports of entry, for the obvious reason that California within the territory of the United States, I shall not enlarge upon this subject however, as the Secretary of the Treasury will perform that duty.

The President urgently advises the people of California to live peaceably and quietly under the existing government. He believes that this will promote their lasting and best interests. If it be not what they can desire and has a right to expect they can console themselves with the reflection, that it will endure but for a few months.—Should they attempt a change or amend it during this brief period, they most probably could not accomplish their object before the government established by Congress would go into operation. In the mean time, the country would be agitated, the citizens would be withdrawn from their usual employments and domestic strife might divide and exasperate the people against each other and this all to establish a government which, in no conceivable contingency, could endure for a single year. During this brief period it is better to bear the ills they have, than to fly to others they know not of.

The permanent prosperity of any new country is identified with the perfect security of its land titles. The land system of the General Government has been a theme of admiration throughout the world. The wisdom of man has never devised a plan so well calculated to prevent litigation and place the rights of owners of the soil beyond dispute. This system has been one great cause of the rapid settlement and progress of our new States and Territories. Emigrants have been attracted there, because over man knew that when he had acquired land from the Government he could sit under his own vine and under his own fig tree, and there would be no one to make him afraid. Indeed, there can be no greater drawback to the prosperity of a country as several of the older States have experienced, than disputed land titles. Prudent men will be deterred from emigrating to a State or Territory where they can not obtain an indisputable title, and must, consequently, be exposed to the danger of strife and litigations in respect to the soil on which they dwell. An uncertainty respecting the security of land titles arrests all valuable improvement, because no prudent man will expend his means for this purpose

whilst there is danger that another may deprive him of the fruit of his labors. It is fortunate, therefore, that Congress alone, under the Constitution possesses "the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." In the exercise of this power the President is convinced that emigrants will receive liberal donations of the public land.

Although Congress has not established a territorial government for the people of California, they have not been altogether unmindful of their interests. The benefit of our post-office laws has been extended to them; and you bear with you authority from the Postmaster General to provide for the conveyance of public information and private correspondence among themselves, and between them and the citizens of Oregon and of our States east of the Rocky mountains. The monthly steamers on the line from Panama to Astoria have been required "to stop and deliver and take mails at San Diego, San Francisco and Monterey." These steamers connect by the Isthmus of Panama with those on the Atlantic between New York and Chagres, will keep up a regular communication with California; and afford facilities to all those who may desire to emigrate to that territory.

The necessary appropriations have also been made by Congress to maintain troops in California, to protect its inhabitants against all attacks from a civilized or savage foe, and it will afford the President peculiar pleasure to perform this duty promptly and effectively.

But, above all the Constitution of the United States, the safeguard of all our civil rights, was extended over California on the 30th May 1848, the day on which our late treaty with Mexico was finally consummated. From that day its inhabitants became entitled to all the blessings and benefits resulting from the best form of civil government ever established amongst men. Thus they will prove worthy of this inestimable boon, no doubt is entertained.

Whilst the population of California will be composed chiefly of our own kindred, of a people speaking our own language and educated for self government under our own institutions, a considerable portion of them were Mexican citizens before the late treaty of peace. These our new citizens ought to be and from the justice and generosity of the American character the President is confident that they be treated with respect and kindness, and thus be made to feel that by changing their allegiance they have become more prosperous and happy.

Yours very respectfully,
JAMES BUCHANAN.

(Copy)

DEPARTMENT OF STATE,
WASHINGTON, 3d April, 1849.

HON. THOMAS BUTLER KING,

Appointed Agent of the U. States to California.

Sir: The President, reposing full confidence in your integrity, abilities, and prudence, has appointed you an agent for the purpose of conveying important instructions and despatches to our naval and military commanders in California. It is his desire that you should lose no time in repairing thither by the best and most expeditious route in the prosecution of the duties devolved upon you, which I shall proceed to explain in the following instructions:

The situation of the people of California and New Mexico has, already, at this early period of his Administration attracted his attention. By the late treaty with Mexico, provision was made for the future admission of these Territories into the Union as States; and in the mean time the Government of the U. S. is bound to protect the inhabitants, residing in them in the free and entire enjoyment of their lives, liberty and property and in the exercise of their civil and religious rights. Owing to causes, with which you are fully acquainted, the Congress of the United States failed to assist the Executive by the passage of a law establishing a government in either of the new Territories. You are aware however that an act was passed at the last session to extend the revenue laws of the United States over the territory and waters of Upper California. This act creates a collection district in California; and you also know that by another previous act certain mail facilities have been extended to the same territory. What ever can be done, by the aid of the constitution of the United States, the treaty with Mexico, and the enactments of Congress, to afford to the people of the Territories the benefits of civil government, and the protection that is due them, will be anxiously considered and attempted by the Executive.

You have been selected by the President, to convey to them these assurances; and especially the assurance of his firm determination, so far as his constitutional power extends, to omit nothing that may tend to promote and secure their peace and happiness. You are fully possessed of the President's views, and can with propriety suggest to the people of California the adoption of measures best calculated to give them effect. These measures must, of course, originate solely with themselves. Assure them of the sincere desire of the Executive of the United States to protect and defend them in the formation of any government, republican in its character, hereafter to be submitted to Congress, which shall be for