

inconvenience would only be experienced in regard to appropriation bills; but fortunately, under the late excellent law allowing a salary, instead of a per diem, to members of Congress, the expense and inconvenience of a called session will be greatly reduced.

I cannot conclude without commending to your favorable consideration the interests of the people of this District. Without a representative on the floor of Congress they have for this very reason peculiar claims upon our just regard. To this I know, from my long acquaintance with them, they are eminently entitled.

JAMES BUCHANAN. WASHINGTON, Dec. 8, 1857.

Territorial Legislature—10th Session.

IN COUNCIL.

TUESDAY, Jan. 5th, 1858.

Council met at 10 o'clock, A. M. Members all present.

Message from the House:

Reporting the passage of H. B. No. 12, an act to regulate the draining of marsh and swamp lands.

Also, H. B. No. 13, an act relative to the distribution of Territorial Arms.

And of the introduction of H. B. No. 20, an act to define the southern boundary of Kitsap county.

Also, H. B. No. 21, an act authorizing the county commissioners to put the convicts of the county jail to labor.

H. B. No. 12, was taken up and read a first time.

On motion, rules suspended, and bill read a second time, and laid on the table.

Committee on Public Buildings and Grounds reported back.

H. B. No. 5, an act to amend an act entitled an act to amend an act appointing commissioners to select a site and superintend the construction of the Penitentiary, and unanimously recommending its passage.

Also, H. B. No. 1, an act to provide for the erection of suitable public buildings at the seat of government of this Territory.

Upon leave Mr. Maxon presented a petition from L. Farnsworth and 45 others, citizens of Clarke county, praying the Legislative Assembly to appoint Gay Hayden of said county acting commissioner in the locating and constructing the Penitentiary.

Mr. Van Vleet moved that Gay Hayden be appointed acting commissioner.

Motion lost.

Mr. Van Vleet then gave notice that he had a petition from 90 of the citizens of Clarke county, in reference to the same bill, praying the Legislative Assembly to appoint Edward Chambrun as one of the locating commissioners of the Penitentiary.

On motion of Mr. Wallace, The bill was laid on the table.

H. B. No. 1, was taken up, and On motion of Mr. Cock, Read a third time and passed.

Council adjourned.

ERRATA—Council Journal for Jan. 5th, as reported and published in our last issue, appeared with an omission which we will take occasion at this time to correct. The proceedings in the matter referred to should read:

On inquiry, Mr. Maxon presented a petition from L. Farnsworth and forty-five other citizens of Clarke county, praying the Legislature to appoint Gay Hayden, said county, acting commissioner in the locating and constructing of the Territorial penitentiary.

Mr. Van Vleet moved that Gay Hayden be designated as acting commissioner, in the locating and constructing of said penitentiary, in accordance with the prayer of said petitioners. Lost.

The motion as above, of Mr. Van Vleet, did not appear in the published proceedings, and we have been requested to make the correction.

WEDNESDAY, Jan. 6, 1858.

Council met at the usual hour. Members all present.

Mr. Phillips from joint committee on Enrolled Bills, reported the following to be correctly enrolled.

C. B. No. 3, an act to view and locate a Territorial road from or near the house of J. C. Cochran to the Military road near Joseph Borts.

H. J. R. No. 5, relative to appointing a commission to revise the laws of Washington Territory.

H. M. No. 1, relative to confirming titles to land claims.

And H. M. No. 2, praying for an appropriation to indemnify citizens of Washington Territory for property destroyed during the late Indian War.

Mr. Wiley, from committee on Ways and Means, reported back.

C. B. No. 3, an act appropriating money from the Territorial Treasury to James McDonald and others.

Upon leave Mr. Maxon introduced the following Resolutions:

WHEREAS, Certain officers of the United States Army, commanding in the county of Walla-walla, have unlawfully assumed to issue orders prohibiting citizens of this Territory from settling in certain portions thereof, and in accordance with said orders have driven citizens from their claims and homes acquired under the laws of the United States, to their great injury, Therefore be it

Resolved by the Legislative Assembly of the Territory of Washington, That in our opinion the said orders are without the authority of law, and that the acts done under said orders are a high handed outrage upon the rights and liberties of the American people.

Resolved, That the Governor be requested to give the proper authorities at Washington all necessary information on the subject of this outrageous usurpation of the military over the civil authority.

Resolved, That we believe the above usurpation to be the very worst form of Martial Law proclaimed by tyrants not having feeling in common with us nor interests identified with ours.

Resolved, That a copy of the above resolutions be forwarded to our Delegate in Congress, and that he be requested to pre-

sent the matter to the proper department at Washington city, to the end that the evil may be corrected.

Resolution read first and second time, On motion of Mr. Wallace, Laid on the table and 50 copies ordered to be printed.

On motion of Mr. Wallace, Laid on the table and 50 copies ordered to be printed.

On motion of Mr. Wallace, H. B. No. 12, was referred to committee on Judiciary.

On motion of Mr. Wiley, H. B. N. 13, was taken up, read a second time, and referred to committee on Military Affairs.

C. B. No. 3, relative to the arrest of P. Ragan, was taken up, Read a second time, Mr. Cock moved to strike out \$300 where ever it occurs and insert \$150, which was lost.

Mr. Wiley moved to amend by inserting \$200. Adopted.

On motion of Mr. Van Vleet, The bill read a third time and passed.

On motion of Mr. Maxon, H. B. No. 5, was taken up and read a second time.

Upon leave Mr. Van Vleet presented a petition from F. Fink and 94 others, citizens of Clarke county, praying the appointment of Edward Chambrun as one of the commissioners to locate and build the Penitentiary.

Mr. Van Vleet moved to amend H. B. No. 5, by striking out the name of G. Barlow and inserting the name of Edward Chambrun, in accordance with the aforesaid petition. Lost.

Message from the House, Informing the Council of the passage of H. B. No. 4, an act to amend an act to incorporate the city of Vancouver.

Also, of the introduction of H. M. No. 7, praying for a military road from Port Townsend to intersect the Military road from Fort Steilacoom to Fort Vancouver.

Also, H. B. No. 22, an act concerning the partition of Lands.

Also, H. M. No. 8, relative to the extension of the Donation Law.

Mr. Wallace moved to amend H. B. No. 5, by striking out the name of Gay Hayden and inserting that of Edward Chambrun. Lost.

Mr. Van Vleet moved to strike out the name of Wm. Dillon and insert the name of Edward Chambrun. Lost.

Message from the House, Informing the Council of the introduction in the House of H. B. No. 23, declaring so much of the Military road as lies within the limits of Lewis county, a Territorial road.

Also, H. M. No. 9, relative to the payment of the war debt.

Also, H. M. No. 10, relative to a semi-weekly mail between Olympia and Ranier.

Also, H. J. R. No. 8, relative to appointing a committee to make a new apportionment.

Also, H. B. No. 24, an act to establish a Board of Pilot Commissioners for Columbia river.

Also, H. B. No. 25, an act appropriating money for certain fees.

On motion of Mr. Van Vleet, H. B. No. 5, was read a third time and passed.

H. B. No. 14, was taken up, read first and second time, and

On motion of Mr. Wiley, Referred to committee on Corporations.

Upon leave Mr. Van Vleet introduced a report from the committee on Judiciary, to whom was referred H. J. R. No. 2, relative to appointing a commission to revise the laws of Washington Territory, offering a substitute therefor.

The substitute being read a first and second time, was

On motion of Mr. Van Vleet, Read a third time and passed.

Council adjourned.

THURSDAY, Jan. 7th, 1858.

Council met at the usual hour.

On motion of Mr. Wallace, C. J. R. No. 2, was taken up, and

On motion of Mr. La Du, Read a third time and passed unanimously.

Upon leave Mr. Maxon introduced the following resolutions:

WHEREAS, in the prosecution of the late Indian war, ISAAC I. STEVENS, late Governor of Washington Territory, proclaimed and enforced Martial Law in the counties of Pierce and Thurston, and for which he received unmerited condemnation by a certain resolution of the Legislative Assembly, passed January 16th, 1857, therefore,

Be it resolved by the Legislative Assembly of the Territory of Washington, That in this proclaiming and enforcing Martial Law, we believe Gov. Isaac I. Stevens to have been actuated by motives of the purest patriotism, and with a desire only for the safety, welfare and prosperity of the Territory.

Resolved, That in our opinion the state of the country demanded that stringent measures should be adopted, "and such as could be effected by Martial Law only, and that there was absolute necessity for the same, sufficiently evidenced by the fact that the enemy "who, prior to its existence, were constantly on the alert, and supplied with information of all operations," after its enforcement were continually struck by our gallant troops and soon reduced to submission.

Resolved, That the resolution passed January 16th, 1857, does not now, and did not at that time, express the opinion of a majority of the citizens of Washington Territory, but was in direct contravention of the same, a fact manifested by the triumphant election of Gov. Stevens as our Delegate to Congress, receiving in such election, over two-thirds of the votes cast.

Resolved, That the Secretary of this Territory be requested to transmit copies of these Resolutions to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to the Hon. Isaac I. Stevens.

Resolved, That the Governor be requested to give the proper authorities at Washington all necessary information on the subject of this outrageous usurpation of the military over the civil authority.

Resolved, That we believe the above usurpation to be the very worst form of Martial Law proclaimed by tyrants not having feeling in common with us nor interests identified with ours.

Resolved, That a copy of the above resolutions be forwarded to our Delegate in Congress, and that he be requested to pre-

Resolutions read first and second time, and

On motion of Mr. Wallace, Laid on the table and 50 copies ordered to be printed.

On motion of Mr. Wallace, Laid on the table and 50 copies ordered to be printed.

On motion of Mr. Wallace, H. B. No. 12, was referred to committee on Judiciary.

On motion of Mr. Wiley, H. B. N. 13, was taken up, read a second time, and referred to committee on Military Affairs.

C. B. No. 3, relative to the arrest of P. Ragan, was taken up, Read a second time, Mr. Cock moved to strike out \$300 where ever it occurs and insert \$150, which was lost.

Mr. Wiley moved to amend by inserting \$200. Adopted.

On motion of Mr. Van Vleet, The bill read a third time and passed.

On motion of Mr. Maxon, H. B. No. 5, was taken up and read a second time.

Upon leave Mr. Van Vleet presented a petition from F. Fink and 94 others, citizens of Clarke county, praying the appointment of Edward Chambrun as one of the commissioners to locate and build the Penitentiary.

Mr. Van Vleet moved to amend H. B. No. 5, by striking out the name of G. Barlow and inserting the name of Edward Chambrun, in accordance with the aforesaid petition. Lost.

Message from the House, Informing the Council of the passage of H. B. No. 4, an act to amend an act to incorporate the city of Vancouver.

Also, of the introduction of H. M. No. 7, praying for a military road from Port Townsend to intersect the Military road from Fort Steilacoom to Fort Vancouver.

Also, H. B. No. 22, an act concerning the partition of Lands.

Also, H. M. No. 8, relative to the extension of the Donation Law.

Mr. Wallace moved to amend H. B. No. 5, by striking out the name of Gay Hayden and inserting that of Edward Chambrun. Lost.

Mr. Van Vleet moved to strike out the name of Wm. Dillon and insert the name of Edward Chambrun. Lost.

Message from the House, Informing the Council of the introduction in the House of H. B. No. 23, declaring so much of the Military road as lies within the limits of Lewis county, a Territorial road.

Also, H. M. No. 9, relative to the payment of the war debt.

Also, H. M. No. 10, relative to a semi-weekly mail between Olympia and Ranier.

Also, H. J. R. No. 8, relative to appointing a committee to make a new apportionment.

Also, H. B. No. 24, an act to establish a Board of Pilot Commissioners for Columbia river.

Also, H. B. No. 25, an act appropriating money for certain fees.

On motion of Mr. Van Vleet, H. B. No. 5, was read a third time and passed.

H. B. No. 14, was taken up, read first and second time, and

On motion of Mr. Wiley, Referred to committee on Corporations.

Upon leave Mr. Van Vleet introduced a report from the committee on Judiciary, to whom was referred H. J. R. No. 2, relative to appointing a commission to revise the laws of Washington Territory, offering a substitute therefor.

The substitute being read a first and second time, was

On motion of Mr. Van Vleet, Read a third time and passed.

Council adjourned.

MONDAY, Jan. 11th, 1858.

Council met at the usual hour. Members all present.

Message from the House informing the Council that the House had passed H. B. No. 10, an act appropriating money from the Territorial Treasury to pay for certain printing.

Also the following as having been signed by the Speaker:

Memorial relative to confirming titles to claims of settlers.

Memorial, praying for an appropriation to indemnify citizens for property destroyed during the late Indian war.

H. J. R., relative to appointing a committee to report the expediency of appointing a commission to revise the laws of Washington Territory.

An act to view and locate a Territorial road from or near the house of J. C. Cochran to intersect the military road near Jos. Borts's.

And that they have passed the following bills and resolutions:

H. B. No. 20, an act to define the southern boundary of Kitsap county.

H. J. R. No. 10, relative to making Vancouver a Port of Delivery.

H. B. No. 19, an act to confer civil jurisdiction upon the Probate Courts, and regulate the practice therein.

Mr. Phillips, from joint committee on Enrolled Bills, reported H. B. No. 1, and H. B. No. 5, as being correctly enrolled.

H. M. No. 5, read a first and a second time, and

On motion of Mr. Van Vleet, Referred to committee on Memorials.

H. B. No. 15, read a first and a second time, and

On motion of Mr. Denny, Referred to committee on Judiciary.

H. B. No. 6, read a first and a second time, and

On motion of Mr. Wiley, Referred to committee on Memorials.

H. B. No. 25, read a first and a second time, and

On motion of Mr. La Du, Referred to committee on Claims.

H. B. No. 20, read a first and a second time, and

On motion of Mr. Denny, Referred to committee on Counties, with instructions to report at their earliest convenience.

H. J. R. No. 10, read a first and second time, and

On motion of Mr. Van Vleet, Read a third time and passed.

H. B. No. 19, read a first and a second time, and

On motion of Mr. Wiley, Referred to committee on Judiciary.

H. B. No. 10, read a first and a second time, and

On motion of Mr. Van Vleet, Referred to committee on Claims.

On motion of Mr. Van Vleet, C. J. R. No. 4, complimentary to Geo. L. Curry, Governor of Oregon, for the able, manly and truthful defense of the late Volunteer organization, against Gen. Wool and others; was taken up, and after some discussion, was

On motion of Mr. Van Vleet, Laid on the table and the Clerk instructed to procure a copy of the late annual message of the Governor of Oregon for the use of the Council, to-morrow.

Upon leave, Mr. Cock introduced the following resolution:

Resolved by the Council, That the com-

mittee on Judiciary be instructed to take into consideration the propriety of reporting a bill to secure the landlord in the collection of rents.

On motion of Mr. Denny, Rules suspended and the Resolution read a second time.

The question being upon the adoption of the Resolution, it was adopted.

Council adjourned.

TUESDAY, January 12, 1858.

Council met pursuant to adjournment. Members all present.

Mr. La Du, chairman of the committee on Memorials, brought in the report of that committee, recommending the passage of H. M. No. 6, relative to buoying out the north channel of the Columbia river; reporting back to the Council also, H. M. No. 5, praying for a further appropriation to complete a military road from Ft. Steilacoom to Ft. Bellingham, and asking for further instructions.

The message of Gov. Curry was now read, according to a previous request of Mr. Van Vleet.

C. J. R. No. 4, relative to tendering thanks to Gov. Curry, of Oregon, for the able defence in his message of the late volunteer organization of Washington and Oregon territories, as against the foul slanders of Gen. Wool and his aiders and abettors, was duly read, and passed on a vote of 7 yeas and 2 noes.

H. M. No. 6, praying an appropriation by Congress to buoy out the north channel of the Columbia river, was now taken up and read a third time and passed.

An act to provide for the erection of public buildings at the seat of government of this territory, and an act to amend an act appointing commissioners to select a site and superintend the erection of the Penitentiary of Washington Territory, was now brought in by the Clerk of the House for the signature of the President.

Council then adjourned.

On motion of Mr. Guthrie, The bill was laid on the table and made the order of the day for to-morrow.

H. B. No. 27, read second time, and On motion of Mr. Balch, Referred to committee on Agriculture.

H. B. No. 28, read second time, and On motion of Mr. Stillman, Referred to committee on Judiciary.

H. M. No. 11, read second time, and On motion of Mr. Irby, Referred to committee on Military Affairs.

H. M. No. 12, read second time, and On motion of Mr. Balch, Laid on the table and ordered printed.

H. M. No. 13, read second time, and On motion of Mr. Shaw, Laid on the table and ordered printed.

H. M. No. 14, read second time, and On motion of Mr. Bradshaw, Referred to committee on Memorials.

H. B. No. 25, an act to appropriate money for the payment of certain fees to B. F. Kendall and B. P. Anderson, in the case of "Leschi."

Read third time and passed, by a vote of 24 in the affirmative to 3 in the negative.

H. J. R. No. 9, relative to calling upon the Governor for his views upon the war debt.

Read third time, and On motion of Mr. Balch, Laid on the table and made the special order of the day for the 4th day of July next.

H. M. No. 3, reported back from the committee on Memorials, coming up, was

On motion of Mr. Guthrie, Laid on the table and ordered printed.

The petition of citizens of Pierce county, presented by Mr. Meeker—relative to a Territorial road, coming up, was

On motion of Mr. Meeker, Referred to committee on Roads and Highways.

H. M. No. 4, reported back from committee on Memorials, coming up, was

On motion of Mr. Peabody, Laid on the table and ordered printed.

Adjourned to 1 o'clock, P. M.

ATTERNOON SESSION.

The petition of J. A. Packard—presented by Mr. Crockett—praying for a charter for a toll bridge across the Nisqually river, coming up, was

On motion of Mr. Curtis, Referred to a select committee of five, three from Thurston and two from Pierce county.

The Chair appointed Messrs. Miller, Baker, and Guthrie, of Thurston, and Messrs. Moore and Meeker, of Pierce county, said committee.

The petition of Alexander Abernathy, and others—presented by Mr. Hutchison—relative to declaring certain waters navigable, coming up, was

On motion of Mr. Meeker, Referred to committee on Commerce.

H. M. No. 5, praying for a further appropriation to complete a military road from Fort Steilacoom to Fort Bellingham, reported back from committee on Memorials, coming up, was

On motion of Mr. Balch, Read a third time and passed by a unanimous vote.

C. M. No. 1, reported back from committee on Memorials, coming up, was slightly amended, and

On motion of Mr. Meeker, The 9th day of January was assigned for its third reading.

C. B. No. 3, relative to appropriating money from the Territorial Treasury to pay Jas. McDonald and others, for the arrest of Patrick Ragan.

Read first time and ordered to a second reading.

Substitute for H. J. R. No. 2, relative to appointing a commission to compile, revise, and codify the laws of Washington Territory, (introduced in the Council.)

Read first time and ordered to a second reading.

On motion of Mr. Balch, H. B. No. 15, an act to prevent the sale of intoxicating liquors to Kanakas, was taken from the table, and

On motion of Mr. Balch, Read a third time and passed, and the title agreed to.

On motion of Mr. Guthrie, H. B. No. 10, was taken from the table, and after a short discussion thereon, was

On motion of Mr. Guthrie, Laid on the table and made the special order of the day for the 9th day of Jan.

H. B. No. 9, coming up, was

On motion of Mr. Shaw, Laid on the table.

H. B. No. 7, an act repealing jurisdiction of Probate Courts and Justices of the Peace, coming up, was

On motion of Mr. Balch, Indefinitely postponed.

H. B. No. 3, an act to amend an act, entitled an act to amend an act to increase county revenue, coming up, was

On motion of Mr. Meeker, Indefinitely postponed.

House adjourned until Saturday the 9th day of January.

THE MORMON WAR FEYER.—In almost every county in the State, steps have been taken to organize volunteer companies to fight the Mormons, in the event of a requisition being made by the President upon this State for troops. In this city and Sacramento several companies have already been partially organized.—San Francisco Herald, Jan. 5.

ARRIVED—Steamer Constitution, Hunt, January 19th, 1858, 23 hours from Bellingham Bay, with mails and passengers, to M. Louison &

PROCLAMATION

By His Excellency, JAMES DOUGLAS, Governor of Vancouver's Island and its Dependencies, &c.

WHEREAS, by law, all mines of gold, and all gold in its natural place, within the district of Fraser's river, and of Thompson's river, commonly known as the Quatlan, Couteana and Shuswap countries, whether on the lands of the Queen or any of Her Majesty's subjects, belongs to the Crown.

And Whereas, information has been received by the Government that gold exists upon, and in the soil of the said districts, and that certain persons have commenced, or are about to commence, searching, and digging for the same, for their own use, without leave or authority from Her Majesty.

Now, I, James Douglas, the Governor aforesaid, on behalf of Her Majesty, do hereby publicly notify and declare that all persons, who shall take from any lands within the said districts, any gold, metal, or ore, containing gold, or who shall dig for, and disturb the soil in search of gold, metal, or ore, without having been duly authorized by Her Majesty's Colonial Government, will be presented both criminally and civilly as the law allows.

And I further notify and declare that such regulations, as may be found expedient, will be prepared and published, setting forth the terms on which licenses will be issued for this purpose, on the payment of a reasonable fee.

Given under my hand and seal at the Government Office, Victoria, this twenty-eighth day of December, in the year of our Lord, one thousand eight hundred and fifty-seven, and in the twenty-first year of Her Majesty's reign.

JAMES DOUGLAS, Governor Vancouver's Island.

By His Excellency's command, RICHARD GOLDBERG, Secretary.

"GOD SAVE THE QUEEN."

GOVERNMENT HOUSE, VICTORIA, 30th December, 1857.

With reference to the Proclamation, issued on the 24th of December, declaring the rights of the Crown in respect to gold found in its natural state of deposit within the districts of Fraser's river, and of Thompson's river, commonly known as the Quatlan, Couteana and Shuswap countries, His Excellency, the Governor, has been pleased to establish the following provisional regulations, under which licenses may be obtained, to dig, search for, and remove the same:

1st. From any land the first day of January next, no person will be permitted to dig, search for, or remove gold, or from any lands public or private, without first taking out and paying for a license in the form annexed to these regulations.

2d. For the present, and pending further proof of the extent and productiveness of the gold deposits, the license fee has been fixed at twenty-one shillings per month, to be paid in advance, but it is to be understood that the rate is subject to adjustment, as circumstances may render expedient.

3d. The licenses can be obtained at Victoria, Vancouver's Island, until a Commissioner is appointed by His Excellency, the Governor, to carry those regulations into effect, and who will be authorized to receive the fee payable thereon.

4th. Rules adjusting the extent and position of land to be taken by each license, and the mode of prevention of confusion, and the interference of one license with another, will be regulated by the said Commissioner.

By His Excellency's command, RICHARD GOLDBERG, Secretary.

Form referred to Gold License: NO. 185.

The bearer, having paid to me the sum of twenty-one shillings, on account of the territorial revenue for the month of January next, and removed gold on and from any such Crown land within the said districts, as I shall assign to him for that purpose, during the month of January next, 1858.

This license may be produced whenever demanded by me, or any other person acting under the authority of the Government.

(Signed) A. B., Commissioner.

NOTICE.

PROPOSALS will be received at the Custom House at Port Townsend, until the third of March, next, to supply the Revenue Cutter Jefferson Davis, with rations in accordance with the laws of the Department, commencing the first of April next.

Parties wishing to make proposals can, by applying to the Collector, receive a scale of the rations, and the manner in which they are to be supplied.

If the Collector does not consider it to the advantage of Government to accept any of the proposals, he reserves the right to do so.

MORRIS H. FROST, Collector Puget Sound District, No. 103, Custom House, Port Townsend, January 15, 1858.

\$300 REWARD.

STOLEN from the room of the undersigned, in Seattle, W. T., on the first day of January 1858, a Book containing one Treasury Draft payable to me in San Francisco, for Two Thousand Dollars; also, one Deed of Conveyance of D. S. Maynard & wife to me, and one certificate of discharge for six months volunteer service in the late Indian war.

Whoever will return the said papers to the subscriber, or give notice where they may be found, together with arrest of the burglars, will receive the above reward; or two hundred dollars will be paid for the arrest and conviction of the burglars.

J. JOHN MOSS, Seattle, Jan. 4th, 1858.

Administrator's Notice.

NOTICE is hereby given that the undersigned has been appointed Administrator of the Estate of Peter J. Blanks, deceased, late of said county, at the December term, Administrator de bonis non, upon the estate of A. Benton Moser, deceased, late of said county. All persons indebted to the estate are requested to make immediate payment; and all persons holding claims against said estate are requested to present them within nine months from this date.

G. C. BLANKENSHIP, Administrator, with the will annexed. Olympia, Jan. 15, 1858.

TOWN RESIDENCE FOR SALE.

A HOUSE AND GARDEN, in the town of Stellacoom, beautifully situated for a private family, on the street leading to the Garrison, is offered for sale by the late Mrs. J. W. Wood, the premises command a beautiful view of the Sound. Water can be brought into the house at an expense of about \$10. There are apple and pear trees, English strawberries and raspberries, flowers, &c. in the premises.

Apply to W. H. WOOD, Olympia, or SAMUEL McCAW, Esq., Stellacoom, W. T. January 8, 1857.

Administrator's Notice.

LETTERS OF ADMINISTRATION on the Estate of Wm. H. Brannan, deceased, late of King county, Washington Territory, were granted to the undersigned, by the Probate Court of said county, on the 25th day of November, 1857; all persons indebted to said estate are therefore requested to make immediate payment; and all persons having claims against the same are hereby notified to present them, properly attested, within one year from date.

A. DENNY, Administrator. Seattle, W. T., Dec. 23th, 1857.

LIST OF LETTERS.

REMAINING in the Post Office at Olympia, W. T., Dec. 31st, 1857, and if not taken out within three months, will be sent to the Dead Letter Office as Dead Letters.

Adams, Thomas; Chamran, Edward; Chambers, Mathew P.; Cottwell, Galen; Carey, J. A.; Finner, Cooch; Lafayette, Devo; Charles H.; Farling, Charles W.; Dally, John; Durkin, Anthony; Foster, Miles; Fuller, Zachary, R.; Gear, Thomas, T.; Graham, David; Kellum, Liba-W.; Lanley, Samuel; Lewis, B. F.; Miller, John; J. Murray; Lattie, Joseph; L. McDermott, M. J.; Morrow, John; Olds, J. H.; Prouty, H. N.; Rosenblatt & Brother, M.; Thrall, Lucy J.; Tilton, E. C.; Vail, Capt. John, 3; Van Winkle, James; W. C. Wall, Jr.

Persons calling for the above letters, will please say they are advertised.

RUFUS WILLARD, Assistant P. M.

SARSAPARILLA—Sand's, Townsend's, Grogott's.

Yellow Dock, and Graefenberg's Sarsaparilla, for sale at the PUGET SOUND DRUG STORE.

REMOVED.

DR. M. P. BURNS, late of Stellacoom, Pierce Co., W. T., has removed to Olympia, into the house formerly occupied by John G. Parker, on Main street, next door to Wilson & Dunlap's new store. Olympia, April 9, 1857.

SEATTLE STEAM SAW MILL.

H. L. YESLER & CO. are now manufacturing a superior article of sawed lumber. Seattle, Sept. 3, 1853.



THE GRAEFENBERG COMPANY.

THIS INSTITUTION, (Incorporated by the Legislature of the State of New York, Capital \$100,000.) was founded for the purpose of supplying the public with the celebrated GRAEFENBERG MEDICINES.

The series comprises remedies for nearly every disease adapted to every climate. For Families, Travelers, Seamen, Miners, &c. are unequalled. All the Medicines are PURELY VEGETABLE, and warranted to cure the diseases for which they are severally recommended.

The Graefenberg Company does not profess to cure all diseases with one or two medicines. Our series consists of ELEVEN different kinds, adapted to the various diseases incident to the temperate and tropical climate. The following comprise the series of Graefenberg Medicines:

THE GRAEFENBERG VEGETABLE PILLS.

Are considered the standard Pill of the day, and are infinitely superior to any Pill before the public. They operate without irritation on all the excretions, purging the blood by the bowels, liver, kidneys and skin.

MARSHALL'S UTERINE CATHOLICON.

An infallible remedy for all diseases of the womb and urinary organs, weakness in the back, pain in the breast, nervousness, debility, &c. In California and Oregon, out of more than a thousand cases where this medicine has been used, it has in no single instance failed to give permanent relief or to effect a certain cure.

THE GRAEFENBERG SARSAPARILLA.

A powerful extract. One bottle equal to ten of the ordinary Sarsaparilla for purifying the blood. A sure cure for scrofula, rheumatism, ulcers, dyspepsia, salt rheum, mercurial diseases, cutaneous eruptions, &c.

THE GREEN MOUNTAIN OINTMENT.

Invaluable for burns, wounds, sprains, chilblains, sores, swellings, scrofula, &c. As a Pain Extractor it is equally useful, affording immediate relief from the most excruciating pains.

THE GRAEFENBERG DYSENTERY SYRUP.

This extraordinary article is a speedy and infallible remedy in Dysentery, Cholera, Cholera Morbus, Cholera Infantum and the Asiatic Cholera, if taken with the first symptoms of the disease. It is purely vegetable in its composition.

GRAEFENBERG CHILDREN'S PANACEA.

For summer Complaint, and most diseases to which children are subject. Its true worth can never be set forth in words, but it can be felt and appreciated by parents whose children have been saved. No Mother should be without it.

GRAEFENBERG PILE REMEDY.

Warranted a certain cure for this painful disease. With the Ointment there are very few cases which cannot be radically and permanently cured. A surgical operation for Piles and Fistula should never be resorted to until this Ointment has been thoroughly tried. It never fails.

GRAEFENBERG EYE LOTION.

For diseases of the eye this Lotion has no equal. It is a positive cure for inflammation of the eyes, weakness, dimness and falling of sight. It will always be beneficial in acute inflammation of the eyes and also as a wash on inflamed surfaces.

GRAEFENBERG FEVER AND AGUE PILLS.

A speedy and positive cure for this distressing complaint. These Pills are composed principally of Quinine, with other vegetable tonics, anti-spasmodic and febrifuge articles. Thousands have been permanently cured by their use.

GRAEFENBERG CONSUMPTIVE'S BALM.

Sovereign in all Bronchial and Pulmonary Diseases. It is, beyond all question, true that Consumption is a curable disease, and the Consumptive's Balm is the best curative ever used.

GRAEFENBERG HEALTH BITTERS.

These Bitters are skillfully and elegantly prepared from a number of invigorating healthy roots, herbs, berries and vines. An invaluable tonic and health restorer.

GRAEFENBERG MANUEL OF HEALTH.

A handsomely printed volume of 300 pages, concise and extremely plain descriptions of all manner of diseases, their symptoms and treatment. Every family should have one. Price only 25 cents. It will be sent, post paid, to any post office in California or Oregon, on the receipt of 25 cents by mail or express. Address Redington and Co., San Francisco. The Graefenberg Medicines are for sale by all Druggists and Apothecaries throughout the country.

G. K. WILLARD & SON, Agents for Olympia.

General Agents for California and Oregon—REDINGTON & CO., Wholesale Druggists, No. 107 Clay Street, SAN FRANCISCO.

January 15, 1858.

CIGARS—A large lot of choice Cigars, for sale at the PUGET SOUND DRUG STORE.

PATENT MEDICINES—All of the Patent Medicines of the PUGET SOUND DRUG STORE.

SEATTLE STEAM SAW MILL.

H. L. YESLER & CO. are now manufacturing a superior article of sawed lumber. Seattle, Sept. 3, 1853.

BUTLER P. ANDERSON, ATTORNEY AT LAW.

OLYMPIA, W. T. OFFICE—in the Land Office. noly.

Administrator's Notice.

NOTICE is hereby given that the undersigned has obtained letters of administration from the probate court of Lewis county, Washington Territory, upon the estate of Henrietta St. Martin, dec'd, late of said county, bearing date Dec. 23, 1857. All persons who are indebted to said estate are requested to make payment; and all persons having claims against the estate are requested to present them for settlement to the undersigned at his residence at Coville Landing, Lewis county, W. T., with the necessary vouchers, within one year from date.

HENRY MILES, Adm'r with the will annexed. Lewis county, W. T., Dec. 20, 1857.

Administrator's Notice.

NOTICE is hereby given that the undersigned has obtained letters of administration from the probate court of Lewis county, W. T., upon the estate of John McCann, dec'd, late of said county, bearing date December 16th, 1857. All persons who are indebted to said estate are requested to make payment; and all persons having claims against the estate are requested to present them for settlement to the undersigned at his residence at Coville Landing, Lewis county, Washington Territory, with the necessary vouchers, within one year from the date hereof.

HENRY MILES, Adm'r with the will annexed. Lewis county, W. T., Dec. 20, 1857.

Administrator's Notice.

NOTICE is hereby given that the undersigned has obtained letters of administration from the probate court of Lewis county, Washington Territory, upon the estate of Peter Lajthala, deceased, late of said county, bearing date December 23d, 1857. All persons who are indebted to said estate are requested to make immediate payment, and all persons having claims against the estate are requested to present them for settlement to the undersigned at his residence at Coville Landing, Lewis county, Washington Territory, with the necessary vouchers within one year from this date.

HENRY MILES, Administrator. Lewis county, W. T., Dec. 20, 1857.

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HENRY MILES, Administrator. Lewis county, W. T., Dec. 20, 1857.

NOTICE.

PERSONS Desiring to purchase goods in Olympia, are respectfully invited to call and examine the large and well selected stock of merchandise, just received per brig consort, and now offered for sale at PHILLIPS, HORTON & CO'S. NEW STORE, West side of Main Street, between Barnes & Ayre's Hardware Store and Lacey's.

Our stock consists of Staple and Fancy Dry Goods, Ladies' Dress Goods, Men's Heavy and Fine Clothing, Hats, Shoes, Caps, Crochery and Glass-Ware. Furniture and a superior stock of Groceries and Family Groceries, all of which having been purchased with great care, and on the most reasonable terms, we are enabled to give and will give as good an article for as little money as any other store in the Territory.

For proof of the above, we wish all to call, C and examine for yourselves.

PHILLIPS, HORTON & CO. Our system is Cash in hand, or Contra Produce. No. 131-131 1/2. P. H. & CO.

Washington Hotel.

SIGN OF THE LOXE TREE, CORNER OF MAIN AND SECOND STREETS, OLYMPIA, W. T.

SILAS GALLIHER, Proprietor.

THE PROPRIETOR has recently erected, in connection with an annex to the "Washington Hotel," a large two-story building—20 by 60 feet—by which he is enabled to provide the traveling public with a larger number of capacious, comfortable and excellently ventilated apartments than can be afforded by any other public house in Washington Territory. An idea of his ability to accommodate the public may be judged from the fact that the Hotel contains twenty-five private rooms—exclusive of family apartments—six of which are large drawing rooms, or parlors.

Thankful to the public for the liberal patronage heretofore extended to the proprietor, and having this day received from the Postmaster General, authority for assigning the contract, he can render the sojourn of strangers with him comfortable and pleasant, and no pains shall be spared to make his table as well as any in like business.

Beds and bed-rooms furnished with such as may desire them.

Board by the day and week.

A good stable is attached to this establishment, which will be amply supplied with forage for the accommodation of the public.

A share of public patronage is respectfully solicited. OLYMPIA, Dec. 4th, 1857 nly

AYER'S Cherry Pectoral, Wistar's Balsam of Wild Cherry, and Liver and Graefenberg's Cough-Suppressive Balm, for sale at the PUGET SOUND DRUG STORE.

SHOULDER BRACES and Trusses, a superior article, for sale at the PUGET SOUND DRUG STORE.

E. H. WILSON, W. G. DUNLAP, San Francisco, Olympia.

WILSON & DUNLAP,

WHOLESALE AND RETAIL DEALERS IN Fancy and Staple Dry Goods, EMBROIDERIES, DRESS GOODS, GROCERIES, BOOTS & SHOES, HATS, CAPS AND CLOTHING.

FARMING IMPLEMENTS, HARDWARE, CROCKERY, &c., &c.

And numerous other articles adapted to the trade.

We have removed our stock in Olympia to the store on the corner of Main and Third streets, opposite the Pacific Hotel.

We have also opened our old store at TUM WATER.

Under the charge of JOHN SCOTT.

One of our firm will reside constantly in San Francisco for the purpose of selecting expressly for this market, goods which we shall be receiving by every vessel.

With these facilities, and a determination to do a cash business, we are confident of being able to hold out superior inducements to cash customers. March 13, 1857. 104

HOUSE CHARMS, ATTENTION!—Oil of Candis and Rhodium, for sale at the PUGET SOUND DRUG STORE.

Notice.

Notice is hereby notified that A. B. Gove, assignee of the Kendall Co., has filed a complaint against you in said court which will come on to be heard at the first term of the court, which shall commence more than three months after the fourth day of December, 1857, and unless you appear at said term and answer, the same will be taken as confessed, and the prayer thereof granted.

The object of the prayer of said complaint is to recover judgment against you for the sum of two hundred and nineteen dollars and eighty-one cents for goods and merchandise purchased of the Kendall Co.

B. F. KENDALL, Attorney for Plaintiff. Olympia Dec. 1, 1857.—n23m.

Lettings of Mail Contracts.

PROPOSALS for conveying the mails of the United States from the 1st of July, 1858, to the 1st of July, 1862, on the following routes in the Territory of WASHINGTON, will be received at the Contract Office of the Department, No. 1, of the 15th day of March next, to be decided by the 22d of the same month.

WASHINGTON.

12750 From Rainier, Or. by Monticello, Wash. Terr., Castle Rock, Coville, Highland, Newacum, Grand Mount, and Sutter Creek, to Stellacoom City, 110 miles and back, once a week. Leave Rainier Wednesday at 7 a.m.; Arrive at Stellacoom City Friday by 2 p.m.

Leave Stellacoom City Saturday at 6 a.m.; Arrive at Rainier next Monday by 2 p.m.; Bids to extend to Seattle, 35 miles further, will be considered.

12751 From Vancouver, by Cascades, to Wascopum, Oregon, 95 miles and back, once in two weeks. Leave Vancouver every Wednesday at 10 a.m.; Arrive at Wascopum next Friday by 12 m.; Leave Wascopum every Monday at 10 a.m.; Arrive at Vancouver next Wednesday by 8 a.m.; Bids for more frequent trips will be considered.

12752 From Coville to Boise Fort Prairie, 15 miles and back, once a week. Leave Coville Thursday at 9 a.m.; Arrive at Boise Fort Prairie by 2 p.m.; Leave Boise Fort Prairie Friday at 9 a.m.; Arrive at Coville by 2 p.m.

12753 From Oak Point by Boise Fort Prairie, to Grand Mount, 50 miles and back, once in two weeks. Leave Oak Point every Friday at 6 a.m.; Arrive at Grand Mount next day by 6 p.m.; Leave Grand Mount every other Wednesday at 6 a.m.; Arrive at Oak Point next day by 6 p.m.

12754 From Olympia, by Eaton's and Yelm Prairie, to Fort Montgomery, 40 miles and back, once in two weeks. Leave Olympia every other Monday at 7 a.m.; Arrive at Fort Montgomery by 9 p.m.; Leave Fort Montgomery every other Tuesday at 7 a.m.; Arrive at Olympia by 8 p.m.

12755 From Olympia, by Astoria, Oregon, Che-nook and Pacific City, to Astoria, Oregon, once in two weeks and back to Che-nook, and once a week the residue. Bidders to state distance and schedule of arrivals and departures.

Proposals to run the entire route once a week are invited.

12756 From Olympia, by Arcadia to Oakland, and back, once a week. Bidders to state distance and schedule of arrivals and departures.

Containing conditions to be incorporated in the contracts to the extent the Department may think proper.

1. Seven minutes are allowed to each intermediate office, when not otherwise specified, for assorting the mails.

2. Railroad and steamboat companies are required to deliver the mail from, and deliver it into, the post offices at the commencement and end of their routes, and to and from all offices not more than 80 rods from a station or landing. Proposals may be submitted for the delivery of mail at intermediate offices, but for offices over eighty rods from a station or landing.

3. No pay will be made for trips not performed; and for each of such omissions not satisfactorily excused, one-fourth of the compensation of the trip is subject to forfeiture. Repeated delinquencies of the kind herein specified, enlarged penalties, proportioned to the nature thereof and the importance of the mail, may be made.

4. For leaving behind or throwing off the mails, or any portion of them, for the admission of passengers, or for being concerned in setting up or running an unauthorized route, the contractor may be fined, or a quarter of his pay may be deducted.

5. Fines will be imposed, unless the delinquency be promptly and satisfactorily explained by certificates of postmasters, or the affidavits of other credible persons, in advance of the day on which the contractor's pay may be deducted.

6. For neglecting to take the mail from or deliver it into a post office, for suffering it (owing either to the unavailability of the place or manner of carrying it) to be wet, injured, or for failing to arrive in contract time, as the contractor runs, or is concerned in running, a coach, car, or steamboat on a route.

7. The Postmaster General may order an increase of service on a route by allowing therefor a pro rata increase on the contract pay. He may change schedules of departures and arrivals in all cases, and particularly to make them conform to connecting times with the routes of other carriers, provided the running time be not abridged. He may also order an increase of speed, allowing, within the restrictions of the law a pro rata increase of pay for the additional cost of carrying any or all of the mail, but, however, in the case of increase of speed, relinquish the contract by giving prompt notice to the department that he prefers doing so to carrying the order into effect.

8. Payments will be made for the service by collections from, or drafts on postmasters, or otherwise, after the expiration of each quarter—say in February, May, August, and November.

9. The distances are given according to the best information; but no increased pay will be allowed should they be greater than advertised, if the points to be supplied be correctly stated. Bidders must inform themselves of the points, and also in reference to the weight of the mail, the condition of roads, hills, streams, &c., and all toll-bridges, ferries, or obstructions of any kind by which expense may be incurred. No claim for additional pay based on an error of judgment, or other obstructions increasing distance, occurring during the contract term. Office hours for the Postmaster General, dated Oct. 30, 1857, and by the following mode of conveyance, viz:

10. A bid received after the last day and hour named, or when the guarantee received by law, or when it combines several routes in one sum of compensation, cannot be considered in competition with a regular proposal reasonable in amount.

11. Bidders should first propose for service strictly according to the advertisement, and then if they prefer to bid for a different service; and if the regular bid be the lowest offered for the advertised service, the other propositions may be considered.

12. There should be but one route bid for in a proposal.

13. The route, the service, the yearly pay, the name and residence of the bidder, (that is his usual post office address) and of each member of a firm, where a company offers, should be distinctly stated, also the mode of conveyance, if a higher mode than horseback be intended. The words "with due certainty, and security," inserted to indicate the mode of conveyance, will constitute a "star bid." When a "star bid" is intended, no specific conveyance must be named.

14. Bidders are requested to use, as far as practicable, the printed form of proposals furnished by the department, to write out in full the sum of their bids and to retain copies of them.

FORM OF PROPOSAL.

I, _____, of _____ county, State of _____, propose to convey the mails of the United States from July 1, 1858, to June 30, 1862, on route No. _____, from _____ to _____, agreeably to the advertisement of the Postmaster General, dated Oct. 30, 1857, and by the following mode of conveyance, viz:

_____ for the annual sum of _____ dollars.

This proposal is made with full knowledge of the distance of the route, the weight of the mail to be carried, and all other particulars in reference to the route and service, and also after careful examination of the laws and instructions attached to the advertisement.

Dated _____ (Signed) _____

GUARANTEE.

The undersigned, residing at _____, State of _____, undertake that if the foregoing bid for carrying the mail on route No. _____ be accepted by the Postmaster General, he will, prior to the 1st day of August, 1858, enter into the requisite obligation, with good and sufficient sureties.

This we do understanding distinctly the obligations and liabilities assumed by guarantors under the 27th section of the act of Congress of July 2, 1836.

(Signed by two guarantors.)

[CONTINUED FROM FIRST PAGE]

convention, thereafter to be elected, to withhold the question of slavery from the people, and to substitute their own will for that of a legally-ascertained majority of all their constituents, this would have been instantly rejected. Everywhere they remained true to the resolution adopted on a celebrated occasion recognizing "the right of the people of all the Territories—including Kansas and Nebraska—acting through the legally and fairly-expressed will of a majority of actual residents, and whenever the number of their inhabitants justifies it, to form a constitution, with or without slavery, and be admitted into the Union upon terms of perfect equality with the other States."

The convention to frame a constitution for Kansas met on the first Monday of September last. They were called together by virtue of an act of the territorial legislature, whose lawful existence had been recognized by Congress in different forms and by different enactments. A large proportion of the citizens of Kansas did not think proper to register their names and to vote at the election for delegates; but an opportunity to do this having been fairly afforded, their refusal to avail themselves of their right could in no manner affect the legality of the convention.

This convention proceeded to frame a constitution for Kansas, and finally adjourned on the 7th day of November. But little difficulty occurred in the convention, except on the subject of slavery. The truth is that the general provisions of our recent State constitutions are so similar—and I may add so excellent—that the difference between them is not essential. Under the earlier practice of the Government, no constitution framed by the convention of a Territory preparatory to its admission into the Union as a State had been submitted to the people. I trust, however, the example set by the last Congress, requiring that the constitution of Minnesota "should be subject to the approval and ratification of the people of the proposed State," may be followed on future occasions. I took it for granted that the convention of Kansas would act in accordance with this example, founded, as it is, on correct principles; and hence my instructions to Governor Walker in favor of submitting the constitution to the people, were expressed in general and unqualified terms.

In the Kansas-Nebraska act, however, this requirement, as applicable to the whole constitution, had not been inserted, and the convention were not bound by its terms to submit any other portion of its instrument to an election, except that which relates to the "domestic institution" of slavery. This will be rendered clear by a simple reference to its language. It was "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." According to the plain construction of the sentence, the words "domestic institutions" have a direct as they have an appropriate reference to slavery. "Domestic institutions" are limited to the family. The relation between master and slave and a few others are "domestic institutions of a political character." Besides, there was no question then before Congress, nor indeed has there been any serious question before the people of Kansas or the country, except that which relates to the "domestic institution" of slavery.

The convention, after an angry and excited debate, finally determined, by a majority of only two, to submit the question of slavery to the people, though at the last forty-three of the fifty delegates present affixed their signatures to the constitution.

A large majority of the convention were in favor of slavery in Kansas. They accordingly inserted an article in the constitution for this purpose similar in form to those which had been adopted by other territorial conventions. In the schedule, however, providing for the transition from a territorial to a State Government, the question has been fairly and explicitly referred to the people, whether they will have a constitution "with or without slavery." It declares that, before the constitution adopted by the convention "shall be sent to Congress for admission into the Union as a State," an election shall be held to decide this question, at which all the male white inhabitants of the territory above the age of twenty-one, are entitled to vote. They are to vote by ballot; and "the ballots cast at said election shall be endorsed 'constitution with slavery,' and 'constitution with no slavery.'" If there be a majority in favor of the "constitution with slavery," then it is to be transmitted to Congress by the president of the convention in its original form. If, on the contrary, there shall be a majority in favor of the "constitution with no slavery," then the article providing for slavery shall be stricken from the constitution by the president of this convention; and it is expressly declared that "no slavery shall exist in the State of Kansas, except that the right of property in slaves now in the territory shall in no manner be interfered with;" and in that event it made his duty to have the constitution thus ratified transmitted to the Congress of the United States for the admission of the State into the Union.

At this election every citizen will have an opportunity of expressing his opinion by his vote "whether Kansas shall be received into the Union with or without slavery," and thus this exciting question may be peacefully settled in the very mode required by the organic law. The election will be held under legitimate authority, and if any portion of the inhabitants shall refuse to vote, a fair opportunity to do so having been presented, this will be their own voluntary act, and they also will be responsible for the consequences.

Whether Kansas shall be a free or a slave State must eventually, under some authority, be decided by an election; and the question can never be more clearly or distinctly presented to the people than it is at the present moment. Should this opportunity be rejected, she may be involved for

years in domestic discord, and possibly in civil war, before she can again make up the issue now so fortunately tendered, and again reach the point she has already attained.

Kansas has for some years occupied too much of the public attention. It is high time this should be directed to far more important objects. When once admitted into the Union, whether with or without slavery, the excitement beyond her own limits will speedily pass away, and she will then for the first time be left, as she ought to have been long since, to manage her own affairs in her own way. If her constitution, on the subject of slavery, or on any other subject, be displeasing to a majority of the people, no human power can prevent them from changing it within a brief period.—Under these circumstances, it may well be questioned whether the peace and quiet of the whole country are not of greater importance than the temporary triumph of either of the political parties in Kansas.

Should the constitution without slavery be adopted by the votes of the majority, the rights of property in slaves now in the Territory are reserved. The number of these is very small; but if it were greater the provision would be equally just and reasonable. These slaves were brought into the Territory under the constitution of the United States, and are now the property of their masters. The point has at length been finally decided by the highest judicial tribunal of the country—and thus upon the plain principle that when a confederacy of sovereign States acquire a new territory at their joint expense, both equality and justice demand that the citizens of one and all of them shall have the right to take into it whatsoever is recognized as property by the common constitution. To have summarily confiscated the property in slaves already in the Territory, would have been an act of gross injustice, and contrary to the practice of the older States of the Union which have abolished slavery.

A territorial government was established for Utah by act of Congress, approved the 9th of September, 1850, and thereby extended over it "so far as the same, or any provisions thereof, may be applicable." This act provided for the appointment by the President, by and with the advice and consent of the Senate, of a Governor, who was to be ex-officio Superintendent of Indian Affairs, a secretary, three judges of the Supreme Court, a Marshal, and a District Attorney. Subsequent acts provided for the appointment of the officers necessary to extend our land and our Indian system over the Territory. Brigham Young was appointed the first Governor on the 20th of September, 1850, and has held the office ever since. Whilst Governor Young has been both Governor and Superintendent of Indian Affairs throughout this period, he has been at the same time the head of the church called the Latter-Day Saints, and professes to govern its members and dispose of their property by direct inspiration and authority from the Almighty. His power has been, therefore, absolute over both church and State.

The people of Utah, almost exclusively, belong to this church, and, believing with a fanatical spirit that he is Governor of the Territory by divine appointment, they obey his commands as if these were direct revelations from Heaven. If, therefore, he chooses that his Government shall come into collision with the Government of the United States, the members of the Mormon church will yield implicit obedience to his will. Unfortunately, existing facts leave but little doubt that such is his determination. Without entering upon a minute history of occurrences, it is sufficient to say that all the officers of the United States, judicial and executive, with the single exception of two Indian agents, have found it necessary for their own personal safety to withdraw from the Territory, and there no longer remains any Government in Utah but the despotism of Brigham Young. This being the condition of affairs in the Territory, I could not mistake the path of duty. As Chief Executive Magistrate, I was bound to restore the supremacy of the Constitution and laws within its limits. In order to effect this purpose, I appointed a new Governor and other Federal officers for Utah, and sent with them a military force for their protection, and to aid as a *posse comitatus*, in case of need, in the execution of the laws.

With the religious opinions of the Mormons, as long as they remained mere opinions, however deplorable in themselves and revolting to the moral and religious sentiments of all Christendom, I had no right to interfere. Actions alone, when in violation of the constitution and laws of the United States, become the legitimate subjects for the jurisdiction of the civil magistrate. My instructions to Gov. Cumming have therefore been framed in strict accordance with these principles. At their date a hope was indulged that no necessity might exist for employing the military in restoring and maintaining the authority of the law; but this hope has now vanished. Gov. Young has, by proclamation, declared his determination to maintain his power by force, and has already committed acts of hostility against the United States. Unless he should retrace his steps the Territory of Utah will be in a state of open rebellion. He has committed these acts of hostility notwithstanding Major Van Vliet, an officer of the army, sent to Utah by the commanding General to purchase provisions for the troops, had given him the strongest assurances of the peaceful intentions of the Government, and that the troops would only be employed as a *posse comitatus* when called on by the civil authority to aid in the execution of the laws.

There is reason to believe that Gov. Young has long contemplated this result. He knows that the continuance of his despotic power depends upon the exclusion of all settlers from the Territory except those who will acknowledge his divine mission, and implicitly obey his will; and that an enlightened public opinion there would soon prostrate institutions at war with the laws

both of God and man. He has therefore for several years, in order to maintain his independence, been industriously employed in collecting and fabricating arms and munitions of war, and in disciplining the Mormons for military service. As superintendent of Indian affairs, he has had an opportunity of tampering with the Indian tribes, and exciting their hostile feelings against the United States. This, according to our information, he has accomplished in regard to some of these tribes, while others have remained true to their allegiance, and have communicated his intrigues to our Indian agents. He has laid in a store of provisions for three years, which, in case of necessity, as he informed Major Van Vliet, he will conceal, "and then take to the mountains, and bid defiance to all the powers of the Government."

A great part of all this may be idle boasting; but yet no wise government will lightly estimate the efforts which may be inspired by such phrenzied fanaticism as exists among the Mormons in Utah. This is the first rebellion which has existed in our Territories; and humanity itself requires that we should put it down in such a manner that it shall be the last. To trifle with it would be to encourage it and render it formidable. We ought to go there with such an imposing force as to convince these deluded people that resistance would be vain, and thus spare the effusion of blood. We can in this manner best convince them that we are their friends, not their enemies. In order to accomplish this object, it will be necessary, according to the estimate of the War Department, to raise four additional regiments; and this I earnestly recommend to Congress. At the present moment of depression in the revenues of the country I am sorry to be obliged to recommend such a measure; but I feel confident in the support of Congress, cost what it may, in suppressing the insurrection, and in restoring and maintaining the sovereignty of the Constitution and laws over the Territory of Utah.

I recommend to Congress the establishment of a Territorial government over Arizona, incorporating with it such portions of New Mexico as they may deem expedient. I need scarcely adduce arguments in support of this recommendation. We are bound to protect the lives and the property of our citizens inhabiting Arizona, and these are now without any efficient protection. Their present number is already considerable, and is rapidly increasing, notwithstanding the disadvantages under which they labor. Besides, the proposed Territory is believed to be rich in mineral and agricultural resources, especially in silver and copper. The mails of the United States to California are now carried over it throughout its whole extent, and this route is known to be the nearest, and believed to be the best to the Pacific.

Long experience has deeply convinced me that a strict construction of the powers granted to Congress is the only true, as well as the only safe, theory of the Constitution. Whilst this principle shall guide my public conduct, I consider it clear that under the war-making power Congress may appropriate money for the construction of a military road through the territories of the United States, when this is absolutely necessary for the defence of any of the States against foreign invasion. The Constitution has conferred upon Congress power "to declare war," "to raise and support armies," "to provide and maintain a navy," and to call forth the militia "to repel invasions." These high sovereign powers necessarily involve important and responsible public duties, and among them there is none so sacred and so imperative as that of preserving our soil from the invasion of a foreign enemy. The Constitution has, therefore, left nothing on this point to construction, but expressly requires that "the United States shall protect each of them [the States] against invasion." Now, if a military road over our own territories be indispensably necessary to enable us to meet and repel the invader, it follows as a necessary consequence not only that we possess the power, but it is our imperative duty to construct such a road. It would be an absurdity to invest a government with the unlimited power to make and conduct war, and at the same time deny to it the only means of reaching and defeating the enemy at the frontier.—Without such a road it is quite evident we cannot "protect" California and our Pacific possessions "against invasion." We cannot, by any other means, transport men and munitions of war from the Atlantic States in sufficient time successfully to defend these remote and distant portions of the republic.

Experience has proved that the routes across the Isthmus of Central America are at best but a very uncertain and unreliable mode of communication. But even if this were not the case, they would at once be closed against us in the event of a war with a naval power so much stronger than our own as to enable it to blockade the ports at either end of these routes. After all, therefore, we can only rely upon a military road through our own territories; and ever since the origin of the Government, Congress has been in the practice of appropriating money from the public treasury for the construction of such roads.

The difficulties and the expense of constructing a military railroad to connect our Atlantic and Pacific States have been greatly exaggerated. The distance on the Arizona route near the 32d parallel of north latitude between the western boundary of Texas on the Rio Grande and the eastern boundary of California on the Colorado, from the best explorations now within our knowledge, does not exceed 470 miles, and the face of the country is, in the main, favorable. For obvious reasons, the government ought not to undertake the work itself by means of its own agents. This ought to be committed to other agencies, which Congress might assist either by grants of land or money, or by both, upon such terms and conditions as they may deem most beneficial to the country. Pro-

vision might thus be made not only for the safe, rapid, and economical transportation of troops and munitions of war, but also of the public mails. The commercial interests of the whole country, both East and West, would be greatly promoted by such a road; and above all, it would be a powerful bond of union. And although advantages of this kind, whether postal, commercial, or political, cannot confer constitutional power, yet they may furnish auxiliary arguments in favor of expediting a work which, in my judgment, is clearly embraced within the war-making power.

For these reasons I commend to the friendly consideration of Congress the subject of the Pacific Railroad, without finally committing myself to any particular route. The report of the Secretary of the Treasury will furnish a detailed statement of the condition of the public finances, and the respective branches of the public service developed upon that department of the government. By this report it appears that the amount of revenue received from all sources into the treasury during the fiscal year ending the 30th of June, 1857, was sixty eight millions, six hundred and thirty thousand five hundred and thirteen dollars and sixty-seven cents, (\$68,631,513 67), which amount, with the balance of nineteen millions nine hundred and one thousand three hundred and twenty-five dollars and forty-five cents (\$19,901,325 45) remaining in the treasury at the commencement of the year, made an aggregate for the service of the year of eighty-eight million five hundred and thirty-two thousand eight hundred and thirty-two dollars and twelve cents, (\$88,532,839 12).

The public expenditures for the fiscal year ending 30th June, 1857, amounted to seventy million eight hundred and twenty-two thousand seven hundred and twenty-four dollars and eighty-five cents, (\$70,822,724 85), of which five million nine hundred and forty-three thousand eight hundred and ninety-six dollars and ninety-one cents, (\$5,943,896 91), were applied to the redemption of the public debt, including interest and premium, leaving in the treasury at the commencement of the present fiscal year on the 1st July, 1857, seventeen million seven hundred and ten thousand one hundred and fourteen dollars and twenty-seven cents, (\$17,710,114 27).

The receipts into the treasury for the first quarter of the present fiscal year, commencing 1st July 1857, were twenty million nine hundred and twenty-nine thousand eight hundred and nineteen dollars and eighty-one cents, (\$20,929,819 81), and the estimated receipts of the remaining three quarters to the 30th June, 1858, are thirty-six million seven hundred and fifty thousand dollars, (\$36,750,000), making with the balance before stated, an aggregate of seventy-five million three hundred and eighty-nine thousand nine hundred and thirty-four dollars and eight cents, (\$75,389,834 08), for the services of the present fiscal year.

The actual expenditures during the first quarter of the present fiscal year were twenty-three million seven hundred and fourteen thousand five hundred and twenty-eight dollars and thirty-seven cents, (\$23,714,528 37), of which three million eight hundred and ninety-five thousand two hundred and thirty-two dollars and thirty-nine cents, (\$3,895,232 39), were applied to the redemption of the public debt, including interest and premium. The probable expenditures of the remaining three quarters to the 30th June, 1858, are fifty-one million two hundred and forty-eight thousand five hundred and thirty dollars and four cents, (\$51,248,530 04), including the interest on public debt, making an aggregate of seventy-four million nine hundred and sixty-three thousand fifty-eight dollars and forty-one cents, (\$74,963,058 41), leaving an estimated balance in the treasury at the close of the present fiscal year of four hundred and twenty-six thousand eight hundred and seventy-five dollars and thirty-seven cents, (\$426,875 37).

The amount of the public debt at the commencement of the present fiscal year was twenty-nine million six hundred and thirty thousand and eighty-six dollars and ninety cents, (\$29,600,356 90).

The amount redeemed since the 1st of July was three million eight hundred and ninety-five thousand two hundred and thirty-two dollars and thirty-nine cents, (\$3,895,232 39)—leaving a balance unredeemed at this time of twenty-five million one hundred and sixty-six thousand one hundred and fifty-four dollars and fifty-one cents, (\$25,165,154 51).

The amount of estimated expenditures for the remaining three quarters of the present fiscal year will, in all probability, be increased from the causes set forth in the report of the Secretary. His suggestion, therefore, that authority should be given to supply any temporary deficiency by the issue of a limited amount of treasury notes, is approved, and I accordingly recommend the passage of such a law.

As stated in the report of the Secretary, the tariff of March 3, 1857, has been in operation for so short a period of time, and under circumstances so unfavorable to a just development of its results as a revenue measure, that I should regard it as inexpedient, at least for the present, to undertake its revision.

I transmit herewith the reports made to me by the Secretaries of War and of the Navy, of the Interior, and of the Postmaster General. They all contain valuable and important information and suggestions which I commend to the favorable consideration of Congress.

I have already recommended the raising of four additional regiments, and the report of the Secretary of War presents strong reasons proving this increase of the army, under existing circumstances, to be indispensable.

I would call the special attention of Congress to the recommendation of the Secretary of the Navy in favor of the construction of ten small steamers of light draught. For some years the government has been obliged on many occasions to hire such steamers from individuals to supply

its pressing wants. At the present moment we have no armed vessels in the navy which can penetrate the rivers of China. We have but few which can enter any of the harbors south of Norfolk, although many millions of foreign and domestic commerce annually pass in and out of these harbors. Some of our most valuable interests and most vulnerable points are thus left exposed. This class of vessels of light draught, great speed and heavy guns, would be formidable in coast defence. The cost of their construction will not be great, and they will require but a comparatively small expenditure to keep them in commission. In time of peace they will prove as effective as much larger vessels, and often more useful. One of them should be at every station where we maintain a squadron, and three or four should be constantly employed on our Atlantic and Pacific coasts. Economy, utility and efficiency combine to recommend them as almost indispensable. Ten of these small vessels would be of incalculable advantage to the naval service, and the whole cost of their construction would not exceed two million, three hundred thousand dollars, or \$2,300,000 each.

The report of the Secretary of the Interior is worthy of grave consideration. It treats of the numerous, important and diversified branches of domestic administration intrusted to him by law. Among these the most prominent are the public lands and our relations with the Indians.

Our system for the disposal of the public lands, originating with the fathers of the republic, has been improved as experience pointed the way, and gradually adapted to the growth and settlement of our Western States and Territories. It has worked well in practice. Already thirteen States and seven Territories have been carved out of these lands, and still more than a thousand millions remain unsold. What a boundless prospect this presents to our country of future prosperity and power!

We have heretofore disposed of 363,862,464 acres of the public land. Whilst the public lands as a source of revenue are of the greatest importance, their importance is far greater as furnishing homes for a hardy and independent race of honest and industrious citizens, who desire to subdue and cultivate the soil. They ought to be administered mainly with a view of promoting this wise and benevolent policy. In appropriating them for any other purpose, we ought to use even greater economy than if they had been converted into money and the proceeds were already in the public treasury. To squander away this richest and noblest inheritance which any people have ever enjoyed upon objects of doubtful constitutionality or expediency, would be to violate one of the most important trusts ever committed to any people.

Whilst I do not deny to Congress the power, when acting *bona fide* as a proprietor, to give away portions of them for the purpose of increasing the value of the remainder, yet, considering the great temptation to abuse this power, we cannot be too cautious in its exercise.

Actual settlers under existing laws are protected against other purchasers at the public sales, in their right of pre-emption, to the extent of a quarter-section, or 160 acres of land. The remainder may then be disposed of at public or entered at private sale in unlimited quantities.

Speculation has of late years prevailed to a great extent in the public lands. The consequence has been that large portions of them have become the property of individuals and companies, and thus the price is greatly enhanced to those who desire to purchase for actual settlement. In order to limit the area of speculation as much as possible, the extinction of the Indian title and the extension of the public surveys ought only to keep pace with the tide of emigration.

If Congress should hereafter grant alternate sections to States or companies, as they have done heretofore, I recommend that the intermediate sections retained by the government should be subject to pre-emption by actual settlers.

It ought ever to be our cardinal policy to reserve the public lands as much as may be for actual settlers, and this at moderate prices. We shall thus not only best promote the prosperity of the new States and Territories, and the power of the Union, but shall secure homes for our posterity for many generations.

The extension of our limits has brought within our jurisdiction many additional and populous tribes of Indians, a large proportion of which are wild, untractable, and difficult to control. Predatory and warlike in their disposition and habits, it is impossible altogether to restrain them from committing aggressions on each other, as well upon our frontier citizens and those emigrating to our distant States and Territories. Hence expensive military expeditions are frequently necessary to overawe and chastise the more lawless and hostile.

The present system of making them valuable presents to influence them to remain at peace has proved ineffectual. It is believed to be the better policy to colonize them in suitable localities, where they can receive the rudiments of education and be gradually induced to adopt habits of industry. So far as the experiment has been tried it has worked well in practice, and it will doubtless prove to be less expensive than the present system.

The whole number of Indians within our territorial limits is believed to be, from the best data in the Indian Department, about 325,000.

The tribes of Cherokees, Choctaws, Chickasaws, and Creeks, settled in the territory set apart for them west of Arkansas, are rapidly advancing in education and in all the arts of civilization and self-government; and we may indulge the agreeable anticipation that at no very distant day they will be incorporated into the Union as one of the sovereign States.

It will be seen from the report of the Postmaster General that the Post Office Department still continue to depend on the treasury, as it has been compelled to for several years past, for an important

portion of the means of sustaining and extending its operations. Their rapid growth and expansion are shown by a decennial statement of the number of post offices, and the length of post roads, commencing with the year 1827. In that year there were 7,000 post offices; in 1837, 11,177; in 1847, 15,146; and in 1857 they number 26,586. In this year 1,725 post offices have been established and 704 discontinued, leaving a net increase of 1,021. The postmasters of 368 offices are appointed by the President.

The length of the post roads in 1827 was 105,818 miles; in 1837, 141,232 miles; in 1847, 153,818 miles; and in the year 1857, there are 242,602 miles of the post road, including 22,530 miles of railroad, on which the mails are transported.

The expenditures of the department for the fiscal year ending on the 30th June, 1856, as adjusted by the Auditor, amounted to \$11,507,670. To defray these expenditures there was to the credit of the department on the 1st July, 1856, the sum of \$789,599; the gross revenue of the year, including the annual allowances for the transportation of free mail matter, produced \$8,053,951; the balance was supplied by the appropriation of \$2,250,000 granted by the act of Congress, approved August 18, 1856, and by the appropriation of \$666,883 made by the act of March 3, 1857, leaving \$252,763 to be carried to the credit of the department in the accounts of the present year. I commend to your consideration the report of the department in relation to the establishment of the overland mail route from the Mississippi river to San Francisco, California. The route was selected with my full concurrence, as the one, in my judgment, best calculated to attain the important objects contemplated by Congress.

The late disastrous money revulsions may have one good effect, should it cure both the government and the people to return to the practice of a wise and judicious economy both in public and private expenditure.

An overflowing treasury has led to habits of prodigality and extravagance in our legislation. It has induced Congress to make large appropriations to objects for which they never would have provided had it been necessary to raise the amount of revenue required to meet them by increased taxation or by loans. We are now compelled to pause in our career, and to scrutinize our expenditures with the utmost vigilance; and in performing this duty, I pledge my co-operation to the extent of my constitutional competency.

It ought to be observed at the same time that true public economy does not consist in withholding the means necessary to accomplish important national objects intrusted to us by the constitution, and especially such as may be necessary for the common defence. In the present crisis of the country it is our duty to confine our appropriations to objects of this character, unless in cases where justice to individuals may demand a different course. In all cases care ought to be taken that the money granted by Congress shall be faithfully and economically applied.

Under the federal constitution, "every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law," be approved and signed by the President; and, if not approved, "he shall return it with his objections to that house in which it originated." In order to perform this high and responsible duty, sufficient time must be allowed the President to read and examine every bill presented to him for approval. Unless this be afforded, the constitution becomes a dead letter in this particular; and even worse, it becomes a means of deception.—Our constituents, seeing the President's approval and signature attached to each act of Congress, are induced to believe that he has actually performed this duty, when, in truth, nothing is, in many cases, more unfounded.

From the practice of Congress, such an examination of each bill as the constitution requires, has been rendered impossible.—The important business of each session is generally crowded into its last hours, and the alternative presented to the President is either to violate the constitutional duty which he owes to the people, and approve bills which, for want of time, it is impossible he could have examined, or, by his refusal to do this, subject the country and individuals to great loss and inconvenience.

Besides, a practice has grown up of late years, to legislate in appropriation bills at the last hours of the session, on new and important subjects. This practice constrains the President either to suffer measures to become laws which he does not approve, or to incur the risk of stopping the wheels of government by vetoing an appropriation bill. Formerly such bills were confined to specific appropriations for carrying into effect existing laws, and the well established policy of the country, and little time was then required by the President for their examination.

For my own part, I have deliberately determined that I shall approve no bill which I have not examined, and it will be a case of extreme and most urgent necessity which shall ever induce me to depart from this rule. I therefore respectfully, but earnestly, recommend that the two houses would allow the President at least two days previous to the adjournment of each session, within which no new bill shall be presented to him for approval. Under the existing joint rule, one day is allowed; but this rule has been hitherto so constantly suspended in practice, that important bills continue to be presented to him up till the very last moments of the session.

In a large majority of cases no great public inconvenience can arise from want of time to examine their provisions, because the constitution has declared that if a bill be presented to the President within the last ten days of the session he is not required to return it either with an approval or a veto, "in which case it shall not be a law." It may then lie over and be taken up and passed at the next session. Great

[CONTINUED ON SECOND PAGE.]