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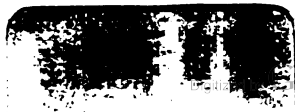
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PRESIDENTS' MESSAGES.

S E L E C T I O N S
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WITH A CRITICAL ESSAY ON HIS GENIUS.
THIRD EDITION.

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In the progress of this work through the Press, great care has been taken to avoid typographical errors, while its contents have been revised and diligently collated throughout from the best existing authorities.

With the view of rendering the work more permanently complete, it is my intention to prepare, as occasion may require, printed in a uniform style, the subsequent addresses and messages, in a supplemental sheet, which will be supplied at a trifling cost, and may at any time be bound up with the volume.

EDWARD WALKER.

112 *Fulton-st., March, 1841.*

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DECLARATION OF INDEPENDENCE.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; and that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operations till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature,—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into a compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to

be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise,—the state remaining, in the mean time, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states,—for that purpose obstructing the laws of naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in time of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws,—giving his assent to their acts of pretended legislation

For quartering large bodies of armed troops among us ;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states ;

For cutting off our trade with all parts of the world ;

For imposing taxes on us without our consent ;

For depriving us, in many cases, of the benefit of trial by jury ;

For transporting us beyond seas to be tried for pretended offences ;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies ;

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments ;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the

most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of the attempts, by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed and signed by the following members:

JOHN HANCOCK.

NEW HAMPSHIRE.

Joseph Bartlett,
William Whipple,
Matthew Thornton.

MASSACHUSETTS BAY.

Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.

RHODE ISLAND.

Stephen Hopkins,
William Ellery.

CONNECTICUT.

Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Wolcott.

NEW YORK.

William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

NEW JERSEY.

Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

PENNSYLVANIA.

Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,
James Smith,
George Taylor,
James Wilson,
George Ross.

DELAWARE.

Casar Rodney,
George Read,
Thomas M'Kean.

MARYLAND.

Samuel Chase,
William Paca.

Thomas Stone, [ton.
Charles Carroll, of Carroll-

VIRGINIA.

George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, jr.
Francis Lightfoot Lee,
Garter Braxton.

NORTH CAROLINA.

William Hooper,
Joseph Hewes,
John Penn.

SOUTH CAROLINA.

Edward Rutledge,
Thomas Heyward, jr.
Thomas Lynch, jr.
Arthur Middleton.

GEORGIA.

Button Gwinnett,
Lyman Hall,
George Walton.

CONSTITUTION OF THE UNITED STATES.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. II.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative. And until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three; *Massachusetts*, eight; *Rhode Island and Providence Plantations*, one; *Connecticut*, five; *New York*, six; *New Jersey*, four; *Pennsylvania*, eight; *Delaware*, one; *Maryland*, six; *Virginia*, ten; *North Carolina*, five; *South Carolina*, five; *Georgia*, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SEC. III.—1. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one-third may

be chosen every second year. And if vacancies happen by resignation or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a president pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment, in cases of impeachment, shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

SEC. IV. — 1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. V. — 1. Each House shall be judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. VI. — 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SEC. VII. — 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House; and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. VIII. — The Congress shall have power —

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the supreme court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

12. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :

13. To provide and maintain a navy :

14. To make rules for the government and regulation of the land and naval forces :

15. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions :

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress :

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be for the erection of forts, magazines, arsenals, dock yards, and other needful buildings: and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the United States or in any department or officer thereof.

SEC. IX. — 1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex-post-facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another ; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States ; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SEC. X. — 1. No state shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for

executing its inspection laws; and the nett produce of all duties and imposts laid by any state on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.—The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows.

2. Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. [Annulled. See Amendments, Art. 12.]

4. The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural born citizen or a citizen of the United States at the time of the adoption of this constitution shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States.”

SEC. II.—1. The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several states when called into the actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices. And he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate,

to make treaties, provided two-thirds of the senators present concur. And he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. III. — 1. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SEC. IV. — 1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I. — 1. The judicial power of the United States shall be vested in one supreme court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. II. — 1. The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed. But when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SEC. III. — 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid

and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confessions in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.—1. Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SEC. II.—1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. III.—1. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states or parts of states, without the consent of the Legislature of the states concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

SEC. IV.—1. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution; or on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments; which in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW YORK.

Alexander Hamilton.

NEW JERSEY.

William Livingston,
David Brearly,
William Paterson,
Jonathan Dayton.

PENNSYLVANIA.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

DELAWARE.

George Reed,
Gunning Bedford, jr.
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.

James M'Henry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

VIRGINIA.

John Blair,
James Madison, jr.

NORTH CAROLINA.

William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.

John Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.

William Few,
Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.—Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

ART. II.—A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ART. III.—No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ART. IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ART. V.—No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

ART. VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ART. VII.—In suits in common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ART. VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. IX.—The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. X.—The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

ART. XI.—The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ART. XII.—1. The electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number (not exceeding three) on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ART. XIII.—If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept or retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them.

WASHINGTON'S
ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

APRIL 30, 1789.

Fellow Citizens of the Senate and House of Representatives :

AMONG the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years, — a retreat which was rendered every day more necessary as well as more dear to me by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that if, in accepting this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality with which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency; and in the impor-

tant revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities from which the event has resulted, cannot be compared with the means by which most governments have been established without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject farther than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges that, as on one side, no local prejudices or attachments, no separate views, no party animosities will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests, so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality, and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire, since there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right which heaven itself has ordained, and since the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the constitution is rendered expedient at the present juncture by the nature of the objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that while you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen, and a regard for the public harmony will sufficiently influence your deliberations on the ques-

tion how far the former can be more impregnably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add which will be most properly addressed to the house of representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution, I have in no instance departed; and being still under the impressions which produced it, I must decline as inapplicable to myself any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department, and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race in humble supplication that, since he has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend.

FIRST ANNUAL ADDRESS.

JANUARY 8, 1790.

Fellow Citizens of the Senate and House of Representatives:

I EMBRACE with great satisfaction the opportunity which now presents itself of congratulating you on the present favorable prospects of our public affairs. The recent accession of the important state of North Carolina to the constitution of the United States, (of which official information has been received,) the rising credit and respectability of our country, the general and increasing good-will towards the government of the union, and the concord, peace and plenty with which we are blessed, are circumstances auspicious in an eminent degree to our national prosperity.

In resuming your consultations for the general good, you cannot but derive encouragement from the reflection that the measures of the last session have been as satisfactory to your constituents as the novelty and difficulty of the work allowed you to hope. Still farther to realize their expectations and to secure the blessings which a gracious Providence has placed within our reach, will, in the course of the present important session, call for the cool and deliberate exertion of your patriotism, firmness, and wisdom.

Among the many interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace.

A free people ought not only to be armed, but disciplined, to which end

a uniform and well-digested plan is requisite; and their safety and interest require that they should promote such manufactories as tend to render them independent of others for essential, particularly military, supplies.

The proper establishment of the troops which may be deemed indispensable will be entitled to mature consideration. In the arrangements which may be made respecting it, it will be of importance to conciliate the comfortable support of the officers and soldiers, with a due regard to economy.

There was reason to hope that the pacific measures adopted with regard to certain hostile tribes of Indians would have relieved the inhabitants of our southern and western frontiers from their depredations; but you will perceive, from the information contained in the papers which I shall direct to be laid before you, (comprehending a communication from the commonwealth of Virginia,) that we ought to be prepared to afford protection to those parts of the Union, and, if necessary, to punish aggressors.

The interests of the United States require that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfil my duty in that respect in the manner which circumstances may render most conducive to the public good; and to this end, that the compensations to be made to the persons who may be employed should, according to the nature of their appointments, be defined by law, and a competent fund designated for defraying the expenses incident to the conduct of our foreign affairs.

Various considerations also render it expedient that the terms on which foreigners may be admitted to the rights of citizens should be speedily ascertained by a uniform rule of naturalization.

Uniformity in the currency, weights, and measures of the United States is an object of great importance, and will, I am persuaded, be duly attended to.

The advancement of agriculture, commerce and manufactures by all proper means, will not, I trust, need recommendation; but I cannot forbear intimating to you the expediency of giving effectual encouragement as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home, and of facilitating the intercourse between the distant parts of our country by a due attention to the post-office and post-roads.

Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways: by convincing those who are intrusted with the public administration that every valuable end of government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and to value their own rights, to discern and provide against invasions of them, to distinguish between oppression and the necessary exercise of lawful authority, between burdens proceeding from a disregard to their convenience, and those resulting from the inevitable exigencies of society, to discriminate the spirit of liberty from that of licentiousness, cherishing the first, avoiding the last, and uniting a speedy but temperate vigilance against encroachments with an inviolable respect to the laws.

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations of the legislature.

Gentlemen of the House of Representatives :

I saw with peculiar pleasure, at the close of the last session, the resolution entered into by you expressive of your opinion that an adequate provision for the support of the public credit is a matter of high importance to the national honor and prosperity. In this sentiment I entirely concur. And, to a perfect confidence in your best endeavors to devise such a provision as will be truly consistent with the end, I add an equal reliance on the cheerful co-operation of the other branch of the legislature. It would be superfluous to specify inducements to a measure in which the character and permanent interest of the United States are so obviously and so deeply concerned, and which has received so explicit a sanction from your declaration.

Gentlemen of the Senate and House of Representatives :

I have directed the proper officers to lay before you, respectively, such papers and estimates as regard the affairs particularly recommended to your consideration, and necessary to convey to you that information of the state of the Union which it is my duty to afford.

The welfare of our country is the great object to which our cares and efforts ought to be directed. And I shall derive great satisfaction from a co-operation with you in the pleasing though arduous task of ensuring to our fellow citizens the blessings which they have a right to expect from a free, efficient, and equal government.

SECOND ANNUAL ADDRESS.

DECEMBER 8, 1790.

Fellow Citizens of the Senate and House of Representatives :

IN meeting you again, I feel much satisfaction in being able to repeat my congratulations on the favorable prospects which continue to distinguish our public affairs. The abundant fruits of another year have blessed our country with plenty and with the means of a flourishing commerce. The progress of public credit is witnessed by a considerable rise of American stock abroad as well as at home ; and the revenues allotted for this and other national purposes have been productive beyond the calculations by which they were regulated. The latter circumstance is the more pleasing, as it is not only a proof of the fertility of our resources, but as it assures us of a farther increase of the national respectability and credit ; and, let me add, as it bears an honorable testimony to the patriotism and integrity of the mercantile and marine part of our citizens. The punctuality of the former in discharging their engagements has been exemplary.

In conforming to the powers vested in me by acts of the last session, a loan of three millions of florins, towards which some provisional measures had previously taken place, has been completed in Holland. As well the celerity with which it has been filled, as the nature of the terms, (considering the more than ordinary demand for borrowing, created by the situation of Europe,) give a reasonable hope that the further execution of those powers may proceed with advantage and success. The Secretary of the Treasury has my direction to communicate such farther particulars as may be requisite for more precise information.

Since your last session, I have received communications by which it appears that the district of Kentucky, at present a part of Virginia, has con-

curred in certain propositions contained in a law of that state; in consequence of which, the district is to become a distinct member of the Union, in case the requisite sanction of Congress be added. For this sanction, application is now made. I shall cause the papers on this very important transaction to be laid before you. The liberality and harmony with which it has been conducted will be found to do great honor to both the parties; and the sentiments of warm attachment to the the Union and its present government expressed by our fellow citizens of Kentucky, cannot fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide on the case submitted to you.

It has been heretofore known to Congress that frequent incursions have been made on our frontier settlements by certain banditti of Indians from the northwest side of Ohio. These, with some of the tribes dwelling on and near the Wabash, have of late been particularly active in their depredations; and being emboldened by the impunity of their crimes, and aided by such parts of the neighboring tribes as could be seduced to join in their hostilities or afford them a retreat for their prisoners and plunder, have, instead of listening to the humane invitations and overtures made on the part of the United States, renewed their violences with fresh alacrity and greater effect. The lives of a number of valuable citizens have thus been sacrificed, and some of them under circumstances peculiarly shocking; whilst others have been carried into a deplorable captivity.

These aggravated provocations rendered it essential to the safety of the western settlements that the aggressors should be made sensible that the government of the Union is not less capable of punishing their crimes than it is disposed to respect their rights and reward their attachments. As this object could not be effected by defensive measures, it became necessary to put in force the act which empowers the President to call out the militia for the protection of the frontier. I have accordingly authorized an expedition, in which the regular troops in that quarter are combined with such draughts of militia as were deemed sufficient. The event of the measure is yet unknown to me. The Secretary of War is directed to lay before you a statement of the information on which it is founded, as well as an estimate of the expense with which it will be attended.

The disturbed situation of Europe, and particularly the critical posture of the great maritime powers, whilst it ought to make us the more thankful for the general peace and security enjoyed by the United States, reminds us at the same time of the circumspection with which it becomes us to preserve these blessings. It requires, also, that we should not overlook the tendency of a war, and even preparations for a war, among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least enhance the price, of transporting its valuable productions to their proper markets. I recommend it to your serious reflections how far, and in what mode, it may be expedient to guard against embarrassments from these contingencies, by such encouragement to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects. Our fisheries and the transportation of our own produce offer us abundant means for guarding ourselves against this evil.

Your attention seems to be not less due to that particular branch of our trade which belongs to the Mediterranean. So many circumstances unite in rendering the present state of it distressful to us, that you will not think any deliberation misemployed which may lead to its relief and protection.

The laws you have already passed for the establishment of a judiciary system, have opened the doors of justice to all descriptions of persons. You will consider in your wisdom whether improvements in that system may yet be made; and particularly whether a uniform process of execution on sentences issuing from the federal courts be not desirable through all the states.

The patronage of our commerce, of our merchants, and seamen, has called for the appointment of consuls in foreign countries. It seems expedient to regulate by law the exercise of that jurisdiction and those functions which are permitted them, either by express convention or by a friendly indulgence, in the places of their residence. The Consular Convention, too, with His Most Christian Majesty, has stipulated, in certain cases, the aid of the national authority to his consuls established here. Some legislative provision is requisite to carry these stipulations into full effect.

The establishment of the militia, of a mint, of standards of weights and measures, of the post-office and post-roads, are subjects which I presume you will resume of course, and which are abundantly urged by their own importance.

Gentlemen of the House of Representatives :

The sufficiency of the revenues you have established for the objects to which they are appropriated, leaves no doubt that the residuary provisions will be commensurate to the other objects for which the public faith stands now pledged. Allow me, moreover, to hope that it will be a favorite policy with you not merely to secure a payment of the interest of the debt funded, but as far and as fast as the growing resources of the country will permit, to exonerate it of the principal itself. The appropriation you have made of the western lands explains your disposition on this subject, and I am persuaded the sooner that valuable fund can be made to contribute, along with other means, to that actual reduction of the public debt, the more salutary will the measure be to every public interest, as well as the more satisfactory to our constituents.

Gentlemen of the Senate and House of Representatives :

In pursuing the various and weighty business of the present session, I indulge the fullest persuasions that your consultations will be equally marked with wisdom and animated by the love of your country. In whatever belongs to my duty, you shall have all the co-operation which an undiminished zeal for its welfare can inspire. It will be happy for us both, and our best reward, if, by a successful administration of our respective trusts, we can make the established government more and more instrumental in promoting the good of our fellow citizens, and more and more the object of their attachment and confidence.

THIRD ANNUAL ADDRESS.

OCTOBER 25, 1791.

Fellow Citizens of the Senate and House of Representatives :

I MEET you upon the present occasion with the feelings which are naturally inspired by a strong impression of the prosperous situation of our common country, and by a persuasion equally strong that the labors of the session which has just commenced will, under the guidance of a spirit no

less prudent than patriotic, issue in measures conducive to the stability and increase of national prosperity.

Numerous as are the providential blessings which demand our grateful acknowledgments, the abundance with which another year has again rewarded the industry of the husbandman is too important to escape recollection.

Your own observations in your respective situations will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation. In tracing their causes, you will have remarked with particular pleasure the happy effects of that revival of confidence, public as well as private, to which the constitution and laws of the United States have so eminently contributed; and you will have observed, with no less interest, new and decisive proofs of the increasing reputation and credit of the nation. But you nevertheless cannot fail to derive satisfaction from the confirmation of these circumstances which will be disclosed in the several official communications that will be made to you in the course of your deliberations.

The rapid subscriptions to the bank of the United States which completed the sum allowed to be subscribed in a single day, is among the striking and pleasing evidences which present themselves not only of confidence in the government but of resources in the community.

In the interval of your recess, due attention has been paid to the execution of the different objects which were specially provided for by the laws and resolutions of the last session.

Among the most important of these is the defence and security of the western frontiers. To accomplish it on the most humane principles was a primary wish.

Accordingly, at the same time that treaties have been provisionally concluded, and other proper means used to attach the wavering and to confirm in their friendship the well-disposed tribes of Indians, effectual measures have been adopted to make those of a hostile description sensible that a pacification was desired upon terms of moderation and justice.

Those measures having proved unsuccessful, it became necessary, to convince the refractory of the power of the United States, to punish their depredations. Offensive operations have therefore been directed, to be conducted, however, as consistently as possible with the dictates of humanity. Some of these have been crowned with full success, and others are yet depending. The expeditions which have been completed were carried on under the authority and at the expense of the United States by the militia of Kentucky, whose enterprise, intrepidity and good conduct are entitled to peculiar commendation.

Overtures of peace are still continued to the deluded tribes, and considerable numbers of individuals belonging to them have lately renounced all farther opposition, removed from their former situations, and placed themselves under the immediate protection of the United States.

It is sincerely to be desired that all need of coercion in future may cease, and that an intimate intercourse may succeed, calculated to advance the happiness of the Indians and to attach them firmly to the United States.

In order to this, it seems necessary—

That they should experience the benefits of an impartial dispensation of justice.

That the mode of alienating the lands, the main source of discontent and war, should be so defined and regulated as to obviate impositions, and, as

far as may be practicable, controversy concerning the reality and extent of the alienations which are made.

That commerce with them should be promoted under regulations tending to secure an equitable deportment towards them, and that such rational experiments should be made for imparting to them the blessings of civilization as may from time to time suit their condition.

That the executive of the United States should be enabled to employ the means to which the Indians have been long accustomed for uniting their immediate interests with the preservation of peace.

And that efficacious provision should be made for inflicting adequate penalties upon all those who, by violating their rights, shall infringe the treaties and endanger the peace of the Union.

A system corresponding with the mild principles of religion and philanthropy toward an unenlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honorable to the national character as conformable to the dictates of sound policy.

The powers specially vested in me by the act laying certain duties on distilled spirits, which respect the subdivisions of the districts into surveys, the appointment of officers, and the assignment of compensation, have likewise been carried into effect. In a matter in which both materials and experience were wanting to guide the calculation, it will be readily conceived that there must have been difficulty in such an adjustment of the rates of compensation as would conciliate a reasonable competency, with a proper regard to the limits prescribed by law. It is hoped that the circumspection which has been used will be found, in the result, to have secured the last of the two objects; but it is probable that, with a view to the first, in some instances a revision of the provision will be found advisable.

The impressions with which this law has been received by the community have been, upon the whole, such as were to be expected among enlightened and well-disposed citizens from the propriety and necessity of the measure. The novelty, however, of the tax, in a considerable part of the United States, and a misconception of some of its provisions, have given occasion in particular places to some degree of discontent. But it is satisfactory to know that this disposition yields to proper explanations and more just apprehensions of the true nature of the law. And I entertain a full confidence that it will, in all, give way to motives which arise out of a just sense of duty and a virtuous regard to the public welfare.

If there are any circumstances in the law which, consistently with its main design, may be so varied as to remove any well-intentioned objections that may happen to exist, it will consist with a wise moderation to make the proper variations. It is desirable, on all occasions, to unite, with a steady and firm adherence to constitutional and necessary acts of government, the fullest evidence of disposition, as far as may be practicable, to consult the wishes of every part of the community, and to lay the foundations of the public administration in the affections of the people.

Pursuant to the authority contained in the several acts on that subject, a district of ten miles square, for the permanent seat of the government of the United States, has been fixed and announced by proclamation; which district will comprehend lands on both sides of the river Potomac, and the towns of Alexandria and Georgetown. A city has also been laid out agreeably to a plan which will be placed before Congress. And as there is a prospect, favored by the rate of sales which have already taken place, of ample funds

for carrying on the necessary public buildings, there is every expectation of their due progress.

The completion of the census of the inhabitants, for which provision was made by law, has been duly notified (excepting one instance, in which the return has been informal—and another, in which it has been omitted or miscarried,) and the returns of the officers who were charged with this duty, which will be laid before you, will give you the pleasing assurance that the present population of the United States borders on four millions of persons.

It is proper also to inform you that a further loan of two millions and a half of florins has been completed in Holland, the terms of which are similar to those of the one last announced, except as to a small reduction of charges. Another, on like terms, for six millions of florins, had been set on foot under circumstances that assured an immediate completion.

Gentlemen of the Senate :

Two treaties which have been provisionally concluded with the Cherokees and Six Nations of Indians will be laid before you for your consideration and ratification.

Gentlemen of the House of Representatives :

In entering upon the discharge of your legislative trust, you must anticipate with pleasure that many of the difficulties necessarily incident to the first arrangements of a new government for an extensive country have been happily surmounted by the zealous and judicious exertions of your predecessors, in co-operation with the other branch of the legislature. The important objects which remain to be accomplished will, I am persuaded, be conducted upon principles equally comprehensive and equally well calculated for the advancement of the general weal.

The time limited for receiving subscriptions to the loans proposed by the act making provisions for the debt of the United States having expired, statements from the proper department will, as soon as possible, apprise you of the exact result. Enough, however, is already known to afford an assurance that the views of that act have been substantially fulfilled. The subscription, in the domestic debt of the United States, has embraced by far the greatest proportion of that debt; affording, at the same time, proof of the general satisfaction of the public creditors with the system which has been proposed to their acceptance, and of the spirit of accommodation to the convenience of the government with which they are actuated. The subscriptions in the debts of the respective states, as far as the law has permitted, may be said to be yet more general. The part of the debt of the United States which remains unsubscribed will naturally engage your farther deliberations.

It is particularly pleasing to me to be able to announce to you that the revenues which have been established promise to be adequate to their objects, and may be permitted, if no unforeseen exigency occur, to supersede for the present the necessity of any new burthens upon our constituents.

An object which will claim your early attention is a provision for the current service of the ensuing year, together with such ascertained demands upon the Treasury as require to be immediately discharged, and such casualties as may have arisen in the execution of the public business, for which no specific appropriation may have yet been made; of all which a proper estimate will be laid before you.

Gentlemen of the Senate and House of Representatives :

I shall content myself with a general reference to former communications for several objects upon which the urgency of other affairs has hitherto postponed any definite resolution. Their importance will recall them to your attention; and I trust that the progress already made in the most arduous arrangements of the government will afford you leisure to resume them with advantage.

There are, however, some of them of which I cannot forbear a more particular mention. These are the militia; the post-office and post-roads; the mint; weights and measures; a provision for the sale of the vacant lands of the United States.

The first is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order. In connection with this, the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves to consideration. The safety of the United States, under divine protection, ought to rest on the basis of systematic and solid arrangement, exposed as little as possible to the hazards of fortuitous circumstances.

The importance of the post-office and post-roads, on a plan sufficiently liberal and comprehensive, as they respect the expedition, safety, and facility of communication, is increased by their instrumentality in diffusing a knowledge of the laws and proceedings of the government, which, while it contributes to the security of the people, serves also to guard them against the effects of misrepresentation and misconception. The establishment of additional cross-posts, especially to some of the important points in the western and northern parts of the Union, cannot fail to be of material utility.

The disorders in the existing currency, and especially the scarcity of small change, a scarcity so peculiarly distressing to the poorer classes, strongly recommend the carrying into immediate effect the resolution already entered into concerning the establishment of a mint. Measures have been taken pursuant to that resolution for procuring some of the most necessary artists, together with the requisite apparatus.

A uniformity in the weights and measures of the country is among the important objects submitted to you by the constitution, and if it can be derived from a standard at once invariable and universal, must be no less honorable to the public councils than conducive to the public convenience.

A provision for the sale of the vacant lands of the United States is particularly urged, among other reasons, by the important considerations that they are pledged as a fund for reimbursing the public debt; that, if timely and judiciously applied, they may save the necessity for burdening our citizens with new taxes for the extinguishment of the principal; and that, being free to discharge the principal but in a limited proportion, no opportunity ought to be lost for availing the public of its right.

FOURTH ANNUAL ADDRESS.

NOVEMBER 6, 1792.

Fellow Citizens of the Senate and House of Representatives:

It is some abatement of the satisfaction with which I meet you on the present occasion that, in felicitating you on a continuance of the national prosperity generally, I am not able to add to it information that the Indian hostilities, which have for some time past distressed our northwestern frontier, have terminated.

You will, I am persuaded, learn with no less concern than I communicate it that reiterated endeavors towards effecting a pacification have hitherto issued only in new and outrageous proofs of persevering hostility on the part of the tribes with whom we are in contest. An earnest desire to procure tranquillity to the frontier, to stop the farther effusion of blood, to arrest the progress of expense, to forward the prevalent wish of the nation for peace, has led to strenuous efforts, through various channels, to accomplish these desirable purposes; in making which efforts, I consulted less my own anticipations of the event, or the scruples which some considerations were calculated to inspire, than the wish to find the object attainable, or, if not attainable, to ascertain unequivocally that such was the case.

A detail of the measures which have been pursued, and of the consequences, which will be laid before you, while it will confirm to you the want of success thus far, will, I trust, evince that means as proper and as efficacious as could have been devised have been employed. The issue of some of them, indeed, is still depending; but a favorable one, though not to be despaired of, is not promised by any thing that has yet happened.

In the course of the attempts which have been made, some valuable citizens have fallen victims to their zeal for the public service. A sanction commonly respected even among savages has been found, in this instance, insufficient to protect from massacre the emissaries of peace. It will, I presume, be duly considered whether the occasion does not call for an exercise of liberality towards the families of the deceased.

It must add to your concern to be informed that, besides the continuation of hostile appearances among the tribes north of the Ohio, some threatening symptoms have of late been revived among some of those south of it.

A part of the Cherokees, known by the name of Chickamagas, inhabiting five villages on the Tennessee river, have long been in the practise of committing depredations on the neighboring settlements.

It was hoped that the treaty of Holston, made with the Cherokee nation in July, 1791, would have prevented a repetition of such depredations. But the event has not answered this hope. The Chickamagas, aided by some banditti of another tribe in their vicinity, have recently perpetrated wanton and unprovoked hostilities upon the citizens of the United States in that quarter. The information which has been received on this subject will be laid before you. Hitherto, defensive precautions only have been strictly enjoined and observed.

It is not understood that any breach of treaty or any aggression whatsoever on the part of the United States or their citizens, is even alleged as a pretext for the spirit of hostility in this quarter.

I have reason to believe that every practicable exertion has been made, pursuant to the provision by law for that purpose, to be prepared for the

alternative of a prosecution of the war in the event of a failure of pacific overtures. A large proportion of the troops authorized to be raised have been recruited, though the number is still incomplete, and pains have been taken to discipline and put them in condition for the particular kind of service to be performed. A delay of operations, besides being dictated by the measures which were pursuing towards a pacific termination of the war, has been in itself deemed preferable to immature efforts. A statement from the proper department with regard to the number of troops raised, and some other points which have been suggested, will afford more precise information as a guide to the legislative consultations, and among other things, will enable congress to judge whether some additional stimulus to the recruiting service may not be advisable.

In looking forward to the future expense of the operations which may be found inevitable, I derive consolation from the information I receive that the product of the revenues for the present year is likely to supersede the necessity of additional burdens on the community for the service of the ensuing year. This, however, will be better ascertained in the course of the session; and it is proper to add, that the information alluded to proceeds upon the supposition of no material extension of the spirit of hostility.

I cannot dismiss the subject of Indian affairs without again recommending to your consideration the expediency of more adequate provisions for giving energy to the laws throughout our interior frontier, and for restraining the commission of outrages upon the Indians, without which all pacific plans must prove nugatory. To enable, by competent rewards, the employment of qualified and trusty persons to reside among them as agents, would also contribute to the preservation of peace and good neighborhood. If, in addition to these expedients, an eligible plan could be devised for promoting civilization among the friendly tribes, and for carrying on trade with them upon a scale equal to their wants and under regulations calculated to protect them from imposition and extortion, its influence in cementing their interests with ours could not but be considerable.

The prosperous state of our revenue has been intimated. This would be still more the case were it not for the impediments which in some places continue to embarrass the collection of the duties on spirits distilled within the United States. These impediments have lessened, and are lessening in local extent; and, as applied to the community at large, the contentment with the law appears to be progressive.

But symptoms of increased opposition having lately manifested themselves in certain quarters, I judged a special interposition on my part proper and advisable; and under this impression, have issued a proclamation warning against all unlawful combinations and proceedings having for their object or tending to obstruct the operation of the law in question, and announcing that all lawful ways and means would be strictly put in execution for bringing to justice the infractors thereof and for securing obedience thereto.

Measures have also been taken for the prosecution of offenders; and congress may be assured that nothing within constitutional and legal limits, which may depend upon me, shall be wanting to assert and maintain the just authority of the laws. In fulfilling this trust, I shall count entirely upon the full co-operation of the other departments of the government, and upon the zealous support of all good citizens.

I cannot forbear to bring again into the view of the legislature the subject of a revision of the judiciary system. A representation from the judges of

the supreme court, which will be laid before you, points out some of the inconveniences that are experienced. In the course of the execution of the laws, considerations arise out of the structure of that system which in some cases tend to relax their efficacy. As connected with this subject, provisions to facilitate the taking of bail upon processes out of the courts of the United States, and a supplementary definition of offences against the constitution and laws of the Union and of the punishment for such offences, will, it is presumed, be found worthy of particular attention.

Observations on the value of peace with other nations are unnecessary. It would be wise, however, by timely provisions to guard against those acts of our own citizens which might tend to disturb it, and to put ourselves in a condition to give that satisfaction to foreign nations which we may sometimes have occasion to require from them. I particularly recommend to your consideration the means of preventing those aggressions by our citizens on the territory of other nations, and other infractions of the law of nations, which, furnishing just subject of complaint, might endanger our peace with them. And, in general, the maintenance of a friendly intercourse with foreign powers will be presented to your attention by the expiration of the law for that purpose, which takes place, if not renewed, at the close of the present session.

In execution of the authority given by the legislature, measures have been taken for engaging some artists from abroad to aid in the establishment of our mint. Others have been employed at home. Provisions have been made of the requisite buildings, and these are now putting into proper condition for the purposes of the establishment. There has also been a small beginning in the coinage of half-dimes, the want of small coins in circulation calling the first attention to them.

The regulation of foreign coins, in correspondence with the principles of our national coinage, as being essential to their due operation and to order in our money concerns, will, I doubt not, be resumed and completed.

It is represented that some provisions of the law which establishes the post-office operate, in experiment, against the transmission of newspapers to distant parts of the country. Should this, upon due inquiry, be found to be the fact, a full conviction of the importance of facilitating the circulation of political intelligence and information will, I doubt not, lead to the application of a remedy.

The adoption of a constitution for the state of Kentucky has been notified to me. The legislature will share with me in the satisfaction which arises from an event interesting to the happiness of the part of the nation to which it relates, and conducive to the general order.

It is proper likewise to inform you that, since my last communication on the subject, and in farther execution of the acts severally making provisions for the public debt and for the reduction thereof, three new loans have been effected, each for three millions of florins, — one at Antwerp, at the annual interest of four and a half per cent. with an allowance of five per cent. in lieu of all charges; and the other two at Amsterdam, at the annual interest of four per cent. with an allowance of five and one-half per cent. in one case, and of five per cent. in the other, in lieu of all charges. The rates of these loans, and the circumstances under which they have been made, are confirmations of the high state of our credit abroad.

Among the objects to which these funds have been directed to be applied, the payment of the debts due to certain foreign officers, according to the provision made during the last session, has been embraced.

Gentlemen of the House of Representatives:

I entertain a strong hope that the state of the national finances is now sufficiently matured to enable you to enter upon a systematic and effectual arrangement for the regular redemption and discharge of the public debt, according to the right which has been reserved to the government. No measure can be more desirable, whether viewed with an eye to its intrinsic importance, or to the general sentiment and wish of the nation.

Provision is likewise requisite for the reimbursement of the loan which has been made of the Bank of the United States, pursuant to the eleventh section of the act by which it is incorporated. In fulfilling the public stipulations in this particular, it is expected a valuable saving will be made.

Appropriations for the current service of the ensuing year, and for such extraordinaries as may require provision, will demand, and I doubt not will engage, your early attention.

Gentlemen of the House of Representatives:

I content myself without recalling your attention generally to such objects, not particularized in my present, as have been suggested in my former communications to you.

Various temporary laws will expire during the present session. Among these, that which regulates trade and intercourse with the Indian tribes will merit particular notice.

The results of your common deliberations hitherto will, I trust, be productive of solid and durable advantages to our constituents; such as, by conciliating more and more their ultimate suffrage, will tend to strengthen and confirm their attachment to that constitution of government upon which, under divine Providence, materially depend their union, their safety, and their happiness.

Still farther to promote and secure these inestimable ends, there is nothing which can have a more powerful tendency than the careful cultivation of harmony, combined with a due regard to stability, in the public councils.

 FIFTH ANNUAL ADDRESS.

DECEMBER 3, 1793.

Fellow Citizens of the Senate and House of Representatives:

SINCE the commencement of the term for which I have been again called into office, no fit occasion has arisen for expressing to my fellow citizens at large the deep and respectful sense which I feel of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances of affectionate partiality with which I have been honored by my country, on the other, it could not prevent an earnest wish for that retirement from which no private consideration should have torn me. But, influenced by the belief that my conduct would be estimated according to its real motives, and that the people, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage which commanded me to resume the executive power; and I humbly implore that Being on whose will the fate of nations depends to crown with success our mutual endeavors for the general happiness.

As soon as the war in Europe had embraced those powers with whom

the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade and of hostile acts to any of the parties, and to obtain by a declaration of the existing legal state of things an easier admission of our rights to the immunities belonging to our situation. Under these impressions, the proclamation which will be laid before you was issued.

In this posture of affairs, both new and delicate, I resolved to adopt general rules which should conform to the treaties and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States.

It rests with the wisdom of Congress to correct, improve or enforce this plan of procedure; and it will probably be found expedient to extend the legal code and the jurisdiction of the courts of the United States to many cases which, though dependent on principles already recognised, demand some farther provisions.

Where individuals shall, within the United States, array themselves in hostility against any of the powers at war, or enter upon military expeditions or enterprises within the jurisdiction of the United States, or usurp and exercise judicial authority within the United States, or where the penalties on violations of the law of nations may have been indistinctly marked or are inadequate, these offences cannot receive too early and close an attention, and require prompt and decisive remedies.

Whatsoever those remedies will be, they will be well administered by the judiciary, who possess a long-established course of investigation, effectual process, and officers in the habit of executing it.

In like manner, as several of the courts have doubted, under particular circumstances, their power to liberate the vessels of a nation at peace and even of a citizen of the United States, although seized under a false color of being hostile property, and have denied their powers to liberate certain captures within the protection of our territory, it would seem proper to regulate their jurisdiction in these points. But if the Executive is to be the resort in either of the two last-mentioned cases, it is hoped that he will be authorised by law to have facts ascertained by the courts, when for his own information he shall require it.

I cannot recommend to your notice measures for the fulfilment of our duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of complete defence, and of exacting from them the fulfilment of their duties towards us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it. If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we

are at all times ready for war. The documents which will be presented to you will show the amount and kinds of arms and military stores now in our magazines and arsenals; and yet an addition even to these supplies cannot, with prudence, be neglected, as it would leave nothing to the uncertainty of procuring warlike apparatus in the moment of public danger.

Nor can such arrangements, with such objects, be exposed to the censure or jealousy of the warmest friends of republican government. They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depository of the force of the republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which cannot be too solemnly pursued, whether the act "more effectually to provide for the national defence by establishing a uniform militia throughout the United States," has organized them so as to produce their full effect; whether your own experience in the several states has not detected some imperfections in the scheme; and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

The connection of the United States with Europe has become extremely interesting. The occurrences which relate to it and have passed under the knowledge of the Executive, will be exhibited to Congress in a subsequent communication.

When we contemplate the war on our frontiers, it may be truly affirmed that every reasonable effort has been made to adjust the causes of dissension with the Indians north of the Ohio. The instructions given to the commissioners evince a moderation and equity proceeding from a sincere love of peace, and a liberality having no restriction but the essential interests and dignity of the United States. The attempt, however, of an amicable negotiation having been frustrated, the troops have marched to act offensively. Although the proposed treaty did not arrest the progress of military preparation, it is doubtful how far the advance of the season, before good faith justified active movements, may retard them during the remainder of the year. From the papers and intelligence which relate to this important subject, you will determine whether the deficiency in the number of troops granted by law shall be compensated by succors of militia, or whether additional encouragements shall be proposed to recruits.

An anxiety has been also demonstrated by the Executive for peace with the Creeks and the Cherokees. The former have been relieved with corn and with clothing, and offensive measures against them prohibited during the recess of Congress. To satisfy the complaints of the latter, prosecutions have been instituted for the violences committed upon them. But the papers which will be delivered to you disclose the critical footing on which we stand in regard to both these tribes; and it is with Congress to pronounce what shall be done.

After they shall have provided for the present emergency, it will merit their most serious labors to render tranquillity with the savages permanent by creating ties of interest. Next to a rigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations, in behalf of the United States, is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies; with a ready market for the commodities of the Indians,

and a stated price for what they give in payment and receive in exchange. Individuals will not pursue such traffic, unless they be allured by the hope of profit; but it will be enough for the United States to be reimbursed only. Should this recommendation accord with the opinion of Congress, they will recollect that it cannot be accomplished by any means yet in the hands of the Executive.

Gentlemen of the House of Representatives :

The commissioners charged with the settlement of accounts between the United States and individual states, concluded their important functions within the time limited by law; and the balances struck in their report, which will be laid before Congress, have been placed on the books of the Treasury.

On the first day of June last, an instalment of one million of florins became payable on the loans of the United States in Holland. This was adjusted by a prolongation of the period of reimbursement, in the nature of a new loan, at an interest of five per cent. for the term of ten years; and the expenses of this operation were a commission of three per cent.

The first instalment of the loan of two millions of dollars from the Bank of the United States has been paid, as was directed by law. For the second, it is necessary that provision should be made.

No pecuniary consideration is more urgent than the regular redemption and discharge of the public debt. On none can delay be more injurious, or an economy of time more valuable.

The productiveness of the public revenues hitherto, has continued to equal the anticipations which were formed of it; but it is not expected to prove commensurate with all the objects which have been suggested. Some auxiliary provisions will therefore, it is presumed, be requisite; and it is hoped that these may be made consistently with a due regard to the convenience of our citizens, who cannot but be sensible of the true wisdom of encountering a small present addition to their contributions, to obviate a future accumulation of burdens.

But here I cannot forbear to recommend a repeal of the tax on the transportation of public prints. There is no resource so firm for the government of the United States as the affections of the people, guided by an enlightened policy; and to this primary good, nothing can conduce more than a faithful representation of public proceedings, diffused without restraint throughout the United States.

An estimate of the appropriations necessary for the current service of the ensuing year, and a statement of a purchase of arms and military stores made during the recess, will be presented to Congress.

Gentlemen of the House of Representatives :

The several subjects to which I have now referred, open a wide range to your deliberations and involve some of the choicest interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But, as the legislative proceedings of the United States will never, I trust, be reproached for the want of temper or of candor, so shall not the public happiness languish for the want of my strenuous and warmest co-operation.

SPECIAL MESSAGE.

DECEMBER 5, 1793.

Gentlemen of the Senate and House of Representatives.

As the present situation of the several nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things between them and us matter of interesting inquiry to the legislature, and may indeed give rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The representative and executive bodies of France have manifested generally a friendly attachment to this country, have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground. A decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemy goods lawful prize in the vessels of a friend, contrary to our treaty, though revoked at one time as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on this subject will be immediately given in charge to our minister there, and the result shall be communicated to the legislature.

It is with extreme concern I have to inform you that the proceedings of the person whom they have unfortunately appointed their minister plenipotentiary here have breathed nothing of the friendly spirit of the nation which sent him. Their tendency, on the contrary, has been to involve us in war abroad, and discord and anarchy at home. So far as his acts or those of his agents have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with from sentiments of regard to his nation, from a sense of their friendship towards us, from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions, and from a reliance on the firmness of my fellow citizens in their principles of peace and order. In the mean time, I have respected and pursued the stipulations of our treaties, according to what I judged their true sense, and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone farther. Rather than employ force for the restitution of certain vessels which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties by avowing it to be my opinion that, if restitution were not made, it would be incumbent on the United States to make compensation. The papers now communicated will more particularly apprise you of these transactions.

The vexations and spoliations understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent powers, appeared to require attention. The proofs of these, however, not having been brought forward, the descriptions of citizens supposed to have suffered were notified that, on furnishing them to the executive, due measures would be taken to obtain redress of the past and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British government having undertaken, by orders to the commanders of their armed vessels, to restrain generally our commerce in corn and other provisions to their own ports and those of their friends, the instructions now communicated were immediately forwarded to our minister at that court. In the mean time, some discussions on the subject took place between him and them. These are also laid before you, and I may expect to learn the result of his special instructions in time to make it known to the legislature during their present session.

Very early after the arrival of a British minister here, mutual explanations on the inexecution of the treaty of peace were entered into with that minister. These are now laid before you for your information.

On the subject of mutual interest between this country and Spain, negotiations and conferences are now depending. The public good requiring that the present state of these should be made known to the legislature *in confidence only*, they shall be the subject of a separate and subsequent communication.

SIXTH ANNUAL ADDRESS.

NOVEMBER 19, 1794.

Fellow Citizens of the Senate and House of Representatives :

WHEN we call to mind the gracious indulgence of Heaven, by which the American people became a nation; when we survey the general prosperity of our country, and look forward to the riches, power and happiness to which it seems destined; with the deepest regret do I announce to you that, during your recess, some of the citizens of the United States have been found capable of an insurrection. It is due, however, to the character of our government, and its stability, which cannot be shaken by the enemies of order, freely to unfold the course of this event.

During the session of the year one thousand seven hundred and ninety, it was expedient to exercise the legislative power, granted by the constitution of the United States, "to lay and collect excises." In a majority of the states, scarcely an objection was heard to this mode of taxation. In some, indeed, alarms were at first conceived, until they were banished by reason and patriotism. In the four western counties of Pennsylvania, a prejudice, fostered and embittered by the artifice of men who labored for an ascendancy over the will of others by the guidance of their passions, produced symptoms of riot and violence. It is well known that congress did not hesitate to examine the complaints which were presented, and to relieve them as far as justice dictated or general convenience would permit. But the impression which this moderation made on the discontented did not correspond with what it deserved. The arts of delusion were no longer confined to the efforts of designing individuals. The very forbearance to press prosecution was misinterpreted into a fear of urging the execution of the laws, and associations of men began to denounce threats against the officers employed. From a belief that by a more formal concert their operation might be defeated, certain self-created societies assumed the tone of condemnation. Hence, while the greater part of Pennsylvania itself were conforming themselves to the acts of excise, a few counties were resolved to frustrate them. It was now perceived that every expectation from the tenderness

which had been hitherto pursued was unavailing, and that further delay could only create an opinion of impotency or irresolution in the government. Legal process was therefore delivered to the marshal against the rioters and delinquent distillers.

No sooner was he understood to be engaged in this duty, than the vengeance of armed men was aimed at *his* person and the person and property of the inspector of the revenue. They fired upon the marshal, arrested him, and detained him for some time as a prisoner. He was obliged, by the jeopardy of his life, to renounce the service of other process on the west side of the Allegany mountains; and a deputation was afterwards sent to him to demand a surrender of that which he had served. A numerous body repeatedly attacked the house of the inspector, seized his papers of office, and finally destroyed by fire his buildings and whatsoever they contained. Both of these officers, from a just regard to their safety, fled to the seat of government, it being avowed that the motives to such outrages were to compel the resignation of the inspector, to withstand by force of arms the authority of the United States, and thereby extort a repeal of the laws of excise and an alteration in the conduct of government.

Upon the testimony of these facts, an associate justice of the supreme court of the United States notified to me that, "in the counties of Washington and Allegany, in Pennsylvania, laws of the United States were opposed, and the executing thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceeding, or by the powers vested in the marshal of that district." On this call, momentous in the extreme, I sought and weighed what might best subdue the crisis. On the one hand, the judiciary was pronounced to be stripped of its capacity to enforce the laws; crimes which reached the very existence of social order were perpetrated without control; the friends of government were insulted, abused, and overawed into silence, or an apparent acquiescence; and, to yield to the treasonable fury of so small a portion of the United States would be to violate the fundamental principle of our constitution, which enjoins that the will of the majority shall prevail. On the other, to array citizen against citizen, to publish the dishonor of such excesses, to encounter the expense and other embarrassments of so distant an expedition, were steps too delicate, too closely interwoven with many affecting considerations, to be lightly adopted. I postponed, therefore, the summoning of the militia immediately into the field; but I required them to be held in readiness, that if my anxious endeavors to reclaim the deluded and to convince the malignant of their danger should be fruitless, military force might be prepared to act, before the season should be too far advanced.

My proclamation of the 7th of August last was accordingly issued, and accompanied by the appointment of commissioners, who were charged to repair to the scene of insurrection. They were authorized to confer with any bodies of men or individuals. They were instructed to be candid and explicit in stating the sensation which had been excited in the Executive, and his earnest wish to avoid a resort to coercion; to represent, however, that, without submission, coercion *must* be the resort; but to invite them, at the same time, to return to the demeanor of faithful citizens, by such accommodations as lay within the sphere of executive power. Pardon, too, was tendered to them by the government of the United States, and that of Pennsylvania, upon no other condition than a satisfactory assurance of obedience to the laws.

Although the report of the commissioners marks their firmness and abilities, and must unite all virtuous men, by showing that the means of conciliation have been exhausted, and that all of those who had committed or abetted the tumults did not subscribe the mild form which was proposed as the atonement, the indications of a peaceable temper were neither sufficiently general nor conclusive to recommend or warrant the farther suspension of the march of the militia.

Thus the painful alternative could not be discarded. I ordered the militia to march, after once more admonishing the insurgents in my proclamation on the 25th of September last.

It was a task too difficult to ascertain with precision the lowest degree of force competent to the quelling of the insurrection. From a respect, indeed, to economy, and the ease of my fellow citizens belonging to the militia, it would have gratified me to accomplish such an estimate. My very reluctance to ascribe too much importance to the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient numbers. In this uncertainty, therefore, I put into motion fifteen thousand men, as being an army which, according to all human calculations, would be prompt and adequate in every view, and might, perhaps, by rendering resistance desperate, prevent the effusion of blood. Quotas had been assigned to the states of New Jersey, Pennsylvania, Maryland, and Virginia; the governor of Pennsylvania having declared, on this occasion, an opinion which justified a requisition to the other states.

As commander-in-chief of the militia when called into the actual service of the United States, I have visited the places of general rendezvous to obtain more exact information, and to direct a plan for ulterior movements. Had there been room for a persuasion that the laws were secure from obstruction; that the civil magistrate was able to bring to justice such of the most culpable as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example; that the friends to peace and good government were not in need of that aid and countenance which they ought always to receive, and, I trust, ever will receive, against the vicious and turbulent; I should have caught with avidity the opportunity of restoring the militia to their families and homes. But succeeding intelligence has tended to manifest the necessity of what has been done, it being now confessed by those who were not inclined to exaggerate the ill conduct of the insurgents, that their malevolence was not pointed merely to a particular law, but that a spirit inimical to all order has actuated many of the offenders. If the state of things had afforded reason for the continuance of my presence with the army, it would not have been withholden. But every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the seat of government, leaving the chief command with the governor of Virginia.

Still, however, as it is probable that, in a commotion like the present, whatsoever may be the pretence, the purposes of mischief and revenge may not be laid aside, the stationing of a small force, for a certain period, in the four western counties of Pennsylvania will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others who may have exposed themselves by an honorable attachment to them. Thirty days from the commencement of this

session being the legal limitation of the employment of the militia, Congress cannot be too early occupied with this subject.

Among the discussions which may arise from this aspect of our affairs, and from the documents which will be submitted to Congress, it will not escape their observation that not only the inspector of the revenue, but other officers of the United States in Pennsylvania, have, from their fidelity in the discharge of their functions, sustained material injuries to their property. The obligation and policy of indemnifying them are strong and obvious. It may also merit attention, whether policy will not enlarge this provision to the retribution of other citizens, who, though not under the ties of office, may have suffered damage by their generous exertions for upholding the constitution and the laws. The amount, even if all the injured were included, would not be great; and on future emergencies, the government would be amply repaid by the influence of an example that he who incurs a loss in its defence, shall find a recompense in its liberality.

While there is cause to lament that occurrences of this nature should have disgraced the name or interrupted the tranquillity of any part of our community, or should have diverted to a new application any portion of the public resources, there are not wanting real and substantial consolations for the misfortune. It has demonstrated that our prosperity rests on solid foundations, by furnishing an additional proof that my fellow citizens understand the true principles of government and liberty; that they feel their inseparable union; that, notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle displaying to the highest advantage the value of republican government, to behold the most and the least wealthy of our citizens standing in the same ranks as private soldiers, pre-eminently distinguished by being the army of the constitution — undeterred by a march of three hundred miles over rugged mountains, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacious and patriotic co-operations which I have experienced from the chief magistrates of the states to which my requisitions have been addressed.

To every description of citizens, indeed, let praise be given. But let them persevere in their affectionate vigilance over that precious depository of American happiness, the constitution of the United States. Let them cherish it, too, for the sake of those who, from every clime, are daily seeking a dwelling in our land. And when, in the calm moments of reflection, they shall have traced the origin and progress of the insurrection, let them determine whether it has not been fomented by combinations of men who, careless of consequences, and disregarding the unerring truth that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations of the whole government.

Having thus fulfilled the engagement which I took, when I entered into office, "to the best of my ability to preserve, protect, and defend the constitution of the United States," on you, gentlemen, and the people by whom you are deputed, I rely for support.

In the arrangements to which the possibility of a similar contingency will naturally draw your attention, it ought not to be forgotten that the

militia laws have exhibited such striking defects as could not have been supplied but by the zeal of our citizens. Besides the extraordinary expense and waste, which are not the least of the defects, every appeal to those laws is attended with a doubt on its success.

The devising and establishing of a well-regulated militia, would be a genuine source of legislative honor, and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia; and thus providing, in the language of the constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.

As auxiliary to the state of our defence, to which Congress can never too frequently recur, they will not omit to inquire whether the fortifications which have been already licensed by law be commensurate with our existence.

The intelligence from the army under the command of General Wayne is a happy presage to our military operations against the hostile Indians north of the Ohio. From the advices which have been forwarded, the advance which he has made must have damped the ardor of the savages, and weakened their obstinacy in waging war against the United States. And yet, even at this late hour, when our power to punish them cannot be questioned, we shall not be unwilling to cement a lasting peace upon terms of candor, equity, and good neighborhood.

Towards none of the Indian tribes have overtures of friendship been spared. The Creeks, in particular, are covered from encroachment by the interposition of the general government and that of Georgia. From a desire, also, to remove the discontent of the Six Nations, a settlement meditated at Presque Isle, on lake Erie, has been suspended, and an agent is now endeavoring to rectify any misconception into which they may have fallen. But I cannot refrain from again pressing upon your deliberations the plan which I recommended at the last session for the improvement of harmony with all the Indians within our limits, by the fixing and conducting of the trading-houses upon the principles then expressed.

Gentlemen of the House of Representatives :

The time which has elapsed since the commencement of our fiscal measures, has developed our pecuniary resources so as to open the way for a definitive plan for the redemption of the public debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents. Indeed, whatsoever is unfinished of our system of public credit, cannot be benefited by procrastination; and, as far as may be practicable, we ought to place that credit on grounds which cannot be disturbed, and to prevent that progressive accumulation of debt which must ultimately endanger all governments.

An estimate of the necessary appropriations, including the expenditures into which we have been driven by the insurrection, will be submitted to Congress.

Gentlemen of the Senate and House of Representatives :

The mint of the United States has entered upon the coinage of the precious metals, and considerable sums of defective coins and bullion have

been lodged with the directors by individuals. There is a pleasing prospect that the institution will, at no remote day, realise the expectation which was originally formed of its utility.

In subsequent communications, certain circumstances of our intercourse with foreign nations will be transmitted to Congress. However, it may not be unseasonable to announce that my policy in our foreign transactions has been to cultivate peace with all the world; to observe the treaties with pure and absolute faith; to check every deviation from the line of impartiality; to explain what may have been misapprehended, and correct what may have been injurious to any nation; and having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves.

Let us unite, therefore, in imploring the Supreme Ruler of Nations to spread his holy protection over these United States; to turn the machinations of the wicked to the confirming of our constitution; to enable us at all times to root out internal sedition and put invasion to flight; to perpetuate to our country that prosperity which his goodness has already conferred, and to verify the anticipations of this government being a safeguard to human rights.

SEVENTH ANNUAL ADDRESS.

DECEMBER 8, 1792.

Fellow Citizens of the Senate and House of Representatives:

I TRUST I do not deceive myself while I indulge the persuasion that I have never met you at any period when, more than at the present, the situation of our public affairs has afforded just cause for mutual congratulation, and for inviting you to join with me in profound gratitude to the Author of all Good for the numerous and extraordinary blessings we enjoy.

The termination of the long, expensive and distressing war in which we have been engaged with certain Indians northwest of the Ohio, is placed in the option of the United States by a treaty which the commander of our army has concluded provisionally with the hostile tribes in that region.

In the adjustment of the terms, the satisfaction of the Indians was deemed an object worthy no less of the policy than of the liberality of the United States as the necessary basis of durable tranquillity. The object, it is believed, has been fully attained. The articles agreed upon will immediately be laid before the Senate for their consideration.

The Creek and Cherokee Indians, who alone of the southern tribes had annoyed our frontiers, have lately confirmed their pre-existing treaties with us, and were giving evidence of a sincere disposition to carry them into effect by the surrender of the prisoners and property they had taken. But we have to lament that the prospect in this quarter has been once more clouded by wanton murders, which some citizens of Georgia are represented to have recently perpetrated on hunting-parties of the Creeks, which have again subjected that frontier to disquietude and danger which will be productive of farther expense, and may occasion more effusion of blood. Measures are pursuing to prevent or mitigate the usual consequences of such outrages, and with the hope of their succeeding, at least to avert general hostility.

A letter from the Emperor of Morocco announces to me his recognition of our treaty made with his father the late Emperor, and consequently the continuance of peace with that power. With peculiar satisfaction, I add, that information has been received from an agent deputed on our part to Algiers, importing that the terms of treaty with the Dey and Regency of that country had been adjusted in such a manner as to authorize the expectation of a speedy peace and the restoration of our unfortunate fellow citizens from a grievous captivity.

The latest advices from our envoy at the court of Madrid give, moreover, the pleasing information that he had received assurances of a speedy and satisfactory conclusion of his negotiation. While the event, depending upon unadjusted particulars, cannot be regarded as ascertained, it is agreeable to cherish the expectation of an issue which, securing amicably every essential interest of the United States, will at the same time lay the foundation of lasting harmony with a power whose friendship we have uniformly and sincerely desired to cultivate.

Though not before officially disclosed to the House of Representatives, you, gentlemen, are all apprised that a treaty of amity, commerce and navigation has been negotiated with Great Britain, and that the Senate have advised and consented to its ratification upon a condition which excepts part of one article. Agreeably thereto, and to the best judgment I was able to form of the public interest after full and mature deliberation, I have added my sanction. The result on the part of his Britannic Majesty is unknown. When received, the subject will without delay be placed before Congress.

This interesting summary of our affairs with regard to foreign powers, between whom and the United States controversies have subsisted, and with regard also to those of our Indian neighbors with whom we have been in a state of enmity or misunderstanding, opens a wide field for consoling and gratifying reflections. If, by prudence and moderation on every side, the extinguishment of all causes of external discord which have heretofore menaced our tranquillity, on terms compatible with our national rights and honor, shall be the happy result, how firm and how precious a foundation will have been laid for accelerating, maturing and establishing the prosperity of our country.

Contemplating the internal situation as well as the external relations of the United States, we discover equal cause for contentment and satisfaction. While many of the nations of Europe, with their American dependencies, have been involved in a contest unusually bloody, exhausting, and calamitous, in which the evils of foreign war have been aggravated by domestic convulsion and insurrection; in which many of the arts most useful to society have been exposed to discouragement and decay; in which scarcity of subsistence has imbibed other sufferings; while even the anticipations of a return of the blessings of peace and repose are alloyed by the sense of heavy and accumulating burdens, which press upon all the departments of industry, and threaten to clog the future springs of government, our favored country, happy in a striking contrast, has enjoyed general tranquillity,—a tranquillity the more satisfactory because maintained at the expense of no duty. Faithful to ourselves, we have violated no obligations to others. Our agriculture, commerce and manufactures prosper beyond example, the molestations of our trade (to prevent a continuance of which, however, very pointed remonstrances have been made)

being overbalanced by the aggregate benefits which derives from a neutral position. Our population advances with a celerity which, exceeding the most sanguine calculations, proportionally augments our strength and resources, and guarantees our future security. Every part of the Union displays indications of rapid and various improvement; and with burdens so light as scarcely to be perceived, with resources fully adequate to our present exigencies, with governments founded on the genuine principles of rational liberty, and with mild and wholesome laws, is it too much to say that our country exhibits a spectacle of national happiness never surpassed, if ever before equalled?

Placed in a situation every way so auspicious, motives of commanding force impel us, with sincere acknowledgment to heaven and pure love to our country, to unite our efforts to preserve, prolong, and improve our immense advantages. To co-operate with you in this desirable work is a fervent and favorite wish of my heart.

It is a valuable ingredient in the general estimate of our welfare, that the part of our country which was lately the scene of disorder and insurrection now enjoys the blessings of quiet and order. The misled have abandoned their errors, and pay the respect to our constitution and laws which is due from good citizens to the public authorities of society. These circumstances have induced me to pardon generally the offenders here referred to, and to extend forgiveness to those who had been adjudged to capital punishment. For though I shall always think it a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet it appears to me no less consistent with the public good than it is with my personal feelings to mingle, in the operations of government, every degree of moderation and tenderness which the national justice, dignity, and safety may permit.

Gentlemen:

Among the objects which will claim your attention in the course of the session, a review of our military establishment is not the least important. It is called for by the events which have changed, and may be expected still farther to change, the relative situation of our frontiers. In this review, you will doubtless allow due weight to the considerations that the questions between us and certain foreign powers are not yet finally adjusted, that the war in Europe is not yet terminated, and that our western posts, when recovered, will demand provision for garrisoning and securing them. A statement of our present militia force will be laid before you by the Department of War.

With the review of our army establishment is naturally connected that of the militia. It will merit inquiry, what imperfections in the existing plan farther experience may have unfolded. The subject is of so much moment in my estimation as to excite a constant solicitude that the consideration of it may be renewed, until the greatest attainable perfection shall be accomplished. Time is wearing away some of the advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

While we indulge the satisfaction which the actual condition of our western borders so well authorises, it is necessary that we should not lose sight of an important truth which continually receives new confirmations, namely, that the provisions heretofore made with a view to the protection

of the Indians from the violence of the lawless part of our frontier inhabitants, are insufficient. It is demonstrated that these violences can now be perpetrated with impunity; and it can need no argument to prove that, unless the murdering of Indians can be restrained by bringing the murderers to condign punishment, all the exertions of the government to prevent destructive retaliations by the Indians will prove fruitless, and all our present agreeable prospects illusory. The frequent destruction of innocent women and children, who are chiefly the victims of retaliation, must continue to shock humanity, and to be an enormous expense to drain the treasury of the Union.

To enforce upon the Indians the observance of justice, it is indispensable that there shall be competent means of rendering justice to them. If these means can be devised by the wisdom of Congress, and especially if there can be added an adequate provision for supplying the necessities of the Indians on reasonable terms, (a measure the mention of which I the more readily repeat, as in all the conferences with them they urge it with solicitude,) I should not hesitate to entertain a strong hope of rendering our tranquillity permanent. I add, with pleasure, that the probability even of their civilization is not diminished by the experiments which have been thus far made under the auspices of government. The accomplishment of this work, if practicable, will reflect undecaying lustre on our national character, and administer the most grateful consolations that virtuous minds can know.

Gentlemen of the House of Representatives:

The state of our revenue, with the sums which have been borrowed and reimbursed pursuant to different acts of Congress, will be submitted from the proper department, together with an estimate of the appropriations necessary to be made for the service of the coming year.

Whether measures may not be advisable to reinforce the provision for the redemption of the public debt, will naturally engage your examination. Congress have demonstrated their sense to be, and it were superfluous to repeat mine, that whatsoever will tend to accelerate the honorable extinction of our public debt accords as much with the true interests of our country as with the general sense of our constituents.

Gentlemen of the Senate and House of Representatives:

The statements which will be laid before you relative to the mint, will show the situation of that institution, and the necessity of some farther legislative provisions for carrying the business of it more completely into effect, and for checking abuses which appear to be arising in particular quarters.

The progress in providing materials for the frigates, and in building them; the state of the fortifications of our harbors; the measures which have been pursued for obtaining proper sites for arsenals, and for replenishing our magazines with military stores; and the steps which have been taken towards the execution of the law for opening a trade with the Indians, will likewise be presented for the information of Congress.

Temperate discussion of the important subjects which may arise in the course of the session, and mutual forbearance where there is a difference of opinion, are too obvious and too necessary for the peace, happiness and welfare of our country to need any recommendation of mine.

EIGHTH ANNUAL ADDRESS.

DECEMBER 7, 1796.

Fellow Citizens of the Senate and House of Representatives:

IN recurring to the internal situation of our country since I had last the pleasure to address you, I find ample reason for a renewed expression of that gratitude to the Ruler of the Universe which a continued series of prosperity has so often and so justly called forth.

The acts of the last session which required special arrangement, have been, as far as circumstances would admit, carried into operation.

Measures calculated to ensure a continuance of the friendship of the Indians and to preserve peace along the extent of our interior frontier, have been digested and adopted. In the framing of these, care has been taken to guard, on the one hand, our advanced settlements from the predatory incursions of those unruly individuals who cannot be restrained by their tribes, and on the other hand, to protect the rights secured to the Indians by treaty; to draw them nearer to the civilized state, and inspire them with correct conceptions of the power, as well as justice, of the government.

The meeting of the deputies from the Creek nation at Colerain, in the state of Georgia, which had for a principal object the purchase of a parcel of their land by that state, broke up without its being accomplished, the nation having, previous to their departure, instructed them against making any sale. The occasion has however been improved to confirm, by a new treaty with the Creeks, their pre-existing engagements with the United States, and to obtain their consent to the establishment of trading-houses and military posts within their boundary, by means of which their friendship and the general peace may be more effectually secured.

The period during the late session at which the appropriation was passed for carrying into effect the treaty of amity, commerce and navigation between the United States and His Britannic Majesty, necessarily procrastinated the reception of the posts stipulated to be delivered beyond the date assigned for that event. As soon, however, as the Governor General of Canada could be addressed with propriety on the subject, arrangements were cordially and promptly concluded for their evacuation; and the United States took possession of the principal of them, comprehending Oswego, Niagara, Detroit, Michilimackinac, and Fort Miami, where such repairs and additions have been ordered to be made as appeared indispensable.

The commissioners appointed on the part of the United States and of Great Britain to determine which is the river St. Croix mentioned in the treaty of peace of 1783, agreed in the choice of Egbert Benson, Esq., of New York, for the third commissioner. The whole met at St. Andrews, in Passamaquoddy Bay, in the beginning of October, and directed surveys to be made of the rivers in dispute; but deeming it impracticable to have these surveys completed before the next year, they adjourned, to meet at Boston, in August, 1797, for the final decision of the question.

Other commissioners, appointed on the part of the United States, agreeably to the seventh article of the treaty with Great Britain relative to captures and condemnation of vessels and other property, met the commissioners of His Britannic Majesty in London, in August last, when

John Trumbull, Esq. was chosen by lot for the fifth commissioner. In October following, the board were to proceed to business. As yet, there has been no communication of commissioners on the part of Great Britain to unite with those who had been appointed on the part of the United States for carrying into effect the sixth article of the treaty.

The treaty with Spain required that the commissioners for running the boundary line between the territory of the United States and His Catholic Majesty's provinces of East and West Florida should meet at the Natchez before the expiration of six months after the exchange of the ratifications, which was effected at Aranjuez, on the 25th day of April; and the troops of His Catholic Majesty occupying any posts within the limits of the United States were, within the same period, to be withdrawn. The commissioner of the United States, therefore, commenced his journey for the Natchez in September, and troops were ordered to occupy the posts from which the Spanish garrisons should be withdrawn. Information has been recently received of the appointment of a commissioner on the part of His Catholic Majesty for running the boundary line; but none of any appointment for the adjustment of the claims of our citizens whose vessels were captured by the armed vessels of Spain.

In pursuance of the act of Congress, passed in the last session, for the protection and relief of American seamen, agents were appointed, one to reside in Great Britain and the other in the West Indies. The effects of the agency in the West Indies are not yet fully ascertained; but those which have been communicated afford grounds to believe the measure will be beneficial. The agent destined to reside in Great Britain declining to accept the appointment, the business has consequently devolved on the minister of the United States in London, and will command his attention until a new agent shall be appointed.

After many delays and disappointments arising out of the European war, the final arrangements for fulfilling the engagements made to the Dey and Regency of Algiers will, in all present appearance, be crowned with success, but under great though inevitable disadvantages in the pecuniary transactions occasioned by that war, which will render farther provision necessary. The actual liberation of all our citizens who were prisoners in Algiers, while it gratifies every feeling heart, is itself an earnest of a satisfactory termination of the whole negotiation. Measures are in operation for effecting treaties with the Regencies of Tunis and Tripoli.

To an active external commerce, the protection of a naval force is indispensable. But besides this, it is in our own experience that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag requires a naval force, organized and ready to vindicate it from insult or aggression. This may prevent even the necessity of going to war, by discouraging belligerent powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option. From the best information I have been able to obtain, it would seem as if our trade to the Mediterranean, without a protecting force, will always be insecure, and our citizens exposed to the calamities from which numbers of them have just been relieved.

These considerations invite the United States to look to the means, and to set about the gradual creation, of a navy. The increasing progress of

their navigation promises them, at no distant period, the requisite supply of seamen; and their means, in other respects, favor the undertaking. It is an encouragement, likewise, that their particular situation will give weight and influence to a moderate naval force in their hands. Will it not then be advisable to begin without delay to provide and lay up the materials for the building and the equipping of ships of war, and to proceed in the work by degrees, in proportion as our resources may render it practicable without inconvenience, so that a future war of Europe may not find our commerce in the same unprotected state in which it was found by the present?

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to ensure a continuance of their efforts in every way which shall appear eligible. As a general rule, manufactures on the public account are inexpedient; but where the state of things in a country leaves little hope that certain branches of manufacture will, for a great length of time, obtain, when these are of a nature essential to the furnishing and equipping of the public force in time of war, are not establishments for procuring them on public account, to the extent of the ordinary demand for the public service, recommended by strong considerations of national policy as an exception to the general rule? Ought our country to remain, in such cases, dependent on foreign supply, precarious because liable to be interrupted? If the necessary article should, in this mode, cost more in time of peace, will not the security and independence thence arising form an ample compensation? Establishments of this sort, commensurate only with the calls of the public service in time of peace, will, in time of war, easily be extended in proportion to the exigencies of the government, and may even perhaps be made to yield a surplus for the supply of our citizens at large, so as to mitigate the privation from the interruption of their trade. If adopted, the plan ought to exclude all those branches which are already, or likely soon to be, established in the country, in order that there may be no danger of interference with pursuits of individual industry.

It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse. Among the means which have been employed to this end none have been attended with greater success than the establishments of boards, composed of proper characters, charged with collecting and diffusing information, and enabled by premiums and small pecuniary aids to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results, everywhere, of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly hath shown that they are very cheap instruments of immense national benefit.

I have therefore proposed to the consideration of Congress the expediency of establishing a national university, and also a military academy. The desirableness of both these institutions has so constantly increased

with every new view I have taken on the subject, that I cannot omit the opportunity of once for all recalling your attention to them.

The assembly to which I address myself is too enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and reputation.

True it is that our country, much to its honor, contains many seminaries of learning highly respectable and useful; but the funds upon which they rest are too narrow to command the ablest professors in the different departments of liberal knowledge for the institution contemplated, though they would be excellent auxiliaries.

Amongst the motives to such an institution, the assimilation of the principles, opinions, and manners of our countrymen, by the common education of a portion of our youth from every quarter, well deserves attention. The more homogeneous our citizens can be made in these particulars, the greater will be our prospect of permanent union; and a primary object of such a national institution should be the education of our youth in the science of *government*. In a republic, what species of knowledge can be equally important? and what duty more pressing on its legislature than to patronise a plan for communicating it to those who are to be the future guardians of the liberties of the country?

The institution of a military academy is also recommended by cogent reasons. However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first would impair the energy of its character, and both would hazard its safety or expose it to greater evils when war could not be avoided — besides, that war might often not depend upon its own choice. In proportion as the observance of pacific maxims might exempt a nation from the necessity of practising the rules of the military art, ought to be its care in preserving and transmitting, by proper establishments, the knowledge of that art. Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince that the art of war is at once comprehensive and complicated, that it demands much previous study, and that the possession of it in its most improved and perfect state is always of great moment to the security of a nation. This, therefore, ought to be a serious care of every government; and for this purpose, an academy, where a regular course of instruction is given, is an obvious expedient which different nations have successfully employed.

The compensation to the officers of the United States, in various instances, and in none more than in respect to the most important stations, appear to call for legislative revision. The consequences of a defective provision are of serious import to the government. If private wealth is to supply the defect of public retribution, it will greatly contract the sphere within which the selection of character for office is to be made, and will proportionally diminish the probability of a choice of men able as well as upright. Besides, that it would be repugnant to the vital principles of our government virtually to exclude from public trusts talents and virtue unless accompanied by wealth.

While, in our external relations, some serious inconveniences and embarrassments have been overcome and others lessened, it is with much pain and deep regret I mention that circumstances of a very unwelcome nature have lately occurred. Our trade has suffered and is suffering ex-

tensive injuries in the West Indies from the cruisers and agents of the French Republic; and communications have been received from its minister here which indicate the danger of a farther disturbance of our commerce by its authority, and which are, in other respects, far from agreeable.

It has been my constant, sincere, and earnest wish, in conformity with that of our nation, to maintain cordial harmony and a perfectly friendly understanding with that republic. This wish remains unabated; and I shall persevere in the endeavor to fulfil it to the utmost extent of what shall be consistent with a just and indispensable regard to the rights and honor of our country; nor will I easily cease to cherish the expectation that a spirit of justice, candor, and friendship, on the part of the republic, will eventually ensure success.

In pursuing this course, however, I cannot forget what is due to the character of our own government and nation, or to a full and entire confidence in the good sense, patriotism, self-respect and fortitude of my countrymen.

I reserve for a special message a more particular communication on this interesting subject.

Gentlemen of the House of Representatives :

I have directed an estimate of the appropriations necessary for the service of the ensuing year to be submitted from the proper department, with a view of the public receipts and expenditures to the latest period to which an account can be prepared.

It is with satisfaction I am able to inform you that the revenues of the United States continue in a state of progressive improvement.

A reinforcement of the existing provisions for discharging our public debt was mentioned in my address at the opening of the last session. Some preliminary steps were taken towards it, the maturing of which will, no doubt, engage your zealous attention during the present session. I will only add, that it will afford me a heartfelt satisfaction to concur in such farther measures as will ascertain to our country the prospect of a speedy extinguishment of the debt. Posterity may have cause to regret if from any motive intervals of tranquillity are left unimproved for accelerating this valuable end.

Gentlemen of the Senate and House of Representatives :

My solicitude to see the militia of the United States placed on an efficient establishment, has been so often and so ardently expressed that I shall but barely recal the subject to your view on the present occasion; at the same time that I shall submit to your inquiry, whether our harbors are yet sufficiently secured.

The situation in which I now stand, for the last time, in the midst of the representatives of the people of the United States, naturally recalls the period when the administration of the present form of government commenced; and I cannot omit the occasion to congratulate you and my country on the success of the experiment, nor to repeat my fervent supplications to the Supreme Ruler of the Universe and Sovereign Arbitrer of Nations that his providential care may still be extended to the United States, that the virtue and happiness of the people may be preserved, and that the government which they have instituted for the protection of their liberties may be perpetual.

P R O C L A M A T I O N .

A P R I L 22, 1793.

WHEREAS it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain and the United Netherlands on the one part, and France on the other, and the duty and interests of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial towards the belligerent powers,

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid towards those powers respectively, and to exhort and to warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States against such punishment or forfeiture; and farther, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the laws of nations with respect to the powers at war or any of them.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the 22nd day of April, one thousand seven hundred and ninety-three, and of the Independence of the United States of America, the seventeenth.

G E O R G E W A S H I N G T O N .

P R O C L A M A T I O N .

A U G U S T 7, 1794.

WHEREAS combinations to defeat the execution of the laws laying duties upon spirits distilled within the United States and upon stills have, from the time of the commencement of those laws, existed in some of the western parts of Pennsylvania; and whereas the said combinations, proceeding in a manner subversive equally of the just authority of government and of the rights of individuals, have hitherto effected their dangerous and criminal purpose by the influence of certain irregular meetings whose proceedings have tended to encourage and uphold the spirit of opposition by misrepresentations of the laws calculated to render them odious; by endeavors to deter those who might be so disposed from accepting offices under them through fear of public resentments and of injury to person and property, and to compel those who had accepted such offices by actual violence to surrender or forbear the execution of them; by circulating vindictive measures against all who should otherwise, directly or indirectly, aid in the execution of the said laws, or who, yielding to the dictates of conscience and to a sense of obligation, should themselves com-

ply therewith; by actually injuring and destroying the property of persons who were understood to have so complied; by inflicting cruel, humiliating punishments upon private citizens for no other cause than that of appearing to be the friends of the laws; by interrupting the public officers on the highways, abusing, assaulting, and otherwise ill treating them; by going to their houses in the night, gaining admittance by force, taking away their papers, and committing other outrages; employing for these unwarrantable purposes the agency of armed banditti, disguised in such a manner as for the most part to escape discovery; and whereas the endeavors of the legislature to obviate objections to the said laws, by lowering the duties and by other alterations conducive to the convenience of those whom they immediately affected (though they have given satisfaction in other quarters), and the endeavors of the executive officers to conciliate a compliance with the laws, by expostulation, by forbearance, and even by recommendations founded on the suggestion of local considerations, have been disappointed of their effect by the machinations of persons whose industry to excite resistance has increased with the appearance of a disposition among the people to relax in their opposition and to acquiesce in the laws; insomuch that many persons in the said western parts of Pennsylvania have at length been hardy enough to perpetrate acts which I am advised amount to treason, being overt acts of levying war against the United States; the said persons having, on the sixteenth and seventeenth of July last, proceeded in arms (on the second day amounting to several hundred) to the house of John Neville, inspector of the revenues for the fourth survey of the districts of Pennsylvania — having repeatedly attacked the said house with the persons therein, wounding some of them — having seized David Lennox, marshal of the district of Pennsylvania, who previously thereto had been fired upon while in the execution of his duty by a party of men, detaining him for some time prisoner, till for the preservation of his life and obtaining of his liberty he found it necessary to enter into stipulations to forbear the execution of certain official duties touching processes issuing out of a court of the United States — and having finally obliged the said inspector of the revenue and the marshal, from considerations of personal safety, to fly from this part of the country, in order by a circuitous route to proceed to the seat of government, avowing as the motives of these outrageous proceedings an intention to prevent by force of arms the execution of the said laws, to oblige the said inspector of the revenue to renounce his office, to withstand by open violence the lawful authority of the government of the United States, and to compel thereby an alteration in the measures of the legislature, and a repeal of the laws aforesaid: — *And whereas*, by a law of the United States, entitled “An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions,” it is enacted “that whenever the laws of the United States shall be opposed or the execution thereof obstructed in any state by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by that act, the same being notified by an associate justice or the district judges, it shall be lawful for the president of the United States to call forth the militia of said state to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a state where such combinations may happen, shall refuse or shall be insufficient to suppress the same, it shall be lawful for the president, if the

legislature of the United States shall not be in session, to call forth and employ such numbers of the militia of any other state or states most convenient thereto as may be necessary; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session; *Provided always*, that whenever it may be necessary in the judgment of the president to use the military force hereby directed to be called forth, the president shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes within a limited time:" — *And whereas*, James Wilson, an associate justice, on the fourth instant, by writing under his hand, did, from evidence which had been laid before him, notify to me that "in the counties of Washington and Allegany, in Pennsylvania, the laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district;"

And whereas it is in my judgment necessary, under the circumstances of the case, to take measures for calling forth the militia in order to suppress the combination aforesaid and to cause the laws to be duly executed; and I have accordingly determined so to do, feeling the deepest regret for the occasion, but withal the most solemn conviction that the essential interests of the Union demand it, that the very existence of government and the fundamental principles of social order are materially involved in the issue, and that the patriotism and firmness of all good citizens are seriously called upon, as occasion may require, to aid in the effectual suppression of so fatal a spirit.

Wherefore, and in pursuance of the provision above recited, I, George Washington, president of the United States, do hereby command all persons, being insurgents as aforesaid, and all others whom it may concern, on or before the first day of September next, to disperse and return peaceably to their respective abodes. And I do moreover warn all persons whomsoever against aiding, abetting or comforting the perpetrators of the aforesaid treasonable acts; and do require all officers, and other citizens, according to their respective duties and the law of the land, to exert their utmost endeavors to prevent and suppress such dangerous proceedings.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the seventh day of August, one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

GEORGE WASHINGTON.

PROCLAMATION.

SEPTEMBER 25, 1794.

WHEREAS, from a hope that the combination against the constitution and laws of the United States in certain of the western counties of Pennsylvania, would yield to time and reflection, I thought it sufficient in the first instance rather to *take measures* for calling forth the militia than immediately to embody them; but the moment is now come when the overtures

of forgiveness, with no other condition than a submission to law, have been only partially accepted; when every form of conciliation not inconsistent with the being of government has been adopted without effect; when the well-disposed in those counties are unable by their influence and example to reclaim the wicked from their fury, and are compelled to associate in their own defence; when the proffered lenity has been perversely misinterpreted into an apprehension that the citizens will march with reluctance; when the opportunity of examining the serious consequences of a treasonable opposition has been employed in propagating principles of anarchy, endeavoring through emissaries to alienate the friends of order from its support, and inviting its enemies to perpetrate similar acts of insurrection; when it is manifest that violence would continue to be exercised upon every attempt to enforce the laws; when, therefore, government is set at defiance, the contest being whether a small portion of the United States shall dictate to the whole Union, and, at the expense of those who desire peace, indulge a desperate ambition;

Now, therefore, I, George Washington, president of the United States, in obedience to that high and irresistible duty consigned to me by the constitution "to take care that the laws be faithfully executed," deploring that the American name should be sullied by the outrages of citizens on their own government, commiserating such as remain obstinate from delusion, but resolved, in perfect reliance on that gracious providence which so signally displays its goodness towards this country, to reduce the refractory to a due subordination to the laws, do hereby declare and make known, with a satisfaction which can be equalled only by the merits of the militia summoned into service from the states of New Jersey, Pennsylvania, Maryland, and Virginia, that I have received intelligence of their patriotic alacrity in obeying the call of the present, though painful, yet commanding necessity; that a force which, according to every reasonable expectation, is adequate to the exigency, is already in motion to the scene of disaffection; that those who shall have confided or shall confide in the protection of government shall meet full succor under the standard and from the arms of the United States; that those who, having offended against the laws, have since entitled themselves to indemnity, will be treated with the most liberal good faith, if they shall not have forfeited their claim by any subsequent conduct, and that instructions are given accordingly.

And I do moreover exhort all individuals, officers and bodies of men to contemplate with abhorrence the measures leading directly or indirectly to those crimes which produce this resort to military coercion; to check, in their respective spheres, the efforts of misguided or designing men to substitute their misrepresentation in the place of truth, and their discontents in the place of stable government; and to call to mind that, as the people of the United States have been permitted, under the Divine favor, in perfect freedom, after solemn deliberation, and in an enlightened age, to elect their own government, so will their gratitude for this inestimable blessing be best distinguished by firm exertion to maintain the constitution and the laws.

And lastly, I again warn all persons whomsoever and wheresoever not to abet, aid or comfort the insurgents aforesaid, as they will answer the contrary at their peril; and I do also require all officers and other citizens, as far as may be in their power, to bring under the cognizance of the laws all offenders in the premises.

In testimony whereof, I have caused the seal of the United States of

America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-fifth day of September, one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

GEORGE WASHINGTON.

FAREWELL ADDRESS.

SEPTEMBER 17, 1796.

Friends and Fellow Citizens:

THE period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom the choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice

and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead — amidst appearances sometimes dubious — vicissitudes of fortune often discouraging — in situations in which not unfrequently want of success has countenanced the spirit of criticism — the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing wishes that Heaven may continue to you the choicest tokens of its beneficence — that your union and brotherly affection may be perpetual — that the free constitution which is the work of your hands may be sacredly maintained — that its administration in every department may be stamped with wisdom and virtue — that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of our hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth — as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed — it is of infinite moment that you should properly estimate the immense value of your national union to your collective and

individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *east*, in like intercourse with the *west*, in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of the indispensable outlets for its own productions to the weight, influence, and future maritime strength of the Atlantic side of the union, directed by an indissoluble community of interest, as one nation. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be suffi-

cient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*, *Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is, to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the executive, and in the unanimous ratification by the senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them every thing they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of your own choice, un-

influenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is, the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially, that from the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them upon geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of the public liberty.

Without looking forward to an extremity of this kind, which nevertheless ought not to be entirely out of sight, the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passion. Thus the policy and will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From the natural tendency, it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the other,

has been evinced by experiments ancient and modern—some of them in our country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connection with private and public felicity. Let it be simply asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations. Cultivate peace and

harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages that might be lost by a steady adherence to it? Can it be that Providence has connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices.

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in the place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions and obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times, it makes the animosity of the nation subservient to the projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and the wars of the latter without adequate inducements or justification. It leads, also, to concessions to the favorite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupt, or deluded citizens, who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation to a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak nation towards a great and powerful one, dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence, I conjure you to believe me, fellow citizens, the jealousy of a free people ought to be constantly awake,

since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronising infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the stream of commerce, but forcing nothing; establishing with powers so disposed (in order to give trade a stable course, to define the rights of our merchants, to enable the government to support them) conventional rules of intercourse, the best that present circumstances and natural opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinter-

ested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not having given more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and the other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which, it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and constancy which it is necessary to give it, humanly speaking, the command of its own fortune.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after

forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectations that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government,—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

ADAMS'S
ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 4, 1797.

WHEN it was first perceived, in early times, that no middle course for America remained between unlimited submission to a foreign legislature and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable power of fleets and armies they must determine to resist, than from those contests and dissensions which would certainly arise concerning the forms of government to be instituted over the whole and over parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an overruling Providence which had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present number, not only broke to pieces the chains which were forging and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

The zeal and ardor of the people during the revolutionary war, supplying the place of government, commanded a degree of order sufficient at least for the temporary preservation of society. The confederation which was early felt to be necessary was prepared from the models of the Batavian and Helvetic confederacies, — the only examples which remain with any detail and precision in history, and certainly the only ones which the people at large had ever considered. But reflecting on the striking difference, in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some who assisted in Congress at the formation of it that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals but in states, soon appeared with their melancholy consequences, — universal languor, jealousies and rivalries of states, decline of navigation and commerce, discouragement of necessary manufactures, universal fall in the value of lands and their produce, contempt of public and private faith, loss of consideration and credit with foreign nations, and at length in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations, issued in the present happy constitution of government.

Employed in the service of my country abroad during the whole course of these transactions, I first saw the constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as a result of good heads, prompted by good hearts, as an experiment better adapted to the genius, character, situation, and relations of this nation and country than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some states, my own native state in particular, had contributed to establish. Claiming a right of suffrage, in common with my fellow citizens, in the adoption or rejection of a constitution which was to rule me and my posterity as well as them and theirs, I did not hesitate to express my approbation of it on all occasions, in public and in private. It was not then, nor has been since, any objection to it in my mind that the executive and senate were not more permanent. Nor have I ever entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary, or expedient, and by their representatives in Congress and the state legislature, according to the constitution itself, adopt and ordain.

Returning to the bosom of my country after a painful separation from it for ten years, I had the honor to be elected to a station under the new order of things, and I have repeatedly laid myself under the most serious obligations to support the constitution. The operation of it has equalled the most sanguine expectations of its friends, and from an habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired an habitual attachment to it and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love?

There may be little solidity in an ancient idea that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences; but this is very certain, that to a benevolent human mind there can be no spectacle presented by any nation more pleasing, more noble, majestic or august, than an assembly like that which has so often been seen in this and the other chamber of congress, of a government in which the executive authority, as well as that of all other branches of the legislature, are exercised by citizens selected at regular periods by their neighbors to make and execute the laws for the general good. Can any thing essential, any more than mere ornament and decoration, be added to this by robes and diamonds? Can authority be more amiable and respectable when it descends from accidents, or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people? For it is the people only that are represented. It is their power and majesty that is reflected, and only their good is sought in every legitimate government, under whatever form it may appear. The existence of such a government as ours for any length of time is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object or consideration more pleasing than this can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

In the midst of these pleasing ideas, we should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties—if any thing partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party through artifice or corruption, the government may be the choice of a party for its own ends, not of the nation for the national good. If that solitary suffrage can be obtained by foreign nations by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves. And candid men will acknowledge that in such cases choice would have little advantage to boast of over lot or chance.

Such is the amiable and interesting system of government, and such are some of the abuses to which it may be exposed, which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations for eight years, under the administration of a citizen who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people, inspired with the same virtues and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

In that retirement which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind, the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of this country which is opening from year to year. His name may still be a rampart, and the knowledge that he lives, a bulwark against all open or secret enemies of his country's peace. His example has been recommended to the imitation of his successors by both Houses of Congress, and by the voice of the legislatures and the people throughout the nation.

On this subject it might become me better to be silent, or to speak with diffidence; but as something may be expected, the occasion I hope will be admitted as an apology, if I venture to say that if a preference, upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the constitution of the United States, and a conscientious determination to support it until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the constitutions of the individual states, and a constant caution and delicacy towards the state governments; if an equal and important regard to the rights, interest, honor, and happiness of all the states in the Union, without preference or regard to a northern or southern, an eastern or western position, their various political opinions on essential points, or their personal attachments; if a love of virtuous men of all parties and denominations; if a love of science and letters, and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion among all classes of the people, not only for their benign influence on the happiness of life in all its stages and classes and of society in all its forms, but as the only means of preserving our constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit

of intrigue, the profligacy of corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice, and humanity in the interior administration; if an inclination to improve agriculture, commerce, and manufactures for necessity, convenience, and defence; if a spirit of equity and humanity towards the aboriginal nations of America, and a disposition to meliorate their condition by inclining them to be more friendly to us and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent powers of Europe which has been adopted by this government, and so solemnly sanctioned by both Houses of Congress, and applauded by the legislature of the states and the public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friendship which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint; if an intention to pursue by amicable negotiation a reparation for the injuries that have been committed on the commerce of our fellow citizens by whatever nation, and if success cannot be obtained, to lay the facts before the legislature that they may consider what farther measures the honor and interest of the government and its constituents demand; if a resolution to do justice as far as may depend upon me, at all times and to all nations, and maintain peace, friendship, and benevolence with all the world; if an unshaken confidence in the honor, spirit, and resources of the American people, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured but exalted by experience and age, and, with humble reverence, I feel it to be my duty to add, if a veneration for the religion of a people who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me in any degree to comply with your wishes, it shall be my strenuous endeavor that this sagacious injunction of the two Houses shall not be without effect.

With this great example before me, with the sense and spirit, the faith and honor, the duty and interest, of the same American people pledged to support the constitution of the United States, I entertain no doubt of its continuance in all its energy, and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

And may that Being who is Supreme over all, the Patron of order, the Fountain of justice, and the Protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its government, and give it all possible success and duration consistent with the ends of his Providence.

SPECIAL SESSION.—MESSAGE.

MAY 16, 1797.

Gentlemen of the Senate and House of Representatives:

THE personal inconvenience to the members of the Senate and of the House of Representatives, in leaving their families and private affairs at this season of the year, are so obvious, that I the more regret the extraordinary occasion which has rendered the convention of Congress indispensable.

It would have afforded me the highest satisfaction to have been able to congratulate you on a restoration of peace to the nations of Europe whose animosities have endangered our tranquillity. But we have still abundant cause of gratitude to the Supreme Dispenser of National Blessings, for general health and promising seasons — for domestic and social happiness — for the rapid progress and ample acquisitions of industry through our extensive territories — for civil, political, and religious liberty. While other states are desolated with foreign war, or convulsed with intestine divisions, the United States present the pleasing prospect of a nation governed by mild and equal laws — generally satisfied with the possession of their rights — neither envying the advantages nor fearing the power of other nations — solicitous only for the maintenance of order and justice, and the preservation of liberty — increasing daily in their attachment to a system of government in proportion to their experience of its utility — yielding a ready and general obedience to laws flowing from the reason, and resting on the only solid foundation, the affections of the people.

It is with extreme regret that I shall be obliged to turn your thoughts to other circumstances, which admonish us that some of these felicities may not be lasting. But if the tide of our prosperity is full and a reflux commencing, a vigilant circumspection becomes us, that we may meet our reverses with fortitude, and extricate ourselves from their consequences with all the skill we possess and all the efforts in our power.

In giving to Congress information of the state of the Union, and recommending to their consideration such measures as appear to me to be expedient or necessary, according to my constitutional duty, the causes and the object of the present extraordinary session will be explained.

After the president of the United States received information that the French government had expressed serious discontents at some proceedings of the government of these states said to affect the interests of France, he thought it expedient to send to that country a new minister, fully instructed to enter on such amicable discussions, and to give such candid explanations, as might happily remove the discontents and suspicions of the French government, and vindicate the government of the United States. For this purpose, he selected from among his fellow citizens a character whose integrity, talents, experience, and services had placed him in the rank of the most esteemed and respected in the nation. The direct object of his mission was expressed in his letter of credence to the French republic, being “to maintain that good understanding which, from the commencement of the alliances, had subsisted between the two nations, and to efface unfavorable impressions, banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union.” And his instructions were to the same effect, “faithfully to represent the disposition of the govern-

ment and people of the United States, their disposition being one to remove jealousies and obviate complaints by showing that they were groundless, to restore that mutual confidence which had been so unfortunately and injuriously impaired, and to explain the relative interests of both countries, and the real sentiments of his own.'

A minister thus specially commissioned it was expected would prove the instrument of restoring mutual confidence between the republics. The first step of the French government corresponded with that expectation. A few days before his arrival at Paris, the French minister of foreign relations informed the American minister then resident at Paris of the formalities to be observed by himself in taking leave, and by his successor preparatory to his reception. These formalities they observed, and on the 9th December presented officially to the minister of foreign relations, the one a copy of his letters of recall, the other a copy of his letters of credence.

These were laid before the executive directory. Two days afterward, the minister of foreign relations informed the recalled American minister that the executive directory had determined not to receive another minister plenipotentiary from the United States until after the redress of grievances demanded of the American government, and which the French republic had a right to expect from it. The American minister immediately endeavored to ascertain whether, by refusing to receive him, it was intended that he should retire from the territories of the French republic; and verbal answers were given that such was the intention of the directory. For his own justification, he desired a written answer; but obtained none until towards the last of January, when, receiving notice in writing to quit the territories of the republic, he proceeded to Amsterdam, where he proposed to wait for instructions from this government. During his residence at Paris, cards of hospitality were refused him, and he was threatened with being subjected to the jurisdiction of the minister of the police; but with becoming firmness, he insisted on the protection of the law of nations due to him as the known minister of a foreign power. You will derive farther information from his despatches, which will be laid before you.

As it is often necessary that nations should treat for the mutual advantage of their affairs, and especially to accommodate and terminate difficulties, and as they can treat only by ministers, the right of embassy is well known and established by the law and usage of nations. The refusal on the part of France to receive our minister is, then, the denial of a right; but the refusal to receive him until we have acceded to their demands without discussion and without investigation, is to treat us neither as allies, nor as friends, nor as a sovereign state.

With this conduct of the French government, it will be proper to take into view the public audience given to the late minister of the United States on his taking leave of the executive directory. The speech of the president discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union, and at the same time studiously marked with indignities towards the government of the United States. It evinces a disposition to separate the people of the United States from the government — to persuade them that they have different affections, principles, and interests from those of their fellow citizens whom they themselves have chosen to manage their common concerns — and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision that shall convince France and the world that we are not a degraded people,

humbled under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest.

I should have been happy to have thrown a veil over these transactions, if it had been possible to conceal them; but they have passed on the great theatre of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity that they cannot be disguised, and will not soon be forgotten. They have inflicted a wound on the American breast. It is my sincere desire, however, that it may be healed.

It is my sincere desire, and in this I presume I concur with you and with our constituents, to preserve peace and friendship with all nations; and believing that neither the honor nor the interest of the United States absolutely forbid the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation on terms compatible with the rights, duties, interests, and honor of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them. And equal measures of justice we have a right to expect from France, and every other nation.

The diplomatic intercourse between the United States and France being at present suspended, the government has no means of obtaining official information from that country. Nevertheless, there is reason to believe that the executive directory passed a decree on the second of March last, contravening in part the treaty of amity and commerce of one thousand seven hundred and seventy-eight, injurious to our lawful commerce and endangering the lives of our citizens. A copy of this decree will be laid before you.

While we are endeavoring to adjust all our differences with France by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of our affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.

The commerce of the United States has become an interesting object of attention, whether we consider it in relation to the wealth and finances, or the strength and resources, of the nation. With a sea-coast of near two thousand miles in extent, opening a wide field for fisheries, navigation, and commerce, a great portion of our citizens naturally apply their industry and enterprise to those objects. Any serious and permanent injury to commerce would not fail to produce the most embarrassing disorders. To prevent it from being undermined and destroyed, it is essential that it receive an adequate protection.

The naval establishment must occur to every man who considers the injuries committed on our commerce, and the insults offered to our citizens, and the description of the vessels by which these abuses have been practised. As the sufferings of our mercantile and seafaring citizens cannot be ascribed to the omission of duties demandable, considering the neutral situation of our country, they are to be attributed to the hope of impunity, arising from a supposed inability on our part to afford protection. To resist the consequences of such impressions on the minds of foreign nations, and to guard against the degradation and servility which they must finally stamp on the American character, is an important duty of government.

A naval power, next to the militia, is the natural defence of the United

States. The experience of the last war would be sufficient to show that a moderate naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable transportations of troops from one state to another which were then practised. Our sea-coasts, from their great extent, are more easily annoyed and more easily defended by a naval force than any other. With all the materials, our country abounds; in skill, our naval architects and navigators are equal to any; and commanders and seamen will not be wanting.

But although the establishment of a permanent system of naval defence appears to be requisite, I am sensible it cannot be formed so speedily and extensively as the present crisis demands. Hitherto, I have thought proper to prevent the sailing of armed vessels, except on voyages to the East Indies, where general usage and the danger from pirates appeared to render the permission proper. Yet the restriction has originated solely from a wish to prevent collisions with the powers at war, contravening the act of Congress of June, one thousand seven hundred and ninety-four, and not from any doubt entertained by me of the policy and propriety of permitting our vessels to employ means of defence while engaged in a lawful foreign commerce. It remains for Congress to prescribe such regulations as will enable our seafaring citizens to defend themselves against violations of the law of nations, and at the same time restrain them from committing acts of hostility against the powers at war. In addition to this voluntary provision for defence by individual citizens, it appears to me necessary to equip the frigates, and to provide other vessels of inferior force, to take under convoy such merchant vessels as shall remain unarmed.

The greater part of the cruisers, whose depredations have been most injurious, have been built, and some of them partially equipped, in the United States. Although an effectual remedy may be attended with difficulty, yet I have thought it my duty to present the subject generally to your consideration. If a mode can be devised by the wisdom of Congress to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view, I think it proper to mention that some of our citizens, residents abroad, have fitted out privateers, and others have voluntarily taken the command, or entered on board of them, and committed spoliations on the commerce of the United States. Such unnatural and iniquitous practices can be restrained only by severe punishments.

But besides a protection of our commerce on the seas, I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe, and the well-known promptitude, ardor, and courage of the people in defence of their country, happily diminish the probability of invasion. Nevertheless, to guard against sudden and predatory incursions, the situation of some of our principal seaports demands your consideration. And as our country is vulnerable in other interests besides those of commerce, you will seriously deliberate whether the means of general defence ought not to be increased by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army.

With the same view, and as a measure which, even in time of universal peace, ought not to be neglected, I recommend to your consideration a revision of the laws for organizing, arming, and disciplining the militia, to render that natural and safe defence of the country efficacious.

Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can, yet to effect this separation, early, punctual, and continual information of the current chain of events, and of the political projects in contemplation, is no less necessary than if we were directly concerned in them. It is necessary, in order to the discovery of the efforts made to draw us in the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which can never be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one half of Europe at least, if we should voluntarily throw ourselves into either scale. It is a natural policy for a nation that studies to be neutral to consult with other nations engaged in the same studies and pursuits. At the same time that measures might be pursued with this view, our treaties with Prussia and Sweden, one of which is expired and the other near expiring, might be renewed.

Gentlemen of the House of Representatives:

It is particularly your province to consider the state of the public finances, and to adopt such measures respecting them as exigencies shall be found to require. The preservation of public credit, the regular extinguishment of the public debt, and a provision of funds to defray any extraordinary expenses, will of course call for your serious attention. Although the imposition of new burthens cannot be in itself agreeable, yet there is no ground to doubt that the American people will expect from you such measures as their actual engagements, their present security, and future interests demand.

Gentlemen of the Senate and House of Representatives:

The present situation of our country imposes an obligation on all the departments of government to adopt an explicit and decided conduct. In my situation, an exposition of the principles by which my administration will be governed ought not to be omitted.

It is impossible to conceal from ourselves or the world, what has been before observed, that endeavors have been employed to foster and establish a division between the government and the people of the United States. To investigate the causes which have encouraged this attempt is not necessary; but to repel, by decided and united councils, insinuations so derogatory to the honor, and aggressions so dangerous to the constitution, union, and even independence of the nation, is an indispensable duty.

It must not be permitted to be doubted whether the people of the United States will support the government established by their voluntary consent and appointed by their free choice, or whether, surrendering themselves to the direction of foreign and domestic factions, in opposition to their own government, they will forfeit the honorable station they have hitherto maintained.

For myself, having never been indifferent to what concerned the interests of my country — devoted the best part of my life to obtain and support its independence — and constantly witnessed the patriotism, fidelity, and perseverance of my fellow citizens on the most trying occasions — it is not for me to hesitate or abandon a cause in which my heart has been so long engaged.

Convinced that the conduct of the government has been just and impartial

to foreign nations—that those internal regulations which have been established by law for the preservation of peace are, in their nature, proper, and that they have been fairly executed—nothing will ever be done by me to impair the national engagements, to innovate upon principles which have been so deliberately and uprightly established, or to surrender in any manner the rights of the government. To enable me to maintain this declaration, I rely, under God, with entire confidence on the firm and enlightened support of the national legislature, and upon the virtue and patriotism of my fellow citizens.

FIRST ANNUAL ADDRESS.

NOVEMBER 23, 1797.

Gentlemen of the Senate and House of Representatives:

I WAS for some time apprehensive that it would be necessary, on account of the contagious sickness which afflicted the city of Philadelphia, to convene the national legislature at some other place. This measure it was desirable to avoid, because it would occasion much public inconvenience and a considerable public expense, and add to the calamities of the inhabitants of this city, whose sufferings must have excited the sympathy of all their fellow citizens. Therefore, after taking measures to ascertain the state and decline of the sickness, I postponed my determination, having hopes (now happily realized) that, without hazard to the lives of the members, Congress might assemble at this place, where it was by law next to meet. I submit, however, to your consideration, whether a power to postpone the meeting of Congress, without passing the time fixed by the constitution upon such occasions, would not be a useful amendment to the law of one thousand seven hundred and ninety-four.

Although I cannot yet congratulate you on the re-establishment of peace in Europe, and the restoration of security to the persons and properties of our citizens from injustice and violence at sea, we have, nevertheless, abundant cause of gratitude to the Source of Benevolence and Influence for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvements, and, above all, for a rational spirit of civil and religious liberty, and a calm but steady determination to support our sovereignty, as well as our moral and religious principles, against all open and secret attacks.

Our envoys extraordinary to the French republic embarked, one in July, the other early in August, to join their colleague in Holland. I have received intelligence of the arrival of both of them in Holland, from whence they all proceeded on their journey to Paris, within a few days of the 19th of September. Whatever may be the result of this mission, I trust that nothing will have been omitted on my part to conduct the negotiation to a successful conclusion, on such equitable terms as may be compatible with the safety, honor, and interest of the United States. Nothing, in the mean time, will contribute so much to the preservation of peace and the attainment of justice, as a manifestation of that energy and unanimity of which, on many former occasions, the people of the United States have given such memorable proofs, and the exertion of those resources for

national defence which a beneficent Providence has kindly placed within their power.

It may be confidently asserted, that nothing has occurred since the adjournment of Congress which renders inexpedient those precautionary measures recommended by me to the consideration of the two Houses at the opening of your late extraordinary session. If that system was then prudent, it is more so now, as increasing depredations strengthen the reasons for its adoption.

Indeed, whatever may be the issue of the negotiation with France, and whether the war in Europe is or is not to continue, I hold it most certain that permanent tranquillity and order will not soon be obtained. The state of society has so long been disturbed, the sense of moral and religious obligations so much weakened, public faith and national honor have been so impaired, respect to treaties has been so diminished, and the law of nations has lost so much of its force, while pride, ambition, avarice, and violence have been so long unrestrained, that there remains no reasonable ground on which to raise an expectation that a commerce without protection or defence will not be plundered.

The commerce of the United States is essential, if not to their existence, at least to their comfort, their growth, prosperity, and happiness. The genius, character, and habits of the people are highly commercial. Their cities have been formed and exist upon commerce. Our agriculture, fisheries, arts, and manufactures are connected with and depend upon it. In short, commerce has made this country what it is, and it cannot be destroyed or neglected without involving the people in poverty and distress. Great numbers are directly and solely supported by navigation. The faith of society is pledged for the preservation of the rights of commercial and seafaring, no less than of the other, citizens. Under this view of our affairs, I should hold myself guilty of a neglect of duty if I forbore to recommend that we should make every exertion to protect our commerce, and to place our country in a suitable posture of defence, as the only sure means of preserving both.

I had entertained an expectation that it would have been in my power, at the opening of this session, to have communicated to you the agreeable information of the due execution of our treaty with His Catholic Majesty respecting the withdrawing of his troops from our territory and the demarcation of the line of limits. But by the latest authentic intelligence, Spanish garrisons were still continued within our country, and the running of the boundary line had not been commenced. These circumstances are the more to be regretted, as they cannot fail to affect the Indians in a manner injurious to the United States. Still, however, indulging the hope that the answers which have been given will remove the objections offered by the Spanish officers to the immediate execution of the treaty, I have judged it proper that we should continue in readiness to receive the posts and to run the line of limits. Farther information on this subject will be communicated in the course of the session.

In connection with this unpleasant state of things on our western frontier, it is proper for me to mention the attempts of foreign agents to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States. Great activity has been exerted, by those persons who have insinuated themselves among the Indian tribes residing within the territory of the United States, to influence them to transfer their affections

and force to a foreign nation, to form them into a confederacy and prepare them for a war against the United States. Although measures have been taken to counteract these infractions of our rights, to prevent Indian hostilities, and to preserve entire their attachment to the United States, it is my duty to observe, that to give a better effect to these measures, and to obviate the consequences of a repetition of such practices, a law providing adequate punishment for such offences may be necessary.

The commissioners appointed under the fifth article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, to ascertain the river which was truly intended under the name of the river St. Croix mentioned in the treaty of peace, met at Passamaquoddy Bay, in October, one thousand seven hundred and ninety-six, and viewed the mouths of the rivers in question and adjacent shores on the Islands; and being of opinion that actual surveys of both rivers to their sources were necessary, gave to the agents of the two nations instructions for that purpose, and adjourned to meet at Boston in August. They met. But the surveys requiring more time than had been supposed, and not being then completed, the commissioners again adjourned to meet at Providence, in the State of Rhode Island, in June next, when we may expect a final examination and decision.

The commissioners appointed in pursuance of the sixth article of the treaty, met at Philadelphia in May last, to examine the claims of British subjects for debts contracted before the peace, and still remaining due to them from citizens or inhabitants of the United States. Various causes have hitherto prevented any determinations, but the business is now resumed and doubtless will be prosecuted without interruption.

Several decisions on the claims of the citizens of the United States for losses and damages sustained by reason of irregular and illegal captures or condemnations of their vessels or other property, have been made by the commissioners in London conformably to the seventh article of the treaty. The sums awarded by the commissioners have been paid by the British government. A considerable number of other claims, where cost and damages, and not captured property, were the only objects in question, have been decided by arbitration, and the sums awarded to the citizens of the United States have also been paid.

The commissioners appointed agreeably to the twenty-first article of our treaty with Spain, met at Philadelphia in the summer past, to examine and decide on the claims of our citizens for losses they have sustained in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty during the late war between Spain and France. Their sittings have been interrupted, but are now resumed.

The United States being obligated to make compensation for the losses and damages sustained by British subjects, upon the award of the commissioners acting under the sixth article of the treaty with Great Britain, and for the losses and damages sustained by British subjects by reason of the capture of their vessels and merchandise taken within the limits and jurisdiction of the United States and brought into their ports, or taken by vessels originally armed in ports of the United States, upon the awards of the commissioners acting under the seventh article of the same treaty, it is necessary that provision be made for fulfilling these obligations.

The numerous captures of American vessels by the cruisers of the French republic and by some of those of Spain, have occasioned considerable ex-

penses in making and supporting the claims of our citizens before their tribunals. The sums required for this purpose have in divers instances been disbursed by the consuls of the United States. By means of the same captures, great numbers of our seamen have been thrown ashore in foreign countries, destitute of all means of subsistence, and the sick in particular have been exposed to grievous sufferings. The consuls have in these cases also advanced money for their relief. For these advances they reasonably expect reimbursements from the United States.

The consular act relative to seamen requires revision and amendment: the provisions for their support in foreign countries, and for their return, are found to be inadequate and ineffectual.

Another provision seems necessary to be added to the consular act: some foreign vessels have been discovered sailing under the flag of the United States and with forged papers. It seldom happens that the consuls can detect this deception, because they have no authority to demand an inspection of the registers and sea letters.

Gentlemen of the House of Representatives :

It is my duty to recommend to your serious consideration those objects which by the constitution are placed particularly within your sphere—the national debts and taxes.

Since the decay of the feudal system, by which the public defence was provided for chiefly at the expense of individuals, the system of loans has been introduced; and as no nation can raise within the year, by taxes, sufficient sums for defence and for military operations in time of war, the sums loaned and debts contracted have necessarily become the subjects of what have been called funding systems. The consequences arising from the continual accumulation of public debts in other countries ought to admonish us to be careful to prevent their growth in our own. The national defence must be provided for as well as the support of government, but both should be accomplished as much as possible by immediate taxes, and as little as possible by loans.

The estimates for the service of the ensuing year will by my direction be laid before you.

Gentlemen of the Senate and House of Representatives :

We are met together at a most interesting period. The situations of the principal powers of Europe are singular and portentous. Connected with some by treaties, and with all by commerce, no important event there can be indifferent to us. Such circumstances call with peculiar importunity not less for a disposition to unite in all those measures on which the honor, safety, and prosperity of our country depend, than for all the exertions of wisdom and firmness.

In all such measures you may rely on my zealous and hearty concurrence.

SPECIAL MESSAGE.

FEBRUARY 5, 1798.

Gentlemen of the Senate and House of Representatives :

I HAVE received a letter from his excellency Charles Pinckney, Esquire, governor of the State of South Carolina, dated the 22d of October, 1797,

enclosing a number of depositions and witnesses to several captures and outrages, committed within and near the limits of the United States by a French privateer belonging to Cape Francois or Monto Christo, called the Vertitude or Fortitude, and commanded by a person of the name of Jordan or Jourdain, and particularly upon an English merchant-ship named the Oracabissa, which he first plundered and then burned, with the rest of her cargo of great value, within the territory of the United States, in the harbor of Charleston, on the 17th of October last; copies of which letter and depositions, and also of several other depositions relative to the same subject, received from the collector of Charleston, are herewith communicated.

Whenever the channel of diplomatic communication between the United States and France shall be opened, I shall demand satisfaction for the insult and reparation for the injury.

I have transmitted those papers to Congress, not so much for the purpose of communicating an account of so daring a violation of the territory of the United States, as to show the propriety and necessity of enabling the executive authority of government to take measures for protecting the citizens of the United States, and such foreigners as have a right to enjoy their peace and the protection of their laws within their limits, in that as well as some other harbors which are equally exposed.

SPECIAL MESSAGE.

MARCH 19, 1798.

Gentlemen of the Senate and House of Representatives:

THE despatches from the envoys extraordinary of the United States to the French republic, which were mentioned in my message, to both Houses of Congress, of the fifth instant, have been examined and maturely considered.

While I feel a satisfaction in informing you that their exertions for the adjustment of the differences between the two nations have been sincere and unremitting, it is incumbent on me to declare that I perceive no ground of expectation that the objects of their mission can be accomplished on terms compatible with the safety, the honor, or the essential interests of the nation.

This result cannot with justice be attributed to any want of moderation on the part of this government, or to any indisposition to forego secondary interests for the preservation of peace. Knowing it to be my duty, and believing it to be your wish, as well as that of the great body of the people, to avoid by all reasonable concessions any participation in the contentions of Europe, the powers vested in our envoys were commensurate with a liberal and pacific policy and that high confidence which might justly be reposed in the abilities, patriotism, and integrity of the characters to whom the negotiation was committed. After a careful review of the whole subject, with the aid of all the information I have received, I can discern nothing which could have insured or contributed to success that has been omitted on my part, and nothing farther which can be attempted consistently with maxims for which our country has contended at every hazard, and which constitute the basis of our national sovereignty.

Under these circumstances, I cannot forbear to reiterate the recommendations which have been formerly made, and to exhort you to adopt with

promptitude, decision, and unanimity, such measures as the ample resources of the country afford for the protection of our seafaring and commercial citizens; for the defence of any exposed portions of our territory; for replenishing our arsenals and establishing foundries and military manufactories; and to provide such efficient revenue as will be necessary to defray extraordinary expenses, and supply the deficiencies which may be occasioned by depredations on our commerce.

The present state of things is so essentially different from that under which instructions were given to the collectors to restrain vessels of the United States from sailing in an armed condition, that the principle on which those orders were issued has ceased to exist. I therefore deem it proper to inform Congress, that I no longer conceive myself justifiable in continuing them, unless in particular cases where there may be reasonable ground of suspicion that such vessels are intended to be employed contrary to law.

In all your proceedings it will be important to manifest a zeal, vigor, and concert in defence of the national rights, proportioned to the danger with which they are threatened.

SECOND ANNUAL ADDRESS.

DECEMBER 8, 1798.

Gentlemen of the Senate and House of Representatives :

WHILE with reverence and resignation we contemplate the dispensations of divine Providence in the alarming and destructive pestilence with which several of our cities and towns have been visited, there is cause for gratitude and mutual congratulations that the malady has disappeared, and that we are again permitted to assemble in safety at the seat of government for the discharge of our important duties. But when we reflect that this fatal disorder has within a few years made repeated ravages in some of our principal seaports and with increased malignancy—and when we consider the magnitude of the evils arising from the interruption of public and private business, whereby the national interests are deeply affected, I think it my duty to invite the legislature of the Union to examine the expediency of establishing suitable regulations in aid of the health laws of the respective states; for these being formed on the idea that contagious sickness may be communicated through the channels of commerce, there seems to be a necessity that Congress, who alone can regulate trade, should frame a system which, while it may tend to preserve the general health, may be compatible with the interests of commerce and the safety of the revenue.

While we think on this calamity and sympathize with the immediate sufferers, we have abundant reason to present to the Supreme Being our annual oblations of gratitude for a liberal participation in the ordinary blessings of his providence. To the usual subjects of gratitude, I cannot omit to add one of the first importance to our well-being and safety, — I mean that spirit which has arisen in our country against the menace and aggression of a foreign nation. A manly sense of national honor, dignity, and independence has appeared, which, if encouraged and invigorated by every branch of the government, will enable us to view undismayed the enterprises of any foreign power, and become the sure foundation of national prosperity and glory.

The course of the transactions in relation to the United States and France which have come to my knowledge during your recess, will be made the subject of a future communication. That communication will confirm the ultimate failure of the measures which have been taken by the government of the United States towards an amicable adjustment of differences with that power. You will at the same time perceive that the French government appears solicitous to impress the opinion that it is averse to a rupture with this country, and that it has in a qualified manner declared itself willing to receive a minister from the United States for the purpose of restoring a good understanding. It is unfortunate for professions of this kind that they should be expressed in terms which may countenance the inadmissible pretension of a right to prescribe the qualifications which a minister from the United States should possess, and that, while France is asserting the existence of a disposition on her part to conciliate with sincerity the differences which have arisen, the sincerity of a like disposition on the part of the United States, of which so many demonstrative proofs have been given, should even be indirectly questioned. It is also worthy of observation, that the decree of the directory alleged to be intended to restrain the depredations of French cruisers on our commerce, has not given and cannot give, any relief. It enjoins them to conform to all the laws of France relative to cruising and prizes, while these laws are themselves the sources of the depredations of which we have so long, so justly, and so fruitlessly complained.

The law of France, enacted in January last, which subjects to capture and condemnation neutral vessels and their cargoes, if any portion of the latter are of British fabric or produce, although the entire property belong to neutrals, instead of being rescinded, has lately received a confirmation by the failure of a proposition for its repeal. While this law, which is an unequivocal act of war on the commerce of the nations it attacks, continues in force, those nations can see in the French government only a power regardless of their essential rights, of their independence and sovereignty; and if they possess the means, they can reconcile nothing with their interest and honor but a firm resistance.

Hitherto, therefore, nothing is discovered in the conduct of France which ought to change or relax our measures of defence. On the contrary, to extend and invigorate them is our true policy. We have no reason to regret that these measures have been thus far adopted and pursued, and in proportion as we enlarge our view of the portentous and incalculable situation of Europe, we shall discover new and cogent motives for the full development of our energies and resources.

But by demonstrating in our conduct that we do not fear war in the necessary protection of our rights and honor, we shall give no room to infer that we abandon the desire for peace. An efficient preparation for war can alone ensure peace. It is peace that we have uniformly and perseveringly cultivated, and harmony between us and France may be restored at her option. But to send another minister without more determinate assurances that he would be received, would be an act of humiliation to which the United States ought not to submit. It must therefore be left with France (if she is indeed desirous of accommodation) to take the requisite steps. The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy. And with a sincere disposition on the part of France to desist from hostilities, to make

reparation for the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration, I give a pledge to France and the world that the executive authority of this country still adheres to the humane and pacific policy which has invariably governed its proceedings, in conformity with the wishes of the other branches of the government and of the people of the United States. But considering the late manifestations of her policy towards foreign nations, I deem it a duty deliberately and solemnly to declare my opinion, that whether we negotiate with her or not, vigorous preparations for war will be alike indispensable. These alone will give to us an equal treaty, and ensure its observance.

Among the measures of preparation which appear expedient, I take the liberty to recall your attention to the naval establishment. The beneficial effect of the small naval armament provided under the acts of the last session are known and acknowledged. Perhaps no country ever experienced more sudden and remarkable advantages from any measure of policy than we have derived from the arming for our maritime protection and defence. We ought without loss of time to lay the foundation for an increase of our navy to a size sufficient to guard our coast and protect our trade. Such a naval force as it is doubtless in the power of the United States to create and maintain, would also afford to them the best means of general defence by facilitating the safe transportation of troops and stores to every part of our extensive coast. To accomplish this important object, a prudent foresight requires that systematic measures be adopted for procuring at all times the requisite timber and other supplies. In what manner this shall be done, I leave for your consideration.

I will now advert, gentlemen, to some matters of less moment, but proper to be communicated to the national legislature.

After the Spanish garrisons had evacuated the posts they occupied at the Natchez and Walnut hills, the commissioner of the United States commenced his observations to ascertain the point near the Mississippi which terminated the northernmost part of the thirty-first degree of north latitude. Thence he proceeded to run the boundary line between the United States and Spain. He was afterwards joined by the Spanish commissioner, when the work of the former was confirmed, and they proceeded together to the demarcation of the line. Recent information renders it probable that southern Indians, either instigated to oppose the demarcation or jealous of the consequences of suffering white people to run a line over lands to which the Indian title had not been extinguished, have ere this time stopped the progress of the commissioners. And considering the mischiefs which may result from continuing the demarcation in opposition to the will of the Indian tribes, the great expense attending it, and that the boundaries which the commissioners have actually established probably extend at least as far as the Indian title had been extinguished, it will perhaps become expedient and necessary to suspend farther proceedings by recalling our commissioner.

The commissioners appointed in pursuance of the fifth article of the treaty of amity, commerce, and navigation, between the United States and His Britannic Majesty, to determine what river was truly intended under the name of the river St. Croix mentioned in the treaty of peace, and forming a part of the boundary therein described, have finally decided that question. On the 25th of October, they made their declaration that a river called Schoodiac,

which falls into Passamaquoddy Bay at its northwestern quarter, was the true St. Croix intended in the treaty of peace, as far as its great fork, where one of its streams comes from the westward and the other from the northward, and that the latter stream is the continuation of the St. Croix to its source. This decision, it is understood, will preclude all contention among individual claimants, as it seems that the Schoodiac and its northern branch bound the grants of land which have been made by the respective adjoining governments. A subordinate question, however, it has been suggested, still remains to be determined. Between the mouth of the St. Croix as now settled and what is usually called the Bay of Fundy, lie a number of valuable islands. The commissioners have not continued the boundary line through any channel of these islands, and unless the Bay of Passamaquoddy be a part of the Bay of Fundy, this farther adjustment of boundary will be necessary. But it is apprehended that this will not be a matter of any difficulty.

Such progress has been made in the examination and decision of cases of captures and condemnations of American vessels which were the subject of the seventh article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, that it is supposed the commissioners will be able to bring their business to a conclusion in August of the ensuing year.

The commissioners acting under the twenty-fifth article of the treaty between the United States and Spain, have adjusted most of the claims of our citizens for losses sustained in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty during the late war between France and Spain.

Various circumstances have occurred to delay the execution of the law for augmenting the military establishment; among these, the desire of obtaining the fullest information to direct the best selection of officers. As this object will not be speedily accomplished, it is expected that the raising and organizing of the troops will proceed without obstacle and with effect.

Gentlemen of the House of Representatives:

I have directed an estimate of the appropriations which will be necessary for the service of the ensuing year to be laid before you, accompanied with a view of the public receipts and expenditures to a recent period. It will afford you satisfaction to infer the great extent and solidity of the public resources from the prosperous state of the finances, notwithstanding the unexampled embarrassments which have attended commerce. When you reflect on the conspicuous examples of patriotism and liberality which have been exhibited by our mercantile fellow citizens, and how great a portion of the public resources depends on their enterprise, you will naturally consider whether their convenience cannot be promoted and reconciled with the security of the revenue by a revision of the system by which the collection is at present regulated.

During your recess, measures have been steadily pursued for effecting the valuations and returns directed by the act of the last session, preliminary to the assessment and collection of a direct tax. No other delays or obstacles have been experienced, except such as were expected to arise from the great extent of our country and the magnitude and novelty of the operation, and enough has been accomplished to assure a fulfilment of the views of the legislature.

Gentlemen of the Senate and House of Representatives :

I cannot close this address without once more adverting to our political situation, and inculcating the essential importance of uniting in the maintenance of our dearest interests; and I trust that by the temper and wisdom of your proceedings, and by a harmony of measures, we shall secure to our country that weight and respect to which it is so justly entitled.

THIRD ANNUAL ADDRESS.

DECEMBER 3, 1799.

Gentlemen of the Senate and House of Representatives :

It is with peculiar satisfaction that I meet the sixth Congress of the United States of America. Coming from all parts of the Union at this critical and interesting period, the members must be fully possessed of the sentiments and wishes of our constituents.

The flattering prospects of abundance from the labors of the people by land and sea; the prosperity of our extended commerce, notwithstanding interruptions occasioned by the belligerent state of a great part of the world; the return of health, industry, and trade to those cities which have lately been afflicted with disease; and the various and inestimable advantages, civil and religious, which, secured under our happy frame of government, are continued to us unimpaired, demand of the whole American people sincere thanks to a benevolent Deity for the merciful dispensations of his providence.

But while these numerous blessings are recollected, it is a painful duty to advert to the ungrateful return which has been made for them by some of the people in certain counties of Pennsylvania, where, seduced by the arts and misrepresentations of designing men, they have openly resisted the law directing the valuation of houses and lands. Such defiance was given to the civil authority as rendered hopeless all farther attempts by judicial process to enforce the execution of the law, and it became necessary to direct a military force to be employed, consisting of some companies of regular troops, volunteers, and militia, by whose zeal and activity, in co-operation with the judicial power, order and submission were restored, and many of the offenders arrested. Of these some have been convicted of misdemeanors, and others, charged with various crimes, remain to be tried.

To give due effect to the civil administration of government, and to ensure a just execution of the laws, a revision and amendment of the judiciary system is indispensably necessary. In this extensive country, it cannot but happen that numerous questions respecting the interpretation of the laws and the rights and duties of officers and citizens must arise. On the one hand, the laws should be executed; on the other, individuals should be guarded from oppression. Neither of these objects is sufficiently assured under the present organization of the judicial department. I therefore earnestly recommend the subject to your serious consideration.

Persevering in the pacific and humane policy which has been invariably professed and sincerely pursued by the executive authority of the United States, when indications were made on the part of the French republic

of a disposition to accommodate the existing differences between the two countries, I felt it to be my duty to prepare for meeting their advances by a nomination of ministers upon certain conditions which the honor of our country dictated, and which its moderation had given it a right to prescribe. The assurances which were required of the French government previous to the departure of our envoys, have been given through their minister of foreign relations, and I have directed them to proceed on their mission to Paris. They have full power to conclude a treaty, subject to the constitutional advice and consent of the Senate. The characters of these gentlemen are sure pledges to their country that nothing incompatible with its honor or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

It appearing probable, from the information I received, that our commercial intercourse with some ports in the Island of St. Domingo might safely be renewed, I took such steps as seemed to me expedient to ascertain that point. The result being satisfactory, I then, in conformity with the act of Congress on the subject, directed the restraints and prohibitions of that intercourse to be discontinued on terms which were made known by proclamation. Since the renewal of this intercourse, our citizens trading to those ports, with their property, have been duly respected, and privateering from those ports has ceased.

In examining the claims of British subjects by the commissioners at Philadelphia, acting under the sixth article of the treaty of amity, commerce, and navigation with Great Britain, a difference of opinion, on points deemed essential in the interpretation of that article, has arisen between the commissioners appointed by the United States and the other members of that board, from which the former have thought it their duty to withdraw. It is sincerely to be regretted that the execution of an article produced by a mutual spirit of amity and justice, should have been thus unavoidably interrupted. It is, however, confidently expected that the same spirit of amity and the same sense of justice in which it originated will lead to satisfactory explanations. In consequence of the obstacles to the progress of the commission in Philadelphia, His Britannic Majesty has directed the commissioners appointed by him under the seventh article of the treaty relating to British captures of American vessels, to withdraw from the board sitting in London; but with the express declaration of his determination to fulfil, with punctuality and good faith, the engagements which His Majesty has contracted by his treaty with the United States, and that they will be instructed to resume their functions whenever the obstacles which impede the progress of the commission at Philadelphia shall be removed. It being in like manner my sincere determination, so far as the same depends on me, that with equal punctuality and good faith the engagements contracted by the United States in their treaties with His Britannic Majesty shall be fulfilled, I shall immediately instruct our minister at London to endeavor to obtain the explanations necessary to a just performance of those engagements on the part of the United States. With such dispositions on both sides, I cannot entertain a doubt that all difficulties will soon be removed, and that the two boards will then proceed and bring the business committed to them respectively to a satisfactory conclusion.

The act of Congress relative to the seat of government of the United States, requiring that on the first Monday of December next it should be transferred from Philadelphia to the district chosen for its permanent seat,

it is proper for me to inform you that the commissioners appointed to provide suitable buildings for the accommodation of Congress and of the president and of the public officers of the government, have made a report of the state of the buildings designed for those purposes in the city of Washington, from which they conclude that the removal of the seat of government to that place at the time required will be practicable and the accommodation satisfactory. Their report will be laid before you.

Gentlemen of the House of Representatives :

I shall direct the estimates of the appropriations necessary for the service of the ensuing year, together with an account of the revenue and expenditure, to be laid before you. During a period in which a great portion of the civilized world has been involved in a war unusually calamitous and destructive, it was not to be expected that the United States could be exempted from extraordinary burdens. Although the period is not arrived when the measures adopted to secure our country against foreign attacks can be renounced, yet it is alike necessary, for the honor of the government and the satisfaction of the community, that an exact economy should be maintained. I invite you, gentlemen, to investigate the different branches of the public expenditure. The examination will lead to beneficial retrenchments, or produce a conviction of the wisdom of the measures to which the expenditure relates.

Gentlemen of the Senate and House of Representatives :

At a period like the present, when momentous changes are occurring and every hour is preparing new and great events in the political world — when a spirit of war is prevalent in almost every nation with whose affairs the interest of the United States have any connection — unsafe and precarious would be our situation were we to neglect the means of maintaining our just rights. The result of the mission to France is uncertain; but, however it may terminate, a steady perseverance in a system of national defence commensurate with our resources and the situation of our country is an obvious dictate of wisdom. For, remote as we are placed from the belligerent nations, and desirous as we are, by doing justice to all, to avoid offence to any, nothing short of the power of repelling aggressions will secure to our country a rational prospect of escaping the calamities of war or national degradation. As to myself, it is my anxious desire so to execute the trust reposed in me as to render the people of the United States prosperous and happy. I rely with entire confidence on your co-operation in objects equally your care, and that our mutual labors will serve to increase and confirm union among our fellow citizens and an unshaken attachment to our government.

SPECIAL MESSAGE.

DECEMBER 23, 1799.

Gentlemen of the Senate :

I RECEIVE with the most respectful and affectionate sentiments, in your impressive address, the obliging expressions of your regard for the loss our country has sustained in the death of her most esteemed, beloved, and admired citizen.

In the multitude of my thoughts and recollections on this melancholy event, you will permit me only to say that I have seen him in days of adversity, in some of the scenes of his deepest distress and most trying perplexities; and I have also attended him in his highest elevation and most prosperous felicity, with uniform admiration of his wisdom, moderation, and constancy.

Among all our original associates in that memorable league of the continent in 1774, which first expressed the sovereign will of a free nation in America, he was the only one remaining in the general government. Although with a constitution more enfeebled than his, at an age when he thought it necessary to prepare for retirement, I feel myself alone, bereaved of my last brother. Yet I derive a strong consolation from the unanimous disposition which appears in all ages and classes to mingle their sorrows with mine on this common calamity to the world.

The life of our Washington cannot suffer by a comparison with those of other countries who have been most celebrated and exalted by fame. The attributes and decorations of loyalty could only have served to eclipse the majesty of those virtues which made him, from being a modest citizen, a more resplendent luminary. Misfortune, had he lived, could hereafter have sullied his glory only with those superficial minds who, believing that characters and actions are marked by success alone, rarely deserve to enjoy it. Malice could never blast his honor, and envy made him a singular exception to her universal rule. For himself, he had lived enough to life and to glory. For his fellow citizens, if their prayers could have been answered he would have been immortal. For me, his departure is at a most unfortunate moment. Trusting, however, in the wise and righteous dominion of Providence over the opinions of men and the results of their councils and actions, as well as over their lives, nothing remains for me but humble resignation.

His example is now complete, and it will teach wisdom and virtue to magistrates, citizens, and men, not only in the present age but in future generations, as long as our history shall be read. If a Trajan found a Pliny, a Marcus Aurelius can never want biographers, eulogists, or historians.

SPECIAL MESSAGE.

JANUARY 8, 1800.

Gentlemen of the Senate and House of Representatives:

IN compliance with the request in one of the resolutions of Congress of the 21st of December last, I transmitted a copy of these resolutions, by my secretary Mr. Shaw, to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character; of their condolence in the late afflicting dispensation of Providence; and entreating her assent to the interment of the remains of General George Washington in the manner expressed in the first resolution. As the sentiments of that virtuous lady, not less beloved by this nation than she is at present greatly afflicted, can never be so well expressed as in her own words, I transmit to Congress her original letter.

It would be an attempt of too much delicacy to make any comments upon it; but there can be no doubt that the nation at large, as well as all the branches of the government, will be highly gratified by any arrangement which may diminish the sacrifices she makes of her personal feelings.

MOUNT VERNON, December 31, 1799.

SIR: While I feel with keenest anguish the late dispensation of Divine Providence, I cannot be insensible to the mournful tributes of respect and veneration which are paid to the memory of my dear deceased husband; and as his best services and most anxious wishes were always devoted to the welfare and happiness of his country, to know that they were truly appreciated and gratefully remembered affords no inconsiderable consolation.

Taught by the great example which I have so long had before me never to oppose my private wishes to the public will, I must consent to the request made by Congress, which you have had the goodness to transmit to me; and in doing this I need not, I cannot, say what a sacrifice of individual feeling I make to a sense of public duty.

With grateful acknowledgments and unfeigned thanks for the personal respect and evidences of condolence expressed by Congress and yourself, I remain, very respectfully, sir,

Your most obedient and humble servant,

MARTHA WASHINGTON.

FOURTH ANNUAL ADDRESS.

NOVEMBER 22, 1800.

Gentlemen of the Senate and House of Representatives:

IMMEDIATELY after the adjournment of Congress, at their last session in Philadelphia, I gave directions, in compliance with the laws, for the removal of the public offices, records, and property. These directions have been executed, and the public officers have since resided and conducted the ordinary business of the government in this place.

I congratulate the people of the United States on the assembling of Congress at the permanent seat of their government, and I congratulate you, gentlemen, on the prospect of a residence not to be changed. Although there is cause to apprehend that accommodations are not now so complete as might be wished, yet there is great reason to believe that this inconvenience will cease with the present session.

It would be unbecoming the representatives of this nation to assemble for the first time in this solemn temple, without looking up to the Supreme Ruler of the Universe and imploring his blessing.

May this territory be the residence of virtue and happiness! In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears, be for ever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion, flourish for ever!

It is with you, gentlemen, to consider whether the local powers over the

District of Columbia vested by the constitution in the Congress of the United States shall be immediately exercised. If in your opinion this important trust ought now to be executed, you cannot fail, while performing it, to take into view the future probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation advancing with unexampled rapidity in arts, in commerce, in wealth, and in population; and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.

In compliance with a law of the last session of Congress, the officers and soldiers of the temporary army have been discharged. It affords real pleasure to recollect the honorable testimony they gave to the patriotic motives which brought them into the service of their country, by the readiness and regularity with which they returned to the station of private citizens.

It is in every point of view of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice which the constitution and laws devolve on the federal courts as convenient to the people as may consist with their present circumstances, that I cannot omit once more to recommend to your serious consideration the judiciary system of the United States. No subject is more interesting than this to the public happiness, and to none can those improvements which may have been suggested by experience be more beneficially applied.

A treaty of amity and commerce with the king of Prussia has been concluded and ratified. The ratifications have been exchanged, and I have directed the treaty to be promulgated by proclamation.

The difficulties which suspend the execution of the sixth article of our treaty of amity, commerce, and navigation, with Great Britain, have not yet been removed. The negotiation on this subject is still depending. As it must be for the interest and honor of both nations to adjust this difference with good faith, I indulge confidently the expectation that the sincere endeavors of the government of the United States to bring it to an amicable termination will not be disappointed.

The envoys extraordinary and ministers plenipotentiary from the United States to France were received by the first consul with the respect due to their characters, and three persons with equal powers were appointed to treat with them. Although at the date of the last official intelligence the negotiation had not terminated, yet it is to be hoped that our efforts to effect an accommodation will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

While our best endeavors for the preservation of harmony with all nations will continue to be used, the experience of the world, our own experience, admonishes us of the insecurity of trusting too confidently to their success. We cannot, without committing a dangerous imprudence, abandon those measures of self-protection which were adapted to our situation, and to which, notwithstanding our pacific policy, the violence and injustice of others may again compel us to resort. While our vast extent of sea-coast, the commercial and agricultural habits of our people, the great capital they will continue to trust on the ocean, suggest the system of defence which will be most beneficial to ourselves, our distance from Europe and our resources for maritime strength will enable us to employ it with effect.

Seasonable and systematic arrangements, so far as our resources will justify, for a navy adapted for defensive war, and which may in case of necessity be quickly brought into use, seem to be as much recommended by a wise and true economy as by a just regard for our future tranquillity, for the safety of our shores, and for the protection of our property committed to the ocean.

The present navy of the United States, called suddenly into existence by a great national exigency, has raised us in our own esteem, and by the protection afforded to our commerce, has effected to the extent of our expectations, the object for which it was created.

In connection with a navy ought to be contemplated the fortification of some of our principal seaports and harbors. A variety of considerations, which will readily suggest themselves, urge an attention to this measure of precaution. To give security to our principal ports considerable sums have already been expended, but the works remain incomplete. It is for Congress to determine whether additional appropriations shall be made, in order to render competent to the intended purposes the fortifications which have been commenced.

The manufacture of arms within the United States still invites the attention of the national legislature. At a considerable expense to the public, this manufacture has been brought to such a state of maturity as, with continued encouragement, will supersede the necessity of future importations from foreign countries.

Gentlemen of the House of Representatives :

I shall direct the estimates of the appropriations necessary for the ensuing year, together with an account of the public revenue and expenditure to a later period, to be laid before you. I observe with much satisfaction that the product of the revenue during the present year has been more considerable than during any former equal period. This result affords conclusive evidence of the great resources of this country, and of the wisdom and efficiency of the measures which have been adopted by Congress for the protection of commerce and preservation of public credit.

Gentlemen of the Senate and House of Representatives :

As one of the grand community of nations, our attention is irresistibly drawn to the important scenes which surround us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore, and of wisdom to avoid, the causes which may have produced it. If, turning our eyes homeward, we find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country prosperous, free, and happy; if all enjoy safety under the protection of laws emanating only from the general will, the fruits of their own labor; we ought to fortify and cling to those institutions which have been the source of such real felicity, and resist with unabating perseverance the progress of those dangerous innovations which may diminish their influence.

To your patriotism, gentlemen, has been confided the honorable duty of guarding the public interests; and while the past is to your country a sure pledge that it will be faithfully discharged, permit me to assure you that your labors to promote the general happiness will receive from me the most zealous co-operation.

JEFFERSON'S
ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 4, 1801.

Friends and Fellow Citizens :

Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye — when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see remind me, that in the other high authorities provided by our constitution I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amid the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussion and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think ; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression. Let us, then, fellow citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and

convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some and less by others; that this should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all republicans—we are all federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know indeed that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the laws, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence pursue our own federal and republican principles, our attachment to our union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the hundredth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our industry, to honor and confidence from our fellow citizens, resulting not from birth but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practised in various forms, yet all of them including honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow citizens,—a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow citizens, on the exercise of duties which comprehend every thing dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, com-

merce, and honest friendship with all nations — entangling alliances with none ; the support of the state governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies ; the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad ; a jealous care of the right of election by the people — a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided ; absolute acquiescence in the decisions of the majority — the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism ; a well-disciplined militia — our best reliance in peace and for the first moments of war, till regulars may relieve them ; the supremacy of the civil over the military authority ; economy in the public expense, that labor may be lightly burdened ; the honest payment of our debts, and sacred preservation of the public faith ; encouragement of agriculture, and of commerce as its handmaid ; the diffusion of information and the arraignment of all abuses at the bar of public reason ; freedom of religion ; freedom of the press ; freedom of person under the protection of the habeas corpus ; and trial by juries impartially selected — these principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith — the text of civil instruction — the touchstone by which to try the services of those we trust ; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence reposed in our first and great revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong though defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional ; and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a consolation to me for the past ; and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity

December 8, 1801.

SIR: The circumstances under which we find ourselves placed rendering inconvenient the mode heretofore practised of making by personal address the first communication between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this, I have had principal regard to the convenience of the legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in these motives will meet their approbation, I beg leave, through you, sir, to communicate the enclosed message, with the documents accompanying it, to the Honorable the Senate, and pray you to accept, for yourself and them, the homage of my high respect and consideration.

THOMAS JEFFERSON.

The Hon. the President of the Senate.

FIRST ANNUAL MESSAGE.

DECEMBER 8, 1801.

Fellow Citizens of the Senate and House of Representatives:

It is a circumstance of sincere gratification to me, that on meeting the great council of our nation I am able to announce to them, on grounds of reasonable certainty, that the wars and troubles which have for so many years afflicted our sister nations have at length come to an end, and that the communications of peace and commerce are once more opening among them. Whilst we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound with peculiar gratitude to be thankful to him that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth and to practise and improve those arts which tend to increase our comforts. The assurances, indeed, of friendly disposition, received from all the powers with whom we have principal relations, had inspired a confidence that our peace with them would not have been disturbed. But a cessation of irregularities which had affected the commerce of neutral nations, and of the irritations and injuries produced by them, cannot but add to this confidence, and strengthens at the same time the hope, that wrongs committed on offending friends, under a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurances for the future.

Among our Indian neighbors, also, a spirit of peace and friendship generally prevails; and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the household arts, have not been without success; that they are becoming more and more sensible of the superiority of this dependence for clothing and subsistence over the precarious resources of hunting and fishing; and already we are able to announce, that instead of that constant diminution of their numbers, produced by their wars and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary states, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace, but with orders to protect our commerce against the threatened attack. The measure was reasonable and salutary. The bey had already declared war. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner *Enterprise*, commanded by Lieutenant Sterret, which had gone as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element, will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not to its destruction. Unauthorized by the constitution, without the sanction of Congress, to go beyond the line of defence, the vessel being disabled from committing farther hostilities was liberated with its crew. The legislature will doubtless consider whether, by authorizing measures of offence also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

I wish I could say that our situation with all the other Barbary states was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you, you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands, or as guarding from the exercise of force our vessels within their power; and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are now to reduce the ensuing ratio of representation and taxation. You will perceive that the increase of numbers during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplication of men susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far

beyond that of population alone, and though the changes of foreign relations now taking place so desirable for the world may for a season affect this branch of revenue, yet, weighing all probabilities of expense, as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excise, stamps, auctions, licenses, carriages, and refined sugars, to which the postage on newspapers may be added to facilitate the progress of information, and that the remaining sources of revenue will be sufficient to provide for the support of government, to pay the interest of the public debts, and to discharge the principals within shorter periods than the laws or the general expectation had contemplated. War, indeed, and untoward events, may change this prospect of things and call for expenses which the imposts could not meet; but sound principles will not justify our taxing the industry of our fellow citizens to accumulate treasure for wars to happen we know not when, and which might not perhaps happen but from the temptations offered by that treasure.

These views, however, of reducing our burdens, are formed on the expectation that a sensible, and at the same time a salutary, reduction may take place in our habitual expenditures. For this purpose, those of the civil government, the army, and navy, will need reversal.

When we consider that this government is charged with the external and mutual relations only of these states; that the states themselves have principal care of our persons, our property, and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you an essay towards a statement of those who, under public employment of various kinds, draw money from the treasury or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and remote to be completely traced in a first trial. Among those who are dependent on executive discretion, I have begun the reduction of what was deemed necessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue who were found to obstruct the accountability of the institution have been discontinued. Several agencies created by executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative inspection and sanction. Other reformati-
ons of the same kind will be pursued with that caution which is requisite in removing useless things, not to injure what is retained. But the great mass of public offices is established by law, and therefore by law alone can be abolished. Should the legislature think it expedient to pass this roll in review, and try all its parts by the test of public utility, they may be assured of every aid and light which executive information can yield. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burden which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here that, after leaving to labor the smallest portion of its earnings on which it can subsist, government shall itself consume the whole residue of what it was instituted to guard.

In our care too of the public contributions entrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department all accountabilities for money where the examinations may be prompt, efficacious, and uniform.

An account of the receipts and expenditures of the last year, as prepared by the secretary of the treasury, will as usual be laid before you. The success which has attended the late sales of the public lands shows that with attention they may be made an important source of receipt. Among the payments, those made in discharge of the principal and interest of the national debt will show that the public faith has been exactly maintained. To these will be added an estimate of appropriations necessary for the ensuing year. This last will of course be effected by such modifications of the systems of expense as you shall think proper to adopt.

A statement has been formed by the secretary of war, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion their number is as nothing; nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point and competent to oppose them, is the body of neighboring citizens as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading foe, it is best to rely, not only to meet the first attack, but if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should at every session continue to amend the defects which from time to time show themselves in the laws for regulating the militia, until they are sufficiently perfect. Nor should we now or at any time separate, until we can say we have done every thing for the militia which we could do were an enemy at our door.

The provision of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried, some difference of opinion may be expected to appear; but just attention to the circumstances of every part of the Union will doubtless reconcile all. A small force will probably continue to be wanted for actual service in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate for naval preparations, would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigency calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for seventy-four-gun ships as directed by law.

How far the authority given by the legislature for procuring and establishing sites for naval purposes has been perfectly understood and pursued in the execution, admits of some doubt. A statement of the expenses already incurred on that subject is now laid before you. I have in certain cases suspended or slackened these expenditures, that the legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on ; and five of the seven frigates directed to be laid up have been brought and laid up here, where, besides the safety of their position, they are under the eye of the executive administration, as well as of its agents, and where yourselves also will be guided by your own view in the legislative provisions respecting them which may from time to time be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. Two others are yet to be laid up so soon as they shall have received the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the executive, will be a more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels directed to be sold.

The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected, of the expenses already incurred, and estimates of their future cost, so far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any attention is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or inquiries they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will of course present itself to the contemplation of Congress ; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several states, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid.

And while on the judiciary organization, it will be worthy your consideration, whether the protection of the inestimable institution of juries has been extended to all the cases involving the security of our persons and

property, Their impartial selection also being essential to their value, we ought farther to consider whether that is sufficiently secured in those states where they are named by a marshal depending on executive will, or designated by the court or by officers dependent on them,

I cannot omit recommending a revival of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement by many of these states, and still believed of consequence to their prosperity. And shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a bona-fide purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against the fraudulent usurpation of our flag; an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppress it.

These, fellow citizens, are the matters respecting the state of the nation which I have thought of importance to be submitted to your consideration at this time. Some others of less moment, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our government to the collected wisdom of the Union. Nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment, nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote, within your own walls, that conciliation which so much befriends rational conclusion; and by its example will encourage among our constituents that progress of opinion which is tending to unite them in object and in will. That all should be satisfied with any one order of things is not to be expected, but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the general and state governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of government.

SECOND ANNUAL MESSAGE.

DECEMBER 15, 1802.

To the Senate and House of Representatives of the United States:

WHEN we assemble together, fellow citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing circumstances which mark the goodness of that Being from whose favor they flow, and the large measure of thankfulness we owe for his bounty.

Another year has come around, and finds us still blessed with peace and friendship abroad; law, order, and religion at home; good affection and harmony with our Indian neighbors; our burdens lightened yet our income sufficient for the public wants, and the produce of the year great beyond example. These, fellow citizens, are the circumstances under which we meet; and we remark with special satisfaction, those which, under the smile of Providence, result from the skill, industry, and order of our citizens, managing their own affairs in their own way and for their own use, unembarrassed by too much regulations, unoppressed by fiscal exactions.

On the restoration of peace in Europe, that portion of the general carrying trade which had fallen to our share during the war was abridged by the returning competition of the belligerent powers. This was to be expected, and was just. But in addition we find in some parts of Europe monopolizing discriminations, which in the form of duties tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing amities, and a spirit of justice, it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calculations of interest defeat our hope, it rests with the legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

It is with satisfaction I lay before you an act of the British parliament anticipating this subject so far as to authorize a mutual abolition of the duties and countervailing duties permitted under the treaty of 1794. It shows on their part a spirit of justice and friendly accommodation which it is our duty and our interest to cultivate with all nations. Whether this would produce a due equality in the navigation between the two countries is a subject for your consideration.

Another circumstance which claims attention, as directly affecting the very source of our navigation, is the defect or the evasion of the law providing for the return of seamen, and particularly of those belonging to vessels sold abroad. Numbers of them, discharged in foreign ports, have been thrown on the hands of our consuls, who, to rescue them from the dangers into which their distresses might plunge them, and save them to their country, have found it necessary in some cases to return them at the public charge.

The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the legislature connected with that subject.

There was reason, not long since, to apprehend that the warfare in which we were engaged with Tripoli might be taken up by some others of the Barbary powers. A reinforcement, therefore, was immediately ordered to the vessels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea with the smallest force competent, we have supposed it best to watch strictly the harbor of Tripoli. Still, however, the shallowness of their coast, and the want of smaller vessels on our part, has permitted some cruisers to escape unobserved; and to one of these an American vessel unfortunately fell a prey. The captain, one American seaman, and two others of color, remain prisoners with them, unless exchanged under an

agreement formerly made with the bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the state of Georgia has been ratified by their legislature, and a purchase from the Creeks has been consequently made of a part of the Tallahassee country. In this purchase has been comprehended part of the lands within the fork of Oconee and Oakmulgee rivers. The particulars of the contract will be laid before Congress so soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbors, I have proceeded in the work of settling with them and marking the boundaries between us. That with the Choctaw nation is fixed in one part, and will be through the whole in a short time. The country to which their title had been extinguished before the revolution is sufficient to receive a very respectable population, which Congress will probably see the expediency of encouraging so soon as the limits shall be declared. We are to view this position as an outpost of the United States, surrounded by strong neighbors and distant from its support. And how far that monopoly which prevents population should be guarded against, and actual habitation made a condition of the continuance of title, will be for your consideration. A prompt settlement, too, of all existing rights and claims within their territory presents itself as a preliminary operation.

In that part of the Indian territory which includes Vincennes, the lines settled with the neighboring tribes fix the extinction of their title at a breadth of twenty-four leagues from east to west, and about the same length, parallel with and including the Wabash. They have also ceded a tract of four miles square, including the salt springs near the mouth of the river.

In the department of finances it is with pleasure I inform you, that the receipts of external duties for the last twelve months have exceeded those of any former year, and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigencies of government, to pay from the treasury in one year upwards of eight millions of dollars, principal and interest, of the public debt, exclusive of upwards of one million paid by the sale of bank stock, and making in the whole a reduction of nearly five millions and a half of principal; and to have now in the treasury nearly four millions and a half of dollars, which are in a course of application to a farther discharge of debt and current demands. Experience, too, so far, authorizes us to believe, if no extraordinary event supervenes, and the expenses which will be actually incurred shall not be greater than were contemplated by Congress at their last session, that we shall not be disappointed in the expectations then formed. But nevertheless, as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practise every useful economy, and to incur no expense which may be avoided without prejudice.

The collection of internal taxes having been completed in some of the states, the officers employed in it are of course out of commission. In others, they will be so shortly. But in a few, where the arrangement for the direct tax had been retarded, it will be some time before the system is closed. It has not yet been thought necessary to employ the agent authorized by an act of the last session for transacting business in Europe relative to debts and loans. Nor have we used the power confided by the same act, of prolonging the foreign debts by re-loans, and

of redeeming, instead thereof, an equal sum of the domestic debt. Should, however, the difficulties of remittance on so large a scale render it necessary at any time, the power shall be executed, and the money thus unemployed abroad shall, in conformity with that law, be faithfully applied here in an equivalent extinction of domestic debt. When effects so salutary result from the plans you have already sanctioned, when merely by avoiding false objects of expense we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments toward the discharge of our public debt and the emancipation of our posterity from that moral canker, it is an encouragement, fellow citizens, of the highest order, to proceed as we have begun, in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practised by others under different circumstances. And whensoever we are destined to meet events which shall call forth all the energies of our countrymen, we have the firmest reliance on those energies, and the comfort of leaving for calls like these the extraordinary resources of loans and internal taxes. In the mean time, by payments of the principal of our debt, we are liberating, annually, portions of the external taxes, and forming from them a growing fund still farther to lessen the necessity of recurring to extraordinary resources.

The usual accounts of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the secretary of the treasury.

No change being deemed necessary in our military establishment, an estimate of its expenses for the ensuing year on its present footing, as also of the sums to be employed in fortifications and other projects within that department, has been prepared by the secretary of war, and will make a part of the general estimates which will be presented to you.

Considering that our regular troops are employed for local purposes, and that our militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the naval department, prepared by the secretary of the navy for another year, will in like manner be communicated with the general estimates. A small force in the Mediterranean will still be necessary to restrain the Tripoline cruisers, and the uncertain tenure of peace with some other of the Barbary powers may eventually require that force to be augmented. The necessity of procuring some smaller vessels for that service will raise the estimate, but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend annually a convenient sum towards providing the naval defence which our station may require, I cannot but recommend that the first appropriations for that purpose may go to the saving what we already possess. No cares, no attentions, can preserve vessels from rapid decay which lie in water and exposed to the sun. These decays require great and constant repairs, and will consume, if continued, a great portion of the money destined to naval purposes. To avoid this waste of our resources, it is proposed to add to our navy yard here a dock, within which our vessels may be laid up dry and under cover from the sun. Under these circumstances experience proves that works of wood will remain scarcely at all affected by time.

The great abundance of running water which this situation possesses, at heights far above the level of the tide, if employed as is practised for lock navigation, furnishes the means for raising and laying up our vessels on a dry and sheltered bed. And should the measure be found useful here, similar depositories for laying up as well as for building and repairing vessels may hereafter be undertaken at other navy yards offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to you without delay; and from this it will be seen that scarcely more than has been the cost of one vessel is necessary to save the whole, and that the annual sum to be employed toward its completion may be adapted to the views of the legislature as to naval expenditure.

To cultivate peace and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries as nurseries of navigation and for the nurture of man, and protect the manufactures adapted to our circumstances; to preserve the faith of the nation by an exact discharge of its debts and contracts, expend the public money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burdens; to keep in all things within the pale of our constitutional powers, and cherish the federal union as the only rock of safety,—these, fellow citizens, are the landmarks by which we are to guide ourselves in all our proceedings. By continuing to make these the rule of our action, we shall endear to our countrymen the true principles of their constitution, and promote an union of sentiment and of action equally auspicious to their happiness and safety. On my part, you may count on a cordial concurrence in every measure for the public good, and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

SPECIAL MESSAGE.

JANUARY 28, 1803.

Gentlemen of the Senate and House of Representatives:

I LAY before you the accounts of our Indian trading houses, as rendered up to the 1st day of January, 1801, with a report of the secretary of war thereon, explaining the effects and the situation of that commerce, and the reasons in favor of its farther extension. But it is believed that the act authorizing this trade expired so long ago as the 3d of March, 1799. Its revival, therefore, as well as its extension, is submitted to the consideration of the legislature.

The act regulating trade and intercourse with the Indian tribes will also expire on the 3d day of March next. While on the subject of its continuance, it will be worthy the consideration of the legislature whether the provisions of the law inflicting on Indians, in certain cases, the punishment of death by hanging, might not permit its commutation into death by military execution, the form of the punishment in the former way being peculiarly repugnant to their ideas, and increasing the obstacles to the surrender of the criminal.

These people are becoming very sensible of the baneful effects produced

on their morals, their health and existence, by the abuse of ardent spirits, and some of them earnestly desire a prohibition of that article from being carried among them. The legislature will consider whether the effectuating that desire would not be in the spirit of benevolence and liberality which they have hitherto practised toward these our neighbors, and which has had so happy an effect toward conciliating their friendship. It has been found too, in experience, that the same abuse gives frequent rise to incidents tending much to commit our peace with the Indians.

It is now become necessary to run and mark the boundaries between them and us in various parts. The law last mentioned has authorized this to be done, but no existing appropriation meets the expense.

Certain papers, explanatory of the grounds of this communication, are herewith enclosed.

SPECIAL MESSAGE.

FEBRUARY 2, 1803.

Gentlemen of the Senate and House of Representatives:

I LAY before you a report of the secretary of state on the case of the Danish brigantine *Henrick*, taken by a French privateer in 1799, retaken by an armed vessel of the United States, carried into a British island and there adjudged to be neutral, but under an allowance of such salvage and costs as absorbed nearly the whole amount of sales of the vessel and cargo. Indemnification for these losses, occasioned by our officers, is now claimed by the sufferers, supported by the representation of their government. I have no doubt the legislature will give to the subject that just attention and consideration which it is useful as well as honorable to practise in our transactions with other nations, and particularly with one which has observed toward us the most friendly treatment and regard.

THIRD ANNUAL MESSAGE.

OCTOBER 17, 1803.

To the Senate and House of Representatives of the United States:

IN calling you together, fellow citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been insensible to the personal inconveniences necessarily resulting from an unexpected change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interest you feel in these will supersede in your minds all private considerations.

Congress witnessed, at the late session, the extraordinary agitation produced in the public mind by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made according to treaty. They were sensible that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress, but reposing just confidence in the good faith of the government whose officer had committed the wrong, friendly

and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed whilst so important a key to the commerce of the western country remained under foreign power. Difficulties, too, were presenting themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had therefore been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possessions in that quarter interesting to our quiet, to such an extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the president of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened government of France saw, with just discernment, the importance to both nations of such liberal arrangement as might best and permanently promote the peace, interests, and friendship of both; and the property and sovereignty of all Louisiana, which had been restored to them, have on certain conditions been transferred to the United States by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the Senate, they will without delay be communicated to their representatives for the exercise of their functions, as to those conditions which are within the powers vested by the constitution in Congress. Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the western states and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide-spread field for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly-adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them; and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be laid before you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals unable to defend themselves against the neighboring tribes, has transferred its country to the United States, reserving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are, that we shall extend to them our patronage and protection, and give them certain annual aids in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the Illinois to and up the Ohio, though not so

necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may descend with rapidity in support of the lower country should future circumstances expose that to foreign enterprise. As the stipulations in this treaty also involve matters within the competence of both Houses only, it will be laid before Congress as soon as the Senate shall have advised its ratification.

With many of the other Indian tribes, improvements in agriculture and household manufacture are advancing, and with all our peace and friendship are established on grounds much firmer than heretofore. The measure adopted of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities at such moderated prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect upon them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress with a view to the Mediterranean service have been sent into that sea, and will be able more effectually to confine the Tripoline cruisers within their harbors and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A farther knowledge of the ground in the northeastern and northwestern angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse subsisting between the two nations, to remove by timely arrangements what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarcation of those limits to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the secretary of the treasury so soon as the receipts of the last quarter shall be returned from the more distant states. It is already ascertained that the amount paid into the treasury for that year has been between eleven and twelve millions of dollars, and that the revenue accrued during the same term exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed.

The amount of debt paid for the same year is about three millions one hundred thousand dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and a half of dollars of the principal of that debt, beside the accruing interest; and there remain in the treasury nearly six millions of dollars. Of these, eight hundred and eighty thousand have been reserved for payment of the first instalment due under the British convention of January 8th, 1802, and two millions are what have been before mentioned as placed by Congress under the power and accountability of the president, toward the price of New Orleans and other territories acquired, which remaining untouched, are still applicable to that object and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added

to our public debt, most of which is payable after fifteen years; before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of impost from increasing population and wealth, the augmentation of the same revenue by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I cannot but hope that Congress in reviewing their resources will find means to meet the intermediate interest of this additional debt without recurring to new taxes, and applying to this object only the ordinary progression of our revenue; its extraordinary increase in times of foreign war will be the proper and sufficient fund for any measures of safety or precaution which that state of things may render necessary in our neutral position.

Remittances for the instalments of our foreign debt having been found practicable without loss, it has not been thought expedient to use the power given by a former act of Congress of continuing them by re-loans, and of redeeming instead thereof equal sums of domestic debt, although no difficulty was found in obtaining that accommodation.

The sum of fifty thousand dollars appropriated by Congress for providing gun-boats remains unexpended. The favorable and peaceable turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary, and time was desirable in order that the institution of that branch of our force might begin on models the most approved by experience. The same issue of events dispensed with a resort to the appropriation of a million and a half of dollars contemplated for purposes which were effected by happier means.

We have seen with sincere concern the flames of war lighted up again in Europe, and nations with which we have the most friendly and useful relations engaged in mutual destruction. While we regret the miseries in which we see others involved, let us bow with gratitude to that kind Providence which, inspiring with wisdom and moderation our late legislative councils while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace will not be exempt from all evil. In the course of this conflict let it be our endeavor, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice and of innocent kindness; to receive their armed vessels with hospitality from the distress of the sea, but to administer the means of annoyance to none; to establish in our harbors such a police as may maintain law and order; to restrain our citizens from embarking individually in a war in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting hereby with suspicion those of real Americans, and committing us into controversies for the redress of wrongs not our own; to exact from every nation the observance, toward our vessels and citizens, of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course with our citizens in all places, and with others while within the limits of our jurisdiction, and will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both

within our judicial limits and on the high seas. The friendly disposition of the governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation that they will be rectified and prevented in future; and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness; of cultivating general friendship, and of bringing collisions of interest to the umpire of reason rather than of force. How desirable then must it be, in a government like ours, to see its citizens adopt individually the views, the interest, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow citizens, that you will duly estimate the importance of neutral dispositions toward the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves, and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests now committed to you will give you an opportunity of providing, and myself that of approving and of carrying into execution with the fidelity I owe to my country.

SPECIAL MESSAGE.

NOVEMBER 4, 1803.

To the Senate and House of Representatives of the United States:

By the copy now communicated of a letter from Captain Bainbridge, of the Philadelphia frigate, to our consul at Gibraltar, you will learn that an act of hostility has been committed on a merchant vessel of the United States by an armed ship of the emperor of Morocco. This conduct on the part of that power is without cause and without explanation. It is fortunate that Captain Bainbridge fell in with and took the capturing vessel and her prize; and I have the satisfaction to inform you, that about the date of this transaction such a force would be arriving in the neighborhood of Gibraltar, both from the east and the west, as leaves less to be feared for our commerce from the suddenness of the aggression.

On the 4th of September, the Constitution frigate, Captain Preble, with Mr. Lear on board, was within 'two days' sail of Gibraltar, where the Philadelphia would then be arrived with her prize, and such explanations would probably be instituted as the state of things required, and as might perhaps arrest the progress of hostilities.

In the mean while it is for Congress to consider the provisional authorities which may be necessary to restrain the depredations of this power, should they be continued.

SPECIAL MESSAGE.

DECEMBER 5, 1803.

To the Senate and House of Representatives of the United States :

I HAVE the satisfaction to inform you, that the act of hostility mentioned in my message of the 4th of November to have been committed by a cruiser of the emperor of Morocco on a vessel of the United States, has been disavowed by the emperor. All differences in consequence thereof have been amicably adjusted, and the treaty of 1786, between this country and that, has been recognised and confirmed by the emperor, each party restoring to the other what had been detained or taken. I enclose the emperor's orders given on this occasion.

The conduct of our officers generally, who have had a part in these transactions, has merited entire approbation.

The temperate and correct course pursued by our consul, Mr. Simpson, the promptitude and energy of Commodore Preble, the efficacious co-operation of Captains Rodgers and Campbell of the returning squadron, the proper decision of Captain Bainbridge that a vessel which had committed an open hostility was of right to be detained for inquiry and consideration, and the general zeal of the other officers and men, are honorable facts which I make known with pleasure. And to these I add what was indeed transacted in another quarter,—the gallant enterprise of Captain Rodgers in destroying, on the coast of Tripoli, a corvette of that power, of twenty-two guns.

I recommended to the consideration of Congress a just indemnification for the interest acquired by the captors of the Mishouda and Mirboha, yielded by them for the public accommodation.

FOURTH ANNUAL MESSAGE.

NOVEMBER 8, 1804.

To the Senate and House of Representatives of the United States :

To a people, fellow citizens, who sincerely desire the happiness and prosperity of other nations; to those who justly calculate that their own well-being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe that the war which was lighted up in Europe a little before our last meeting has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. The irregularities too on the ocean, which generally harrass the commerce of neutral nations have, in distant parts, disturbed ours less than on former occasions. But in the American seas they have been greater from peculiar causes; and even within our harbors and jurisdiction, infringements on the the authority of the laws have been committed which have called for serious attention. The friendly conduct of the governments from whose officers and subjects these acts have proceeded, in other respects and in places more under their observation and control, gives us confidence that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted nor left unprovided for. Complaints have been received that persons residing within the United States have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well-ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated, in the mean time, inconsistent with the peace and friendship existing between the two nations, and that conformable to these intentions would be the execution of the law. That government had, however, thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more, the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the conviction.

I have the satisfaction to inform you that the objections which had been urged by that government against the validity of our title to the country of Louisiana have been withdrawn, its exact limits, however, remaining still to be settled between us. And to this is to be added that, having prepared and delivered the stock created in execution of the convention of Paris, of April 30, 1803, in consideration of the cession of that country, we have received from the government of France an acknowledgment, in due form, of the fulfilment of that stipulation.

With the nations of Europe in general our friendship and intercourse are undisturbed, and from the governments of the belligerent powers especially we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, reinforcements sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves, as well as to others interested, from the distance to which prizes must be brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them, also, whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war, but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time, to commence the exercise of their functions on the first day of October. The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts; the form of government thus provided having been considered but as temporary, and open to such future improvements as farther information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana it has been thought best to adopt the division into subordinate districts which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provision of the law, and so soon as they can be at their station, that district will also be in its due state of organization; in the mean time their places are supplied by the officers before commanding there. The functions of the governor and judges of Indiana have commenced; the government we presume is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal as to merit attention. The report now communicated will inform you of their state, and of the necessity of immediate inquiry into their occupation and title.

With the Indian tribes established within our newly-acquired limits, I have deemed it necessary to open conferences for the purpose of establishing a good understanding and neighborly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favorable and friendly; and with these dispositions on their part, we have in our own hands means which cannot fail us for preserving their peace and friendship. By pursuing an uniform course of justice toward them, by aiding them in all the improvements which can better their condition, and especially by establishing a commerce on terms which shall be advantageous to them and only not losing to us, and so regulated as that no incendiaries of our own or any other nation may be permitted to disturb the natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity, that the protection of our citizens from their disorderly members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force proportioned to our extension of frontier, I proposed a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side of the Mississippi an important relinquishment of native title has been received from the Delawares. That tribe, destined to extinguish in their people the spirit of hunting and to convert superfluous lands into the means of improving what they retain, has ceded to us all the country between the Wabash and the Ohio, south of and including the road from the rapids toward Vincennes, for which they are to receive annuities in animals and implements for agriculture, and in other necessaries. This acquisition is important, not only for its extent and fertility, but as fronting three hundred miles on the Ohio, and near half that on the Wabash; the produce of the settled countries descending those rivers will no longer pass in review of

the Indian frontier but in a small portion, and with the cession heretofore made with the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable breadth, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions, they shall be laid before both houses.

The act of Congress of February 28th, 1803, for building and employing a number of gun-boats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns; their utility toward supporting within our waters the authority of the laws; the promptness with which they will be manned by the seamen and militia of the place—the moment they are wanting; the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary; the economy of their maintenance and preservation from decay when not in actual service; and the competence of our finances to this defensive provision, without any new burden, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be ensured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year, with estimates for the ensuing one, will as usual be laid before you.

The state of our finances continue to fulfil our expectations. Eleven millions and a half of dollars, received in the course of the year ending the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay upwards of \$3,600,000 of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upwards of twelve millions of the principal, and a greater sum of interest, within that period; and by a proportional diminution of interest renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year exceeds that of the preceding; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum already in the treasury, to meet all the current demands of the year, to discharge upwards of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the farther redemption of the funded debts as rapidly as had been contemplated. These, fellow citizens, are the principal matters which I have thought it necessary at this time to communicate for your consideration and attention. Some others will be laid before you in the course of the session, but in the discharge of the great duties confided to you by our country you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation, can within the pale of your constitutional powers be aided in any of their relations; whether laws are provided in all cases where they are wanting; whether those provided are exactly what they should be; whether any abuses take place in their administration, or in that of the public

revenues; whether the organization of the public agents or of the public force is perfect in all its parts; in fine, whether any thing can be done to advance the general good, are questions within the limits of your functions which will necessarily occupy your attention. In these and other matters which you in your wisdom may propose for the good of our country, you may count with assurance on my hearty co-operation and faithful execution.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1805.

To the Senate and House of Representatives of the United States:

At a moment when the nations of Europe are in commotion and arming against each other, and when those with whom we have principal intercourse are engaged in the general contest, and when the countenance of some of them towards our peaceable country threatens that even that may not be unaffected by what is passing on the general theatre, a meeting of the representatives of the nation in both houses of Congress has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the public affairs which the will and the wisdom of the whole will approve and support.

In taking a view of the state of our country, we in the first place notice the late affliction of two of our cities under the fatal fever which in latter times has occasionally visited our shores. Providence in his goodness gave it an early termination on this occasion, and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease it has appeared, that it is strictly local; incident to the cities and on the tide waters only; incommunicable in the country, either by persons under the disease or by goods carried from diseased places; that its access is with the autumn, and that it disappears with the early frosts. These restrictions within narrow limits of time and space give security even to our maritime cities during three fourths of the year, and to the country always. Although from these facts it appears unnecessary, yet to satisfy the fears of foreign nations, and cautions on their part not to be complained of in a danger whose limits are unknown to them, I have strictly enjoined on the officers at the head of the customs to certify with exact truth for every vessel sailing for a foreign port, the state of health respecting this fever which prevails at the place from which she sails. Under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has, however, been sustained, from a propensity to identify with this epidemic, and to call by the same name, fevers of very different kinds, which have been known at all times and in all countries and never have been placed among those deemed contagious. As we advance in our knowledge of this disease, as facts develop the source from which individuals receive it, the state authorities charged with the care of the public health, and Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burden of quarantines is felt at home as well as abroad; their efficacy merits examination. Although the health laws of the states should

be found to need no present revisal by Congress, yet commerce claims that their attention be ever awake to them.

Since our last meeting the aspect of our foreign relations has considerably changed. Our coasts have been infested and our harbors watched by private armed vessels, some of them without commission, some with illegal commissions, others with those of legal form but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us but our own also. They have carried them off under pretence of legal adjudication, but not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places where no evidence could arise against them; maltreated the crews, and abandoned them in boats in the open sea or on desert shores without food or covering. These enormities appearing to be unreached by any control of their sovereigns, I found it necessary to equip a force to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coast within the limits of the Gulf Stream, and to bring the offenders in for trial as pirates.

The same system of hovering on our coasts and harbors under color of seeking enemies has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles, too, have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these, a belligerent takes to himself a commerce with its own enemy which it denies to a neutral on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency, and the neutral having an equal right with the belligerent to decide the question, the interest of our constituents and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations. Indeed the confidence we ought to have in the justice of others still countenances the hope that a sounder view of those rights will of itself induce from every belligerent a more correct observance of them.

With Spain our negotiations for a settlement of differences have not had a satisfactory issue. Spoiliations during a former war, for which she had formally acknowledged herself responsible, have been refused to be compensated, but on conditions affecting other claims in no wise connected with them. Yet the same practices are renewed in the present war and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled, we have avoided changing the state of things by taking new posts or strengthening ourselves in the disputed territories, in the hope that the other power would not by contrary conduct oblige us to meet their example, and endanger conflicts of authority the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and the Mississippi, our citizens have been seized and their property plundered in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that government. I have therefore found it necessary at length to give orders to our troops on that frontier to be in readiness

to protect our citizens, and to repel by arms any similar aggressions in future. Other details, necessary for your full information of the state of things between this country and that, shall be the subject of another communication. In reviewing these injuries from some of the belligerent powers, the moderation, the firmness, the wisdom of the legislature, will all be called into action. We ought still to hope that time and a more correct estimate of interest, as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I cannot, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have been already taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these it is desirable that we should have a competent number of gun-boats; and the number, to be competent, must be considerable. If immediately begun, they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session. In the mean time, you will consider whether it would not be expedient, for a state of peace as well as of war, so to organize or class the militia as would enable us, on any sudden emergency, to call for the services of the younger portions, unencumbered with the old and those having families. Upwards of three hundred thousand able-bodied men, between the ages of eighteen and twenty-six years, which the last census shows we may now count within our limits, will furnish a competent number for offence or defence in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service cannot but be desirable to our younger citizens, of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made, under former authorities from Congress, of materials for the construction of ships of war of seventy-four guns. These materials are on hand, subject to the farther will of the legislature.

An immediate prohibition of the exportation of arms and ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong, I congratulate you on the liberation of your fellow citizens who were stranded on the coast of Tripoli and made prisoners of war. In a government bottomed on the will of all, the life and liberty of every individual citizen becomes interesting to all. In the treaty, therefore, which has concluded our warfare with that state, an article for the ransom of our citizens has been agreed to. An operation by land, by a small band of our countrymen, and others.

engaged for the occasion, in conjunction with the troops of the ex-bashaw of that country, gallantly conducted by our late consul Eaton, and their successful enterprise on the city of Derne, contributed, doubtless, to the impression which produced peace; and the conclusion of this prevented opportunities of which the officers and men of our squadron destined for Tripoli would have availed themselves, to emulate the acts of valor exhibited by their brethren in the attack of last year. Reflecting with high satisfaction on the distinguished bravery displayed whenever occasion permitted in the Mediterranean service, I think it would be a useful encouragement, as well as a just reward, to make an opening for some present promotion by enlarging our peace establishment of captains and lieutenants.

With Tunis some misunderstandings have arisen, not yet sufficiently explained, but friendly discussions with their ambassador recently arrived, and a mutual disposition to do whatever is just and reasonable, cannot fail of dissipating these; so that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still it will not be expedient to withdraw, immediately, the whole of our force from that sea.

The law for providing a naval peace establishment fixes the number of frigates which shall be kept in constant service in time of peace, and prescribes that they shall not be manned by more than two thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two thirds only of her proper complement of men must depend on the nature of the service on which she is ordered; that may sometimes, for her safety as well as to ensure her object, require her fullest complement. In adverting to this subject, Congress will perhaps consider whether the best limitation on the executive discretion in this case would not be by the number of seamen which may be employed in the whole service, rather than by the number of vessels. Occasions oftener arise for the employment of small than of large vessels, and it would lessen risk as well as expense to be authorized to employ them of preference. The limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them with spirit and others beginning to engage, in the pursuits of agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labor and more certainty than the forest, and find it their interest, from time to time, to dispose of parts of their surplus and waste lands for the means of improving those they occupy, and of subsisting their families while they are improving their farms. Since your last session, the northern tribes have sold to us the lands between the Connecticut Reserve and the former Indian boundary; and those on the Ohio, from the same boundary to the Rapids, and for a considerable depth inland. The Chickasaws and Cherokees have sold us the country between and adjacent to the two districts of Tennessee, and the Creeks, the residue of their lands in the fork of Ocmulgee, up to the Ulcofauhatche. The three former purchases are important, inasmuch as they consolidate disjointed parts of our settled country, and render their intercourse secure; and the second particularly so, as with the small point on the river which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near its mouth, and the navigation of that river is thereby rendered forever safe to our citizens settled and settling on its extensive waters. The purchase from the Creeks too has been for some time particularly interesting to the state of Georgia.

The several treaties which have been mentioned will be submitted to both Houses of Congress for the exercise of their respective functions.

Deputations now on their way to the seat of government, from various nations of Indians inhabiting the Missouri and other parts beyond the Mississippi, come charged with the assurances of their satisfaction with the new relations in which they are placed with us, of their disposition to cultivate our peace and friendship, and their desire to enter into commercial intercourse with us. A statement of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated so soon as we shall receive some farther relations which we have reason shortly to expect.

The receipts of the treasury during the year ending the 30th day of September last, have exceeded the sum of thirteen millions of dollars, which, with not quite five millions in the treasury at the beginning of the year, have enabled us, after meeting other demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upwards of four millions of principal of the public debt, and four millions of interest. These payments, with those which had been made in three years and a half preceding, have extinguished of the funded debt nearly eighteen millions of principal.

Congress, by their act of November 10th, 1803, authorized us to borrow 1,750,000 dollars, toward meeting the claims of our citizens assumed by the convention with France. We have not, however, made use of this authority, because the sum of four millions and a half, which remained in the treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of dollars appropriated to the funded debt, and meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars assumed by the French convention, and still leave us a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms and armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing Congress, since by the choice of my constituents I have entered on a second term of administration, I embrace the opportunity to give this public assurance, that I will exert my best endeavors to administer faithfully the executive department, and will zealously cooperate with you in every measure which may tend to secure the liberty, property, and personal safety of our fellow citizens, and to consolidate the republican forms and principles of our government.

In the course of your session you shall receive all the aid which I can give for the despatch of public business, and all the information necessary for your deliberations, of which the interests of our own country and the confidence reposed in us by others will admit a communication.

SPECIAL MESSAGE.

JANUARY 13, 1806.

To the Senate and House of Representatives of the United States :

I LAY before Congress the application of Hamet Caramalli, elder brother of the reigning bashaw of Tripoli, soliciting from the United States attention to his services and sufferings in the late war against that state. And in

order to possess them of the grounds on which that application stands, the facts shall be stated according to the views and information of the executive.

During the war with Tripoli, it was suggested that Hamet Caramalli, elder brother of the reigning bashaw, and driven by him from his throne, meditated the recovery of his inheritance, and that a concert in action with us was desirable to him. We considered that concerted operations by those who have a common enemy were entirely justifiable, and might produce effects favorable to both, without binding either to guarantee the objects of the other. But the distance of the scene, the difficulties of communication, and the uncertainty of our information, inducing the less confidence in the measures, it was committed to our agents as one which might be resorted to if it promised to promote our success.

Mr. Eaton, however, (our late consul,) on his return from the Mediterranean, possessing personal knowledge of the scene, and having confidence in the effect of a joint operation, we authorized Commodore Barron, then proceeding with his squadron, to enter into an understanding with Hamet if he should deem it useful; and as it was represented that he would need some aids of arms and ammunition, and even of money, he was authorized to furnish them to a moderate extent, according to the prospect of utility to be expected from it. In order to avail him of the advantages of Mr. Eaton's knowledge of circumstances, an occasional employment was provided for the latter as an agent for the navy in that sea. Our expectation was, that an intercourse should be kept up between the ex-bashaw and the commodore, that while the former moved on by land, our squadron should proceed with equal pace so as to arrive at their destination together, and to attack the common enemy by land and sea at the same time. The instructions of June 6th, to Commodore Barron, show that a co-operation only was intended, and by no means an union of our object with the fortune of the ex-bashaw, and the commodore's letters of March 22d and May 19th proved that he had the most correct idea of our intentions; his verbal instructions indeed to Mr. Eaton and Captain Hull, if the expressions are accurately committed to writing by those gentlemen, do not limit the extent of his co-operation as he probably intended; but it is certain, from the ex-bashaw's letter of January 3d, written when he was proceeding to join Mr. Eaton, and in which he says, "your operations should be carried on by sea, mine by land," that he left the position in which he was with a proper idea of the nature of the co-operation. If Mr. Eaton's subsequent convention should appear to bring forward other objects, his letter of April 29th and May 1st views this convention but as provisional, the second article, as he expressly states, guarding it against any ill effect; and his letter of June 30th confirms this construction.

In the event it was found, that after placing the ex-bashaw in possession of Derne, one of the most important cities and provinces of the country, where he had resided himself as governor, he was totally unable to command any resources, or to bear any part in the co-operation with us. This hope was then at an end, and we certainly had never contemplated, nor were we prepared, to land an army of our own, or to raise, pay, or subsist, an army of Arabs, to march from Derne to Tripoli and to carry on a land war at such a distance from our resources. Our means and our authority were merely naval, and that such were the expectations of Hamet, his letter of June 29th is an unequivocal acknowledgment. While, therefore, an impression from the capture of Derne might still operate at Tripoli, and an attack on that place

from our squadron was daily expected, Colonel Lear thought it the best moment to listen to overtures of peace then made by the bashaw. He did so, and while urging provisions for the United States, he paid attention also to the interests of Hamet; but was able to effect nothing more than to engage the restitution of his family, and even the perserving in this demand suspended for some time the conclusion of the treaty.

In operations at such a distance, it becomes necessary to leave much to the discretion of the agents employed, but events may still turn up beyond the limits of that discretion. Unable in such case to consult his government, a zealous citizen will act as he believes that would direct him were it apprized of the circumstances, and will take on himself the responsibility. In all these cases the purity and patriotism of the motives should shield the agent from blame, and even secure a sanction where the error is not too injurious. Should it be thought by any that the verbal instructions said to have been given by Commodore Barron to Mr. Eaton amount to a stipulation that the United States should place Hamet Caramalli on the throne of Tripoli, a stipulation so entirely unauthorized, so far beyond our views, and so onerous, could not be sanctioned by our government; or should Hamet Caramalli, contrary to the evidence of his letters of January 3d and June 29th, be thought to have left the position which he now seems to regret, under a mistaken expectation that we were at all events to place him on his throne, on an appeal to the liberality of the nation something equivalent to the replacing him in his former situation might be worthy its consideration.

A nation, by establishing a character of liberality and magnanimity, gains in the friendship and respect of others more than the worth of mere money. This appeal is now made by Hamet Caramalli to the United States. The ground he has taken being different not only from our views but from those expressed by himself on former occasions, Mr. Eaton was desired to state whether any verbal communications passed from him to Hamet which had varied what we saw in writing. His answer of December 5th is herewith transmitted, and has rendered it still more necessary, that in presenting to the legislature the application of Hamet I should present them at the same time an exact statement of the views and proceedings of the executive through this whole business, that they may clearly understand the ground on which we are placed. It is accompanied by all the papers which bear any relation to the principles of the co-operation, and which can inform their judgment in deciding on the application of Hamet Caramalli.

SPECIAL MESSAGE.

JANUARY 17, 1806.

To the Senate and House of Representatives of the United States :

IN my message to both Houses of Congress at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles, derogatory of the rights of neutrals and unacknowledged by the usage of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develop these principles and practices which are producing the most ruinous effects on our lawful commerce and navigation.

The rights of a neutral to carry on a commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country, (with the exception of blockaded ports and contraband of war,) was believed to have been decided between Great Britain and the United States by the sentence of the commissioners mutually appointed to decide on that and other questions of difference between the two nations, and by the actual payment of damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived that the same principle was revived with others more novel, and extending the injury, instructions were given to the minister plenipotentiary of the United States at the court of London, and remonstrances duly made by him on this subject, as will appear by documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has therefore been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on rights too evident and too important to be surrendered. In the mean time the evil is proceeding under adjudications founded on the principle which is denied. Under these circumstances the subject presents itself for the consideration of Congress.

On the impressment of our seamen our remonstrances have never been intermitted. A hope existed at one moment of an arrangement which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the distant seas, has been constantly pursued in those in our neighborhood. The grounds on which the reclamations on this subject have been urged will appear in an extract from instructions to our minister at London now communicated.

SPECIAL MESSAGE.

MARCH 20, 1806.

To the Senate and House of Representatives of the United States:

It was reasonably expected, that while the limits between the territories of the United States and of Spain were unsettled neither party would have innovated on the existing state of their respective positions. Some time since, however, we learnt that the Spanish authorities were advancing into the disputed country to occupy new posts and make new settlements. Unwilling to take any measures which might preclude a peaceable accommodation of differences, the officers of the United States were ordered to confine themselves within the country on this side of the Sabine river; which, by the delivery of its principal post, (Natchitoches,) was understood to have been itself delivered up by Spain; and at the same time to permit no adverse post to be taken, nor armed men to remain within it. In consequence of these orders, the commanding officer of Natchitoches, learning that a party of Spanish troops had crossed the Sabine river and were posting themselves on this side of the Adais, sent a detachment of his force to require them to withdraw to the other side of the Sabine, which they accordingly did.

I have thought it proper to communicate to Congress the letter detailing this incident, that they may fully understand the state of things in that quarter, and be enabled to make such provision for its security as in their wisdom they shall deem sufficient.

SIXTH ANNUAL MESSAGE.

DECEMBER 2, 1806.

To the Senate and House of Representatives of the United States :

It would have given me, fellow citizens, great satisfaction to announce in the moment of your meeting that the difficulties in our foreign relations, existing at the time of your last separation, had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination, by special missions charged with such powers and instructions as in the event of failure could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British government appear to have proceeded from causes which do not forbid the expectation that during the course of the session I may be enabled to lay before you their final issue. What will be that of the negotiations for settling our differences with Spain, nothing which had taken place at the date of the last despatches enables us to pronounce. On the western side of the Mississippi she advanced in considerable force, and took post at the settlement of Bayou Pierre, on the Red river. This village was originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed, at the moment of the redelivery to France and the United States, that she continued a guard of half a dozen men. A proposition had been lately made by our commander-in-chief, to assume the Sabine river as a temporary line of separation between the troops of the two nations until the issue of our negotiation shall be known; this has been referred by the Spanish commandant to his superior, and in the meantime he has withdrawn his force to the western side of the Sabine river. The correspondence on this subject, now communicated, will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry or mounted infantry. In order, therefore, that the commanding officer might be enabled to act with effect, I had authorized him to call on the governors of Orleans and Mississippi for a corps of five hundred volunteer cavalry. The temporary arrangement he has proposed may perhaps render this unnecessary. But I inform you with great pleasure of the promptitude with which the inhabitants of those territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.

Having received information that in another part of the United States a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on military expeditions against the territories of Spain, I thought it necessary, by proclamations as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith which ought ever to be the rule of action in public as well as in private transactions; it was due to good order and regular

government, that while the public force was acting strictly on the defensive and merely to protect our citizens from aggression, the criminal attempts of private individuals to decide for their country the question of peace or war, by commencing active and unauthorized hostilities, should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force will depend on the result of our negotiation with Spain; but as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defence of that river, its waters, and the country adjacent, it becomes highly necessary to provide for that point a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defence, and in conjunction with them to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans, from the eastern quarter also, will require to be examined, and more effectually guarded. For the internal support of the country, the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the legislature.

The gun-boats authorized by an act of the last session are so advanced that they will be ready for service in the ensuing spring. Circumstances permitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting to place our seaport towns and waters in that state of defence to which we are competent and they entitled, a similar appropriation for a farther provision for them is recommended for the ensuing year.

A farther appropriation will also be necessary for repairing fortifications already established, and the erection of such works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose constitution is derived from the will of the people, directly expressed by their free suffrages; where the principal executive functionaries, and those of the legislature, are renewed by them at short periods; where, under the characters of jurors, they exercise in person the greatest portion of the judiciary powers; where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry, and securing to every one the property which that acquires, it would not be supposed that any safeguards could be needed against insurrection or enterprise on the public peace or authority. The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishments for these crimes when committed. But would it not be salutary to give also the means of preventing their commission? Where an enterprise is meditated by private individuals against a foreign nation in amity with the United States, powers of prevention to a certain extent are given by the laws; would they not be as reasonable and useful where the enterprise preparing is against the United States? While adverting to this branch of the law, it is proper to observe, that in enterprises meditated against foreign nations, the ordinary process of binding to the observance of the peace and good behavior, could it be

extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The states on the coast of Barbary seem generally disposed at present to respect our peace and friendship; with Tunis alone some uncertainty remains. Persuaded that it is our interest to maintain our peace with them on equal terms, or not at all, I propose to send in due time a reinforcement into the Mediterranean, unless previous information shall show it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice, and in the sincere concern we feel for their welfare; and as long as we discharge these high and honorable functions with the integrity and good faith which alone can entitle us to their continuance, we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clarke, for exploring the river Missouri and the best communication from that to the Pacific ocean, has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific ocean, ascertained with accuracy the geography of that interesting communication across our continent, learnt the character of the country, of its commerce, and inhabitants; and it is but justice to say, that Messrs. Lewis and Clarke, and their brave companions, have by this arduous service deserved well of their country.

The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approbation, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi by Lieutenant Pike, who has ascended it to its source, and whose journal and map, giving the details of his journey, will shortly be ready for communication to both Houses of Congress. Those of Messrs. Lewis and Clarke, and Freeman, will require farther time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi and its western waters. Some principal rivers, however, remain still to be explored, towards which the authorization of Congress, by moderate appropriations, will be requisite.

I congratulate you, fellow citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all farther participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.

The receipts at the treasury during the year ending on the 30th day of

September last, have amounted to near fifteen millions of dollars, which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in part of the price of Louisiana; to pay of the funded debt upwards of three millions of principal, and nearly four of interest; and in addition, to reimburse, in the course of the present month, near two millions of five and a half per cent stock. These payments and reimbursements of the funded debt, with those which had been made in the four years and a half preceding, will at the close of the present year have extinguished upwards of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease by law at the end of the present session. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall in this way be relinquished, there will still ere long be an accumulation of moneys in the treasury beyond the instalments of public debt which we are permitted by contract to pay. They cannot, then, without a modification assented to by the public creditors, be applied to the extinguishment of this debt and the complete liberation of our revenues—the most desirable of all objects; nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward; to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations new channels of communication will be opened between the states; the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which though rarely called for are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country and some of them to preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the state legislatures shall have deliberated on this extension of the federal trusts, and the laws shall be passed and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the constitution, by consent of the states, necessary, because the objects now recommended are not among those ~~en-~~

merated in the constitution, and to which it permits the public moneys to be applied.

The present consideration of a national establishment for education, particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent of war, which may suspend other improvements by requiring for its own purposes the resources destined for them.

This, fellow citizens, is the state of the public interest at the present moment, and according to the information now possessed. But such is the situation of the nations of Europe, and such too the predicament in which we stand with some of them, that we cannot rely with certainty on the present aspect of our affairs that may change from moment to moment, during the course of your session or after you shall have separated. Our duty is, therefore, to act upon things as they are and to make a reasonable provision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened, pace in preparations for the defence of our seaport towns and waters; an early settlement of the most exposed and vulnerable parts of our country; a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them to serve a sufficient time, are means which may always be ready yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity. If war be forced upon us in spite of our long and vain appeals to the justice of nations, rapid and vigorous movements in its outset will go far toward securing us in its course and issue, and toward throwing its burthens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issues; such farther movements also on our western frontiers as may show whether war is to be pressed there while negotiation is protracted elsewhere, shall be communicated to you from time to time as they become known to me, with whatever other information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

SPECIAL MESSAGE.

DECEMBER 3, 1806.

To the Senate and House of Representatives of the United States :

I HAVE the satisfaction to inform you that the negotiation depending between the United States and the government of Great Britain is proceeding in a spirit of friendship and accommodation which promises a result of mutual advantage. Delays indeed have taken place, occasioned by the long illness

and subsequent death of the British minister charged with that duty. But the commissioners appointed by that government to resume the negotiation have shown every disposition to hasten its progress. It is, however, a work of time, as many arrangements are necessary to place our future harmony on stable grounds. In the mean time we find by the communications of our plenipotentiaries, that a temporary suspension of the act of the last session prohibiting certain importations would, as a mark of candid disposition on our part, and of confidence in the temper and views with which they have been met, have a happy effect on its course. A step so friendly will afford farther evidence that all our proceedings have flowed from views of justice and conciliation, and that we give them willingly that form which may best meet corresponding dispositions.

Add to this that the same motives which produced the postponement of the act till the fifteenth of November last are in favor of its farther suspension; and as we have reason to hope that it may soon yield to arrangements of mutual consent and convenience, justice seems to require that the same measure may be dealt out to the few cases which may fall within its short course, as to all others preceding and following it. I cannot, therefore, but recommend the suspension of this act for a reasonable time, on considerations of justice, amity, and the public interests.

SPECIAL MESSAGE.

JANUARY 22, 1807.

To the Senate and House of Representatives of the United States:

AGREEABLY to the request of the House of Representatives, communicated in their resolution of the sixteenth instant, I proceed to state under the reserve therein expressed, information received touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the territories of a power in amity with the United States, with the measures I have pursued for suppressing the same.

I had for some time been in the constant expectation of receiving such farther information as would have enabled me to lay before the legislature the termination as well as the beginning and progress of this scene of depravity, so far as it has been acted on the Ohio and its waters. From this the state and safety of the lower country might have been estimated on probable grounds, and the delay was indulged the rather because no circumstance had yet made it necessary to call in the aid of the legislative functions. Information now recently communicated has brought us nearly to the period contemplated. The mass of what I have received in the course of these transactions is voluminous, but little has been given under the sanction of an oath so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions, as render it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by concurrent information, or the particular credibility of the relater. In this state of the evidence, delivered sometimes too under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor whose guilt is placed beyond question.

Some time in the latter part of September, I received intimations that designs were in agitation in the western country, unlawful and unfriendly to the peace of the Union, and that the prime mover in these was Aaron Burr, heretofore distinguished by the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken was to urge the informants to use their best endeavors to get farther insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not till the latter part of October, that the objects of the conspiracy began to be perceived, but still so blended and involved in mystery that nothing distinct could be singled out for pursuit. In this state of uncertainty as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene where these things were principally in transaction, a person in whose integrity, understanding, and discretion, entire confidence could be reposed, with instructions to investigate the plots going on, to enter into conference (for which he had sufficient credentials) with the governors and all other officers civil and military, and with their aid to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and to call out the force of the country to suppress any unlawful enterprise in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio and its waters. Besides despatching the confidential agent to that quarter, orders were at the same time sent to the governors of the Orleans and Mississippi territories and to the commanders of the land and naval forces there, to be on their guard against surprise and in constant readiness to resist any enterprise which might be attempted on the vessels, posts, or other objects under their care; and on the 8th of November, instructions were forwarded to General Wilkinson to hasten an accommodation with the Spanish commander on the Sabine, and as soon as that was effected to fall back with his principal force to the hither bank of the Mississippi, for the defence of the intersecting points on that river. By a letter received from that officer on the 25th of November, but dated October 21st, we learn that a confidential agent of Aaron Burr had been deputed to him, with communications partly written in cipher and partly oral, explaining his designs, exaggerating his resources, and making such offers of emolument and command, to engage him and the army in his unlawful enterprise, as he had flattered himself would be successful. The general, with the honor of a soldier and fidelity of a good citizen, immediately despatched a trusty officer to me with information of what had passed, proceeding to establish such an understanding with the Spanish commandant on the Sabine as permitted him to withdraw his force across the Mississippi, and to enter on measures for opposing the projected enterprise.

The general's letter, which came to hand on the 25th of November, as has been mentioned, and some other information received a few days earlier, when brought together, developed Burr's general designs, different parts of which only had been revealed to different informants. It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the union of these states by the

Alleghany mountains; the other, an attack on Mexico. A third object was provided, merely ostensible, to wit: the settlement of a pretended purchase of a tract of country on the Washita, claimed by a Baron Bastrop. This was to serve as the pretext for all his preparations, an allurements for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of final discomfiture of both branches of his real design.

He found at once that the attachment of the western country to the present Union was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico; and to this object all his means and preparations were now directed. He collected from all the quarters where himself or his agents possessed influence, all the ardent, restless, desperate, and disaffected persons who were ready for any enterprise analogous to their characters. He seduced good and well-meaning citizens, some by assurances that he possessed the confidence of the government and was acting under its secret patronage, a pretence which obtained some credit from the state of our differences with Spain, and others by offers of land in Bastrop's claim on the Washita.

This was the state of my information of his proceedings about the last of November, at which time therefore it was first possible to take specific measures to meet them. The proclamation of November 27th, two days after the receipt of General Wilkinson's information, was now issued. Orders were despatched to every intersecting point on the Ohio and Mississippi, from Pittsburg to New Orleans, for the employment of such force either of the regulars or of the militia, and of such proceedings also of the civil authorities, as might enable them to seize on all the boats and stores provided for the enterprise, to arrest the persons concerned, and to suppress effectually the farther progress of the enterprise. A little before the receipt of these orders in the state of Ohio, our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the governor of that state, and apply for the immediate exertion of the authority and power of the state to crush the combination. Governor Tiffin and the legislature, with a promptitude and energy and patriotic zeal which entitle them to a distinguished place in the affection of their sister states, effected the seizure of all the boats, provisions, and other preparations within their reach, and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky, a premature attempt to bring Burr to justice, without sufficient evidence for his conviction, had produced a popular impression in his favor and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the proclamation and orders, and the application and information of our confidential agent, at length awakened the authorities of that state to the truth, and then produced the same promptitude and energy of which the neighboring state had set the example. Under an act of their legislature of December 23d, militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary from five to double or treble that number) and persons (differently estimated from one to three

hundred) had in the mean time passed the Falls of Ohio, to rendezvous at the mouth of Cumberland, with others expected down that river.

Not apprized, till very late, that any boats were building on Cumberland, the effect of the proclamation had been trusted to for some time in the state of Tennessee; but on the 19th of December, similar communications and instructions with those to the neighboring states were despatched by express to the governor, and a general officer of the western division of the state, and on the 23d of December our confidential agent left Frankfort for Nashville, to put into activity the means of that state also. But by information received yesterday, I learn that on the 22d of December, Mr. Burr descended the Cumberland with two boats merely of accommodation, carrying with him from that state no quota toward his unlawful enterprise. Whether after the arrival of the proclamation, of the orders, or of our agent, any exertion which could be made by that state, or the orders of the governor of Kentucky for calling out the militia at the mouth of Cumberland, would be in time to arrest these boats, and those from the Falls of the Ohio, is still doubtful.

On the whole, the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the city of New Orleans.

By the same express of December nineteenth, orders were sent to the governors of Orleans and Mississippi, supplementary to those which had been given on the twenty-fifth of November, to hold the militia of their territories in readiness to co-operate, for their defence, with the regular troops and armed vessels then under command of General Wilkinson. Great alarm, indeed was excited at New Orleans by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there. General Wilkinson had arrived there himself on the 24th of November, and had immediately put into activity the resources of the place for the purpose of its defence; and on the 10th of December he was joined by his troops from the Sabine. Great zeal was shown by the inhabitants generally, the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen, and the other citizens manifesting unequivocal fidelity to the Union, and a spirit of determined resistance to their expected assailants.

Surmises have been hazarded that this enterprise is to receive aid from certain foreign powers. But these surmises are without proof or probability. The wisdom of the measures sanctioned by Congress at its last session has placed us in the paths of peace and justice with the only powers with whom we had any differences, and nothing has happened since which makes it either their interest or ours to pursue another course. No change of measures has taken place on our part; none ought to take place at this time. With the one, friendly arrangement was then proposed, and the law deemed necessary on the failure of that was suspended to give time for a fair trial of the issue. With the other, negotiation was in like manner then preferred, and provisional measures only taken to meet the event of rupture. While, therefore, we do not reflect in the slightest degree from the course we then assumed, and are still pursuing, with mutual consent, to restore a good understanding, we are not to impute to them practices as irreconcilable to interest as to good faith, and changing necessarily the relations of peace and justice between us to those of war. These surmises are therefore to be imputed to the vauntings of the author of this enterprise, to multiply his partisans by magnifying the belief of his prospects and support.

By letters from General Wilkinson, of the 14th and 18th of September, which came to hand two days after date of the resolution of the House of Representatives, that is to say, on the morning of the 18th instant, I received the important affidavit, a copy of which I now communicate, with extracts of so much of the letters as come within the scope of the resolution. By these it will be seen that of the three of the principal emissaries of Mr Burr, whom the general had caused to be apprehended, one had been liberated by habeas corpus, and the two others being those particularly employed in the endeavor to corrupt the general, and army of the United States, have been embarked by him for our ports in the Atlantic states, probably on the consideration that an impartial trial could not be expected during the present agitations of New Orleans, and that city was not as yet a safe place of confinement. As soon as these persons shall arrive, they will be delivered to the custody of the law, and left to such course of trial, both as to place and process, as its functionaries may direct. The presence of the highest judicial authorities, to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the aid of the executive means, should the judges have occasion to use them, render it equally desirable, for the criminals as for the public, that being already removed from the place where they were first apprehended, the first regular arrest should take place here, and the course of proceedings receive here their proper direction.

SPECIAL MESSAGE.

FEBRUARY 10, 1807.

To the Senate and House of Representatives of the United States :

IN compliance with the request of the House of Representatives, expressed in their resolution of the fifth instant, I proceed to give such information as is possessed, of the effect of gun-boats in the protection and defence of harbors, of the numbers thought necessary, and of the proposed distribution of them among the ports and harbors of the United States.

Under present circumstances, and governed by the intentions of the legislature, as manifested by their annual appropriations of money for the purposes of defence, it has been concluded to combine — 1st, land batteries, furnished with heavy cannon and mortars, and established on all the points around the place favorable for preventing vessels from lying before it; 2d, moveable artillery which may be carried, as an occasion may require, to points unprovided with fixed batteries; 3d, floating batteries; and 4th, gun-boats, which may oppose an enemy at its entrance and co-operate with the batteries for his expulsion.

On this subject professional men were consulted as far as we had opportunity. General Wilkinson, and the late General Gates, gave their opinions in writing, in favor of the system, as will be seen by their letters now communicated. The higher officers of the navy gave the same opinions, in separate conferences, as their presence at the seat of government offered occasions of consulting them, and no difference of judgment appeared on the subject. Those of Commodore Barron and Captain Tingey, now here, are recently furnished in writing, and transmitted herewith to the legislature.

The efficacy of gun-boats for the defence of harbors, and of other smooth and inclosed waters, may be estimated in part from that of galleys, formerly much used but less powerful, more costly in their construction and maintenance, and requiring more men. But the gun-boat itself is believed to be in use with every modern maritime nation for the purpose of defence. In the Mediterranean, on which are several small powers, whose system like ours is peace and defence, few harbors are without this article of protection. Our own experience there of the effect of gun-boats for harbor service, is recent. Algiers is particularly known to have owed to a great provision of these vessels the safety of its city, since the epoch of their construction. Before that it had been repeatedly insulted and injured. The effect of gun-boats at present in the neighborhood of Gibraltar, is well known, and how much they were used both in the attack and defence of that place during a former war. The extensive resort to them by the two greatest naval powers in the world, on an enterprise of invasion not long since in prospect, shows their confidence in their efficacy for the purposes for which they are suited. By the northern powers of Europe, whose seas are particularly adapted to them, they are still more used. The remarkable action between the Russian flotilla of gun-boats and galleys, and a Turkish fleet of ships of the line and frigates, in the Liman sea, 1788, will be readily recollected. The latter, commanded by their most celebrated admiral were completely defeated, and several of their ships of the line destroyed.

From the opinions given as to the number of gun-boats necessary for some of the principal seaports, and from a view of all the towns and ports from Orleans to Maine inclusive, entitled to protection, in proportion to their situation and circumstances, it is concluded, that to give them a due measure of protection in time of war, about two hundred gun-boats will be requisite. According to first ideas, the following would be their general distribution, liable to be varied on more mature examination, and as circumstances shall vary, that is to say :

To the Mississippi and its neighboring waters, forty gun-boats.

To Savannah and Charleston, and the harbors on each side, from St. Mary's to Currituck, twenty-five.

To the Chesapeake and its waters, twenty.

To Delaware bay and river, fifteen.

To New York, the Sound, and waters as far as Cape Cod, fifty.

To Boston and the harbors north of Cape Cod, fifty.

The flotillas assigned to these several stations might each be under the care of a particular commandant, and the vessels composing them would, in ordinary, be distributed among the harbors within the station in proportion to their importance.

Of these boats a proper proportion would be of the larger size, such as those heretofore built, capable of navigating any seas, and of reinforcing occasionally the strength of even the most distant port when menaced with danger. The residue would be confined to their own or their neighboring harbors, would be smaller, less furnished for accommodation, and consequently less costly. Of the number supposed necessary, seventy-three are built or building, and the hundred and twenty-seven still to be provided would cost from six to seven hundred thousand dollars. Having regard to the convenience of the treasury, as well as to the resources for building, it has been thought that the one half of these might be built in the present year, and the other half the next. With the legislature, however, it will rest to stop

where we are, or at any farther point, when they shall be of opinion that the number provided shall be sufficient for the object.

At times when Europe as well as the United States shall be at peace, it would not be proposed than more than six or eight of these vessels should be kept afloat. When Europe is in war, treble that number might be necessary to be distributed among those particular harbors which foreign vessels of war are in the habit of frequenting, for the purpose of preserving order therein. But they would be manned, in ordinary, with only their complement for navigation, relying on the seamen and militia of the port if called into action on any sudden emergency. It would be only when the United States should themselves be at war, that the whole number would be brought into actual service, and would be ready in the first moments of the war to co-operate with other means for covering at once the line of our seaports. At all times, those unemployed would be withdrawn into places not exposed to sudden enterprise, hauled up under sheds from the sun and weather, and kept in preservation with little expense for repairs or maintenance.

It must be superfluous to observe, that this species of naval armament is proposed merely for defensive operation; that it can have but little effect toward protecting our commerce in the open seas, even on our coast; and still less can it become an excitement to engage in offensive maritime war, toward which it would furnish no means.

SEVENTH ANNUAL MESSAGE.

OCTOBER 27, 1807.

To the Senate and House of Representatives of the United States :

CIRCUMSTANCES, fellow citizens, which seriously threatened the peace of our country, have made it a duty to convene you at an earlier period than usual. The love of peace so much cherished in the bosoms of our citizens, which has so long guided the proceedings of the public councils, and induced forbearance under so many wrongs, may not ensure our continuance in the quiet pursuits of industry. The many injuries and depredations committed on our commerce and navigation upon the high seas for years past, the successive innovations on those principles of public law which have been established by the reason and usage of nations as the rule of their intercourse, and the umpire and security of their rights and peace, and all the circumstances which induced the extraordinary mission to London, are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They accordingly proceeded, in conformity therewith, to propose arrangements which might bring us to a mutual understanding on our neutral and national rights, and provide for a commercial intercourse on conditions of some equality. After long and fruitless endeavors to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration, candidly declaring to the other negotiators, at the same time, that they were acting against their instructions, and that their government therefore could not be pledged for ratification. Some of the articles proposed might have been admitted on a principle of compromise, but others were too highly disadvantageous, and no sufficient provision was made against the principal

source of the irritations and collisions which were constantly endangering the peace of the two nations. The question, therefore, whether a treaty should be accepted in that form could have admitted but of one decision, even had no declarations of the other party impaired our confidence in it. Still anxious not to close the door against friendly adjustment, new modifications were framed and farther concessions authorized, than could before have been supposed necessary; and our ministers were instructed to resume their negotiations on these grounds. On this new reference to amicable discussion we were reposing in confidence, when on the 22d of June last, by a formal order from the British admiral, the frigate Chesapeake, leaving her port for distant service, was attacked by one of those vessels which had been lying in our harbors under the indulgences of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens with an emphasis and unanimity never exceeded. I immediately, by proclamation, interdicted our harbors and waters to all British armed vessels, forbade intercourse with them, and uncertain how far hostilities were intended, and the town of Norfolk indeed being threatened with immediate attack, a sufficient force was ordered for the protection of that place and such other preparations commenced and pursued as the prospect rendered proper. An armed vessel of the United States was despatched with instructions to our ministers at London to call on that government for the satisfaction and security required by the outrage. A very short interval ought now to bring the answer, which shall be communicated to you as soon as received; then also, or as soon after as the public interests shall be found to admit, the unratified treaty and proceedings relative to it shall be made known to you.

The aggression thus begun has been continued on the part of the British commanders, by remaining within our waters in defiance of the authority of the country, by habitual violations of its jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the Chesapeake. These aggravations necessarily lead to the policy either of never admitting an armed vessel into our harbors, or of maintaining in every harbor such an armed force as may constrain obedience to the laws, and protect the lives and property of our citizens against their armed guests. But the expense of such a standing force, and its inconsistency with our principles, dispense with those courtesies which would necessarily call for it, and leave us equally free to exclude the navy as we are the army of a foreign power from entering our limits.

To former violations of maritime rights another is now added of very extensive effect. The government of that nation has issued an order interdicting all trade by neutrals between ports not in amity with them. And being now at war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the ocean, our trade on the Mediterranean has been swept away by seizures and condemnations, and that in other seas is threatened with the same fate.

Our differences with Spain remain still unsettled; no measure having been taken on her part, since my last communication to Congress, to bring them to a close. But under a state of things which may favor reconside-

ration, they have been recently pressed, and an expectation is entertained that they may now soon be brought to an issue of some sort. With their subjects on our borders no new collisions have taken place nor seem immediately to be apprehended. To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Whether this decree, which professes to be conformable to that of the French government of November 21st, 1806, heretofore communicated to Congress, will also be conformed to that in its construction and application in relation to the United States, has not been ascertained at the date of our last communications. These, however, gave reason to expect such a conformity.

With the other nations of Europe our harmony has been uninterrupted, and commerce and friendly intercourse have been maintained on their usual footing.

Our peace with the several states on the coast of Barbary appears as firm as at any former period, and is as likely to continue as that of any other nation.

Among our Indian neighbors in the northwestern quarter, some fermentation was observed soon after the late occurrences, threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing, which usually denote a state of restlessness among them, and the character of the agitators pointed to the sources of excitement. Measures were immediately taken for providing against that danger, instructions were given to require explanations, and with assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us and to their peace with all others. While those more remote do not present appearances sufficiently quiet to justify the intermission of military precaution on our part.

The great tribes on the southwestern quarter, much advanced beyond the others in agriculture and household arts, appear tranquil, and identifying their views with ours in proportion to their advancement. With the whole of these people, in every quarter, I shall continue to inculcate peace and friendship with all their neighbors, and perseverance in those occupations and pursuits which will best promote their own well-being.

The appropriations of the last session, for the defence of our seaport towns and harbors, were made under expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given, toward the defence of New York, Charleston, and New Orleans chiefly, as most open and most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

The gun-boats, too, already provided, have on a like principle been chiefly assigned to New York, New Orleans, and the Chesapeake. Whether our moveable force on the water, so materially in aid of the defensive works on the land, should be augmented in this or any other form, is left to the wisdom of the legislature. For the purpose of manning these vessels in sudden attacks on our harbors, it is a matter for consideration, whether the seamen of the United States may not justly be formed into a special militia, to be called on for tours of duty in defence of the harbors where

they shall happen to be; the ordinary militia of the place furnishing that portion which may consist of landsmen.

The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those articles of military stores with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law would have lost occasions which might not be retrieved. I did not hesitate, therefore, to authorize engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us; and I trust that the legislature, feeling the same anxiety for the safety of our country so materially advanced by this precaution, will approve, when done, what they would have seen so important to be done if then assembled. Expenses, also unprovided for, arose out of the necessity of calling all our gun-boats into actual service for the defence of our harbors; of all which, accounts will be laid before you.

Whether a regular army is to be raised, and to what extent, must depend on the information so shortly expected. In the mean time, I have called on the states for quotas of militia, to be in readiness for present defence; and have, moreover, encouraged the acceptance of volunteers; and I am happy to inform you that these have offered themselves with great alacrity in every part of the Union. They are ordered to be organized, and ready at a moment's warning to proceed on any service to which they may be called, and every preparation within the executive powers has been made to ensure us the benefit of early exertions.

I informed Congress at their last session of the enterprises against the public peace, which were believed to be in preparation by Aaron Burr and his associates, of the measures taken to defeat them, and to bring the offenders to justice. Their enterprises were happily defeated by the patriotic exertions of the militia whenever called into action, by the fidelity of the army, and energy of the commander-in-chief in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating, before their explosion, plots endangering there. I shall think it my duty to lay before you the proceedings and the evidence publicly exhibited on the arraignment of the principal offenders before the circuit court of Virginia. You will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law, and wherever it shall be found, the legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression, under pretence of it, and if these ends are not attained, it is of importance to inquire by what means more effectually they may be secured.

The accounts of the receipts of revenue during the year ending on the thirteenth day of September last, being not yet made up, a correct statement will be hereafter transmitted from the treasury. In the mean time, it is ascertained that the receipts have amounted to near sixteen millions of dollars, which, with the five millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay more than four millions of the principal of our funded debt. These payments, with those of the preceding five and a half years, have extinguished of the funded debt twenty-five millions and a half of dollars, being the whole which could be paid or purchased within the limits of the law and of our contracts, and have left us in the treasury eight

millions and a half of dollars. A portion of this sum may be considered as a commencement of accumulation of the surpluses of revenue, which, after paying the instalments of debts as they shall become payable, will remain without any specific object. It may partly indeed be applied toward completing the defence of the exposed points of our country, on such a scale as shall be adapted to our principles and circumstances. This object is doubtless among the first entitled to attention in such a state of our finances, and it is one which, whether we have peace or war, will provide security where it is due. Whether what shall remain of this, with the future surpluses, may be usefully applied to purposes already authorized, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress, unless indeed they shall be superseded by a change in our public relations now awaiting the determination of others. Whatever be that determination, it is a great consolation that it will become known at a moment when the supreme council of the nation is assembled at its post, and ready to give the aids of its wisdom and authority to whatever course the good of our country shall then call us to pursue.

Matters of minor importance will be the subjects of future communications, and nothing shall be wanting on my part which may give information or despatch to the proceedings of the legislature in the exercise of their high duties, and at a moment so interesting to the public welfare.

SPECIAL MESSAGE.

DECEMBER 18, 1807.

To the Senate and House of Representatives of the United States :

THE communications now made, showing the great and increasing dangers with which our vessels, our seamen and merchandise, are threatened on the high seas and elsewhere, from the belligerent powers of Europe, and it being of great importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

SPECIAL MESSAGE.

FEBRUARY 9, 1808.

To the Senate and House of Representatives of the United States :

I COMMUNICATE to Congress for their information, a letter from the person acting in the absence of our consul at Naples, giving reason to believe, on the affidavit of a Captain Sheffield of the American schooner *Mary Ann*, that the Dey of Algiers has commenced war against the United States. For this no just cause has been given on our part within my knowledge. We may daily expect more authentic and particular information on the subject from Mr. Lear, who was residing as our consul at Algiers.

SPECIAL MESSAGE.

FEBRUARY 25, 1808.

To the Senate and House of Representatives of the United States :

THE dangers to our country, arising from the contests of other nations and the urgency of making preparation for whatever events might affect our relations with them, have been intimated in preceding messages to Congress. To secure ourselves by due precautions, an augmentation of our military force, as well regular as of volunteer militia, seems to be expedient. The precise extent of that augmentation cannot as yet be satisfactorily suggested, but that no time may be lost, and especially at a season deemed favorable to the object, I submit to the wisdom of the legislature whether they will authorize a commencement of this precautionary work by a provision for raising and organizing some additional force, reserving to themselves to decide its ultimate extent on such views of our situation as I may be enabled to present at a future day of the session.

If an increase of force be now approved, I submit to their consideration the outlines of a plan proposed in the enclosed letter from the secretary of war.

I recommend, also, to the attention of Congress, the term at which the act of April 18th, 1806, concerning the militia, will expire, and the effect of that expiration.

SPECIAL MESSAGE.

MARCH 22, 1808.

To the Senate and House of Representatives of the United States :

AT the opening of the present session I informed the legislature that the measures which had been taken with the government of Great Britain for the settlement of our neutral and national rights, and of the conditions of commercial intercourse with that nation, had resulted in articles of a treaty which could not be acceded to on our part; that instructions had consequently been sent to our ministers there to resume the negotiations, and to endeavor to obtain certain alterations; and that this was interrupted by the transaction which took place between the frigates Leopard and Chesapeake. The call on that government for reparation of this wrong produced, as Congress have already been informed, the mission of a special minister to this country, and the occasion is now arrived when the public interest permits and requires that the whole of these proceedings should be made known to you.

I therefore now communicate the instructions given to our minister resident at London, and his communications to that government on the subject of the Chesapeake, with the correspondence which has taken place here between the secretary of state and Mr. Rose, the special minister charged with the adjustment of that difference; the instructions to our ministers for the formation of a treaty; their correspondence with the British commissioners and with their own government on that subject; the treaty itself and written declaration of the British commissioners accompanying

it, and the instructions given by us for resuming the negotiations, with the proceedings and correspondence subsequent thereto. To these I have added a letter lately addressed to the secretary of state from one of our late ministers, which, though not strictly written in an official character, I think it my duty to communicate, in order that his views of the proposed treaty and its several articles may be fairly presented and understood.

Although I have heretofore and from time to time made such communications to Congress as to keep them possessed of a general and just view of the proceedings and dispositions of the government of France toward this country, yet, in our present critical situation, when we find no conduct on our part, however impartial and friendly, has been sufficient to ensure from either belligerent a just respect for our rights, I am desirous that nothing shall be omitted on my part which may add to your information on this subject, or contribute to the correctness of the views which should be formed. The papers which for these reasons I now lay before you embrace all the communications, official or verbal, from the French government, respecting the general relations between the two countries which have been transmitted through our minister there, or through any other accredited channel, since the last session of Congress, to which time all information of the same kind had from time to time been given. Some of these papers have already been submitted to Congress, but it is thought better to offer them again, in order that the chain of communications of which they make a part may be presented unbroken.

When, on the 26th of February, I communicated to both Houses the letter of General Armstrong to M. Champagny, I desired it might not be published, because of the tendency of that practice to restrain injuriously the freedom of our foreign correspondence. But perceiving that this caution, proceeding purely from a regard for the public good, has furnished occasion for disseminating unfounded suspicions and insinuations, I am induced to believe that the good which will now result from its publication, by confirming the confidence and union of our fellow citizens, will more than countervail the ordinary objection to such publications. It is my wish, therefore, that it may be now published.

EIGHTH ANNUAL MESSAGE.

NOVEMBER 8, 1808.

To the Senate and House of Representatives of the United States :

It would have been a source, fellow citizens, of much gratification, if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had become awakened to the duty and true policy of revoking their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole or in part, of the several embargo laws. Our ministers at London and Paris were instructed to explain to the respective governments there our disposition to exercise the authority in such manner as would withdraw the pretext on which the aggressions were originally founded, and open the way for a renewal of that commercial intercourse which it was alleged on all sides had been

reluctantly obstructed. As each of those governments had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestable rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their profession, and for restoring to the commerce of the United States its legitimate freedom. The instructions to our ministers with respect to the different belligerents were necessarily modified with reference to their different circumstances, and to the condition annexed by law to the executive power of suspension, requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge therefore of a suspension of the embargo as to her in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent, and a refusal by the other in the relation between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition to state explicitly, that on her rescinding her orders in relation to the United States their trade would be opened with her, and remain shut to her enemy in case of his failure to rescind his decrees also. From France no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted, as her orders of council had not only been referred for their vindication to an acquiescence on the part of the United States no longer to be pretended, but as the arrangement proposed, whilst it resisted the illegal decrees of France, involved, moreover, substantially, the precise advantages professedly aimed at by the British orders. The arrangement has nevertheless been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect, that in return for the privations imposed by the measure, and which our fellow citizens in general have borne with patriotism, it has had the important effects of saving our mariners and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country, and has thus long frustrated those usurpations and spoliations which, if resisted, involved war, and if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the Union, the sentiments of our constituents, my confidence is strengthened, that in forming this decision they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made.

Nor should I do justice to the virtues which on other occasions have marked the character of our fellow citizens if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

The documents containing the correspondences on the subject of the foreign edicts against our commerce, with the instructions given to our ministers at London and Paris, are now laid before you.

The communications made to Congress at their last session explained the posture in which the close of the discussion relating to the attack by a British ship of war on the frigate Chesapeake left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed authorized a belief that immediate steps would be taken by the British government for redressing a wrong which, the more it was investigated, appeared the more clearly to require what had been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary it will be seen, in the documents laid before you, that the inadmissible preliminary which obstructed the adjustment is still adhered to; and, moreover, that it is now brought into connection with the distinct and irrelative case of the orders in council. The instructions which had been given to our ministers at London, with a view to facilitate if necessary the reparation claimed by the United States, are included in the documents communicated.

Our relations with the other powers of Europe have undergone no material changes since your last session. The important negotiations with Spain, which had been alternately suspended and resumed, necessarily experience a pause under the extraordinary and interesting crisis which distinguishes her internal situation.

With the Barbary powers we continue in harmony, with the exception of an unjustifiable proceeding of the Dey of Algiers toward our consul to that regency. Its character and circumstances are now laid before you, and will enable you to decide how far it may, either now or hereafter, call for any measures not within the limits of the executive authority.

With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have as at other times taken place, but in no wise implicating the will of the nation. Beyond the Mississippi, the Ioways, the Sacs, and the Alabamas, have delivered up for trial and punishment individuals from among themselves accused of murdering citizens of the United States. On this side of the Mississippi, the Creeks are exerting themselves to arrest offenders of the same kind; the Choctaws have manifested their readiness and desire for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And, generally, from a conviction that we consider them as part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily, is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practised toward them. Husbandry and household manufacture are advancing among them, more rapidly with the southern than the northern tribes from circumstances of soil and climate, and one of the two great divisions of the Cherokee nation have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and government, in such progressive manner as we shall think best.

In consequence of the appropriations of the last session of Congress for the security of our seaport towns and harbors, such works of defence have been erected as seemed to be called for by the situation of the several places, their relative importance, and the scale of expense indicated by the amount of the appropriation. These works will chiefly be finished in the course of the present season, except at New York and New Orleans, where most was to be done; and although a great proportion of the last appropriation has been expended on the former place, yet some farther views will be submitted to Congress for rendering its security entirely adequate against naval enterprise. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

Of the gun-boats authorized by the act of December last, it has been thought necessary to build only one hundred and three in the present year. These, with those before possessed, are sufficient for the harbors and waters exposed, and the residue will require little time for their construction when it is deemed necessary.

Under the act of the last session for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and in proportion as it advanced others have been added. We have reasons to believe their success has been satisfactory, although such returns have not yet been received as enable me to present to you a statement of the numbers engaged.

I have not thought it necessary in the course of the last season to call for any general detachments of militia or volunteers under the laws passed for that purpose. For the ensuing season, however, they will be required to be in readiness should their service be wanted. Some small and special detachments have been necessary to maintain the laws of embargo on that portion of our northern frontier which offered peculiar facilities for evasion, but these were replaced as soon as it could be done by bodies of new recruits. By the aid of these, and of the armed vessels called into actual service in other quarters, the spirit of disobedience and abuse which manifested itself early and with sensible effect while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittingly be fixed on the safety of our country. For a people who are free, and who mean to remain so, a well organized and armed militia is their best security. It is therefore incumbent on us, at every meeting, to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the states have paid a laudable attention to this object, but every degree of neglect is to be found among others. Congress alone have power to produce an uniform state of preparation in this great organ of defence; the interests which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

Under the acts of March 11th and April 23d, respecting arms, the difficulty of procuring them from abroad during the present situation and dispositions of Europe, induced us to direct our whole efforts to the means of internal supply. The public factories have therefore been enlarged, additional machineries erected, and in proportion as artificers can be found or formed, their effect, already more than doubled, may be increased

so as to keep pace with the yearly increase of the militia. The annual sums appropriated by the latter act have been directed to the encouragement of private factories of arms, and contracts have been entered into with individual undertakers to nearly the amount of the first year's appropriation.

The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent. The commerce with the Indians, too, within our own boundaries, is likely to receive abundant alimont from the same internal source, and will secure to them peace and the progress of civilization, undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending on the thirtieth day of September last being not yet made up, a correct statement will hereafter be transmitted from the treasury. In the mean time, it is ascertained that the receipts have amounted to near eighteen millions of dollars, which, with the eight millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay two millions three hundred thousand dollars of the principal of our funded debt, and left us in the treasury, on that day, near fourteen millions of dollars. Of these, five millions three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three millions five hundred and eighty thousand dollars of the principal of the funded debt, being the whole which could be paid or purchased within the limits of the law and of our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus. The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the constitution as may be approved by the states? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement should that be thought best.

Availing myself of this, the last occasion which will occur of addressing the two houses of the Legislature at their meeting, I cannot omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgements are due to our fellow citizens

generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I cannot have escaped error. It is incident to our imperfect nature. But I may say with truth, my errors have been of the understanding, not of intention; and that the advancement of their rights and interests have been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that, in their steady character unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guarantee of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country long ages to come of prosperity and happiness.

MADISON'S
ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 4, 1809.

UNWILLING to depart from examples of the most revered authority, I avail myself of the occasion now presented, to express the profound impression made on me by the call of my country to the station to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would under any circumstances have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel, and that of our own country full of difficulties. The pressure of these too is the more severely felt, because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast resulting from the change has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations, whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivalled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue, and the use made of it in reducing the public debt; and in the valuable works and establishments every where multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country to the scene which has for some time been distressing us, is not chargeable on any unwarrantable views, nor as I trust on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice, and to entitle themselves to the respect of the nations at war by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world, the truth of these assertions will not be questioned; posterity at least will do justice to them.

This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced, equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued in spite of the demonstrations

that not even a pretext for them has been given by the United States, and of the fair and liberal attempt to induce revocation of them, cannot be anticipated. Assuring myself that under every vicissitude the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction, it is because I find some support in a consciousness of the purposes, and a confidence in the principles, which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality toward belligerent nations; to prefer in all cases amicable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones; to foster a spirit of independence too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the states as the basis of their peace and happiness; to support the constitution, which is the cement of the union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the states and to the people, as equally incorporated with, and essential to the success of, the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve in their full energy the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics — that without standing armies their liberty can never be in danger, nor with large ones safe; to promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor in like manner the advancement of science and the diffusion of information as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life to a participation of the improvements of which the human mind and manners are susceptible in a civilized state; as far as sentiments and intentions such as these can aid the fulfilment of my duty, they will be a resource which cannot fail me.

It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services, successfully rendered in the most trying difficulties by those who have marched before me. Of those of my immediate predecessor it might least become me here to speak. I may, however, be pardoned for not suppressing the sympathy with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness.

But the source to which I look for the aids which alone can supply my deficiencies, is in the well-tried intelligence and virtue of my fellow

citizens, and in the counsels of those representing them in the best other departments associated in the care of the national interests. In these my confidence will under every difficulty be placed, next to that in which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

SPECIAL SESSION.—MESSAGE.

MAY 23, 1809.

Fellow Citizens of the Senate and House of Representatives :

ON this first occasion of meeting you, it affords me much satisfaction to be able to communicate the commencement of a favorable change in our foreign relations, the critical state of which induced a session of Congress at this early period.

In consequence of the provisions of the act interdicting commercial intercourse with Great Britain and France, our ministers at London and Paris were without delay instructed to let it be understood by the French and British governments, that the authority vested in the executive to renew commercial intercourse with their respective nations would be exercised in the case specified by that act.

Soon after these instructions were despatched, it was found that the British government, anticipating from early proceedings of Congress at their last session, the state of our laws which has been the effect of placing the two belligerent powers on a footing of equal restrictions, and relying on the conciliatory disposition of the United States, had transmitted to their legation here provisional instructions, not only to offer satisfaction for the attack on the frigate Chesapeake, and to make known the determination of His Britannic Majesty to send an envoy extraordinary with powers to conclude a treaty on all the points between the two countries, but moreover to signify his willingness, in the meantime, to withdraw his orders in council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

These steps of the British government led to the correspondence and the proclamation now laid before you, by virtue of which the commerce between the two countries will be renewable after the 10th day of June next.

Whilst I take pleasure in doing justice to the councils of His British Majesty, which, no longer adhering to the policy which made an abandonment by France of her decree a pre-requisite to a revocation of the British orders, have substituted the amicable course which has issued thus happily, I cannot do less than refer to the proposal heretofore made on the part of the United States, embracing a like restoration of the suspended commerce, as a proof of the spirit of accommodation which has at no time been intermitted, and to the result which now calls for our congratulations, as corroborating the principles by which the public councils have been guided during a period of the most trying embarrassments.

The discontinuance of the British orders, as they respect the United

States, having been thus arranged, a communication of the event has been forwarded in one of our public vessels to our minister plenipotentiary at Paris, with instructions to avail himself of the important addition thereby made to the considerations which press on the justice of the French government a revocation of its decrees, or such a modification of them as that they shall cease to violate the neutral commerce of the United States.

The revision of our commercial laws, proper to adapt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of Congress. It will be worthy, at the same time, of their just and provident care, to make such farther alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted or extended by the laudable exertions of our citizens.

Under the existing aspect of our affairs, I have thought it not inconsistent with a just precaution to have the gun-boats, with the exception of those at New Orleans, placed in a situation incurring no expense beyond that requisite for their preservation and conveniency for future service, and to have the crews of those at New Orleans reduced to the number required for their navigation and safety.

I have thought, also, that our citizens, detached in quotas of militia amounting to one hundred thousand, under the act of March, one thousand eight hundred and eight, might not improperly be relieved from the state in which they were held for immediate service. A discharge of them has been accordingly directed.

The progress made in raising and organizing the additional military force, for which provision was made by the act of April, one thousand eight hundred and eight, together with the disposition of the troops, will appear by a report which the secretary of war is preparing, and which will be laid before you.

Of the additional frigates required by an act of the last session to be fitted for actual service, two are in readiness, one nearly so, and the fourth is expected to be ready in the month of July. A report which the secretary of the navy is preparing on the subject, to be laid before Congress, will show, at the same time, the progress made in officering and manning these ships. It will show, also, the degree in which the provisions of the act relating to the other public armed ships have been carried into execution.

It will rest with the judgment of Congress to decide how far the change in our external prospect may authorize any modifications of the laws relating to the army and navy establishments.

The works of defence for our seaport towns and harbors have proceeded with as much activity as the season of the year and other circumstances would admit. It is necessary, however, to state that the appropriations hitherto made being found to be deficient, a farther provision will claim the early consideration of Congress.

The whole of the eight per cent. stock remaining due by the United States, amounting to five millions three hundred thousand dollars, had been reimbursed on the last day of the year 1808. And on the first day of April last the sum in the treasury exceeded nine and a half millions of dollars. This, together with the receipts of the current year on account of former revenue bonds, will probably be nearly, if not altogether, sufficient to defray the expenses of the year. But the suspension of exports,

and the consequent decrease of importations during the last twelve months, will necessarily cause a great diminution in the receipts of the year one thousand eight hundred and ten. After that year, should our foreign relations be undisturbed, the revenue will again be more than commensurate to all the expenditures.

Aware of the inconveniences of a protracted session at the present season of the year, I forbear to call the attention of the legislature to any matters not particularly urgent. It remains, therefore, only to assure you of the fidelity and alacrity with which I shall co-operate for the welfare and happiness of our country, and to pray it may experience a continuance of the divine blessings by which it has been so signally favored.

FIRST ANNUAL MESSAGE.

NOVEMBER 29, 1809.

Fellow Citizens of the Senate and House of Representatives :

At the period of our last meeting I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so as presaging a more extended accommodation. It is with deep concern I am now to inform you that the favorable prospect has been overclouded by a refusal of the British government to abide by the act of its minister plenipotentiary, and by its ensuing policy toward the United States, as seen through the communications of the minister sent to replace him.

Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries in cases where by the terms of the engagements a mutual ratification is reserved, or where notice at the time may have been given of a departure from instructions, or in extraordinary cases essentially violating the principles of equity, a disavowal could not have been apprehended in a case where no such notice or violation existed, where no such ratification was reserved, and more especially where, as is now in proof, an engagement to be executed without any such ratification was contemplated by the instructions given, and where it had with good faith been carried into immediate execution on the part of the United States.

These considerations not having restrained the British government from disavowing the arrangement by virtue of which its orders in council were to be revoked, and the event authorizing the renewal of commercial intercourse having thus not taken place, it necessarily became a question of equal urgency and importance, whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being after due deliberation determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things from that which had followed an execution of the arrangement by the United States would involve difficulties. With a view to diminish these as much as possible, the instructions from the secretary of the treasury now laid before you were transmitted to the collectors of the several ports. If in permitting British vessels to depart without giving bonds not to proceed to their own ports it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the

anxious desire which was felt that no individuals should be injured by so unforeseen an occurrence, and I rely on the regard of Congress for the equitable interests of our own citizens to adopt whatever farther provisions may be found requisite for a general remission of penalties involuntarily incurred.

The recall of the disavowed minister having been followed by the appointment of a successor, hopes were indulged that the new mission would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted that it would at least be charged with conciliatory explanations of the steps which had been taken, and with proposals to be substituted for the rejected arrangement. Reasonable and universal as this expectation was, it also has not been fulfilled. From the first official disclosures of the new minister it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed, nor any authority to substitute proposals as to that branch which concerned the British orders in council; and finally, that his proposals with respect to the other branch, the attack on the frigate Chesapeake, were founded on a presumption repeatedly declared to be inadmissible by the United States, that the first step toward adjustment was due from them, the proposals at the same time omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws and British practice than to the principles and obligations of the United States.

The correspondence between the department of state and this minister will show how unessentially the features presented in its commencement have been varied in its progress. It will show also that, forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no farther communications should be received from him. The necessity of this step will be made known to His Britannic Majesty through the minister plenipotentiary of the United States in London. And it would indicate a want of the confidence due to a government which so well understands and exacts what becomes foreign ministers near it, not to infer that the misconduct of its own representative will be viewed in the same light in which it has been regarded here. The British government will learn at the same time that a ready attention will be given to communications through any channel which may be substituted. It will be happy if the change in this respect should be accompanied by a favorable revision of the unfriendly policy which has been so long pursued toward the United States.

With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures taken on the part of the United States to effect a favorable change. The result of the several communications made to her government, in pursuance of the authorities vested by Congress in the executive, is contained in the correspondence of our minister at Paris now laid before you.

By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases, the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration

of the legislature how far both the safety and honor of the American flag may be consulted, by adequate provision against that collusive prostitution of it by individuals, unworthy of the American name, which has so much favored the real or pretended suspicions under which the honest commerce of their fellow citizens has suffered.

In relation to the powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system continued toward them has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

From a statement which will be made by the secretary of war, it will be seen that the fortifications on our maritime frontier are in many of the ports completed, affording the defence which was contemplated, and that a farther time will be required to render complete the works in the harbor of New York, and in some other places. By the enlargement of the works and the employment of a greater number of hands at the public armories, the supply of small arms of an improving quality appears to be annually increasing at a rate that, with those made on private contract, may be expected to go far toward providing for the public exigency.

The act of Congress providing for the equipment of our vessels of war having been fully carried into execution, I refer to the statement of the secretary of the navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations authorized by the act of the session preceding the last, and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

The sums which had been previously accumulated in the treasury, together with the receipts during the year ending on the 30th of September last, (and amounting to more than nine millions of dollars,) have enabled us to fulfil all our engagements and to defray the current expenses of government without recurring to any loan. But the insecurity of our commerce, and the consequent diminution of the public revenue will probably produce a deficiency in the receipts of the ensuing year, for which, and for other details, I refer to the statements which will be transmitted from the treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the national legislature will be again summoned to the important decision on the alternatives before them. That these will be met in a spirit worthy the councils of a nation conscious both of its rectitude and of its rights, and careful as well of its honor as of its peace, I have an entire confidence. And that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens with a patriotism enlightened and invigorated by experience, ought as little to be doubted.

In the midst of the wrongs and vexations experienced from external

causes, there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country every where presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In a cultivation of the materials and the extension of useful manufactures, more especially in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies. Nor is it unworthy of reflection that this revolution in our pursuits and habits is in no slight degree a consequence of those impolitic and arbitrary edicts by which the contending nations, in endeavoring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures of which our own are now taking the place.

Recollecting always, that for every advantage which may contribute to distinguish our lot from that to which others are doomed by the unhappy spirit of the times, we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same Omnipotent Source a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

SECOND ANNUAL MESSAGE.

DECEMBER 5, 1810.

Fellow Citizens of the Senate and House of Representatives :

THE embarrassments which have prevailed in our foreign relations, and so much employed the deliberations of Congress, make it a primary duty in meeting you to communicate whatever may have occurred in that branch of our national affairs.

The act of the last session of Congress, concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, having invited in a new form a termination of their edicts against our neutral commerce, copies of the act were immediately forwarded to our ministers at London and Paris, with a view that its object might be within the early attention of the French and British governments.

By the communication received through our minister at Paris, it appeared that a knowledge of the act by the French government was followed by a declaration that the Berlin and Milan decrees were revoked, and would cease to have effect on the first day of November ensuing. These being the only known edicts of France within the description of the act, and the revocation of them being such that they ceased at that date to violate our neutral commerce, the fact, as prescribed by law, was announced by a proclamation bearing date the second day of November.

It would have well accorded with the conciliatory views indicated by this proceeding on the part of France, to have extended them to all the grounds of just complaint which now remain unadjusted with the United States. It was particularly anticipated that as a farther evidence of just dispositions toward them, restoration would have been immediately made

of the property of our citizens seized under misapplication of the principle of reprisals combined with a misconstruction of the law of the United States. This expectation has not been fulfilled.

From the British government no communication on the subject of the act has been received. To a communication from our minister at London of a revocation by the French government of its Berlin and Milan decrees it was answered, that the British system would be relinquished as soon as the repeal of the French decrees should have actually taken effect, and the commerce of neutral nations have been restored to the condition in which it stood previously to the promulgation of those decrees. This pledge, although it does not necessarily import, does not exclude the intention of relinquishing, along with the orders in council, the practice of those novel blockades which have a like effect of interrupting our neutral commerce; and this farther justice to the United States is the rather to be looked for, inasmuch as the blockades in question, being not more contrary to the established law of nations than inconsistent with the rules of blockade formally recognised by Great Britain herself, could have no alleged basis other than the plea of retaliation alleged as the basis of the orders in council. Under the modification of the original orders of November, 1807, into the orders of April, 1809, there is indeed scarcely a nominal distinction between the orders and the blockades. One of those illegitimate blockades, bearing date in May, 1806, having been expressly avowed to be still unrescinded, and to be in effect comprehended in the orders in council, was too distinctly brought within the purview of the act of Congress not to be comprehended in the explanation of the requisites to a compliance with it. The British government was accordingly apprized by our minister near it that such was the light in which the subject was to be regarded.

On the other important subjects depending between the United States and that government, no progress has been made from which an early and satisfactory result can be relied on.

In this new posture of our relations with those powers, the consideration of Congress will be properly turned to a removal of doubts which may occur in the exposition, and of difficulties in the execution, of the act above cited.

The commerce of the United States with the north of Europe, heretofore much vexed by licentious cruisers, particularly under the Danish flag, has latterly been visited with fresh and extensive depredations. The measures pursued in behalf of our injured citizens not having obtained justice for them, a farther and more formal interposition with the Danish government is contemplated. The principles which have been maintained by that government in relation to neutral commerce, and the friendly professions of His Danish Majesty toward the United States, are valuable pledges in favor of a successful issue.

Among the events growing out of the state of the Spanish monarchy, our attention was imperiously attracted to the change developing itself in that portion of West Florida which, though of right appertaining to the United States, had remained in the possession of Spain, awaiting the result of negotiations for its actual delivery to them. The Spanish authority was subverted, and a situation produced exposing the country to ulterior events which might essentially affect the rights and welfare of the Union. In such a conjuncture I did not delay the interpositions required for the occupancy of the territory west of the river Perdido, to which the title of the United

States extends, and to which the laws provided for the territory of Orleans are applicable. With this view, the proclamation of which a copy is laid before you was confided to the governor of that territory to be carried into effect. The legality and necessity of the course pursued assure me of the favorable light in which it will present itself to the legislature, and of the promptitude with which they will supply whatever provisions may be due to the essential rights and equitable interests of the people thus brought into the bosom of the American family.

Our amity with the powers of Barbary, with the exception of a recent occurrence at Tunis, of which an explanation is just received appears to have been uninterrupted and to have become more firmly established.

With the Indian tribes, also, the peace and friendship of the United States are found to be so eligible, that the general disposition to preserve both continues to gain strength.

I feel particular satisfaction in remarking that an interior view of our country presents us with grateful proofs of its substantial and increasing prosperity. To a thriving agriculture, and the improvements relating to it, is added a highly interesting extension of useful manufactures, the combined product of professional occupations and of household industry. Such, indeed, is the experience of economy, as well as of policy, in these substitutes for supplies heretofore obtained by foreign commerce, that in a national view the change is justly regarded as of itself more than a recompense for those privations and losses resulting from foreign injustice which furnished the general impulse required for its accomplishment. How far it may be expedient to guard the infancy of this improvement in the distribution of labor by regulations of the commercial tariff, is a subject which cannot fail to suggest itself to your patriotic reflections.

It will rest with the consideration of Congress, also, whether a provident as well as fair encouragement would not be given to our navigation by such regulations as would place it on a level of competition with foreign vessels, particularly in transporting the important and bulky productions of our own soil. The failure of equality and reciprocity in the existing regulations on this subject operates in our ports as a premium to foreign competitors; and the inconvenience must increase as these may be multiplied, under more favorable circumstances, by the more than countervailing encouragements now given them by the laws of their respective countries.

Whilst it is universally admitted that a well instructed people alone can be permanently a free people, and whilst it is evident that the means of diffusing and improving useful knowledge form so small a proportion of the expenditures for national purposes, I cannot presume it to be unseasonable to invite your attention to the advantages of superadding to the means of education provided by the several states a seminary of learning instituted by the national legislature, within the limits of their exclusive jurisdiction, the expense of which might be defrayed or reimbursed out of the vacant grounds which have accrued to the nation within those limits.

Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions, by expanding the patriotism, and by assimilating the principles, the sentiments, and the manners of those who might resort to this temple of science, to be redistributed in due time through every part of the community, sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But above all, a

well constituted seminary, in the centre of the nation, is recommended by the consideration that the additional instruction emanating from it would contribute not less to strengthen the foundation than to adorn the structure of our free and happy system of government.

Among the commercial abuses still committed under the American flag, and leaving in force my former reference to that subject, it appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity and in defiance of those of their own country. The same just and benevolent motives which produced the interdiction in force against this criminal conduct will doubtless be felt by Congress in devising farther means of suppressing the evil.

In the midst of uncertainties necessarily connected with the great interests of the United States, prudence requires a continuance of our defensive and precautionary arrangements. The secretary of war and the secretary of the navy will submit the statements and estimates which may aid Congress in their ensuing provisions for the land and naval forces. The statements of the latter will include a view of the transfers of appropriations in the naval expenditures, and the grounds on which they were made.

The fortifications for the defence of our maritime frontier have been prosecuted according to the plan laid down in 1808. The works, with some exceptions, are completed and furnished with ordnance. Those for the security of the city of New York, though far advanced toward completion, will require a farther time and appropriation. This is the case with a few others, either not completed or in need of repairs.

The improvements in quality and quantity, made in the manufacture of cannon and small arms, both at the public armories and private factories, warrant additional confidence in the competency of these resources for supplying the public exigencies.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether farther provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits, and is capable of receiving, it is indispensable that they should be instructed and practised in the rules by which they are to be governed. Toward an accomplishment of this important work, I recommend for the consideration of Congress the expediency of instituting a system which shall in the first instance call into the field, at the public expense and for a given time, certain portions of the commissioned and non-commissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill in those portions of an army, in fitting it for the final duties which it may have to perform.

The corps of engineers, with the military academy, are entitled to the early attention of Congress. The buildings at the seat fixed by law for the present academy are so far in decay as not to afford the necessary accommodation. But a revision of the law is recommended, principally with a view to a more enlarged cultivation and diffusion of the advantages of such institutions, by providing professorships for all the necessary branches of military instruction, and by the establishment of an additional academy at the seat of

government or elsewhere. The means by which wars, as well for defence as for offence, are now carried on, render these schools of the more scientific operations an indispensable part of every adequate system. Even among nations whose large standing armies and frequent wars afford every other opportunity of instruction, these establishments are found to be indispensable for the due attainment of the branches of military science which require a regular course of study and experiment. In a government happily without the other opportunities, seminaries where the elementary principles of the art of war can be taught without actual war, and without the expense of extensive and standing armies, have the precious advantage of uniting an essential preparation against external danger with a scrupulous regard to internal safety. In no other way, probably, can a provision of equal efficacy for the public defence be made at so little expense, or more consistently with the public liberty.

The receipts into the treasury during the year ending on the 30th of September last, (and amounting to more than eight millions and a half of dollars,) have exceeded the current expenses of government, including the interest on the public debt. For the purpose of reimbursing, at the end of the year, three millions seven hundred and fifty thousand dollars of the principal, a loan, as authorized by law, had been negotiated to that amount, but has since been reduced to two millions seven hundred and fifty thousand dollars; the reduction being permitted by the state of the treasury, in which there will be a balance remaining at the end of the year estimated at two millions of dollars. For the probable receipts of the next year, and other details, I refer to statements which will be transmitted from the treasury, and which will enable you to judge what farther provisions may be necessary for the ensuing years.

Reserving for future occasions in the course of the session whatever other communications may claim your attention, I close the present by expressing my reliance, under the blessing of Divine Providence, on the judgment and patriotism which will guide your measures, at a period particularly calling for united councils and inflexible exertions for the welfare of our country, and by assuring you of the fidelity and alacrity with which my co-operation will be afforded.

THIRD ANNUAL MESSAGE.

NOVEMBER 5, 1811.

Fellow Citizens of the Senate and House of Representatives:

IN calling you together sooner than a separation from your homes would otherwise have been required, I yielded to considerations drawn from the posture of our foreign affairs; and in fixing the present for the time of your meeting, regard was had to the probability of farther developments of the policy of the belligerent powers toward this country, which might the more unite the national councils in the measures to be pursued.

At the close of the last session of Congress, it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the government of Great Britain to repeal its orders in council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step toward satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated through the British envoy just arrived, that whilst the revocation of the edicts of France, as officially made known to the British government, was denied to have taken place, it was an indispensable condition of the repeal of the British orders that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy; the United States being given to understand that in the mean time a continuance of their non-importation act would lead to measures of retaliation.

At a later date, it has indeed appeared that a communication to the British government of fresh evidence of the repeal of the French decrees against our neutral trade was followed by an intimation that it had been transmitted to the British plenipotentiary here in order that it might receive full consideration in the depending discussions. The communication appears not to have been received; but the transmission of it hither, instead of founding on it an actual repeal of the orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British cabinet. To be ready to meet with cordiality satisfactory proofs of such a change, and to proceed in the mean time in adapting our measures to the views which have been disclosed through that minister, will best consult our whole duty.

In the unfriendly spirit of those disclosures, indemnity and redress for other wrongs have continued to be withheld, and our coasts and the mouths of our harbors have again witnessed scenes not less derogatory to the dearest of our national rights than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships of war hovering on our coasts, was an encounter between one of them and the American frigate commanded by Captain Rogers, rendered unavoidable on the part of the latter by a fire commenced without cause by the former, whose commander is therefore alone chargeable with the blood unfortunately shed in maintaining the honor of the American flag. The proceedings of a court of inquiry requested by Captain Rogers are communicated, together with the correspondence relating to the occurrence between the secretary of state and His Britannic Majesty's envoy. To these are added the several correspondences which have passed on the subject of the British orders in council, and to both, the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the government of Great Britain has thought proper to make against the proceedings of the United States.

The justness and fairness which have been evinced on the part of the United States toward France, both before and since the revocation of her decrees, authorized an expectation that her government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States, and particularly to restore the great amount of American property seized and condemned under edicts which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles that the reparation ought to have been prompt and ample.

In addition to this and other demands of strict right on that nation, the

United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions has been subjected, and which, if not discontinued, will require at least corresponding restrictions on importations from France into the United States.

On all those subjects our minister plenipotentiary, lately sent to Paris, has carried with him the necessary instructions, the result of which will be communicated to you, and, by ascertaining the ulterior policy of the French government toward the United States, will enable you to adapt to it that of the United States toward France.

Our other foreign relations remain without unfavorable changes. With Russia they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions toward our commerce in the councils of that nation also. And the information from our special minister to Denmark shows that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.

Under the ominous indications which commanded attention, it became a duty to exert the means committed to the executive department in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones; and as particularly suited for co-operation in emergencies, a portion of the gun-boats have in particular harbors been ordered into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coast. And such a disposition has been made of our land forces as was thought to promise the services most appropriate and important. In this disposition is included a force consisting of regulars and militia, embodied in the Indiana territory and marched toward our northwestern frontier. This measure was made requisite by several murders and depredations committed by the Indians, but more especially by the menacing preparations and aspect of a combination of them on the Wabash, under the influence and direction of a fanatic of the Shawanese tribe. With these exceptions, the Indian tribes retain their peaceable dispositions toward us, and their usual pursuits.

I must now add, that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States, to substitute for the accumulating dangers to the peace of the two countries all the mutual advantages of re-established friendship and confidence, we have seen that the British cabinet perseveres not only in withholding a remedy for other wrongs, so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which under existing circumstances have the character as well as the effect of war on our lawful commerce.

With this evidence of hostile inflexibility in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary

force to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments as they may be wanted of other portions of the militia; and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries which in every event will form a valuable and frugal part of our military establishment.

The manufacture of cannon and small arms has proceeded with due success, and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will of course be drawn to such provisions on the subject of our naval force as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness, also, of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the southern portion of our own hemisphere and extend into our neighborhood. An enlarged philanthropy and an enlightened forecast concur in imposing on the national councils an obligation to take a deep interest in their destinies; to cherish reciprocal sentiments of good will; to regard the progress of events; and not to be unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation, the early attention of Congress will be due to the expediency of farther guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious every where and particularly criminal in free governments, where, the laws being made by all for the good of all, a fraud is committed on every individual as well as on the state, attains its utmost guilt when it blends with a pursuit of ignominious gain a treacherous subserviency, in the transgressors, to a foreign policy adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself through the regular animadversions of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interests which it covers, it is expedient also that it be made punishable in our citizens to accept licenses from foreign governments for a trade unlawfully interdicted by them to other American citizens, or to trade under false colors or papers of any sort.

A prohibition is equally called for against the acceptance by our citizens of special licenses to be used in a trade with the United States; and against the admission into particular ports of the United States of vessels from foreign countries authorized to trade with particular ports only.

Although other subjects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent; and to our navigation the fair extent of which it is at present abridged by the unequal regulations of foreign governments.

Besides the reasonableness of saving our manufactures from sacrifices which a change of circumstances might bring on them, the national interest

requires that, with respect to such articles at least as belong to our defence and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign governments adhere to an existing discrimination in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation in our ports, the effect cannot be mistaken, because it has been seriously felt by our shipping interests; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets, and of a growing body of mariners, trained by their occupations for the service of their country in times of danger, must be diminished.

The receipts into the treasury during the year ending on the 30th of September last have exceeded thirteen millions and a half of dollars, and have enabled us to defray the current expenses, including the interest on the public debt, and to reimburse more than five millions of dollars of the principal, without recurring to the loan authorized by the act of the last session. The temporary loan obtained in the latter end of the year one thousand eight hundred and ten has also been reimbursed, and is not included in that amount.

The decrease of revenue arising from the situation of our commerce and the extraordinary expenses which have and may become necessary, must be taken into view in making commensurate provisions for the ensuing year. And I recommend to your consideration the propriety of ensuring a sufficiency of annual revenue, at least to defray the ordinary expenses of government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I cannot close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honorable result to your deliberations, and assurances of the faithful zeal with which my co-operating duties will be discharged; invoking at the same time the blessing of Heaven on our beloved country, and on all the means that may be employed in vindicating its rights and advancing its welfare.

SPECIAL MESSAGE.

DECEMBER 23, 1811.

To the Senate and House of Representatives of the United States:

I COMMUNICATE to Congress copies of an act of the legislature of New York relating to a canal from the great lakes to Hudson's river. In making the communication I consult the respect due to that state, in whose behalf the commissioners appointed by the act have placed it in my hands for the purpose.

The utility of canal navigation is universally admitted. It is not less certain that scarcely any country offers more extensive opportunities for that branch of improvements than the United States, and none, perhaps, inducements equally persuasive to make the most of them. The particular undertaking contemplated by the state of New York, which marks an honorable spirit of enterprise and comprises objects of national as well as more limited importance, will recall the attention of Congress to the signal advantages to be derived to the United States from a general system of internal communication and conveyance, and suggest to their consideration

whatever steps may be proper on their part toward its introduction and accomplishment. As some of those advantages have an intimate connection with arrangements and exertions for the general security, it is at a period calling for these that the merits of such a system will be seen in the strongest lights.

SPECIAL MESSAGE.

MARCH 9, 1812.

To the Senate and House of Representatives of the United States :

I LAY before Congress copies of certain documents which remain in the department of state. They prove that at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality toward Great Britain, and in the midst of amicable professions and negotiations on the part of the British government, through its public minister here, a secret agent of that government was employed in certain states, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with a British force, of destroying the Union and forming the eastern part thereof into a political connection with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the public councils, it will not fail to render more dear to the hearts of all good citizens that happy union of these states, which, under Divine Providence, is the guarantee of their liberties, their safety, their tranquillity, and their prosperity.

CONFIDENTIAL MESSAGE.

JUNE 1, 1812.

To the Senate and House of Representatives of the United States :

I COMMUNICATE to Congress certain documents, being a continuation of those heretofore laid before them on the subject of our affairs with Great Britain.

Without going back beyond the renewal, in 1803, of the war in which Great Britain is engaged, and omitting unrepaired wrongs of inferior magnitude, the conduct of her government presents a series of acts hostile to the United States as an independent and neutral nation.

British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and seizing and carrying off persons sailing under it; not in the exercise of a belligerent right founded on the law of nations against an enemy, but of a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels in a situation where no laws can operate but the law of nations and the laws of the country to which the vessels belong, and a self-redress is assumed, which, if British subjects were wrongfully detained and alone concerned, is that substitution of force for a resort to the responsible sovereign which falls

within the definition of war. Could the seizure of British subjects in such cases be regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged without a regular investigation before a competent tribunal, would imperiously demand the fairest trial where the sacred rights of persons were at issue. In place of such a trial, these rights are subjected to the will of every petty commander.

The practice, hence, is so far from affecting British subjects alone, that under the pretext of searching for these, thousands of American citizens, under the safeguard of national law and of their national flag, have been torn from their country and every thing dear to them; have been dragged on board of ships of war of a foreign nation and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

Against this crying enormity which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expostulations, and that no proof might be wanting of their conciliatory disposition, and no pretext left for a continuance of the practice, the British government was formally assured of the readiness of the United States to enter into arrangements such as could not be rejected if the recovery of British subjects were the real and the sole object. The communication passed without effect.

British cruisers have been in the practice also of violating the rights and the peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbors, and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts and disturbing her commerce, are well known. When called on, nevertheless, by the United States, to punish the greater offences committed by her own vessels, her government has bestowed on their commanders additional marks of honor and confidence.

Under pretended blockades, without the presence of an adequate force and sometimes without the practicability of applying one, our commerce has been plundered in every sea, the great staples of our country have been cut off from their legitimate markets, and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification; a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, these mock blockades have been reiterated and enforced in the face of official communications from the British government, declaring, as the true definition of a legal blockade, "that particular ports must be actually invested, and previous warning given to vessels bound to them not to enter."

Not content with these occasional expedients for laying waste our neutral trade, the cabinet of Great Britain resorted at length to the sweeping system of blockades, under the name of orders in council, which has been moulded and managed as might best suit its political views, its commercial jealousies, or the avidity of British cruisers.

To our remonstrances against the complicated and transcendent injustice of this innovation, the first reply was, that the orders were reluctantly adopted by Great Britain as a necessary retaliation on decrees of her enemy proclaiming a general blockade of the British isles, at a time when the naval force of that enemy dared not to issue from his own ports. She was reminded without effect that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea; the executed edicts against millions of our property could not be retaliation on edicts confessedly impossible to be executed; that retaliations, to be just, should fall on the party setting the guilty example, not on an innocent party which was not even chargeable with an acquiescence in it.

When deprived of this flimsy veil for a prohibition of our trade with her enemy, by the repeal of his prohibition of our trade with Great Britain, her cabinet, instead of a corresponding repeal or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States, until the markets of her enemy should be laid open to British products, thus asserting an obligation on a neutral power to require one belligerent to encourage by its internal regulations the trade of another belligerent, contradicting her own practice toward all nations, in peace as well as in war, and betraying the insincerity of those professions which inculcated a belief that, having resorted to her orders with regret, she was anxious to find an occasion for putting an end to them.

Abandoning still more all respect for the neutral rights of the United States, and for its own consistency, the British government now demands, as pre-requisites to a repeal of its orders as they relate to the United States, that a formality should be observed in the repeal of the French decrees, no wise necessary to their termination nor exemplified by British usage, and that the French repeal, besides including that portion of the decrees which operate within a territorial jurisdiction as well as that which operates on the high seas against the commerce of the United States, should not be a single and special repeal in relation to the United States, but should be extended to whatever other neutral nations, unconnected with them, may be affected by those decrees. And as an additional insult they are called on for a formal disavowal of conditions and pretensions advanced by the French government, for which the United States are so far from having made themselves responsible, that in official explanations which have been published to the world, and in a correspondence of the American minister in London with the British minister of foreign affairs, such a responsibility was explicitly and emphatically disclaimed.

It has become, indeed, sufficiently certain, that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain, not as supplying the wants of her enemies, which she herself supplies, but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend that she may the better carry on a commerce with an enemy—a commerce polluted by the forgeries and perjuries which are for the most part the only passports by which it can succeed.

Anxious to make every experiment short of the last resort of injured nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with their market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce with other nations. And to entitle these experiments to the

more favorable consideration, they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her government has been equally inflexible, as if willing to make sacrifices of every sort rather than yield to the claims of justice or renounce the errors of a false pride. Nay, so far were the attempts carried to overcome the attachment of the British cabinet to its unjust edicts, that it received every encouragement within the competency of the executive branch of our government to expect that a repeal of them would be followed by a war between the United States and France, unless the French edicts should also be repealed. Even this communication, although silencing forever the plea of a disposition in the United States to acquiesce in those edicts, originally the sole plea for them, received no attention.

If no other proof existed of a pre-determination of the British government against a repeal of its orders, it might be found in the correspondence of the minister plenipotentiary of the United States at London, and the British secretary of foreign affairs in 1810, on the question whether the blockade of May, 1806, was considered as in force or as not in force. It had been ascertained that the French government, which urged this blockade as the ground of its Berlin decree, was willing in the event of its removal to repeal that decree, which, being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed so often to be the desire of both the belligerents, was made known to the British government. As that government admits that an actual application of an adequate force is necessary to the existence of legal blockade, and it was notorious that if such a force had ever been applied its long discontinuance had annulled the blockade in question, there could be no sufficient objection on the part of Great Britain to a formal revocation of it, and no imaginable objection to a declaration of the fact that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade, and would have enabled the United States to demand from France the pledged repeal of her decrees, either with success, in which case the way would have been opened for a general repeal of the belligerent edicts, or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British government would, however, neither rescind the blockade, nor declare its non-existence, nor permit its non-existence to be inferred and affirmed by the American plenipotentiary. On the contrary, by representing the blockade to be comprehended in the orders in council, the United States were compelled so to regard it in their subsequent proceedings.

There was a period when a favorable change in the policy of the British cabinet was justly considered as established. The minister plenipotentiary of His Britannic Majesty here proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with the promptitude and cordiality corresponding with the invariable professions of this government. A foundation appeared to be laid for a sincere and lasting reconciliation. The prospect, however, quickly vanished. The whole proceeding was disowned by the British government, without any explanation which could at that time repress the belief that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States. And it has since come into proof that at the

very moment when the public minister was holding the language of friendship and inspiring confidence in the sincerity of a negotiation with which he was charged, a secret agent of his government was employed in intrigues having for their object a subversion of our government and a dismemberment of our happy union.

In reviewing the conduct of Great Britain toward the United States, our attention is necessarily drawn to the warfare just renewed by the savages on one of our extensive frontiers, — a warfare which is known to spare neither age nor sex, and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have been for some time developing themselves among tribes in constant intercourse with British traders and garrisons, without connecting their hostility with that influence, and without recollecting the authenticated examples of such interpositions heretofore furnished by the officers and agents of that government.

Such is the spectacle of injuries and indignities which have been heaped on our country, and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. It might at least have been expected that an enlightened nation, if less urged by moral obligations or invited by friendly disposition on the part of the United States, would have found in its true interest alone a sufficient motive to respect their rights and their tranquillity on the high seas; that an enlarged policy would have favored that free and general circulation of commerce in which the British nation is at all times interested, and which in times of war is the best alleviation of its calamities to herself as well as to other belligerents; and more especially that the British cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

Other counsels have prevailed. Our moderation and conciliation have had no other effect than to encourage perseverance and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence, committed on the great and common highway of nations even within sight of the country which owes them protection. We behold our vessels freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize-courts no longer the organs of public law but the instruments of arbitrary edicts, and their unfortunate crews dispersed and lost, or forced or inveigled in British ports into British fleets, whilst arguments are employed in support of these aggressions which have no foundation but in a principle equally supporting a claim to regulate our external commerce in all cases whatsoever.

We behold, in fine, on the side of Great Britain, a state of war against the United States, and on the side of the United States, a state of peace toward Great Britain.

Whether the United States shall continue passive under the progressive usurpations and these accumulating wrongs, or, opposing force to force in defence of their national rights, shall commit a just cause into the hands of the Almighty Disposer of events, avoiding all connections which might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honorable re-establishment of peace and friendship,

is a solemn question which the constitution wisely confides to the legislative department of the government. In recommending it to their early deliberations, I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, free, and a powerful nation.

Having presented this view of the relations of the United States with Great Britain, and of the solemn alternative growing out of them, I proceed to remark that the communications last made to Congress on the subject of our relations with France will have shown, that since the revocation of her decrees, as they violated the neutral rights of the United States, her government has authorized illegal captures by its privateers and public ships, and that other outrages have been practised on our vessels and our citizens. It will have been seen, also, that no indemnity had been provided, or satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective orders of the French government against the property of our citizens seized within the jurisdiction of France. I abstain, at this time, from recommending to the consideration of Congress definitive measures with respect to that nation, in the expectation that the result of unclosed discussions between our minister plenipotentiary at Paris and the French government, will speedily enable Congress to decide with greater advantage on the course due to the rights, the interests, and the honor of our country.

FOURTH ANNUAL MESSAGE.

NOVEMBER 4, 1812.

Fellow Citizens of the Senate and House of Representatives:

ON our present meeting it is my first duty to invite your attention to the providential favors which our country has experienced in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labors bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favorable to the national prosperity, there is just occasion also for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incident to the state of war into which the United States have been forced by the perseverance of a foreign power in its system of injustice and aggression.

Previous to its declaration, it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan territory with a general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain co-operating relations with such forces as might be most conveniently employed against other parts. Brigadier-general Hull was charged with this provisional service, having under his command a body of troops composed of regulars and volunteers from the state of Ohio. Having reached his destination after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighboring territory of the enemy with the prospect of easy

and victorious progress. The expedition, nevertheless, terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace and promoted civilization among that wretched portion of the human race, and was making exertions to dissuade them from taking either side in the war, the enemy had not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture which are known to spare neither age nor sex. In this outrage against the laws of honorable war, and against the feelings sacred to humanity, the British commanders cannot resort to a plea of retaliation, for it is committed in the face of our example. They cannot mitigate it by calling it a self-defence against men in arms, for it embraces the most shocking butcheries of defenceless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated, since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation boasting its religion and morality have not been restrained from presenting to an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proof that the national spirit rises according to the pressure on it. The loss of an important post, and the brave men surrendered with it, inspired every where new ardor and determination. In the states and districts least remote, it was no sooner known than every citizen was ready to fly with his arms at once to protect his brethren against the blood-thirsty savages let loose by the enemy on an extensive frontier, and to convert a partial calamity into a source of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the states of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of Brigadier-general Harrison, who possesses the entire confidence of his fellow soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations than by their personal merits. The greater portion of this force is proceeding on its destination toward the Michigan territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subserviency into which they had been seduced by the enemy,—a seduction the more cruel as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces under the command of Major-general Van Rensselaer, of the militia of the state of New York. The attack, it appears, was ordered in compliance with the ardor of the troops who executed it with distinguished gallantry and were for a time victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable and is to be deeply lamented. That of the enemy, less ascertained, will be the more felt, as it includes among the killed the commanding

general, who was also the governor of the province, and was sustained by veteran troops from unexperienced soldiers who must daily improve in the duties of the field.

Our expectation of gaining the command of the lakes by the invasion of Canada from Detroit having been disappointed, measures were instantly taken to provide on them a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object, every thing that can be done may be expected. Should the present season not admit of complete success, the progress made will ensure for the next a naval ascendancy where it is essential to our permanent peace with, and control over, the savages.

Among the incidents to the measures of the war, I am constrained to advert to the refusal of the governors of Massachusetts and Connecticut to furnish the required detachments of militia toward the defence of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the constitution relating to the militia. The correspondences which will be laid before you contain the requisite information on the subject. It is obvious that if the authority of the United States to call into service and command the militia for the public defence can be thus frustrated, even in a state of declared war, and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it, and that the public safety may have no other resource than in those large and permanent military establishments which are forbidden by the principles of our free government, and against the necessity of which the militia were meant to be a constitutional bulwark.

On the coasts and on the ocean the war has been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruisers, by their activity, and where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports, having been much favored in it by the course pursued by a squadron of our frigates under the command of Commodore Rogers. And in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an auspicious triumph. The frigate Constitution, commanded by Captain Hull, after a close and short engagement, completely disabled and captured a British frigate, gaining for that officer and all on board a praise which cannot be too liberally bestowed, not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time after it was declared in conveying to the British government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification; and our chargé d'affaires at London was at the same time authorized to agree to an armistice founded upon them. These terms required that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules, and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other should be stipulated; and that the arm-

stice should be improved into a definitive and comprehensive adjustment of depending controversies. Although a repeal of the orders susceptible of explanations meeting the views of this government had taken place before this pacific advance was communicated to that of Great Britain, the advance was declined, from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any intimation that the arrangement proposed with respect to seamen would be accepted. Whether the subsequent communications from this government, affording an occasion for reconsidering the subject on the part of Great Britain, will be viewed in a more favorable light or received in a more accommodating spirit, remains to be known. It would be unwise to relax our measures, in any respect, on a presumption of such a result.

The documents from the department of state, which relate to this subject, will give a view also of the propositions for an armistice which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British government itself through Admiral Warren, and of the grounds on which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorized expectations of an early as well as favorable issue to the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention is the promulgation of a French decree purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British orders in council, is rendered by the time and manner of it liable to many objections.

The final communications from our special minister to Denmark afford farther proofs of the good effects of his mission, and of the amicable disposition of the Danish government. From Russia we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favorable to the subsisting harmony.

With the Barbary powers, excepting that of Algiers, our affairs remain on the ordinary footing. The consul-general residing with that regency has suddenly and without cause been banished, together with all the American citizens found there. Whether this was the transitory effect of capricious despotism or the first act of pre-determined hostility is not ascertained. Precautions were taken by the consuls on the latter supposition.

The Indian tribes not under foreign instigations remain at peace, and receive the civilizing attentions which have proved so beneficial to them.

With a view to that vigorous prosecution of the war to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the military establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing more favorably for the private soldier the proportion between his recompense and the term of his enlistment, and it is a subject which cannot too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volun-

teers made by an act of the last session. The recompense for the service required in this case is still less attractive than in the other; and although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration, also, whether, as auxiliary to the security of our frontiers, corps may not be advantageously organized, with a restriction of their services to particular districts convenient to them; and whether the local and occasional services of mariners and others in the seaport towns, under a similar organization, would not be a provident addition to the means of their defence.

I recommend a provision for an increase of the general officers of the army, the deficiency of which has been illustrated by the number and distance of separate commands, which the course of the war and the advantage of the service have required.

And I cannot press too strongly on the earliest attention of the legislature the importance of the re-organization of the staff establishment, with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success in what appertains to the army and the war, is equally inculcated by the examples of other countries and by the experience of our own.

A revision of the militia laws, for the purpose of rendering them more systematic and better adapting them to emergencies of the war, is at this time particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail, a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for ship building the greater part has been applied to that object, and the purchase will be continued with the balance.

The enterprising spirit which has characterized our naval force and its success, both in restraining insults and depredations on our coasts and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe that the act prohibiting the acceptance of British licenses is not a sufficient guard against the use of them, for purposes favorable to the interests and views of the enemy, farther provisions on that subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason nor yet embraced by any statutory provisions.

A considerable number of American vessels which were in England when the revocation of the orders in council took place, were laden with British manufactures under an erroneous impression that the non-importation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise, on unforeseen cases of such magnitude, the ordinary powers vested in the treasury department to mitigate forfeitures, without previously affording to Congress an opportunity of making on the subject such provisions as they may think proper. In their decision they will doubtless equally consult what is due to equitable considerations and to the public interest.

The receipts into the treasury during the year ending on the 30th of September last, have exceeded sixteen millions and a half of dollars, which have been sufficient to defray all the demands on the treasury to that day,

including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts is included a sum of near five millions eight hundred and fifty thousand dollars, received on account of the loans authorized by the acts of the last session; the whole sum actually obtained on loans amounts to eleven millions of dollars, the residue of which, being receivable subsequent to the 30th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of British manufactures will render the revenue of the ensuing year more productive than could have been anticipated.

The situation of our country, fellow citizens, is not without its difficulty, though it abounds in animating considerations of which the view here presented of our pecuniary resources in an example. With more than one nation we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are nevertheless equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged is a war neither of ambition nor of vain glory; that it is waged, not in violation of the rights of others but in the maintenance of our own; that it was preceded by a patience without example, under wrongs accumulating without end; and that it was finally not declared until every hope of averting it was extinguished by the transfer of the British sceptre into new hands clinging to former councils, and until declarations were reiterated to the last hour, though the British envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked without violating the obligations of Great Britain to other powers, as well as to her own interests. To have shrunk under such circumstances from manly resistance, would have been a degradation blasting our best and proudest hopes; it would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged, that on the element which forms three fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals. It was at this moment and with such an alternative that war was chosen. The nation felt the necessity of it, and called for it. The appeal was accordingly made, in a just cause, to the just and all powerful Being who holds in his hand the chain of events and the destiny of nations. It remains only, that faithful to ourselves, entangled in no connections with the views of other powers, and ever ready to accept peace from the hand of justice, we prosecute the war with united counsels and with the ample faculties of the nation, until peace be so obtained, and as the only means, under the divine blessing, of speedily obtaining it.

SPECIAL MESSAGE.

DECEMBER 12, 1812.

To the Senate and House of Representatives of the United States:

I TRANSMIT to Congress copies of a letter to the secretary of the navy from Captain Decatur of the frigate *United States*, reporting his combat and

capture of the British frigate *Macedonian*. Too much praise cannot be bestowed on that officer and his companions on board, for the consummate skill and conspicuous valor by which this trophy has been added to the naval arms of the United States.

I transmit also a letter from Captain Jones, who commanded the sloop of war *Wasp*, reporting his capture of the British sloop of war *Frolic*, after a close action, in which other brilliant titles will be seen to the public admiration and praise.

A nation, feeling what it owes to itself and to its citizens, could never abandon to arbitrary violence on the ocean a class of them which give such examples of capacity and courage in defending their rights on that element; examples which ought to impress on the enemy, however brave and powerful, preference of justice and peace to hostility against a country whose prosperous career may be accelerated but cannot be prevented by the assaults made on it.

SPECIAL MESSAGE.

FEBRUARY 22, 1813.

To the Senate and House of Representatives of the United States :

I LAY before Congress a letter, with accompanying documents, from Captain Bainbridge, now commanding the United States frigate the *Constitution*, reporting his capture and destruction of the British frigate the *Java*. The circumstances and the issue of this combat afford another example of the professional skill and heroic spirit which prevail in our naval service. The signal display of both by Captain Bainbridge, his officers, and crew, command the highest praise.

This being a second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward of successful valor, I recommend to the consideration of Congress the equity and propriety of a general provision, allowing in such cases, both past and future, a fair proportion of the value which would accrue to the captors on the safe arrival and sale of the prize.

SPECIAL MESSAGE.

FEBRUARY 24, 1813.

To the Senate and House of Representatives of the United States :

I LAY before Congress copies of a proclamation of the British lieutenant-governor of the Island of Bermuda, which has appeared under circumstances leaving no doubt of its authenticity. It recites a British order in council of the 26th of October last, providing for the supply of the British West Indies and other colonial possessions, by a trade under special licenses; and is accompanied by a circular instruction to the colonial governors, which confines licensed importations from ports of the United States to the ports of the eastern states exclusively.

The government of Great Britain had already introduced into her commerce during war, a system which, at once violating the rights of other

nations and resting on a mass of perjury and forgery unknown to other times, was making an unfortunate progress in undermining those principles of morality and religion which are the best foundation of national happiness.

The policy now proclaimed to the world introduces into her modes of warfare a system equally distinguished by the deformity of its features and the depravity of its character; having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation, and to seduce and separate its component parts the one from the other.

The general tendency of these demoralizing and disorganizing contrivances will be reprobated by the civilized and Christian world, and the insulting attempt on the virtue, the honor, the patriotism, and the fidelity of our brethren of the eastern states, will not fail to call forth all their indignation and resentment, and to attach more and more all the states to that happy union and constitution against which such insidious and malignant artifices are directed.

The better to guard, nevertheless, against the effect of individual cupidity and treachery, and to turn the corrupt projects of the enemy against himself, I recommend to the consideration of Congress the expediency of an effectual prohibition of any trade whatever by citizens or inhabitants of the United States under special licenses, whether relating to persons or ports, and in aid thereof a prohibition of all exportations from the United States in foreign bottoms, few of which are actually employed, whilst multiplying counterfeits of their flags and papers are covering and encouraging the navigation of the enemy.

SPECIAL SESSION. — MESSAGE.

MAY 25, 1813.

Fellow Citizens of the Senate and House of Representatives :

At an early day after the close of the last session of Congress, an offer was formally communicated from his Imperial Majesty the Emperor of Russia, of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The high character of the Emperor Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted; and as a farther proof of the disposition on the part of the United States to meet their adversary in honorable experiments for terminating the war, it was determined to avoid intermediate delays, incident to the distance of the parties, by a definitive provision for the contemplated negotiation. Three of our eminent citizens were accordingly commissioned, with the requisite powers to conclude a treaty of peace with persons clothed with like powers on the part of Great Britain. They are authorized also to enter into such conventional regulations of the commerce between the two countries as may be mutually advantageous. The two envoys, who were in the United States at the time of their appointment, have proceeded to join their colleague already at St. Petersburg.

The envoys have received another commission, authorizing them to conclude with Russia a treaty of commerce, with a view to strengthen the amicable relations and improve the beneficial intercourse between the two countries.

The issue of this friendly interposition of the Russian emperor, and this pacific manifestation on the part of the United States, time only can decide. That the sentiments of Great Britain toward that sovereign will have produced an acceptance of his offered mediation must be presumed. That no adequate motives exist to prefer a continuance of war with the United States to the terms on which they are willing to close it, is certain. The British cabinet also must be sensible, that with respect to the important question of impressment, on which the war so essentially turns, a search for or seizure of British persons or property on board neutral vessels, on the high seas, is not a belligerent right derived from the law of nations; and it is obvious that no visit or search, or use of force for any purpose, on board the vessels of one independent power on the high seas, can in war or peace be sanctioned by the laws or authority of another power. It is equally obvious, that for the purpose of preserving to each state its seafaring members, by excluding them from the vessels of the other, the mode heretofore proposed by the United States and now exacted by them as an article of municipal policy, cannot for a moment be compared with the mode practised by Great Britain without a conviction of its title to preference, inasmuch as the latter leaves the discrimination between the mariners of the two nations to officers exposed by unavoidable bias as well as by a defect of evidence to a wrong decision, under circumstances precluding, for the most part, the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages; whereas the mode assumed by the United States guards, with studied fairness and efficacy, against errors in such cases, and avoids the effect of casual errors on the safety of navigation and the success of mercantile expeditions.

If the reasonableness of expectations drawn from these considerations could guaranty their fulfilment, a just peace would not be distant. But it becomes the wisdom of the national legislature to keep in mind the true policy, or rather the indispensable obligation, of adapting its measures to the supposition that the only course to that happy event is in the vigorous employment of the resources of war. And painful as the reflection is, this duty is particularly enforced by the spirit and manner in which the war continues to be waged by the enemy, who, uninfluenced by the unvaried examples of humanity set them, are adding to the savage fury of it on one frontier a system of plunder and conflagration on the other, equally forbidden by respect for national character and by the established rules of civilized warfare.

As an encouragement to perseverance and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms both by land and on the water.

In continuation of the brilliant achievements of our infant navy, a signal triumph has been gained by Captain Lawrence and his companions in the *Hornet* sloop of war, which destroyed a British sloop of war with a celerity so unexampled, and with a slaughter of the enemy so disproportionate to the loss in the *Hornet*, as to claim for the conquerors the highest praise, and the full recompense provided by Congress in the preceding cases. Our public ships of war in general, as well as the private armed vessels, have continued also their activity and success against the commerce of the enemy, and by their vigilance and address have greatly frustrated the efforts of the hostile squadrons distributed along our coasts to intercept them in returning into port and resuming their cruises.

The augmentation of our naval force, as authorized at the last session of Congress, is in progress. On the lakes our superiority is near at hand where it is not already established.

The events of the campaign, so far as they are known to us, furnish matter of congratulation, and show that under a wise organization and efficient direction the army is destined to a glory not less brilliant than that which already encircles the navy. The attack and capture of York is in that quarter a presage of future and greater victories, while on the western frontier, the issue of the late siege of Fort Meigs leaves us nothing to regret but a single act of inconsiderate valor.

The provisions last made for filling the ranks and enlarging the staff of the army have had the best effects. It will be for the consideration of Congress, whether other provision, depending on their authority, may not still farther improve the military establishment and the means of defence.

The sudden death of the distinguished citizen who represented the United States in France, without any special arrangement by him for such a contingency, has left us without the expected sequel to his last communications; nor has the French government taken any measures for bringing the depending negotiations to a conclusion through its representative in the United States. This failure adds to delays before so unreasonably spun out. A successor to our deceased minister has been appointed and is ready to proceed on his mission. The course which he will pursue in fulfilling it is that prescribed by a steady regard to the true interests of the United States, which equally avoids an abandonment of their just demands and a connection of their fortunes with the systems of other powers.

The receipts in the treasury, from the 1st of October to the 31st day of March last, including the sums received on account of treasury notes, and of the loans authorized by the acts of the last and the preceding session of Congress, have amounted to fifteen millions four hundred and twelve thousand dollars. The expenditures during the same period amounted to fifteen millions nine hundred and twenty thousand dollars, and left in the treasury, on the first of April, the sum of one million eight hundred and fifty seven thousand dollars. The loan of sixteen millions of dollars, authorized by the act of the 8th of February last, has been contracted for. Of that sum more than a million of dollars has been paid into the treasury prior to the 1st of April, and formed a part of the receipts as above stated. The remainder of that loan, amounting to near fifteen millions of dollars, with the sum of five millions of dollars authorized to be issued in treasury notes, and the estimated receipts from the customs and the sales of public lands, amounting to nine millions three hundred thousand dollars, and making, in the whole, twenty-nine millions three hundred thousand dollars to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized and the engagements contracted in relation to public debt. These engagements amount during that period to ten millions five hundred thousand dollars, which, with near one million for the civil, miscellaneous, and diplomatic expenses, both foreign and domestic, and seventeen millions eight hundred thousand dollars for the military and naval expenditures, including the ships of war building and to be built, will leave a sum in the treasury at the end of the present year equal to that on the first of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law beyond the sums above estimated, and a farther resource for any emergency may be found in the

sum of one million of dollars, the loan of which to the United States has been authorized by the state of Pennsylvania but which has not yet been brought into effect.

This view of our finances, whilst it shows that due provision has been made for the expenses of the current year, shows at the same time, by the limited amount of the actual revenue and the dependence on loans, the necessity of providing more adequately for the future supplies of the treasury. This can be best done by a well digested system of internal revenue, in aid of existing sources, which will have the effect, both of abridging the amount of necessary loans, and on that account, as well as by placing the public credit on a more satisfactory basis, of improving the terms on which loans may be obtained. The loan of sixteen millions was not contracted for at a less interest than about seven and a half per cent., and, although other causes may have had an agency, it cannot be doubted that with the advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A longer postponement of this advantage could not fail to have a still greater influence on future loans.

In recommending to the national legislature this resort to additional taxes, I feel great satisfaction in the assurance that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give any other proof of their patriotism which it calls for. Happily no people, with local and transitory exceptions never to be wholly avoided, are more able than the people of the United States to spare for the public wants a portion of their private means, whether regard be had to the ordinary profits of industry or the ordinary price of subsistence in our country compared with those in any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the public resources certain, and commensurate to the public exigencies, the constituted authorities will be able to prosecute the war the more rapidly to our proper issue; every hostile hope founded on a calculated failure of its resources will be cut off, and by adding to the evidence of bravery and skill on combats on the ocean and the land, and alacrity in supplying the treasure necessary to give them their fullest effects, and demonstrating to the world the public energy which our political institutions combine, with the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights or the peace of the nation.

The contest in which the United States are engaged appeals for its support to every motive that can animate an uncorrupted and enlightened people: to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence by a successful vindication of its violated attributes; to the gratitude and sympathy which demands security from the most degrading wrongs of a class of citizens who have proved themselves so worthy the protection of their country by their heroic zeal in its defence; and finally, to the sacred obligation of transmitting entire to future generations that precious patrimony of national rights and independence which is held in trust by the present, from the goodness of Divine Providence.

Being aware of the inconveniences to which a protracted session at this season would be liable, I limit the present communication to objects of primary importance. In special messages which may ensue, regard will be had to the same consideration.

CONFIDENTIAL MESSAGE.

JULY 20, 1813.

To the Senate and House of Representatives of the United States :

THERE being sufficient reason to infer that it is the purpose of the enemy to combine with the blockade of our ports special licenses to neutral vessels or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains obstructed, keeping in view also the insidious discrimination between the different ports of the United States; and as such a system, if not counteracted, will have the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to British regulation in subserviency to British monopoly, I recommend to the consideration of Congress the expediency of an immediate and effectual prohibition of exports limited to a convenient day in their next session, and removable in the mean time in the event of a cessation of the blockade of our ports.

FIFTH ANNUAL MESSAGE.

DECEMBER 7, 1813.

Fellow Citizens of the Senate and House of Representatives :

IN meeting you at the present interesting conjuncture, it would have been highly satisfactory if I could have communicated a favorable result to the mission charged with negotiations for restoring peace. It was a just expectation, from the respect due to the distinguished sovereign who had invited them by his offer of mediation, from the readiness with which the invitation was accepted on the part of the United States, and from the pledge to be found in an act of their legislature for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not to submit rights or pretensions on either side to the decision of an umpire, but to afford merely an opportunity, honorable and desirable to both, for discussing, and if possible adjusting them for the interest of both.

The British cabinet, either mistaking our desire of peace for a dread of British power, or misled by other fallacious calculations, has disappointed this reasonable anticipation. No communications from our envoys having reached us, no information on the subject has been received from that source. But it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British councils has taken place or is to be expected.

Under such circumstances, a nation proud of its rights and conscious of its strength has no choice but an exertion of the one in support of the other.

To this determination the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms both on the land and on the water.

Whilst proofs have been continued of the enterprise and skill of our cruisers, public and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander, the great inland waters on which the enemy were also to be encountered have presented achievements of our naval arms as brilliant in their character as they have been important in their consequences.

On Lake Erie, the squadron under the command of Captain Perry having met the British squadron of a superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country, and will find an early page in its naval annals, with a victory never surpassed in lustre however much it may have been in magnitude.

On Lake Ontario, the caution of the British commander, favored by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendancy on that important theatre, and to prove, by the manner in which he effected every thing possible, that opportunities only were wanted for a more shining display of his own talents and the gallantry of those under his command.

The success on Lake Erie having opened a passage to the territory of the enemy, the officer commanding the northwestern army transferred the war thither, and rapidly pursuing the hostile troops, fleeing with their savage associates, forced a general action which quickly terminated in the capture of the British and dispersion of the savage force.

This result is signally honorable to Major-general Harrison, by whose military talents it was prepared; to Colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy; and to the spirit of the volunteer militia, equally brave and patriotic, who bore an interesting part in the scene; more especially to the chief magistrate of Kentucky at the head of them, whose heroism, signalized in the war which established the independence of his country, sought at an advanced age a share in hardships and battles for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign power; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned; and to relieve an extensive region of country from a merciless warfare which desolated its frontiers and imposed on its citizens the most harassing services.

In consequence of our naval superiority on Lake Ontario, and the opportunity afforded by it for concentrating our forces by water, operations which had been provisionally planned were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced in the first instance by adverse weather of unusual violence and continuance,

and such the circumstances attending the final movement of the army, that the prospect at one time so favorable was not realized.

The cruelty of the enemy in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities, has not been confined to any one quarter. Wherever they could be turned against us no exertions to effect it have been spared. On our southwestern border, the Creek tribes, who yielding to our persevering endeavors were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism recently propagated among them. It was necessary to crush such a war before it could spread among the contiguous tribes, and before it could favor enterprises of the enemy into that vicinity. With this view, a force was called into the service of the United States from the states of Georgia and Tennessee, which, with the nearest regular troops, and other corps from the Mississippi territory, might not only chastise the savages into present peace but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused, and the best hopes of a satisfactory issue are authorized by the complete success with which a well planned enterprise was executed against a body of hostile savages by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee; and by a still more important victory over a large body of them, gained under the immediate command of Major-general Jackson, an officer equally distinguished for his patriotism and military talents.

The systematic perseverance of the enemy in courting the aid of the savages on all quarters, had the natural effect of kindling their ordinary propensity to war into a passion which, even among those best disposed toward the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been forced upon us. But in yielding to it, the retaliation has been mitigated as much as possible both in its extent and in its character, stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle chiefly to the number of their savage associates; and who have not controlled them either from their usual practice of indiscriminate massacre on defenceless inhabitants, or from scenes of carnage without a parallel, on prisoners to the British arms, guarded by all the laws of humanity and of honorable war. For these enormities the enemy are equally responsible, whether with the power to prevent them they want the will, or with the knowledge of a want of power they still avail themselves of such instruments.

In other respects the enemy are pursuing a course which threatens consequences most afflicting to humanity.

A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are in war employed by her government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war compel citizens of the United States being there under certain circumstances to bear arms, whilst of the native emigrants from the United States who

compose much of the population of the province, a number have actually borne arms against the United States within their limits, some of whom, after having done so, have become prisoners of war and are now in our possession. The British commander in that province, nevertheless, with the sanction as appears of his government, thought proper to select from American prisoners of war, and send to Great Britain for trial as criminals, a number of individuals who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society in the modes recognised by the law and practice of Great Britain, and who were made prisoners of war under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain would have led her government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with the American sufferers, would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and of humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, with formal notice that in the event of a retaliation for the death which might be inflicted on the prisoners of war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified at the same time that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of our adherence to the retaliatory resort imposed on us, a correspondent number of British officers, prisoners of war in our hands, were immediately put into close confinement, to abide the fate of those confined by the enemy; and the British government has been apprized of the determination of this government to retaliate any other proceedings against us contrary to the legitimate modes of warfare.

It is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest, as it is honorable to them that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French government on the subjects which have been so long committed to negotiation have received no elucidation since the close of your late session. The minister plenipotentiary of the United States at Paris had not been enabled by proper opportunities to press the object of his mission as prescribed by his instructions.

The militia being always to be regarded as the great bulwark of defence and security for free states, and the constitution having wisely committed to the national authority a use of that force, as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country

having the extent and the exposure of the United States, I recommend to Congress a revision of the militia laws for the purpose of securing more effectually the services of all detachments called into the employment, and placed under the government of the United States.

It will deserve the consideration of Congress, also, whether among other improvements in the militia laws justice does not require a regulation, under due precautions, for defraying the expense incident to the first assembling as well as the subsequent movements of the detachments called into the national service.

To give our vessels of war, public and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly powers. With this view, I recommend to Congress the expediency of such legal provisions as may supply the defects or remove the doubts of the executive authority, to allow to the cruisers of other powers at war with the enemies of the United States such use of the American ports as may correspond with the privileges allowed by such powers to American cruisers.

During the year ending on the 30th of September last, the receipts into the treasury have exceeded thirty-seven millions and a half of dollars, of which near twenty-four millions were the produce of loans. After meeting all the demands for the public service, there remained in the treasury on that day near seven millions of dollars. Under the authority contained in the act of the 2d of August last, for borrowing seven millions and a half of dollars, that sum has been obtained on terms more favorable to the United States than those of the preceding loan made during the present year. Farther sums to a considerable amount will be necessary to be obtained in the same way during the ensuing year, and from the increased capital of the country, from the fidelity with which the public engagements have been kept, and the public credit maintained, it may be expected on good grounds that the necessary pecuniary supplies will not be wanting.

The expenses of the current year, from the multiplied operations falling within it, have necessarily been extensive. But, on a just estimate of the campaign in which the mass of them has been incurred, the cost will not be found disproportionate to the advantages which have been gained. The campaign has, indeed, in its latter stages in one quarter, been less favorable than was expected; but in addition to the importance of our naval success, the progress of the campaign has been filled with incidents highly honorable to the American arms.

The attacks of the enemy on Craney Island, on Fort Meigs, on Sackett's Harbor, and on Sandusky, have been vigorously and successfully repulsed; nor have they in any case succeeded on either frontier, except when directed against the peaceable dwellings of individuals or villages unprepared or undefended.

On the other hand, the movements of the American army have been followed by the reduction of York, and of Forts George, Erie, and Malden; by the recovery of Detroit and the extinction of the Indian war in the west; and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honor on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the south, over one of the

most powerful, which had become one of the most hostile also, of the Indian tribes.

It would be improper to close this communication without expressing a thankfulness, in which all ought to unite, for the numerous blessings with which our beloved country continues to be favored; for the abundance which overspreads our land, and the prevailing health of its inhabitants; for the preservation of our internal tranquillity, and the stability of our free institutions; and above all, for the light of Divine truth and the protection of every man's conscience in the enjoyment of it. And although among our blessings we cannot number an exemption from the evils of war, yet these will never be regarded as the greatest of evils by the friends of liberty and of the rights of nations. Our country has before preferred them to the degraded condition which was the alternative when the sword was drawn in the cause which gave birth to our national independence; and none who contemplate the magnitude and feel the value of that glorious event will shrink from a struggle to maintain the high and happy ground on which it placed the American people.

With all good citizens, the justice and necessity of resisting wrongs and usurpations no longer to be borne will sufficiently outweigh the privations and sacrifices inseparable from a state of war. But it is a reflection, moreover, peculiarly consoling, that while wars are generally aggravated by their baneful effects on the internal improvements and permanent prosperity of the nations engaged in them, such is the favored situation of the United States, that the calamities of the contest into which they have been compelled to enter are mitigated by improvements and advantages of which the contest itself is the source.

If the war has increased the interruptions of our commerce, it has at the same time cherished and multiplied our manufactures so as to make us independent of all other countries for the more essential branches for which we ought to be dependent on none; and is even rapidly giving them an extent which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value and necessary to our permanent safety.

If the war has exposed us to increased spoliations on the ocean, and to predatory incursions on the land, it has developed the national means of retaliating the former, and of providing protection against the latter, demonstrating to all that every blow aimed at our maritime independence is an impulse accelerating the growth of our maritime power.

By diffusing through the mass of the nation the elements of military discipline and instruction; by augmenting and distributing warlike preparations applicable to future use; by evincing the zeal and valor with which they will be employed, and the cheerfulness with which every necessary burden will be borne, a greater respect for our rights and a longer duration of our future peace are promised than could be expected without these proofs of the national character and resources.

The war has proved, moreover, that our free government, like other free governments, though slow in its early movements, acquires in its progress a force proportioned to its freedom, and that the union of these states, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test.

In fine, the war, with all its vicissitudes, is illustrating the capacity and the destiny of the United States to be a great, a flourishing, and a powerful nation, worthy of the friendship which it is disposed to cultivate with all others, and authorized by its own example to require from all an observance of the laws of justice and reciprocity. Beyond these, their claims have never extended, and in contending for these we behold a subject for our congratulations in the daily testimonies of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of Heaven on so righteous a cause.

CONFIDENTIAL MESSAGE.

DECEMBER 9, 1813.

To the Senate and House of Representatives of the United States:

THE tendency of our commercial and navigation laws in their present state to favor the enemy and thereby prolong the war, is more and more developed by experience. Supplies of the most essential kind find their way not only to British ports and British armies at a distance, but the armies in our neighborhood, with which our own are contending, derive from our ports and outlets a subsistence attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters are by like supplies accommodated and encouraged in their predatory and incursive warfare.

Abuses having a like tendency take place in our import trade. British fabrics and products find their way into our ports under the name and from the ports of other countries, and often in British vessels disguised as neutrals by false colors and papers.

To these abuses it may be added, that illegal importations are openly made, with advantage to the violators of the law, produced by the undervaluations or other circumstances involved in the course of the judicial proceedings against them.

It is found, also, that the practice of ransoming is a cover for collusive captures, and a channel for intelligence advantageous to the enemy.

To remedy, as much as possible, these evils, I recommend—

That an effectual embargo on exports be immediately enacted.

That all articles known to be derived, either not at all or in an immaterial degree only, from the productions of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place, or in whatever vessels the same may be brought into the United States; and that all violations of the non-importation act be subjected to adequate penalties.

That among the proofs of the neutral and national character of foreign vessels it be required that the masters and supercargoes, and three fourths at least of the crew, be citizens or subjects of the country under whose flag the vessels sail.

That all persons concerned in collusive captures by the enemy, or in ransoming vessels or their cargoes from the enemy, be subjected to adequate penalties.

To shorten as much as possible the duration of the war, it is indispensable

that the enemy should feel all the pressure that can be given to it, and the restraints having that tendency will be borne with the greater cheerfulness by all good citizens, as the restraints will affect those most who are most ready to sacrifice the interests of their country in pursuit of their own.

SPECIAL MESSAGE.

FEBRUARY 26, 1814.

To the Senate and House of Representatives of the United States :

It has appeared that, at the recovery of the Michigan territory from the temporary possession of the enemy, the inhabitants thereof were left in so destitute and distressed a condition as to require from the public stores certain supplies essential to their subsistence, which have been prolonged under the same necessity which called for them.

The deplorable situation of the savages, thrown by the same event on the mercy and humanity of the American commander at Detroit, drew from the same source the means of saving them from perishing by famine; and in other places the appeals made by the wants and sufferings of that unhappy description of people have been equally imperious.

The necessity imposed by the conduct of the enemy in relation to the savages, of admitting their co-operation in some instances with our arms, has also involved occasional expense in supplying their wants; and it is possible that a perseverance of the enemy in their cruel policy may render a farther expense for the like purpose inevitable,

On these subjects an estimate from the department of war will be laid before Congress, and I recommend a suitable provision for them.

SPECIAL MESSAGE.

MARCH 31, 1814.

Fellow Citizens of the Senate and House of Representatives :

TAKING into view the mutual interest which the United States and the foreign nations in amity with them have in a liberal commercial intercourse, and the extensive changes favorable thereto which have recently taken place—taking into view, also, the important advantages which may otherwise result from adapting the state of our commercial laws to the circumstances now existing, I recommend to the consideration of Congress the expediency of authorizing, after a certain day, exportations (specie excepted) from the United States, and in vessels of the United States, and in vessels owned and navigated by the subjects of powers at peace with them; and a repeal of so much of our laws as prohibits the importation of articles not the property of enemies but produced or manufactured only within their dominions.

I recommend, also, as a more effectual safeguard and encouragement to our growing manufactures, that the additional duties on imports which are to expire at the end of one year after a peace with Great Britain, be prolonged to the end of two years after that event; and that, in favor of our moneyed institutions, the exportation of specie be prohibited throughout the same period.

SIXTH ANNUAL MESSAGE.

SEPTEMBER 20, 1814.

Fellow Citizens of the Senate and House of Representatives :

NOTWITHSTANDING the early day which had been fixed for your session of the present year, I was induced to call you together still sooner, as well that any inadequacy in the existing provisions for the wants of the treasury might be supplied, as that no delay might happen in providing for the result of the negotiations on foot with Great Britain, whether it should require arrangements adapted to a return of peace, or farther and more effective provisions for prosecuting the war.

That result is not yet known. If, on the one hand, the repeal of the order in council and the general pacification in Europe, which withdrew the occasion on which impressments from American vessels were practised, suggest expectations that peace and amity may be re-established, we are compelled, on the other hand, by the refusal of the British government to accept the offered mediation of the Emperor of Russia, by the delays in giving effect to its own proposal of a direct negotiation, and above all, by the principles and manner in which the war is now avowedly carried on, to infer that a spirit of hostility is indulged, more violent than ever, against the rights and prosperity of this country.

This increased violence is best explained by the two important circumstances, that the great contest in Europe for an equilibrium guarantying all its states against the ambition of any, has been closed without any check on the overbearing power of Great Britain on the ocean; and it has left in her hands disposable armaments, with which, forgetting the difficulties of a remote war with a free people, and yielding to the intoxication of success, with the example of a great victim to it before her eyes, she cherishes hopes of still farther aggrandizing a power already formidable in its abuses to the tranquillity of the civilized and commercial world.

But whatever may have inspired the enemy with these more violent purposes, the public councils of a nation more able to maintain than it was to acquire its independence, and with a devotion to it rendered more ardent by the experience of its blessings, can never deliberate but on the means most effectual for defeating the extravagant views or unwarrantable passions with which alone the war can now be pursued against us.

In the events of the present campaign, the enemy with all his augmented means and wanton use of them has little ground for exultation, unless he can feel it in the success of his recent enterprises against this metropolis and the neighboring town of Alexandria, from both of which his retreats were as precipitate as his attempts were bold and fortunate. In his other incursions on our Atlantic frontier, his progress, often checked and chastised by the martial spirit of the neighboring citizens, has had more effect in distressing individuals and in dishonoring his arms than in promoting any object of legitimate warfare. And in the two instances mentioned, however deeply to be regretted on our part, he will find in his transient success, which interrupted for a moment only the ordinary public business at the seat of government, no compensation for the loss of character with the world, by his violations of private property and by his destruction of public edifices protected as monuments of the arts by the laws of civilized warfare.

On our side we can appeal to a series of achievements which have given new lustre to the American arms. Besides the brilliant incidents in the minor operations of the campaign, the splendid victories gained on the Canadian side of the Niagara by the American forces under Major-general Brown, and Brigadiers Scott and Gaines, have gained for these heroes, and their emulating companions, the most unfading laurels, and having triumphantly tested the progressive discipline of the American soldiery, have taught the enemy that the longer he protracts his hostile efforts the more certain and decisive will be his final discomfiture.

On our southern border victory has continued also to follow the American standard. The bold and skilful operations of Major-general Jackson, conducting troops drawn from the militia of the states least distant, particularly of Tennessee, have subdued the principal tribes of hostile savages, and by establishing a peace with them, preceded by recent and exemplary chastisement, has best guarded against the mischief of their co-operation with the British enterprises which may be planned against that quarter of our country. Important tribes of Indians on our northwestern frontier have also acceded to stipulations which bind them to the interests of the United States, and to consider our enemy as theirs also.

In the recent attempt of the enemy on the city of Baltimore, defended by militia and volunteers, aided by a small body of regulars and seamen, he was received with a spirit which produced a rapid retreat to his ships, whilst a concurrent attack by a large fleet was successfully resisted by the steady and well directed fire from the fort and batteries opposed to it,

In another recent attack by a powerful force on our troops at Plattsburg, of which regulars made a part only, the enemy, after a perseverance for many hours, was finally compelled to seek safety in a hasty retreat, with our gallant bands pressing upon him.

On the lakes, so much contested throughout the war, the great exertions for the command made on our part have been well repaid. On Lake Ontario our squadron is now, and has been for some time, in a condition to confine that of the enemy to his own port, and to favor the operations of our land forces on that frontier.

A part of the squadron on Lake Erie has been extended into Lake Huron, and has produced the advantage of displaying our command on that lake also. One object of the expedition was the reduction of Mackinaw, which failed with the loss of a few brave men, among whom was an officer justly distinguished for his gallant exploits. The expedition, ably conducted by both the land and the naval commanders, was otherwise highly valuable in its effects.

On Lake Champlain, where our superiority had for some time been undisputed, the British squadron lately came into action with the American, commanded by Captain Macdonough. It issued in the capture of the whole of the enemy's ships. The best praise for this officer and his intrepid comrades is in the likeness of his triumph to the illustrious victory which immortalized another officer, and established at a critical moment our command of another lake.

On the ocean the pride of our naval arms has been amply supported. A second frigate has indeed fallen into the hands of the enemy, but the loss is hidden in the blaze of heroism with which she was defended. Captain Porter who commanded her, and whose previous career had been distin-

guished by daring enterprise and by fertility of genius, maintained a sanguinary contest against two ships, one of them superior to his own, and under other severe disadvantages, till humanity tore down the colors which valor had nailed to the mast. This officer and his brave comrades have added much to the rising glory of the American flag, and have merited all the effusions of gratitude which the country is ever ready to bestow on the champions of its rights and of its safety.

Two smaller vessels of war have also become prizes to the enemy, but by a superiority of force which sufficiently vindicates the reputations of their commanders; whilst two others, one commanded by Captain Warrington, the other by Captain Blakely, have captured British ships of the same class, with a gallantry and good conduct which entitle them and their companions to a just share in the praise of their country.

In spite of the naval force of the enemy accumulated on our coast, our private cruisers also have not ceased to annoy his commerce and to bring their rich prizes into our ports; contributing thus, with other proofs, to demonstrate the incompetency and illegality of a blockade, the proclamation of which is made the pretext for vexing and discouraging the commerce of neutral powers with the United States.

To meet the extended and diversified warfare adopted by the enemy, great bodies of militia have been taken into service for the public defence and great expenses incurred. That the defence every where may be both more convenient and more economical, Congress will see the necessity of immediate measures for filling the ranks of the regular army, and of enlarging the provision for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I earnestly renew, at the same time, a recommendation of such changes in the system of the militia, as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety all the requisite energy and efficiency.

The moneys received into the treasury during the nine months ending on the 30th day of June last, amounted to thirty-two millions of dollars, of which near eleven millions were the proceeds of the public revenue, and the remainder derived from loans. The disbursements for public expenditures during the same period exceeded thirty-four millions of dollars, and left in the treasury, on the first day of July, near five millions of dollars. The demands during the remainder of the present year, already authorized by Congress, and the expenses incident to an extension of the operation of the war, will render it necessary that large sums should be provided to meet them.

From this view of the national affairs, Congress will be urged to take up, without delay, as well the subject of pecuniary supplies as that of military force, and on a scale commensurate with the extent and character which the war has assumed. It is not to be disguised that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and in money, on the land and on the water. Availing himself of fortuitous advantages, he is aiming with his undivided force a deadly blow to our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnest of it in the plunder and wanton destruction of private property. In his pride of maritime dominion, and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navi-

gation and our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility in its greatest force and worst forms may be looked for. The American people will face it with the undaunted spirit which in their revolutionary struggle defeated his unrighteous projects. His threats, and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary, the national legislature will not distrust the heroic and enlightened patriotism of its constituents. They will cheerfully and proudly bear every burden of every kind which the safety and honor of the nation demand. We have seen them every where paying the taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where danger and duty call. In offering their blood they gave the surest pledge that no other tribute will be withheld.

Having forborne to declare war until to other aggressions had been added the capture of nearly a thousand American vessels, and the impressment of thousands of American seafaring citizens, and until a final declaration had been made by the government of Great Britain that her hostile orders against our commerce would not be revoked but on conditions as impossible as unjust, whilst it was known that these orders would not otherwise cease but with a war which had lasted twenty years, and which, according to appearances at that time, might last as many more; having manifested, on every occasion and in every proper mode, a sincere desire to arrest the effusion of blood and meet our enemy on the ground of justice and reconciliation, our beloved country, in still opposing to his persevering hostility all its energies, with an undiminished disposition toward peace and friendship on honorable terms, must carry with it the good wishes of the impartial world, and the best hopes of support from an omnipotent and kind Providence.

BANK MESSAGE.

JANUARY 30, 1815.

To the Senate of the United States:

HAVING bestowed on the bill entitled "An act to incorporate the subscribers to the Bank of the United States of America" that full consideration which is due to the great importance of the subject, and dictated by the respect which I feel for the two Houses of Congress, I am constrained, by a deep and solemn conviction that the bill ought not to become a law, to return it to the Senate, in which it originated, with my objections to the same.

Waiving the question of the constitutional authority of the legislature to establish an incorporated bank, as being precluded in my judgment by repeated recognitions under varied circumstances, of the validity of such an institution in acts of the legislative, executive, and judicial branches of the government, accompanied by indications, in different modes, of a concurrence of the general will of the nation, the proposed bank does not appear to be calculated to answer the purposes of reviving the public credit,

of providing a national medium of circulation, and of aiding the treasury by facilitating the indispensable anticipations of the revenue, and by affording to the public more durable loans.

1. The capital of the bank is to be compounded of specie, of public stock, and of the treasury notes convertible into stock, with a certain proportion of each of which every subscriber is to furnish himself.

The amount of the stock to be subscribed will not, it is believed, be sufficient to produce, in favor of the public credit, any considerable or lasting elevation of the market price, whilst this may be occasionally depressed by the bank itself, if it should carry into the market the allowed proportion of its capital, consisting of public stock, in order to procure specie, which it may find its account in procuring with some sacrifice on the part of its capital.

Nor will any adequate advantage arise to the public credit from the subscription of treasury notes. The actual issue of these notes nearly equals at present, and will soon exceed, the amount to be subscribed to the bank. The direct effect of this operation is simply to convert fifteen millions of treasury notes into fifteen millions of six per cent. stock, with the collateral effect of promoting an additional demand for treasury notes beyond what might be otherwise negotiable.

Public credit might indeed be expected to derive advantage from the establishment of a national bank, without regard to the formation of its capital, if the full aid and co-operation of the institution were secured to the government during the war, and during the period of its fiscal embarrassments. But the bank proposed will be free from all legal obligation to co-operate with the public measures, and whatever might be the patriotic disposition of its directors to contribute to the removal of those embarrassments, and to invigorate the prosecution of the war, fidelity to the pecuniary and general interest of the institution, according to their estimation of it, might oblige them to decline a connection of their operations with those of the national treasury during the continuance of the war and the difficulties incident to it. Temporary sacrifices of interest, though overbalanced by the future and permanent profits of the charter, not being requirable of right in behalf of the public, might not be gratuitously made, and the bank would reap the full benefit of the grant whilst the public would lose the equivalent expected from it. For it must be kept in view, that the sole inducement to such a grant on the part of the public would be the prospect of substantial aids to its pecuniary means at the present crisis and during the sequel of the war. It is evident that the stock of the bank will, on the return of peace, if not sooner, rise in the market to a value which, if the bank were established in period of peace, would authorize and obtain for the public a bonus to a very large amount. In lieu of such a bonus, the government is fairly entitled to, and ought not to relinquish or risk, the needful services of the bank under the pressing circumstances of war.

2. The bank, as proposed to be constituted, cannot be relied on during the war to provide a circulating medium, nor to furnish loans or anticipations of the public revenue.

Without a medium the taxes cannot be collected, and in the absence of specie the medium understood to be the best substituted is that of notes issued by a national bank. The proposed bank will commence and conduct its operations under an obligation to pay its notes in specie, or to be subject to the loss of its charter. Without such an obligation, the notes of the

bank, though not exchangeable for specie, yet resting on good pledges and performing the uses of specie in the payment of taxes, and in other public transactions, would, as experience has ascertained, qualify the bank to supply at once a circulating medium and pecuniary aids to the government. Under the fetters imposed by the bill it is manifest, that during the actual state of things, and probably during the war, the period particularly requiring such a medium and such a resource for loans and advances to the government, notes for which the bank would be compellable to give specie in exchange could not be kept in circulation. The most the bank could effect, and the most it would be expected to aim at, would be to keep the institution alive by limited and local transactions which, with the interest on the public stock in the bank, might yield a dividend sufficient for the purpose until a change from war to peace should enable it, by a flow of specie into its vaults and a removal of the external demand for it, to derive its contemplated emoluments from a safe and full extension of its operations.

On the whole, when it is considered that the proposed establishment will enjoy the monopoly of the profits of a national bank for a period of twenty years; that the monopolized profits will be continually growing with the progress of the national population and wealth; that the nation will, during the same period, be dependent on the notes of the bank for that species of circulating medium, whenever the precious metals may be wanted, and at all times for so much thereof as may be an eligible substitute for a specie medium; and that the extensive employment of the notes in the collection of the augmented taxes will, moreover, enable the bank greatly to extend its profitable issues of them, without the expense of specie capital to support their circulation, it is as reasonable as it is requisite that the government, in return for these extraordinary concessions to the bank, should have a greater security for attaining the public objects of the institution than is presented in the bill, and particularly for every practicable accommodation, both in the temporary advances necessary to anticipate the taxes, and in those more durable loans which are equally necessary to diminish the resort to taxes.

In discharging this painful duty of stating objections to a measure which has undergone the deliberations and received the sanction of the two houses of the national legislature, I console myself with the reflection, that if they have not the weight which I attach to them they can be constitutionally overruled, and with a confidence that in a contrary event the wisdom of Congress will hasten to substitute a more commensurate and certain provision for the public exigencies.

SPECIAL MESSAGE.

FEBRUARY 20, 1815.

To the Senate and House of Representatives of the United States:

I LAY before Congress copies of the treaty of peace and amity between the United States and His Britannic Majesty, which was signed by the commissioners of both parties at Ghent, on the 24th of December, 1814, and the ratifications of which have been duly exchanged.

While performing this act, I congratulate you and our constituents upon an event which is highly honorable to the nation, and terminates with peculiar felicity a campaign signalized by the most brilliant successes.

The late war, although reluctantly declared by Congress, had become a necessary resort to assert the rights and independence of the nation. It has been waged with a success which is the natural result of the wisdom of the legislative councils, of the patriotism of the people, of the public spirit of the militia, and of the valor of the military and naval forces of the country. Peace, at all times a blessing, is peculiarly welcome therefore at a period when the causes for the war have ceased to operate; when the government has demonstrated the efficiency of its powers of defence; and when the nation can review its conduct without regret and without reproach.

I recommend to your care and beneficence the gallant men whose achievements in every department of the military service, on the land and on the water, have so essentially contributed to the honor of the American name and to the restoration of peace. The feelings of conscious patriotism and worth will animate such men under every change of fortune and pursuit, but their country performs a duty to itself when it bestows those testimonials of approbation and applause which are at once the reward and the incentive to great actions.

The reduction of the public expenditures to the demands of a peace establishment will doubtless engage the immediate attention of Congress. There are, however, important considerations which forbid a sudden and general revocation of the measures that have been produced by the war. Experience has taught us that neither the pacific dispositions of the American people, nor the pacific character of their political institutions, can altogether exempt them from that strife which appears, beyond the ordinary lot of nations, to be incident to the actual period of the world; and the same faithful monitor demonstrates that a certain degree of preparation for war is not only indispensable to avert disasters in the onset, but affords also the best security for the continuance of peace. The wisdom of Congress will therefore, I am confident, provide for the maintenance of an adequate regular force; for the gradual advancement of the naval establishment; for improving all the means of harbor defence; for adding discipline to the distinguished bravery of the militia; and for cultivating the military art in its essential branches, under the liberal patronage of government.

The resources of our country were at all times competent to the attainment of every national object, but they will now be enriched and invigorated by the activity which peace will introduce into all the means of domestic enterprise and labor. The provision that has been made for the public creditors during the present session of Congress must have a decisive effect in the establishment of the public credit both at home and abroad. The reviving interests of commerce will claim the legislative attention at the earliest opportunity, and such regulations will, I trust, be seasonably devised as shall secure to the United States their just proportion of the navigation of the world. The most liberal policy toward other nations, if met by corresponding dispositions, will in this respect be found the most beneficial policy toward ourselves. But there is no subject that can enter with greater force and merit into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have

sprung into existence, and attained an unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

The termination of the legislative sessions will soon separate you, fellow citizens, from each other, and restore you to your constituents. I pray you to bear with you the expressions of my sanguine hope that the peace which has been just declared will not only be the foundation of the most friendly intercourse between the United States and Great Britain, but that it will also be productive of happiness and harmony in every section of our beloved country. The influence of your precepts and example must be every where powerful, and while we accord in grateful acknowledgments for the protection which Providence has bestowed upon us, let us never cease to inculcate obedience to the laws and fidelity to the Union as constituting the palladium of the national independence and prosperity.

SPECIAL MESSAGE.

FEBRUARY 25, 1815.

To the Senate and House of Representatives of the United States :

PEACE having happily taken place between the United States and Great Britain, it is desirable to guard against incidents which during the periods of war in Europe might tend to interrupt it; and it is believed, in particular, that the navigation of American vessels exclusively by American seamen, either natives or such as are already naturalized, would not only conduce to the attainment of that object but also to increase the number of our seamen, and consequently to render our commerce and navigation independent of the service of foreigners, who might be recalled by their governments under circumstances the most inconvenient to the United States. I recommend the subject therefore to the consideration of Congress, and in deciding upon it I am persuaded that they will sufficiently estimate the policy of manifesting to the world a desire on all occasions to cultivate harmony with other nations, by any reasonable accommodations which do not impair the enjoyment of any of the essential rights of a free and independent people. The example on the part of the American government will merit, and may be expected to receive, a reciprocal attention from all the friendly powers of Europe.

SPECIAL MESSAGE.

FEBRUARY 23, 1815.

To the Senate and House of Representatives of the United States :

CONGRESS will have seen by the communication from the consul-general of the United States at Algiers, laid before them on the 17th of November, 1812, the hostile proceedings of the Dey against that functionary. These have been followed by acts of more overt and direct warfare against the citizens of the United States trading in the Mediterranean, some of whom

are still detained in captivity, notwithstanding the attempts which have been made to ransom them, and are treated with the rigor usual on the coast of Barbary.

The considerations which rendered it unnecessary and unimportant to commence hostile operations on the part of the United States being now terminated by the peace with Great Britain, which opens the prospect of an active and valuable trade of their citizens within the range of the Algerine cruisers, I recommend to Congress the expediency of an act declaring the existence of a state of war between the United States and the Dey and Regency of Algiers, and of such provisions as may be requisite for a vigorous prosecution of it to a successful issue.

SEVENTH ANNUAL MESSAGE.

DECEMBER 5, 1815.

Fellow Citizens of the Senate and House of Representatives:

I HAVE the satisfaction, on our present meeting, of being able to communicate to you the successful termination of the war which had been commenced against the United States by the regency of Algiers. The squadron in advance on that service, under Commodore Decatur, lost not a moment after its arrival in the Mediterranean in seeking the naval force of the enemy then cruising in that sea, and succeeded in capturing two of his ships, one of them the principal ship commanded by the Algerine admiral. The high character of the American commander was brilliantly sustained on the occasion which brought his own ship into close action with that of his adversary, as was the accustomed gallantry of all the officers and men actually engaged. Having prepared the way by this demonstration of American skill and prowess, he hastened to the port of Algiers, where peace was promptly yielded to his victorious force. In the terms stipulated, the rights and honor of the United States were particularly consulted by a perpetual relinquishment, on the part of the Dey, of all pretensions to tribute from them. The impressions which have thus been made, strengthened as they will have been by subsequent transactions with the regency of Tunis and Tripoli, by the appearance of the larger force which followed under Commodore Bainbridge, the chief in command of the expedition, and by the judicious precautionary arrangements left by him in that quarter, afford reasonable prospect of future security for the valuable portion of our commerce which passes within the reach of the Barbary cruisers.

It is another source of satisfaction, that the treaty of peace with Great Britain has been succeeded by a convention on the subject of commerce concluded by the plenipotentiaries of the two countries. In this result a disposition is manifested on the part of that nation corresponding with the disposition of the United States, which it may be hoped will be improved into liberal arrangements on other subjects on which the parties have mutual interests, or which might endanger their future harmony. Congress will decide on the expediency of promoting such a sequel by giving effect to the measure of confining the American navigation to American seamen — a measure which at the same time that it might have that concilia-

tory tendency, would have the farther advantage of increasing the independence of our navigation, and the resources of our maritime defence.

In conformity with the articles of the treaty of Ghent, relating to the Indians, as well as with a view to the tranquillity of our western and northwestern frontiers, measures were taken to establish an immediate peace with the several tribes who had been engaged in hostilities against the United States. Such of them as were invited to Detroit acceded readily to a renewal of the former treaties of friendship. Of the other tribes who were invited to a station on the Mississippi, the greater number have also accepted the peace offered to them. The residue, consisting of the more distant tribes or parts of tribes, remain to be brought over by farther explanations, or by such other means as may be adapted to the dispositions they may finally disclose.

The Indian tribes within, and bordering on, our southern frontier, whom a cruel war on their part had compelled us to chastise into peace, have latterly shown a restlessness which has called for preparatory measures for repressing it, and for protecting the commissioners engaged in carrying the terms of the peace into execution.

The execution of the act for fixing the military peace establishment has been attended with difficulties which even now can only be overcome by legislative aid. The selection of officers; the payment and discharge of the troops enlisted for the war; the payment of the retained troops, and their re-union from detached and distant stations; the collection and security of the public property, in the quarter-master, commissary, and ordnance departments; and the constant medical assistance required in hospitals and garrisons, rendered a complete execution of the act impracticable on the first of May, the period more immediately contemplated. As soon, however, as circumstances would permit, and as far as it has been practicable consistently with the public interests, the reduction of the army has been accomplished; but the appropriations for its pay, and for other branches of the military service, having proved inadequate, the earliest attention to that subject will be necessary; and the expediency of continuing upon the peace establishment the staff officers who have hitherto been provisionally retained is also recommended to the consideration of Congress.

In the performance of the executive duty upon this occasion there has not been wanting a just sensibility to the merits of the American army during the late war; but the obvious policy and design in fixing an efficient military peace establishment did not afford an opportunity to distinguish the aged and infirm on account of their past services, nor the wounded and disabled on account of their present sufferings. The extent of the reduction indeed unavoidably involved the exclusion of many meritorious officers of every rank from the service of their country; and so equal, as well as so numerous, were the claims to attention, that a decision by the standard of comparative merit could seldom be attained. Judged, however, in candor, by a general standard of positive merit, the army register will, it is believed, do honor to the establishment, while the case of those officers whose names are not included in it devolves with the strongest interests upon the legislative authority, for such provision as shall be deemed the best calculated to give support and solace to the veteran and invalid, to display the beneficence, as well as the justice of the government, and to inspire a martial zeal for the public service upon every future emergency,

Although the embarrassments arising from the want of an uniform national currency have not been diminished since the adjournment of Congress, great satisfaction has been derived in contemplating the revival of the public credit, and the efficiency of the public resources. The receipts into the treasury, from the various branches of revenue, during the nine months ending on the 30th of September last, have been estimated at twelve millions and a half of dollars; the issues of treasury notes of every denomination during the same period amounted to the sum of fourteen millions of dollars; and there was also obtained upon loan during the same period, a sum of nine millions of dollars, of which the sum of six millions of dollars was subscribed in cash, and the sum of three millions of dollars in treasury notes. With these means added to the sum of one million and a half of dollars, being the balance of money in the treasury on the 1st of January, there has been paid between the 1st of January and the 1st of October, on account of the appropriations of the preceding and of the present year, (exclusively of the amount of the treasury notes subscribed to the loan, and the amount redeemed in the payment of duties and taxes,) the aggregate sum of thirty-three millions and a half of dollars, leaving a balance then in the treasury estimated at the sum of three millions of dollars. Independent, however, of the arrearages due for military services and supplies, it is presumed that a farther sum of five millions of dollars, including the interest on the public debt payable on the first of January next, will be demanded at the treasury to complete the expenditures of the present year, and for which the existing ways and means will sufficiently provide.

The national debt, as it was ascertained on the first of October last, amounted in the whole to the sum of one hundred and twenty millions of dollars, consisting of the unredeemed balance of the debt contracted before the late war, (thirty-nine millions of dollars,) the amount of the funded debt contracted in consequence of the war, (sixty-four millions of dollars,) and the amount of the unfunded floating debt, (including the various issues of treasury notes,) seventeen millions of dollars, which is in a gradual course of payment. There will probably be some addition to the public debt upon the liquidation of various claims which are depending; and a conciliatory disposition on the part of Congress may lead honorably and advantageously to an equitable arrangement of the militia expenses incurred by the several states without the previous sanction or authority of the government of the United States; but when it is considered that the new as well as the old portion of the debt has been contracted in the assertion of the national rights and independence, and when it is recollected that the public expenditures, not being exclusively bestowed upon subjects of a transient nature, will long be visible in the number and equipments of the American navy, in the military works for the defence of our harbors and our frontiers, and the supplies of our arsenals and magazines, the amount will bear a gratifying comparison with the objects which have been attained, as well as with the resources of the country.

The arrangement of the finances with a view to the receipts and expenditures of a permanent peace establishment will necessarily enter into the deliberations of Congress during the present session. It is true that the improved condition of the public revenue will not only afford the means of maintaining the faith of the government with its creditors

inviolable, and of prosecuting successfully the measures of the most liberal policy, but will also justify an immediate alleviation of the burdens imposed by the necessity of the war. It is, however, essential to every modification of the finances, that the benefits of an uniform national currency should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil, but until they can again be rendered the general medium of exchange, it devolves on the wisdom of Congress to provide a substitute which shall equally engage the confidence and accommodate the wants of the citizens throughout the Union. If the operation of the state banks cannot produce this result, the probable operation of a national bank will merit consideration; and, if neither of these expedients be deemed effectual, it may be necessary to ascertain the terms upon which the notes of the government (no longer required as an instrument of credit) shall be issued upon motives of general policy as a common medium of circulation.

Notwithstanding the security for future repose which the United States ought to find in their love of peace, and their constant respect for the rights of other nations, the character of the times particularly inculcates the lesson that, whether to prevent or repel danger, we ought not to be unprepared for it. This consideration will sufficiently recommend to Congress a liberal provision for the immediate extension and gradual completion of the works of defence, both fixed and floating, on our maritime frontier, and an adequate provision for guarding our inland frontier against dangers to which certain portions of it may continue to be exposed.

As an improvement on our military establishment, it will deserve the consideration of Congress whether a corps of invalids might not be so organized and employed as at once to aid in the support of meritorious individuals excluded by age or infirmities from the existing establishment, and to preserve to the public the benefit of their stationary services and of their exemplary discipline. I recommend, also, an enlargement of the military academy already established, and the establishment of others in other sections of the Union. And I cannot press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free state. If experience has shown in the late splendid achievements of militia the value of this resource for the public defence, it has shown also the importance of that skill in the use of arms and that familiarity with the essential rules of discipline which cannot be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws, in every respect, to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the constitution.

The signal services which have been rendered by our navy, and the capacities it has developed for successful co-operation in the national defence, will give to that portion of the public force its full value in the eyes of Congress, at an epoch which calls for the constant vigilance of all governments. To preserve the ships now in a sound state, to complete those already contemplated, to provide amply the imperishable materials for prompt augmentations, and to improve the existing arrangements into more advantageous establishments for the construction, the repairs, and the security of vessels of war, is dictated by the soundest policy.

In adjusting the duties on imports to the object of revenue, the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition which the theory itself implies of a reciprocal adoption by other nations, experience teaches that so many circumstances must occur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them although sufficiently advanced, and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency, which justify the belief that with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become at an early day not only safe against occasional competitions from abroad, but a source of domestic wealth and even of external commerce. In selecting the branches more especially entitled to the public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defence, or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures, where the materials for them are extensively drawn from our agriculture, and consequently impart and ensure to that great fund of national prosperity and independence an encouragement which cannot fail to be rewarded.

Among the means of advancing the public interest, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed upon them; there are none, the utility of which is more universally ascertained and acknowledged; none that do more honor to the government whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication in bringing and binding more closely together the various parts of our extended confederacy. Whilst the states individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the general government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work. And it is a happy reflection, that any defect of constitutional authority which may be encountered can be supplied in a mode which the constitution itself has providently pointed out.

The present is a favorable season also for bringing again into view the establishment of a national seminary of learning within the District of Columbia, and with means drawn from the property therein, subject to the authority of the general government. Such an institution claims the patronage of Congress as a monument of their solicitude for the advance-

ment of knowledge, without which the blessings of liberty cannot be fully enjoyed or long preserved; as a model instructive in the formation of other seminaries; as a nursery of enlightened preceptors; as a central resort of youth and genius from every part of their country, diffusing on their return examples of those national feelings, those liberal sentiments, and those congenial manners, which contribute cement to our Union, and strength to the political fabric of which that is the foundation.

In closing this communication I ought not to repress a sensibility, in which you will unite, to the happy lot of our country, and to the goodness of a superintending Providence to which we are indebted for it. Whilst other portions of mankind are laboring under the distresses of war, or struggling with adversity in other forms, the United States are in the tranquil enjoyment of prosperous and honorable peace. In reviewing the scenes through which it has been attained, we can rejoice in the proofs given that our political institutions, founded in human rights and framed for their preservation, are equal to the severest trials of war as well as adapted to the ordinary periods of repose. As fruits of this experience, and of the reputation acquired by the American arms on the land and on the water, the nation finds itself possessed of a growing respect abroad, and of a just confidence in itself which are among the best pledges for its peaceful career. Under other aspects of our country, the strongest features of its flourishing condition are seen in a population rapidly increasing on a territory as productive as it is extensive; in a general industry and fertile ingenuity which find their ample rewards; and in an affluent revenue, which admits a reduction of the public burdens without withdrawing the means of sustaining the public credit, of gradually discharging the public debt, of providing for the necessary defensive and precautionary establishments, and of patronizing, in every authorized mode, undertakings conducive to the aggregate wealth and individual comfort of our citizens.

It remains for the guardians of the public welfare to persevere in that justice and good will toward other nations which invite a return of these sentiments toward the United States; to cherish institutions which guaranty their safety and liberties civil and religious; and to combine with a liberal system of foreign commerce an improvement of the natural advantages, and a protection and extension of the independent resources, of our highly favored and happy country.

In all measures having such objects, my faithful co-operation will be afforded.

EIGHTH ANNUAL MESSAGE.

DECEMBER 3, 1816.

Fellow Citizens of the Senate and House of Representatives:

IN reviewing the present state of our country, our attention cannot be withheld from the effect produced from peculiar seasons which have very generally impaired the annual gifts of the earth and threaten scarcity in particular districts. Such, however, is the variety of soils, of climates, and of products, within our extensive limits, that the aggregate resources of subsistence are more than sufficient for the aggregate wants. And as far as an economy of consumption, more than usual, may be necessary, our

thankfulness is due to Providence for what is far more than a compensation, in the remarkable health which has distinguished the present year.

Amidst the advantages which have succeeded the peace of Europe, and that of the United States with Great Britain, in a general invigoration of industry among us, and in the extension of our commerce, the value of which is more and more disclosing itself to commercial nations, it is to be regretted that a depression is experienced by particular branches of our manufactures, and by a portion of our navigation. As the first proceeds in an essential degree from an excess of imported merchandise, which carries a check in its own tendency, the cause in its present extent cannot be of very long duration. The evil will not, however, be viewed by Congress without a recollection that manufacturing establishments, if suffered to sink too low or languish too long, may not revive after the causes shall have ceased; and that in the vicissitudes of human affairs situations may recur in which a dependence on foreign sources for the indispensable supplies may be among the most serious embarrassments.

The depressed state of our navigation is to be ascribed in a material degree to its exclusion from the colonial ports of the nation most extensively connected with us in commerce, and from the indirect operation of that exclusion.

Previous to the convention at London, between the United States and Great Britain, the relative state of the navigation laws of the two countries, growing out of the treaty of 1794, had given to the British navigation a material advantage over the American in the intercourse between the American ports and British ports in Europe. The convention at London equalised the laws of the two countries relating to those ports, leaving the intercourse between our ports and the ports of the British colonies subject as before to the respective regulations of the parties. The British government, enforcing new regulations which prohibit a trade between its colonies and the United States in American vessels, while they permit a trade in British vessels the American navigation suffers accordingly, and the loss is augmented by the advantage which is given to the British competition over the American, in the navigation between our ports and British ports in Europe, by the circuitous voyages enjoyed by the one and not enjoyed by the other.

The reasonableness of the rule of reciprocity, applied to one branch of the commercial intercourse, has been pressed on our part as equally applicable to both branches; but it is ascertained that the British cabinet declines all negotiation on the subject, with a disavowal, however, of any disposition to view in an unfriendly light whatever countervailing regulations the United States may oppose to the regulations of which they complain. The wisdom of the legislature will decide on the course which, under these circumstances, is prescribed by a joint regard to the amicable relations between the two nations, and to the just interests of the United States.

I have the satisfaction to state, generally, that we remain in amity with foreign powers.

An occurrence has indeed taken place in the Gulf of Mexico, which, if sanctioned by the Spanish government, may make an exception as to that power. According to the report of our naval commander on that station, one of our public armed vessels was attacked by an overpowering force, under a Spanish commander, and the American flag, with the officers and

crew, insulted in a manner calling for prompt reparation. This has been demanded. In the mean time, a frigate and a smaller vessel of war have been ordered into that gulf, for the protection of our commerce. It would be improper to omit that the representative of His Catholic Majesty in the United States lost no time in giving the strongest assurances that no hostile order could have emanated from his government, and that it will be as ready to do, as to expect, whatever the nature of the case and the friendly relations of the two countries shall be found to require.

The posture of our affairs with Algiers, at the present moment, is not known. The Dey, drawing pretexts from circumstances for which the United States were not answerable, addressed a letter to this government, declaring the treaty last concluded with him to have been annulled by our violation of it, and presenting, as the alternative, war or a renewal of our former treaty, which stipulated, among other things, an annual tribute. The answer, with an explicit declaration that the United States preferred war to tribute, required his recognition and observance of the treaty last made, which abolishes tribute and the slavery of our captured citizens. The result of the answer has not been received. Should he renew his warfare on our commerce, we rely on the protection it will find in our naval force actually in the Mediterranean.

With the other Barbary states our affairs have undergone no change.

The Indian tribes within our limits appear also disposed to remain at peace. From several of them purchases of lands have been made, particularly favorable to the wishes and security of our frontier settlements as well as to the general interests of the nation. In some instances the titles, though not supported by due proof, and clashing those of one tribe with the claims of another, have been extinguished by double purchases, the benevolent policy of the United States preferring the augmented expense to the hazard of doing injustice, or to the enforcement of justice against a feeble and untutored people by means involving or threatening an effusion of blood. I am happy to add that the tranquillity which has been restored among the tribes themselves, as well as between them and our own population, will favor the resumption of the work of civilization which has made an encouraging progress among some tribes, and that the facility is increasing for extending that divided and individual ownership, which exists now in moveable property only, to the soil itself; and of thus establishing, in the culture and improvement of it, the true foundation for a transit from the habits of the savage to the arts and comforts of social life.

As a subject of the highest importance to the national welfare, I must again earnestly recommend to the serious consideration of Congress a re-organization of the militia, on a plan which will form it into classes according to the periods of life more and less adapted to the military services. An efficient militia is authorized and contemplated by the constitution and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made, and no organization can be better calculated to give to it its due force, than a classification which will assign the foremost place in the defence of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard. Besides the consideration that a time of peace is the time when the change can be made with the most convenience and equity, it will now be aided by the experience of a recent war, in which the militia bore so interesting a part.

Congress will call to mind that no adequate provision has yet been made for the uniformity of weights and measures also contemplated by the constitution. The great utility of a standard fixed in its nature, and founded on the easy rule of decimal proportions, is sufficiently obvious. It led the government at an early stage to preparatory steps for introducing it, and a completion of the work will be a just title to the public gratitude.

The importance which I have attached to the establishment of a university within this district, on a scale and for objects worthy of the American nation, induces me to renew my recommendation of it to the favorable consideration of Congress. And I particularly invite again their attention to the expediency of exercising their existing powers, and where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.

Occurrences have taken place which show that the statutory provisions for the dispensation of criminal justice are deficient in relation both to places and to persons, under the exclusive cognizance of the national authority, an amendment of the law embracing such cases will merit the earliest attention of the legislature. It will be a seasonable occasion, also, for inquiring how far legislative interposition may be farther requisite in providing penalties for offences designated in the constitution or in the statutes, and to which either no penalties are annexed or none with sufficient certainty. And I submit to the wisdom of Congress whether a more enlarged revision of the criminal code be not expedient, for the purpose of mitigating, in certain cases, penalties which were adopted into it antecedent to experiments and examples which justify and recommend a more lenient policy.

The United States having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves and by punishing their citizens participating in the traffic, cannot but be gratified by the progress made by concurrent efforts of other nations toward a general suppression of so great an evil. They must feel at the same time the greater solicitude to give the fullest efficacy to their own regulations. With that view, the interposition of Congress appears to be required by the violations and evasions which it is suggested are chargeable on unworthy citizens who mingle in the slave trade under foreign flags and with foreign ports, and by collusive importations of slaves into the United States through adjoining ports and territories. I present the subject to Congress with a full assurance of their disposition to apply all the remedy which can be afforded by an amendment of the law. The regulations which were intended to guard against abuses of a kindred character in the trade between the several states ought also to be rendered more effectual for their humane object.

To these recommendations I add, for the consideration of Congress, the expediency of a remodification of the judiciary establishment, and of an additional department in the executive branch of the government.

The first is called for by the accruing business which necessarily swells the duties of the federal courts, and by the great and widening space within which justice is to be dispensed by them. The time seems to have arrived which claims for members of the supreme court a relief from itinerary

fatigues, incompatible as well with the age which a portion of them will always have attained, as with the researches and preparations which are due to their stations and to the judicial reputation of their country. And considerations equally cogent require a more convenient organization of the subordinate tribunals, which may be accomplished without an objectionable increase of the number or expense of the judges.

The extent and variety of executive business also accumulating with the progress of our country and its growing population, call for an additional department, to be charged with duties now overburdening other departments, and with such as have not been annexed to any department.

The course of experience recommends, as another improvement in the executive establishment, that the provision for the station of attorney-general, whose residence at the seat of government, official connections with it, and management of the public business before the judiciary, preclude an extensive participation in professional emoluments, be made more adequate to his services and his relinquishments; and that, with a view to his reasonable accommodation and to a proper depository of his official opinions and proceedings, there be included in the provision the usual appurtenances to a public office.

In directing the legislative attention to the state of the finances, it is a subject of great gratification to find that even within the short period which has elapsed since the return of peace, the revenue has far exceeded all the current demands upon the treasury, and that under any probable diminution of its future annual product which the vicissitudes of war may occasion, it will afford an ample fund for the effectual and early extinguishment of the public debt. It has been estimated that, during the year 1816, the actual receipts of revenue at the treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and treasury notes, will amount to the sum of about forty-seven millions of dollars; that during the same year the actual payments at the treasury, including the payment of the arrearages of the war department as well as the payment of a considerable excess beyond the annual appropriations, will amount to about the sum of thirty-eight millions of dollars; and that consequently, at the close of the year, there will be a surplus in the treasury of about the sum of nine millions of dollars.

The operations of the treasury continue to be obstructed by difficulties arising from the condition of the national currency; but they have nevertheless been effectual to a beneficial extent in the reduction of the public debt and the establishment of the public credit. The floating debt of the treasury notes and temporary loans will soon be entirely discharged. The aggregate of the funded debt, composed of debts incurred during the wars of 1776 and of 1812, has been estimated with reference to the 1st of January next, at a sum not exceeding one hundred and ten millions of dollars. The ordinary annual expenses of the government for the maintenance of all its institutions, civil military and naval, have been estimated at a sum less than twenty millions of dollars. And the permanent revenue to be derived from all the existing sources has been estimated at a sum of about twenty-five millions of dollars.

Upon this general view of the subject, it is obvious that there is only wanting to the fiscal prosperity of the government the restoration of an uniform medium of exchange. The resource and the faith of the nation, displayed in the system which Congress has established, ensure respect and

confidence at home and abroad. The local accumulations of the revenue have already enabled the treasury to meet the public engagements in the local currency of most of the states, and it is expected that the same cause will produce the same effect throughout the Union. But for the interests of the community at large, as well for the purposes of the treasury, it is essential that the nation should possess a currency of equal value, credit, and use, wherever it may circulate. The constitution has entrusted Congress exclusively with the power of creating and regulating a currency of that description, and the measures taken during the last session, in execution of the power, give every promise of success. The Bank of the United States has been organized under auspices the most favorable, and cannot fail to be an important auxiliary to those measures.

For a more enlarged view of the public finances, with a view of the measures pursued by the treasury department previous to the resignation of the late secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests, and will do justice to the distinguished ability and successful exertions with which the duties of the department were executed during a period remarkable for its difficulties and its peculiar perplexities.

The period of my retiring from the public service being at a little distance, I shall find no occasion more proper than the present for expressing to my fellow citizens my deep sense of the continued confidence and kind support which I have received from them. My grateful recollection of these distinguished marks of their favorable regard can never cease, and with the consciousness that if I have not served my country with greater ability I have served it with a sincere devotion, will accompany me as a source of unfailling gratification.

Happily I shall carry with me from the public theatre other sources, which those who love their country most will best appreciate. I shall behold it blessed with tranquillity and prosperity at home, and with peace and respect abroad. I can indulge the proud reflection that the American people have reached, in safety and success, their fortieth year as an independent nation; that for an entire generation they have had experience of their present constitution, the offspring of their undisturbed deliberations and of their free choice; that they have found it to bear the trials of adverse as well as prosperous circumstances; to contain, in its combination of the federate and elective principles, a reconciliation of public strength with individual liberty, of national power for the defence of national rights with a security against wars of injustice, of ambition, of vain glory, in the fundamental provision which subjects all questions of war to the will of the nation itself, which is to pay its costs and feel its calamities. Nor is it less a peculiar felicity of this constitution, so dear to us all, that it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory with the increase and expansion of the community for whose benefit it was established.

And may I not be allowed to add to this gratifying spectacle, that I shall read in the character of the American people, in their devotion to true liberty and to the constitution which is its palladium, sure presages that the destined career of my country will exhibit a government pursuing the public good as its sole object, and regulating its means by the great principles consecrated by its charter and by those moral principles to which they are so well

allied. A government which watches over the purity of elections, the freedom of speech and of the press, the trial by jury, and the equal interdict against the encroachments and compacts between religion and state; which maintains inviolable the maxims of public faith, the security of persons and property, and encourages, in every authorized mode, that general diffusion of knowledge which guaranties to public liberty its permanency, and to those who possess the blessing, the true enjoyment of it. A government which avoids intrusion on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, whilst it refines its domestic code from every ingredient not congenial with the precepts of an enlightened age, and the sentiments of a virtuous people, seeks, by appeals to reason and by its liberal examples, to infuse into the law which governs the civilized world a spirit which may diminish the frequency or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace. A government, in a word, whose conduct, within and without, may bespeak the most noble of all ambitions — that of promoting peace on earth and good will to man.

These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed.

MONROE'S
ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 5, 1817.

I SHOULD be destitute of feeling if I was not deeply affected by the strong proof which my fellow citizens have given me of their confidence, in calling me to the high office whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification which those who are conscious of having done all that they could to merit it can alone feel. My sensibility is increased by a just estimate of the importance of the trust, and of the nature and extent of its duties, with the proper discharge of which the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I cannot enter on these duties without great anxiety for the result. From a just responsibility I will never shrink; calculating with confidence, that in my best efforts to promote the public welfare, my motives will always be duly appreciated, and my conduct be viewed with that candor and indulgence which I have experienced in other stations.

In commencing the duties of the chief executive office, it has been the practice of the distinguished men who have gone before me to explain the principles which would govern them in their respective administrations. In following their venerated example, my attention is naturally drawn to the great causes which have contributed in a principal degree to produce the present happy condition of the United States. They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future.

From the commencement of our revolution to the present day, almost forty years have elapsed, and from the establishment of this constitution, twenty-eight. Through this whole term, the government has been what may emphatically be called, self-government; and what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens, individually, have been happy, and the nation prosperous.

Under this constitution, our commerce has been wisely regulated with foreign nations and between the states; new states have been admitted into our Union; our territory has been enlarged by fair and honorable treaty, and with great advantage to the original states; the states respectively protected by the national government, under a mild parental system, against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity which are the best proofs of wholesome laws well administered. And if we look

to the condition of individuals, what a proud spectacle does it exhibit? On whom has oppression fallen in any quarter of our Union? Who has been deprived of any right of person or property? Who restrained from offering his vows, in the mode which he prefers, to the Divine Author of his being? It is well known that all these blessings have been enjoyed in their fullest extent; and I add, with peculiar satisfaction, that there has been no example of a capital punishment being inflicted on any one for the crime of high treason.

Some who might admit the competency of our government to these beneficent duties, might doubt it in trials which put to the test its strength and efficiency as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its favor. Just as this constitution was put into action, several of the principal states of Europe had become much agitated, and some of them seriously convulsed. Destructive wars ensued, which have of late only been terminated. In the course of these conflicts, the United States received great injury from several of the parties. It was their interest to stand aloof from the contest, to demand justice from the party committing the injury, and to cultivate by a fair and honorable conduct the friendship of all. War became at length inevitable, and the result has shown that our government is equal to that, the greatest of trials, under the most unfavorable circumstances. Of the virtue of the people, and of the heroic exploits of the army, the navy, and the militia, I need not speak.

Such then is the happy government under which we live; a government adequate to every purpose for which the social compact is formed; a government elective in all its branches, under which every citizen may by his merit obtain the highest trust recognised by the constitution; which contains within it no cause of discord; none to put at variance one portion of the community with another; a government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers.

Other considerations of the highest importance admonish us to cherish our Union, and to cling to the government which supports it. Fortunate as we are in our political institutions, we have not been less so in other circumstances on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating, internally, to the great lakes and beyond the sources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed too with a fertile soil, our produce has always been very abundant, leaving, even in years the least favorable, a surplus for the wants of our fellow men in other countries. Such is our peculiar felicity, that there is not a part of our Union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our fellow citizens of the north engaged in navigation, find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force thus formed and reared up for the support of our common rights. Our manufacturers find a generous encouragement by the policy which patronises domestic industry; and the surplus

of our produce, a steady and profitable market by local wants in less favored parts at home.

Such, then, being the highly favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against.

In explaining my sentiments on this subject it may be asked, what raised us to the present happy state? How did we accomplish the revolution? How remedy the defects of the first instrument of our union, by infusing into the national government sufficient power for national purposes, without impairing the just rights of the states, or affecting those of individuals? How sustain and pass with glory through the late war? The government has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust is the credit due. Had the people of the United States been educated in different principles, had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state, every thing will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and an usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us then look to the great cause, and endeavor to preserve it in full force. Let us by all wise and constitutional measures promote intelligence among the people, as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may again be involved in war, and it may in that event be the object of the adverse party to upset our government, to break our union, and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacific policy of our government, may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are in a certain degree dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonitions of experience if we did not expect it. We must support our rights or lose our character, and with it perhaps our liberties. A people who fail to do it can scarcely be said to hold a place among independent nations. National honor is national property of the highest value. The sentiment in the mind of every citizen, is national strength. It ought therefore to be cherished.

To secure us against these dangers, our coast and inland frontiers should be fortified, our army and navy regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence as to secure our cities and interior from invasion, will be attended with expense, but the work when finished will be permanent, and it is fair to presume that a single campaign of invasion by a naval force, superior to our own, aided by a few thousand land troops, would expose us to a greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and

naval forces should be moderate, but adequate to the necessary purposes. The former to garrison and preserve our fortifications, and to meet the first invasions of a foreign foe, and while constituting the elements of a greater force, to preserve the science, as well as all the necessary implements of war, in a state to be brought into activity in the event of war. The latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defence and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honorable termination.

But it ought always to be held prominently in view, that the safety of these states, and of every thing dear to a free people, must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force which it would comport either with the principles of our government or the circumstances of the United States to maintain. In such cases recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained as to be prepared for any emergency. The arrangement should be such as to put at the command of the government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis which makes the pressure, and not the laws which provide a remedy for it. This arrangement should be formed, too, in time of peace, to be the better prepared for war. With such an organization of such a people, the United States have nothing to dread from foreign invasion. At its approach an overwhelming force of gallant men might always be put in motion.

Other interests of high importance will claim attention; among which, the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow citizens, much to the ornament of the country, and what is of greater importance, we shall shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the limits of the United States; a territory so vast and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts.

Our manufactures will likewise require the systematic and fostering care of the government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on

agriculture, and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

The great amount of our reveaue and the flourishing state of the treasury are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, puts it completely in the power of the United States to discharge the national debt at an early period. Peace is the best time for improvement, and preparation of every kind: it is in peace that our commerce flourishes most, that taxes are most easily paid, and that the revenue is most productive.

The executive is charged, officially, in the departments under it, with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The legislature is the watchful guardian over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the executive, to enable it to bring the public agents entrusted with the public money strictly and promptly to account. Nothing should be presumed against them; but if, with the requisite facilities, the public money is suffered to lie long and uselessly in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the administration which will be felt by the whole community. I shall do all that I can to secure economy and fidelity in this important branch of the administration, and I doubt not that the legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me to enter on the discharge of these duties at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the executive, on just principles with all nations, claiming nothing unreasonable of any, and rendering to each what is its due.

Equally gratifying is it to witness the increased harmony of opinion which pervades our Union. Discord does not belong to our system. Union is recommended, as well by the free and benign principles of our government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family with a common interest. Experience has enlightened us on some questions of essential importance to the country. The progress has been slow, dictated by a just reflection and a faithful regard to every interest connected with it. To promote this harmony, in accordance with the principles of our republican government, and in a manner to give them

the most complete effect, and to advance, in all other respects, the best interests of our country, will be the object of my constant and zealous exertions.

Never did a government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid, so gigantic, of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy when he reflects how near our government has approached to perfection; that in respect to it we have no essential improvement to make; that the great object is to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us.

In the administration of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy in his retirement the affections of a grateful country, the best reward of exalted talents and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of government, I enter on the trust to which I have been called by the suffrages of my fellow citizens, with my fervent prayers to the Almighty that he will be graciously pleased to continue to us that protection which he has already so conspicuously displayed in our favor.

FIRST ANNUAL MESSAGE.

DECEMBER 2, 1817.

Fellow Citizens of the Senate and House of Representatives:

At no period of our political existence had we so much cause to felicitate ourselves at the prosperous and happy condition of our country. The abundant fruits of the earth have filled it with plenty. An extensive and profitable commerce has greatly augmented our revenue. The public credit has attained an extraordinary elevation. Our preparation for defence, in case of future wars, from which, by the experience of all nations, we ought not to expect to be exempted, are advancing, under a well digested system, with all the despatch which so important a work will admit. Our free government, founded on the interests and affections of the people, has gained and is daily gaining strength. Local jealousies are rapidly yielding to more generous, enlarged, and enlightened views of national policy. For advantages so numerous and highly important, it is our duty to unite in grateful acknowledgments to that Omnipotent Being from whom they are derived, and in

unceasing prayer that he will endow us with virtue and strength to maintain and hand them down, in their utmost purity, to our latest posterity.

I have the satisfaction to inform you that an arrangement which had been commenced by my predecessor, with the British government, for the reduction of the naval force, by Great Britain and the United States, on the lakes, has been concluded; by which it is provided, that neither party shall keep in service on lake Champlain more than one vessel; on lake Ontario, more than one; on lake Erie and the upper lakes, more than two; to be armed, each with one cannon only, and that all the other armed vessels of both parties, of which an exact list is interchanged, shall be dismantled. It is also agreed that the force retained shall be restricted in its duty to the internal purposes of each party; and that the arrangement shall remain in force until six months shall have expired after notice having been given by one of the parties to the other of its desire that it should terminate. By this arrangement, useless expense on both sides, and what is of still greater importance, the danger of collision between armed vessels in those inland waters, which was great, is prevented.

I have the satisfaction also to state, that the commissioners under the fourth article of the treaty of Ghent, to whom it was referred to decide to which party the several islands in the Bay of Passamaquoddy belonged, under the treaty of one thousand seven hundred and eighty-three, have agreed in a report, by which all the islands in the possession of each party before the late war have been decreed to it. The commissioners acting under the other articles of the treaty of Ghent, for the settlement of boundaries, have also been engaged in the discharge of their respective duties, but have not yet completed them. The difference which arose between the two governments, under that treaty, respecting the right of the United States to take and cure fish on the coast of the British provinces, north of our limits, which had been secured by the treaty of one thousand seven hundred and eighty-three, is still in negotiation. The proposition made by this government to extend to the colonies of Great Britain the principle of the convention of London, by which the commerce between the ports of the United States and British ports in Europe had been placed on a footing of equality, has been declined by the British government. This subject having been thus amicably discussed between the two governments, and it appearing that the British government is unwilling to depart from its present regulations, it remains for Congress to decide whether they will make any other regulations in consequence thereof for the protection and improvement of our navigation.

The negotiation with Spain, for spoliations on our commerce and the settlements of boundaries, remains essentially in the state it held in the communications that were made to Congress by my predecessor. It has been evidently the policy of the Spanish government to keep the negotiation suspended, and in this the United States have acquiesced, from an amicable disposition toward Spain and in the expectation that her government would, from a sense of justice, finally accede to such an arrangement as would be equal between the parties. A disposition has been lately shown by the Spanish government to move in the negotiation, which has been met by this government, and should the conciliatory and friendly policy which has invariably guided our councils be reciprocated, a just and satisfactory arrangement may be expected. It is proper, however, to remark that no proposition has yet been made from which such a result can be presumed.

It was anticipated, at an early stage, that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbors. It seemed probable, also, that the prosecution of the conflict, along our coast and in contiguous countries, would occasionally interrupt our commerce and otherwise affect the persons and property of our citizens. These anticipations have been realized. Such injuries have been received from persons acting under the authority of both the parties, and for which redress has in most instances been withheld. Through every stage of the conflict, the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having, as to neutral powers, equal rights. Our ports have been open to both, and every article, the fruit of our soil or of the industry of our citizens, which either was permitted to take, has been equally free to the other. Should the colonies establish their independence, it is proper now to state, that this government neither seeks nor would accept from them any advantage in commerce or otherwise which will not be equally open to all other nations. The colonies will in that event become independent states, free from any obligation to, or connection with us, which it may not then be their interest to form on the basis of a fair reciprocity.

In the summer of the present year, an expedition was set on foot against East Florida by persons claiming to act under the authority of some of the colonies, who took possession of Amelia Island, at the mouth of St. Mary's river, near the boundary of the state of Georgia. As the province lies eastward of the Mississippi, and is bounded by the United States and the ocean on every side, and has been a subject of negotiation with the government of Spain, as an indemnity for losses by spoliation or in exchange for territory of equal value westward of the Mississippi, a fact well known to the world, it excited surprise that any countenance should be given to this measure by any of the colonies. As it would be difficult to reconcile it with the friendly relations existing between the United States and the colonies, a doubt was entertained whether it had been authorized by them or any of them. This doubt has gained strength by the circumstances which have unfolded themselves in the prosecution of the enterprise, which have marked it as a mere private unauthorized adventure. Projected and commenced with an incompetent force, reliance seems to have been placed on what might be drawn, in defiance of our laws, from within our limits; and of late, as their resources have failed, it has assumed a more marked character of unfriendliness to us, the island being made a channel for the illicit introduction of slaves from Africa into the United States, an asylum for fugitive slaves from the neighboring states, and a port for smuggling of every kind.

A similar establishment was made, at an earlier period, by persons of the same description, in the Gulf of Mexico, at a place called Galveston, within the limits of the United States, as we contend, under the cession of Louisiana. This enterprise has been marked in a more signal manner by all the objectionable circumstances which characterized the other, and more particularly by the equipment of privateers which have annoyed our commerce and by smuggling. These establishments, if ever sanctioned by any authority whatever, which is not believed, have abused their trust and forfeited all claim to consideration. A just regard for the rights and interests of the

United States required that they should be suppressed, and orders have accordingly been issued to that effect. The imperious considerations which produced this measure will be explained to the parties whom it may in any degree concern.

To obtain correct information on every subject in which the United States are interested; to inspire just sentiments in all persons in authority, on either side, of our friendly disposition, so far as it may comport with an impartial neutrality, and to secure proper respect to our commerce in every port and from every flag, it has been thought proper to send a ship of war, with three distinguished citizens, along the southern coast, with instructions to touch at such ports as they may find most expedient for these purposes. With the existing authorities, with those in the possession of and exercising the sovereignty, must the communication be held; from them alone can redress for past injuries committed by persons acting under them be obtained; by them alone can the commission of the like in future be prevented.

Our relations with the other powers of Europe have experienced no essential change since the last session. In our intercourse with each, due attention continues to be paid to the protection of our commerce and to every other object in which the United States are interested. A strong hope is entertained, that by adhering to the maxims of a just, a candid and friendly policy, we may long preserve amicable relations with all the powers of Europe, on conditions advantageous and honorable to our country.

With the Barbary states and the Indian tribes, our pacific relations have been preserved.

In calling your attention to the internal concerns of our country, the view which they exhibit is peculiarly gratifying. The payments which have been made into the treasury show the very productive state of the public revenue. After satisfying the appropriations made by law for the support of the civil government and of the military and naval establishments, embracing suitable provision for fortification and for the gradual increase of the navy, paying the interest of the public debt and extinguishing more than eighteen millions of the principal, within the present year, it is estimated that a balance of more than six millions of dollars will remain in the treasury on the first day of January, applicable to the current service of the ensuing year.

The payments into the treasury during the year one thousand eight hundred and eighteen, on account of imports and tonnage, resulting principally from duties which have accrued in the present year, may be fairly estimated at twenty millions of dollars; internal revenues, at two millions five hundred thousand; public lands, at one million five hundred thousand; bank dividends and incidental receipts, at five hundred thousand; making, in the whole, twenty-four millions and five hundred thousand dollars.

The annual permanent expenditure for the support of the civil government, and of the army and navy, as now established by law, amounts to eleven millions eight hundred thousand dollars; and for the sinking fund, to ten millions; making, in the whole, twenty-one millions eight hundred thousand dollars; leaving an annual excess of revenue, beyond the expenditure, of two millions seven hundred thousand dollars, exclusive of the balance estimated to be in the treasury on the 1st day of January, one thousand eight hundred and eighteen.

In the present state of the treasury, the whole of the Louisiana debt may be redeemed in the year 1819; after which, if the public debt continues as it now is, above par, there will be annually about five millions of the sinking fund unexpended, until the year 1825, when the loan of 1812 and the stock created by funding treasury notes will be redeemable.

It is also estimated that the Mississippi stock will be discharged during the year 1819 from the proceeds of the public lands assigned to that object, after which the receipts from those lands will annually add to the public revenue the sum of one million five hundred thousand dollars, making the permanent annual revenue amount to twenty-six millions of dollars, and leaving an annual excess of revenue, after the year 1819, beyond the permanent authorized expenditure, of more than four millions of dollars.

By the last returns to the department of war, the militia force of the several states may be estimated at eight hundred thousand men, infantry, artillery, and cavalry. Great part of this force is armed, and measures are taken to arm the whole. An improvement in the organization and discipline of the militia is one of the great objects which claims the unremitting attention of Congress.

The regular force amounts nearly to the number required by law, and is stationed along the Atlantic and inland frontiers.

Of the naval force, it has been necessary to maintain strong squadrons in the Mediterranean and in the Gulf of Mexico.

From several of the Indian tribes inhabiting the country bordering on lake Erie, purchases have been made of lands on conditions very favorable to the United States, and it is presumed not less so to the tribes themselves.

By these purchases the Indian title, with moderate reservations, has been extinguished to the whole of the land within the state of Ohio, and to a great part of that in Michigan territory and of the state of Indiana. From the Cherokee tribe a tract has been purchased in the state of Georgia, and an arrangement made by which, in exchange for lands beyond the Mississippi, a great part if not the whole of the land belonging to the tribe, eastward of that river, in the state of North Carolina, Georgia, and Tennessee, and in the Alabama territory, will soon be acquired. By these acquisitions, and others that may reasonably be expected soon to follow, we shall be enabled to extend our settlements from the inhabited parts of the state of Ohio, along lake Erie, into the Michigan territory, and to connect our settlements by degrees, through the state of Indiana and the Illinois territory, to that of Missouri. A similar and equally advantageous effect will soon be produced to the south, through the whole extent of the states and territory which border on the waters emptying into the Mississippi and the Mobile. In this progress, which the rights of nature demand and nothing can prevent, marking a growth rapid and gigantic, it is our duty to make new efforts for the preservation, improvement, and civilization of the native inhabitants. The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form, and greater force of civilized population; and of right it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort. It is gratifying to know that the reservation of land made by the treaties with the tribes on lake Erie, were made with a view to individual ownership among them, and to the cultivation of the soil by all, and that an annual stipend has been pledged to supply their other wants.

It will merit the consideration of Congress, whether other provision not stipulated by the treaty ought to be made for these tribes, and for the advancement of the liberal and humane policy of the United States toward all the tribes within our limits, and more particularly for their improvement in the arts of civilized life.

Among the advantages incident to these purchases, and to those which have preceded, the security which may thereby be afforded to our inland frontiers is peculiarly important. With a strong barrier, consisting of our own people, thus planted on the lakes, the Mississippi, and the Mobile, with the protection to be derived from the regular force, Indian hostilities, if they do not altogether cease, will henceforth lose their terror. Fortifications in those quarters to any extent will not be necessary, and the expense attending them may be saved. A people accustomed to the use of fire-arms only, as the Indian tribes are, will shun even moderate works which are defended by cannon. Great fortifications will therefore be requisite only in future along the coast, and at some points in the interior connected with it. On these will the safety of towns and the commerce of our great rivers, from the Bay of Fundy to the Mississippi, depend. On these, therefore, should the utmost attention, skill, and labor be bestowed.

A considerable and rapid augmentation in the value of all the public lands, proceeding from these and other obvious causes, may henceforward be expected. The difficulties attending early emigrations will be dissipated even in the most remote parts. Several new states have been admitted into our Union to the west and south, and territorial governments, happily organized, established over every other portion in which there is vacant land for sale. In terminating Indian hostilities, as must soon be done, in a formidable shape at least, the emigration which has heretofore been great will probably increase, and the demand for land and the augmentation in its value be in like proportion. The great increase in our population throughout the Union will alone produce an important effect, and in no quarter will it be so sensibly felt as in those in contemplation. The public lands are a public stock, which ought to be disposed of to the best advantage for the nation. The nation should, therefore, derive the profit proceeding from the continual rise in their value. Every encouragement should be given to the emigrants, consistent with a fair competition between them, but that competition should operate in the first sale to the advantage of the nation rather than of individuals. Great capitalists will derive all the benefit incident to their superior wealth under any mode of sale which may be adopted. But if, looking forward to the rise in the value of the public lands, they should have the opportunity of amassing, at a low price, vast bodies in their hands, the profit will accrue to them, and not to the public. They would also have the power, in that degree, to control the emigration and settlement in such a manner as their opinion of their respective interests might dictate. I submit this subject to the consideration of Congress, that such farther provision may be made on the sale of the public lands, with a view to the public interest, should any be deemed expedient, as in their judgment may be best adapted to the object.

When we consider the vast extent of territory within the United States, the great amount and value of its productions, the connection of its parts, and other circumstances on which their prosperity and happiness depend, we cannot fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them, by

means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind; nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last session, and there may be a disposition to revive it at present, I have brought it into view for the purpose of communicating my sentiments on a very important circumstance connected with it, with that freedom and candor which a regard for the public interest and a proper respect for Congress require. A difference of opinion has existed, from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance, and a just sense of my duty, required, and the result is a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel, to suggest to Congress the propriety of recommending to the states an adoption of an amendment to the constitution, which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our republican institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely, that if it appears to their satisfaction that the power is necessary, it will be granted.

In this case I am happy to observe, that experience has afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony which now manifests itself throughout our Union promises to such a recommendation the most prompt and favorable result. I think proper to suggest, also, in case this measure is adopted, that it be recommended to the states to include in the amendment sought a right in Congress to institute, likewise, seminaries of learning, for the all-important purpose of diffusing knowledge among our fellow citizens throughout the United States.

Our manufactories will require the continued attention of Congress. The capital employed in them is considerable, and the knowledge required in the machinery and fabric of all the most useful manufactures is of great value. Their preservation, which depends on due encouragement, is connected with the high interests of the nation.

Although the progress of the public buildings has been as favorable as circumstances have permitted, it is to be regretted the capitol is not yet in a state to receive you. There is good cause to presume that the two wings, the only parts as yet commenced, will be prepared for that purpose the next session. The time seems now to have arrived when this subject may be deemed worthy the attention Congress, on a scale adequate to national purposes. The completion of the middle building will be necessary to the convenient accommodation of Congress, of the committees and various officers belonging to it. It is evident that the other public buildings

are altogether insufficient for the accommodation of the several executive departments; some of whom are much crowded and even subject to the necessity of obtaining it in private buildings, at some distance from the head of the department, and with inconvenience to the management of the public business. Most nations have taken an interest and a pride in the improvement and ornament of their metropolis, and none were more conspicuous in that respect than the ancient republics. The policy which dictated the establishment of a permanent residence for the national government, and the spirit in which it was commenced and has been prosecuted, show that such improvement was thought worthy the attention of this nation. Its central position, between the northern and southern extremes of our Union, and its approach to the west at the head of a great navigable river which interlocks with the western waters, prove the wisdom of the councils which established it.

Nothing appears to be more reasonable and proper, than that convenient accommodation should be provided, on a well digested plan, for the heads of the several departments, and for the attorney-general; and it is believed that the public ground in the city, applied to these objects, will be found amply sufficient. I submit this subject to the consideration of Congress, that such provision may be made in it as to them may seem proper.

In contemplating the happy situation of the United States, our attention is drawn, with peculiar interest, to the surviving officers and soldiers of our revolutionary army, who so eminently contributed, by their services, to lay its foundation. Most of those very meritorious citizens have paid the debt of nature and gone to repose. It is believed, that among the survivors there are some, not provided for by existing laws, who are reduced to indigence and even to real distress. These men have a claim on the gratitude of their country, and it will do honor to their country to provide for them. The lapse of a few years more, and the opportunity will be forever lost; indeed, so long already has been the interval, that the number to be benefited by any provision which may be made will not be great.

It appearing in a satisfactory manner that the revenue arising from imposts and tonnage, and from the sale of public lands, will be fully adequate to the support of the civil government, of the present military and naval establishments, including the annual augmentation of the latter to the extent provided for, to the payment of the interest on the public debt, and to the extinguishment of it at the times authorized, without the aid of the internal taxes, I consider it my duty to recommend to Congress their repeal. To impose taxes when the public exigencies require them, is an obligation of the most sacred character, especially with a free people. The faithful fulfilment of it is among the highest proofs of their virtue and capacity for self-government. To dispense with taxes, when it may be done with perfect safety, is equally the duty of their representatives. In this instance, we have the satisfaction to know that they were imposed when the demand was imperious, and have been sustained with exemplary fidelity. I have to add, that however gratifying it may be to me, regarding the prosperous and happy condition of our country, to recommend the repeal of these taxes at this time, I shall, nevertheless, be attentive to events, and should any future emergency occur, be not less prompt to suggest such measures and burdens as may then be requisite and proper.

SECOND ANNUAL MESSAGE.

NOVEMBER 17, 1818.

Fellow Citizens of the Senate and House of Representatives:

THE auspicious circumstances under which you will commence the duties of the present session will lighten the burden inseparable from the high trusts committed to you. The fruits of the earth have been unusually abundant, commerce has flourished, the revenue has exceeded the most favorable anticipation, and peace and amity are preserved with foreign nations on conditions just and honorable to our country. For these inestimable blessings we cannot but be grateful to that Providence which watches over the destinies of nations.

As the term limited for the operation of the commercial convention with Great Britain will expire early in the month of July next, and it was deemed important that there should be no interval during which that portion of our commerce which was provided for by that convention should not be regulated, either by arrangement between the two governments or by the authority of Congress, the minister of the United States at London was instructed, early in the last summer, to invite the attention of the British government to the subject, with a view to that object. He was instructed to propose, also, that the negotiation which it was wished to open might extend to the general commerce of the two countries, and to every other interest and unsettled difference between them; particularly to those relating to impressment, the fisheries, and boundaries, in the hope that an arrangement might be made on principles of reciprocal advantage, which might comprehend and provide in a satisfactory manner for all these high concerns. I have the satisfaction to state that the proposal was received by the British government in the spirit which prompted it, and that a negotiation has been opened at London, embracing all these objects. On full consideration of the great extent and magnitude of the trust, it was thought proper to commit it to not less than two of our distinguished citizens, and in consequence, the envoy extraordinary and minister plenipotentiary of the United States and Paris has been associated with our envoy extraordinary and minister plenipotentiary at London, to both of whom corresponding instructions have been given, and they are now engaged in the discharge of its duties. It is proper to add, that to prevent any inconvenience resulting from the delay to a negotiation on so many important subjects, it was agreed before entering on it that the existing convention should be continued for a term not less than eight years.

Our relations with Spain remain nearly in the state in which they were at the close of the last session. The convention of 1802, providing for the adjustment of a certain portion of the claims of our citizens for injuries sustained by spoliation, and so long suspended by the Spanish government, has at length been ratified by it; but no arrangement has yet been made for the payment of another portion of like claims, not less extensive or well founded, or for other classes of claims, or for the settlement of boundaries. These subjects have again been brought under consideration in both countries, but no agreement has been entered into respecting them. In the mean time, events have occurred which clearly prove the ill effect of the policy which that government has so long pursued, on the friendly relations of the

two countries, which it is presumed is at least of as much importance to Spain as to the United States to maintain. A state of things has existed in the Floridas, the tendency of which has been obvious to all who have paid the slightest attention to the progress of affairs in that quarter. Throughout the whole of those provinces to which the Spanish title extends, the government of Spain has scarcely been felt. Its authority has been confined almost exclusively to the walls of Pensacola and St. Augustine, within which only small garrisons have been maintained. Adventurers from every country, fugitives from justice, and absconding slaves, have found an asylum there. Several tribes of Indians, strong in the number of their warriors, remarkable for their ferocity, and whose settlements extend to our limits, inhabit those provinces. These different hordes of people, connected together, disregarding, on the one side, the authority of Spain, and protected on the other by an imaginary line which separates Florida from the United States, have violated our laws prohibiting the introduction of slaves, have practised various frauds on our revenue, and committed every kind of outrage on our peaceable citizens which their proximity to us enabled them to perpetrate. The invasion of Amelia Island last year by a small band of adventurers, not exceeding one hundred and fifty in number, who wrested it from the inconsiderable Spanish force stationed there, and held it several months, during which a single effort only was made to recover it, which failed, clearly proves how completely extinct the Spanish authority had become, as the conduct of those adventurers while in possession of the island, as distinctly shows the pernicious purposes for which their combination had been formed.

This country had in fact become the theatre of every species of lawless adventure. With little population of its own, the Spanish authority almost extinct, and the colonial governments in a state of revolution, having no pretensions to it, and sufficiently employed in their own concerns, it was in a great measure derelict, and the object of cupidity to every adventurer. A system of bucaniering was rapidly organizing over it, which menaced, in its consequences, the lawful commerce of every nation, and particularly of the United States, while it presented a temptation to every people on whose seduction its success principally depended. In regard to the United States, the pernicious effect of this unlawful combination was not confined to the ocean; the Indian tribes have constituted the effective force in Florida. With these tribes these adventurers had formed at an early period a connection, with a view to avail themselves of that force to promote their own projects of accumulation and aggrandizement. It is to the interference of some of these adventurers, in misrepresenting the claims and titles of the Indians to land, and in practising on their savage propensities, that the Seminole war is principally to be traced. Men who thus connect themselves with savage communities, and stimulate them to war, which is always attended on their part with acts of barbarity the most shocking, deserve to be viewed in a worse light than the savages. They would certainly have no claim to an immunity from the punishment which, according to the rules of warfare practised by the savages, might justly be inflicted on the savages themselves.

If the embarrassments of Spain prevented her from making an indemnity to our citizens for so long a time from her treasury, for their losses by spoliation and otherwise, it was always in her power to have provided it by the cession of this territory. Of this her government has been repeatedly ap-

prized, and the cession was the more to have been anticipated, as Spain must have known that in ceding it she would in effect cede what had become of little value to her, and would likewise relieve herself from the important obligation secured by the treaty of 1795, and all other commitments respecting it. If the United States, from consideration of these embarrassments, declined pressing their claims in a spirit of hostility, the motive ought at least to have been duly appreciated by the government of Spain. It is well known to her government that other powers have made to the United States an indemnity for like losses sustained by their citizens at the same epoch.

There is, nevertheless, a limit beyond which this spirit of amity and forbearance can in no instance be justified. If it was proper to rely on amicable negotiations for an indemnity for losses, it would not have been so to have permitted the inability of Spain to fulfil her engagements, and to sustain her authority in the Floridas, to be perverted by foreign adventurers and savages to purposes so destructive to the lives of our fellow citizens, and the highest interests of the United States. The right of self-defence never ceases. It is among the most sacred, and alike necessary to nations and individuals. And whether the attack be made by Spain herself, or by those who abuse her power, its obligation is not the less strong. The invaders of Amelia Island had assumed a popular and respected title, under which they might approach and wound us. As their object was distinctly seen, and the duty imposed on the executive by an existing law was profoundly felt, that mask was not permitted to protect them. It was thought incumbent on the United States to suppress the establishment, and it was accordingly done. The combination in Florida for the unlawful purposes stated, the acts perpetrated by that combination, and above all, the incitement of the Indians to massacre our fellow citizens of every age and of both sexes, merited a like treatment and received it. In pursuing these savages to an imaginary line in the woods, it would have been the height of folly to have suffered that line to protect them. Had that been done the war would never cease. Even if the territory had been exclusively that of Spain, and her power complete over it, we had a right, by the law of nations, to follow the enemy on it and to subdue him there. But the territory belonged, in a certain sense at least, to the savage enemy who inhabited it—the power of Spain had ceased to exist over it, and protection was sought under her title by those who had committed on our citizens hostilities which she was bound by treaty to have prevented, but had not the power to prevent. To have stopped at that line would have given new encouragement to these savages, and new vigor to the whole combination existing there in the prosecution of all its pernicious purposes.

In suppressing the establishment at Amelia Island, no unfriendliness was manifested toward Spain, because the post was taken from a force which had wrested it from her. The measure, it is true, was not adopted in concert with the Spanish government, or those in authority under it, because, in transactions connected with the war in which Spain and her colonies are engaged, it was thought proper, in doing justice to the United States, to maintain a strict impartiality toward both of the belligerent parties without consulting or acting in concert with either. It gives me pleasure to state that the government of Buenos Ayres and Venzuela, whose names were assumed, have explicitly disclaimed all participation in those measures, and even the knowledge of them until communicated by this government,

and have also expressed their satisfaction that a course of proceeding had been suppressed which, if justly imputable to them, would dishonor their cause.

In authorizing Major-general Jackson to enter Florida in pursuit of the Seminoles, care was taken not to encroach on the rights of Spain. I regret to have to add, that in executing this order facts were disclosed respecting the conduct of the officers of Spain in authority there, in encouraging the war, furnishing munitions of war and other supplies to carry it on, and in other acts not less marked, which evinced their participation in the hostile purposes of that combination, and justified the confidence with which it inspired the savages that by those officers they would be protected. A conduct so incompatible with the friendly relations existing between the two countries, particularly with the positive obligation of the fifth article of the treaty of 1795, by which Spain was bound to restrain, even by force, those savages from acts of hostility against the United States, could not fail to excite surprise. The commanding general was convinced that he should fail in his object, that he should in effect accomplish nothing, if he did not deprive those savages of the resource on which they had calculated, and of the protection on which they had relied, in making the war. As all the documents relating to this occurrence will be laid before Congress, it is not necessary to enter into farther detail respecting it.

Although the reasons which induced Major-general Jackson to take these posts were duly appreciated, there was nevertheless no hesitation in deciding on the course which it became the government to pursue. As there was reason to believe that the commanders of these posts had violated their instructions, there was no disposition to impute to their government a conduct so unprovoked and hostile. An order was in consequence issued to the general in command there, to deliver the posts; Pensacola, unconditionally, to any person duly authorized to receive it, and St. Marks, which is in the heart of the Indian country, on the arrival of a competent force to defend it against those savages and their associates.

In entering Florida to suppress this combination, no idea was entertained of hostility to Spain, and however justifiable the commanding general was, in consequence of the misconduct of the Spanish officers, in entering St. Marks and Pensacola, to terminate it by proving to the savages and their associates that they could not be protected even there, yet the amicable relations existing between the United States and Spain could not be altered by that act alone. By ordering the restitution of the posts those relations were preserved. To a change of them the power of the executive is deemed incompetent; it is vested in Congress only.

By this measure, so promptly taken, due respect was shown to the government of Spain. The misconduct of her officers has not been imputed to her. She was enabled to review with candor her relations with the United States and her own situation, particularly in respect to the territory in question, with the dangers inseparable from it; and regarding the losses we have sustained for which indemnity has been so long withheld, and the injuries we have suffered through that territory, and her means of redress, she was likewise enabled to take with honor the course best calculated to do justice to the United States and to promote her own welfare.

Copies of the instructions to the commanding general; of his correspondence with the secretary of war, explaining his motives and justifying his conduct, with a copy of the proceedings of the courts martial in the trial of

Arbuthnot and Ambristie; and of the correspondence between the secretary of state and the minister plenipotentiary of Spain near this government; and of the minister plenipotentiary of the United States at Madrid, with the government of Spain, will be laid before Congress.

The civil war which has so long prevailed between Spain and the provinces in South America still continues without any prospect of its speedy termination. The information respecting the condition of those countries, which has been collected by the commissioners recently returned from thence, will be laid before Congress in copies of their reports, with such other information as has been received from other agents of the United States.

It appears, from these communications, that the government of Buenos Ayres declared itself independent in July, 1816, having previously exercised the power of an independent government, though in the name of the king of Spain, from the year 1810; that the Banda Oriental, Entre Reos, and Paraguay, with the city of Santa Fe, all of which are also independent, are unconnected with the present government of Buenos Ayres; that Chili has declared itself independent and is closely connected with Buenos Ayres; that Venezuela has also declared itself independent, and now maintains the conflict with various success; and that the remaining parts of South America, except Monte Video, and such other portions of the eastern bank of the La Plata as are held by Portugal, are still in possession of Spain or in a certain degree under her influence.

By a circular note addressed by the ministers of Spain to the allied powers, with whom they are accredited, it appears that the allies have undertaken to mediate between Spain and the South American provinces, and that the manner and extent of their interposition would be settled by a Congress which was to have met at Aix-la-Chapelle in September last. From the general policy and course of proceedings observed by the allied powers, in regard to this contest, it is inferred that they will confine their interposition to the expression of their sentiments, abstaining from the application of force. I state this impression that force will not be applied, with the greater satisfaction, because it is a course more consistent with justice, and likewise authorizes a hope that the calamities of the war will be confined to the parties only, and will be of shorter duration.

From the view taken of this subject, founded on all the information that we have been able to obtain, there is good cause to be satisfied with the course heretofore pursued by the United States in regard to this contest, and to conclude that it is proper to adhere to it, especially in the present state of affairs.

I have great satisfaction in stating that our relations with France, Russia, and other powers, continue on the most friendly basis.

In our domestic concerns we have ample cause of satisfaction. The receipts into the treasury during the first three quarters of the year have exceeded seventeen millions of dollars.

After satisfying all the demands which have been made under existing appropriations, including the final extinction of the old six per cent. stock, and the redemption of a moiety of the Louisiana debt, it is estimated that there will remain in the treasury, on the first day of January next, more than two millions of dollars.

It is ascertained that the gross revenue which has accrued from the customs during the same period amounts to twenty-one millions of dollars, and that the revenue of the whole year may be estimated at not less than

twenty-six millions. The sale of the public lands during the year has also greatly exceeded, both in quantity and price, that of any former year, and there is just reason to expect a progressive improvement in that source of revenue.

It is gratifying to know, that although the annual expenditure has been increased, by the act of the last session of Congress providing for revolutionary pensions, to an amount about equal to the proceeds of the internal duties which were then repealed, the revenue for the ensuing year will be proportionably augmented, and that whilst the public expenditure will probably remain stationary, each successive year will add to the national resources by the ordinary increase of population, and by the gradual development of our latent sources of national prosperity.

The strict execution of the revenue laws, resulting principally from the salutary provisions of the act of the 20th of April last amending the several collection laws, has, it is presumed, secured to domestic manufactures all the relief that can be derived from the duties which have been imposed upon foreign merchandise for their protection. Under the influence of this relief, several branches of this important national interest have assumed greater activity, and although it is hoped that others will gradually revive and ultimately triumph over every obstacle, yet the expediency of granting farther protection is submitted to your consideration.

The measures of defence authorized by existing laws have been pursued with the zeal and activity due to so important an object, and with all the despatch practicable in so extensive and great an undertaking. The survey of our maritime and inland frontiers has been continued, and at the points where it was decided to erect fortifications the work has been commenced, and in some instances considerable progress has been made. In compliance with resolutions of the last session, the board of commissioners were directed to examine in a particular manner the parts of the coast therein designated, and to report their opinion of the most suitable sites for two naval depots. This work is in a train of execution. The opinion of the board on this subject, with a plan of all the works necessary to a general system of defence, so far as it has been formed, will be laid before Congress, in a report from the proper department, as soon as it can be prepared.

In conformity with the appropriations of the last session, treaties have been formed with the Quapaw tribe of Indians, inhabiting the country on the Arkansas, and with the Great and Little Osages north of the White river; with the tribes in the state of Indiana; with the several tribes within the state of Ohio and the Michigan territory; and with the Chickasaws; by which very extensive cessions of territory have been made to the United States. Negotiations are now depending with the tribes in the Illinois territory, and with the Choctaws, by which it is expected that other extensive cessions will be made. I take great interest in stating that the cessions already made, which are considered so important to the United States, have been obtained on conditions very satisfactory to the Indians.

With a view to the security of our inland frontiers it has been thought expedient to establish strong posts at the mouth of the Yellowstone river, and at the Mandan village on the Missouri, and at the mouth of St. Peter's on the Mississippi, at no great distance from our northern boundaries. It can hardly be presumed, while such posts are maintained in the rear of the Indian tribes, that they will venture to attack our peaceable inhabitants. A strong hope is entertained that this measure will likewise be productive of

much good to the tribes themselves; especially in promoting the great object of their civilization. Experience has clearly demonstrated that independent savage communities cannot long exist within the limits of a civilized population. The progress of the latter has almost invariably terminated in the extinction of the former, especially of the tribes belonging to our portion of this hemisphere, among whom loftiness of sentiment and gallantry in action have been conspicuous. To civilize them, and even to prevent their extinction, it seems to be indispensable that their independence as communities should cease, and that the control of the United States over them should be complete and undisputed. The hunter state will then be more easily abandoned, and recourse will be had to the acquisition and culture of land, and to other pursuits tending to dissolve the ties which connect them together as a savage community, and to give a new character to every individual. I present this subject to the consideration of Congress, on the presumption that it may be found expedient and practicable to adopt some benevolent provisions, having these objects in view, relative to the tribes within our settlements.

It has been necessary during the present year to maintain a strong naval force in the Mediterranean and the gulf of Mexico, and to send some public ships along the southern coast and to the Pacific ocean. By these means amicable relations with the Barbary powers have been preserved, our commerce has been protected, and our rights respected. The augmentation of our navy is advancing with a steady progress toward the limit contemplated by law.

I communicate with great satisfaction the accession of another state, Illinois, to our Union; because I perceive, from the proof afforded by the additions already made, the regular progress and sure consummation of a policy of which history affords no example, and of which the good effect cannot be too highly estimated. By extending our government, on the principles of our constitution, over the vast territory within our limits, on the lakes and the Mississippi and its numerous streams, new life and vigor are infused into every part of our system. By increasing the number of the states, the confidence of the state governments in their own security is increased, and their jealousy of the national government proportionably diminished. The impracticability of one consolidated government for this great and growing nation will be more apparent and will be universally admitted. Incapable of exercising local authority, except for general purposes, the general government will no longer be dreaded. In those cases of a local nature, and for all the great purposes for which it was instituted, its authority will be cherished. Each government will acquire new force and a greater freedom of action within its proper sphere. Other inestimable advantages will follow. Our produce will be augmented to an incalculable amount in articles of the greatest value for domestic use and foreign commerce. Our navigation will in like degree be increased, and as the shipping of the Atlantic states will be employed in the transportation of the vast produce of the western country, even those parts of the United States which are the most remote from each other will be farther bound together by the strongest ties which mutual interest can create.

The situation of this district, it is thought, requires the attention of Congress. By the constitution, the power of legislation is exclusively vested in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislate, in all cases,

directly on the local concerns of the district. As this is a departure, for a special purpose, from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our government, and to the particular interest of the people, may not be devised, which will never infringe the constitution nor affect the object which the provision in question was intended to secure. The growing population, already considerable, and the increasing business of the district, which it is believed already interferes with the deliberations of Congress on great national concerns, furnish additional motives for recommending this subject to your consideration.

When we view the great blessings with which our country has been favored, those which we now enjoy, and the means which we possess of handing them down unimpaired to our latest posterity, our attention is irresistibly drawn to the source from whence they flow. Let us then unite in offering our most grateful acknowledgments for these blessings to the Divine Author of all good.

THIRD ANNUAL MESSAGE.

DECEMBER 7, 1819.

Fellow Citizens of the Senate and House of Representatives:

THE public buildings being advanced to a stage to afford accommodation to Congress, I offer you my sincere congratulation on the recommencement of your duties in the capitol.

In bringing to view the incidents most deserving attention which have occurred since your last session, I regret to have to state that several of our principal cities have suffered by sickness, that an unusual drought has prevailed in the middle and western states, and that a derangement has been felt in some of our moneyed institutions which has proportionally affected their credit. I am happy, however, to have it in my power to assure you that the health of our cities is now completely restored; that the produce of the year, though less abundant, will not only be amply sufficient for home consumption, but afford a large surplus for the supply of the wants of other nations; that the derangement in the circulating paper medium, by being left to those remedies which its obvious causes suggested and the good sense and virtue of our fellow citizens supplied, has diminished.

Having informed Congress, on the 27th of February last, that a treaty of amity and settlement of limits had been concluded in this city between the United States and Spain, and ratified by the competent authorities of the former, full confidence was entertained that it would have been ratified by His Catholic Majesty with equal promptitude, and a like earnest desire to terminate on the conditions of that treaty the differences which had so long existed between the two countries. Every view which the subject admitted of was thought to have justified this conclusion. Great losses had been sustained by citizens of the United States from the Spanish cruisers, more than twenty years before, which had not been redressed. These losses had been acknowledged and provided for by a treaty as far back as the year 1802, which, although concluded at Madrid, was not then ratified by the government of Spain, nor since, until the last year, when it was suspended by the late treaty, a more satisfactory provision to both parties, as was

presumed, having been made for them. Other differences had arisen in this long interval, affecting their highest interests, which were likewise provided for by this last treaty. The treaty itself was formed on great consideration, and a thorough knowledge of all circumstances, the subject matter of every article having been for years under discussion, and repeated references having been made by the minister of Spain to his government, on the points respecting which the greatest difference of opinion prevailed. It was formed by a minister duly authorized for the purpose, who had represented his government in the United States, and been employed in this long-protracted discussion several years, and who, it is not denied, kept strictly within the letter of his instructions. The faith of Spain was therefore pledged, under circumstances of peculiar force and solemnity, for its ratification. On the part of the United States this treaty was evidently acceded to in a spirit of conciliation and concession. The indemnity for injuries and losses so long before sustained, and now again acknowledged and provided for, was to be paid by them without becoming a charge on the treasury of Spain. For territory ceded by Spain, other territory of great value, to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her. This cession was nevertheless received as the means of indemnifying our citizens in a considerable sum, the presumed amount of their losses. Other considerations of great weight urged the cession of the territory by Spain. It was surrounded by the territories of the United States on every side except on that of the ocean. Spain had lost its authority over it, and falling into the hands of adventurers connected with savages, it was made the means of unceasing annoyance and injury to our Union in many of its most essential interests. By this cession, then, Spain ceded a territory in reality of no value to her, and obtained concessions of the highest importance, by the settlement of long standing differences with the United States affecting their respective claims and limits, and likewise relieved herself of the obligation of a treaty relating to it which she has failed to fulfil, and also from the responsibility incident to the most flagrant and pernicious abuses of her rights where she could not support her authority.

It being known that the treaty was formed under these circumstances, not a doubt was entertained that His Catholic Majesty would have ratified it without delay. I regret to have to state that this reasonable expectation has been disappointed; and the treaty was not ratified within the time stipulated, and has not been ratified. As it is important that the nature and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate to you all the facts and circumstances in my possession relating to it.

Anxious to prevent any future disagreement with Spain, by giving the most prompt effect to the treaty which had been thus concluded, and particularly by the establishment of a government in Florida which should preserve order there, the minister of the United States who had been recently appointed to His Catholic Majesty, and to whom the ratification by his government had been committed to be exchanged for that of Spain, was instructed to transmit the latter to the department of state as soon as obtained, by a public ship subjected to his order for the purpose. Unexpected delay occurring in the ratification by Spain, he requested to be informed of the cause. It was stated in reply that the great importance of the subject, and a desire to obtain explanations on certain points which were

not specified, had produced the delay and that an envoy would be despatched to the United States to obtain such explanations of this government. The minister of the United States offered to give full explanation on any point on which it might be desired; which proposal was declined. Having communicated this result to the department of state in August last, he was instructed, notwithstanding the surprise and disappointment which it produced, to inform the government of Spain, that if the treaty should be ratified and transmitted here at any time before the meeting of Congress it would be received and have the same effect as if it had been ratified in due time. This order was executed, the authorized communication was made to the government of Spain, and by its answer, which has just been received, we are officially made acquainted, for the first time, with the causes which have prevented the ratification of the treaty by His Catholic Majesty. It is alleged by the minister of Spain that this government had attempted to alter one of the principal articles of the treaty by a declaration which the minister of the United States had been ordered to present, when he should deliver the ratification by his government in exchange for that of Spain; and of which he gave notice, explanatory of the sense in which that article was understood. It is farther alleged that this government had recently tolerated or protected an expedition from the United States against the province of Texas. These two imputed acts are stated as the reasons which have induced His Catholic Majesty to withhold his ratification from the treaty, to obtain explanations respecting which it is repeated that an envoy would be forthwith despatched to the United States. How far these allegations will justify the conduct of the government of Spain will appear on a view of the following facts, and the evidence which supports them.

It will be seen by the documents transmitted herewith that the declaration mentioned relates to a clause in the eighth article concerning certain grants of land recently made by His Catholic Majesty in Florida, which it was understood had conveyed all the lands which till then had been ungranted; it was the intention of these parties to annul these latter grants, and that clause was drawn for that express purpose and for no other. The date of these grants was unknown, but it was understood to be posterior to that inserted in the article; indeed it must be obvious to all, that if that provision in the treaty had not the effect of annulling these grants, it would be altogether nugatory. Immediately after the treaty was concluded and ratified by this government, an intimation was received that these grants were of anterior date to that fixed on by the treaty, and that they would not of course be affected by it. The mere possibility of such a case, so inconsistent with the intention of the parties and the meaning of the article, induced this government to demand an explanation on the subject, which was immediately granted, and which corresponds with this statement. With respect to the other act alleged, that this government tolerated or protected an expedition against Texas, it is utterly without foundation. Every discountenance has invariably been given to every such attempt within the limits of the United States, as is fully evinced by the acts of the government and the proceedings of the courts. There being cause, however, to apprehend, in the course of the last summer, that some adventurers entertained views of the kind suggested, the attention of the constituted authorities in that quarter was immediately drawn to them, and it is known that the project, whatever it might be, has utterly failed.

These facts will, it is presumed, satisfy every impartial mind that the government of Spain has no justifiable cause for declining to ratify the treaty. A treaty concluded in conformity with instructions is obligatory, in good faith, in all its stipulations, according to the true intent and meaning of the parties. Each party is bound to ratify it. If either could set aside, without the consent of the other, there would be no longer any rules applicable to such transactions between nations. By this proceeding the government of Spain has rendered to the United States a new and very serious injury. It has been stated that a minister would be sent to ask certain explanations of this government. But if such were desired, why were they not asked within the time limited for the ratification? Is it contemplated to open a new negotiation respecting any of the articles or conditions of the treaty? If that were done, to what consequences might it not lead? At what time and in what manner would a new negotiation terminate? By this proceeding, Spain has formed a relation between the two countries which will justify any measures on the part of the United States which a strong sense of injury and a proper regard for the rights and interests of the nation may dictate.

In the course to be pursued these objects should be constantly held in view and have their due weight. Our national honor must be maintained, and a new and distinguished proof be afforded of that regard for justice and moderation which has invariably governed the councils of this free people. It must be obvious to all, that if the United States had been desirous of making conquests, or had been even willing to aggrandize themselves in that way, they could have had no inducement to form this treaty. They would have much cause of gratulation at the course which has been pursued by Spain. An ample field for ambition is open before them. But such a career is not consistent with the principles of their government nor the interests of the nation.

From a full view of all circumstances, it is submitted to the consideration of Congress whether it will not be proper for the United States to carry the conditions of the treaty into effect in the same manner as if it had been ratified by Spain, claiming on their part all its advantages, and yielding to Spain those secured to her. By pursuing this course, we shall rest on the sacred ground of right, sanctioned in the most solemn manner by Spain herself by a treaty which she was bound to ratify; for refusing to do which she must incur the censure of other nations, even those most friendly to her; while, by confining ourselves within that limit, we cannot fail to obtain their well-merited approbation. We must have peace on a frontier where we have been so long disturbed; our citizens must be indemnified for losses so long since sustained, and for which indemnity has been so unjustly withheld from them. Accomplishing these great objects we obtain all that is desirable.

But His Catholic Majesty has twice declared his determination to send a minister to the United States, to ask explanations on certain points, and to give them respecting his delay to ratify the treaty. Shall we act by taking the ceded territory and proceeding to execute the other conditions of the treaty before this minister arrives and is heard? This is a case which forms a strong appeal to the candor, the magnanimity, and honor of this people. Much is due to courtesy between nations. By a short delay we shall lose nothing; for, resting on the ground of immutable truth and justice, we cannot be diverted from our purpose. It ought to be presumed that the explanations which may be given to the minister of Spain will be satisfactory and

produce the desired result. In any event, the delay for the purpose mentioned being a farther manifestation of the sincere desire to terminate, in the most friendly manner, all differences with Spain, cannot fail to be duly appreciated by His Catholic Majesty as well as by other powers. It is submitted, therefore, whether it be proper to make the law proposed for carrying the conditions of the treaty into effect, should it be adopted, contingent; to suspend its operations, upon the responsibility of the executive, in such manner as to afford an opportunity for such friendly explanations as may be desired during the present session of Congress.

I communicate to Congress a copy of the treaty and of the instructions to the minister of the United States at Madrid, respecting it; of his correspondence with the minister of Spain, and of such other documents as may be necessary to give a full view of the subject.

In the course which the Spanish government have on this occasion thought proper to pursue, it is satisfactory to know that they have not been countenanced by any European power. On the contrary, the opinion and wishes both of France and Great Britain have not been withheld either from the United States or from Spain, and have been unequivocal in favor of the ratification. There is also reason to believe that the sentiments of the imperial government of Russia have been the same, and that they have also been made known to the cabinet of Madrid.

In the civil war existing between Spain and the Spanish provinces in this hemisphere, the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. Our ports have been equally open to both parties, and on the same conditions, and our citizens have been equally restrained from interfering in favor of either, to the prejudice of the other. The progress of the war, however, has operated manifestly in favor of the colonies. Buenos Ayres still maintains unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has attended Chili and the provinces north of the La Plata bordering on it, and likewise Venezuela.

This contest has from its commencement been very interesting to other powers, and to none more so than to the United States. A virtuous people may and will confine themselves within the limits of a strict neutrality; but it is not in their power to behold a conflict so vitally important to their neighbors without the sensibility and sympathy which naturally belong to such a case. It has been the steady purpose of this government to prevent that feeling leading to excess, and it is very gratifying to have it in my power to state, that so strong has been the sense, throughout the whole community, of what was due to the character and obligations of the nation, that few examples of a contrary kind have occurred.

The distance of the colonies from the parent country, and the great extent of their population and resources, gave them advantages which it was anticipated at a very early period it would be difficult for Spain to surmount. The steadiness, consistency, and success with which they have pursued their object, as evinced more particularly by the undisputed sovereignty which Buenos Ayres has so long enjoyed, evidently give them a strong claim to the favorable consideration of other nations. These sentiments, on the part of the United States, have not been withheld from other powers, with whom it is desirable to act in concert. Should it become manifest to the world that the efforts of Spain to subdue those provinces will be fruitless, it may be presumed that the Spanish government itself will give up the

contest. In producing such a determination, it cannot be doubted that the opinions of friendly powers who have taken no part in the controversy will have their merited influence.

It is of the highest importance to our national character, and indispensable to the morality of our citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws; no opportunity afforded to any who may be disposed to take advantage of it to compromise the interest or honor of the nation. It is submitted, therefore, to the consideration of Congress, whether it may not be advisable to revise the laws with a view to this desirable result.

It is submitted, also, whether it may not be advisable to designate by law the several ports or places along the coast at which only foreign ships of war and privateers may be admitted. The difficulty of sustaining the regulations of our commerce, and of other important interests, from abuse, without such designation, furnishes a strong motive for this measure.

At the time of the negotiation for the renewal of the commercial convention between the United States and Great Britain, a hope had been entertained that an article might have been agreed upon mutually satisfactory to both countries, regulating upon principles of justice and reciprocity the commercial intercourse between the United States and the British possessions, as well in the West Indies as upon the continent of North America. The plenipotentiaries of the two governments not having been able to come to an agreement on this important interest, those of the United States reserved for the consideration of this government the proposals which had been presented to them as the ultimate offer on the part of the British government, and which they were not authorized to accept. On their transmission here, they were examined with due deliberation, and the result of which was a new effort to meet the views of the British government. The minister of the United States was instructed to make a farther proposal, which has not been accepted. It was, however, declined in an amicable manner. I recommend to the consideration of Congress whether farther prohibitory provisions in the laws relating to this intercourse may not be expedient. It is seen with interest, that although it has not been practicable as yet to agree in any arrangement of this important branch of their commerce, such is the disposition of the parties, that each will view any regulations which the other may make respecting it in the most friendly light.

By the fifth article of the convention, concluded on the 20th of October, 1818, it was stipulated that the differences which had arisen between the two governments, with regard to the true intent and meaning of the fifth article of the treaty of Ghent, in relation to the carrying away, by British officers, of slaves from the United States, after the exchange of the ratifications of the treaty of peace, should be referred to the decision of some friendly sovereign or state to be named for that purpose. The minister of the United States has been instructed to name to the British government a foreign sovereign, the common friend to both parties, for the decision of this question. The answer of that government to the proposal, when received, will indicate the farther measures to be pursued on the part of the United States.

Although the pecuniary embarrassment which affected various parts of the Union during the latter part of the preceding year have, during the present, been considerably augmented, and still continue to exist, the receipts into the treasury to the 30th of September last have amounted to nineteen

millions of dollars. After defraying the current expenses of the government, including the interest and reimbursement of the public debt, payable to that period, amounting to eighteen millions two hundred thousand dollars, there remained in the treasury on that day more than two millions five hundred thousand dollars, which, with the sums receivable during the remainder of the year, will exceed the current demands upon the treasury for the same period.

The causes which have tended to diminish the public receipts could not fail to have a corresponding effect upon the revenue which has accrued upon imposts and tonnage during the three first quarters of the present year. It is, however, ascertained that the duties which have been secured during that period exceed eighteen millions of dollars, and those of the whole year will probably amount to twenty-three millions of dollars.

For the probable receipts of the next year I refer you to the statements which will be transmitted from the treasury, which will enable you to judge whether farther provision be necessary.

The great reduction in the price of the principal articles of domestic growth, which has occurred during the present year, and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufacture, have not shielded them against other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the nation have been no less adverse to our manufacturing establishments in several sections of the Union.

The great reduction of the currency which the banks have been constrained to make, in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the advantages resulting from the reduction of the prices of the raw materials and of labor, have compelled the banks to withdraw from them a portion of the capital heretofore advanced to them. That aid which has been refused by the banks has not been obtained from other sources, owing to the loss of individual confidence from the failures which have recently occurred in some of our principal commercial cities.

An additional cause of the depression of these establishments may probably be found in pecuniary embarrassments which have recently affected those countries with which our commerce has been principally prosecuted. Their manufactures, for the want of a ready or profitable market at home, have been shipped by the manufacturers to the United States, and in many instances sold at a price below their current value at the place of manufacture. Although this practice may from its nature be considered temporary or contingent, it is not on that account less injurious in its effects. Uniformity in the demand and price of an article is highly desirable to the domestic manufacturer.

It is deemed of great importance to give encouragement to our domestic manufactures. In what manner the evils adverted to may be remedied, and how far it may be practicable, in other respects, to afford to them farther encouragement, paying due regard to all the other great interests of the nation, is submitted to the wisdom of Congress.

The survey of the coast for the establishment of fortifications is now nearly completed, and considerable progress has been made in the collection of materials for the construction of fortifications in the gulf of Mexico and in the Chesapeake bay. The works on the eastern bank of the

Potomac below Alexandria, and on the Peapatch in the Delaware, are much advanced, and it is expected that the fortifications at the narrows, in the harbor of New York, will be completed the present year. To derive all the advantages contemplated from these fortifications, it was necessary that they should be judiciously posted, and constructed with a view to permanency. The progress hitherto has, therefore, been slow; but as the difficulties in parts hitherto the least explored and known are surmounted, it will in future be more rapid. As soon as the survey of the coast is completed, which it is expected will be done early in the next spring, the engineers employed in it will proceed to examine for like purposes the northern and northwestern frontiers.

The troops intended to occupy a station at the mouth of the St. Peter's on the Mississippi, have established themselves there, and those which were ordered to the mouth of the Yellowstone on the Missouri have ascended that river to the Council Bluffs, where they will remain until next spring, when they will proceed to the place of their destination. I have the satisfaction to state that this measure has been executed in amity with the Indian tribes, and that it promises to produce, in regard to them, all the advantages which were contemplated by it.

Much progress has likewise been made in the construction of ships of war, and in the collection of timber and other materials for ship building. It is not doubted that our navy will soon be augmented to the number, and placed in all respects on the footing, provided for by law.

The board, consisting of engineers and naval officers, have not yet made their final report of sites for two naval depots, as instructed, according to the resolution of March 18th and April 20th, 1818, but they have examined the coast therein designated, and their report is expected in the next month.

For the protection of our commerce in the Mediterranean, along the southern Atlantic coast, in the Pacific and Indian oceans, it has been found necessary to maintain a strong naval force, which it seems proper for the present to continue. There is much reason to believe that if any portion of the squadron heretofore stationed in the Mediterranean should be withdrawn, our intercourse with the powers bordering on that sea would be much interrupted, if not altogether destroyed. Such, too, has been the growth of a spirit of piracy in the other quarters mentioned, by adventurers from every country, in abuse of the friendly flags which they have assumed, that not to protect our commerce there would be to abandon it as a prey to their rapacity. Due attention has likewise been paid to the suppression of the slave trade, in compliance with a law of the last session. Orders have been given to the commanders of all our public ships, to seize all vessels navigated under our flag engaged in that trade, and to bring them in, to be proceeded against in the manner prescribed by that law. It is hoped that these vigorous measures, supported by like acts by other nations, will soon terminate a commerce so disgraceful to the civilized world.

In the execution of the duty imposed by these acts, and of a high trust connected with it, it is with deep regret I have to state the loss which has been sustained by the death of Commodore Perry. His gallantry in a brilliant exploit in the late war added to the renown of his country. His death is deplored as a national misfortune.

FOURTH ANNUAL MESSAGE.

NOVEMBER 14, 1820.

Fellow Citizens of the Senate and House of Representatives:

IN communicating to you a just view of public affairs at the commencement of your present labors, I do it with great satisfaction, because, taking all circumstances into consideration which claim attention, I see much cause to rejoice in the felicity of our situation. In making this remark, I do not wish to be understood to imply that an unvaried prosperity is to be seen in every interest of this great community. In the progress of a nation inhabiting a territory of such vast extent and great variety of climate, every portion of which is engaged in foreign commerce, and liable to be affected in some degree by the changes which occur in the condition and regulations of foreign countries, it would be strange if the produce of our soil and the industry and enterprise of our fellow citizens received, at all times and in every quarter, an uniform and equal encouragement. This would be more than we would have a right to expect under circumstances the most favorable. Pressures on certain interests, it is admitted, have been felt; but allowing to these their greatest extent, they detract but little from the force of the remarks already made. In forming a just estimate of our present situation, it is proper to look at the whole in the outline as well as in the detail. A free, virtuous, and enlightened people know well the great principles and causes on which their happiness depends, and even those who suffer most occasionally in their transitory concerns, find great relief under their sufferings from the blessings which they otherwise enjoy, and in the consoling and animating hope which they administer. From whence do these pressures come? Not from a government which is founded by, administered for, and supported by the people. We trace them to the peculiar character of the epoch in which we live, and to the extraordinary occurrences which have signalized it. The convulsions with which several of the powers of Europe have been shaken, and the long and destructive wars in which all were engaged, with their sudden transition to a state of peace, presenting in the first instance unusual encouragement to our commerce, and withdrawing it in the second, even within its wonted limit, could not fail to be sensibly felt here. The station, too, which we had to support through this long conflict, compelled as we were, finally, to become a party to it with a principal power, and to make great exertions, suffer heavy losses, and to contract considerable debts, disturbing the ordinary course of affairs by augmenting to a vast amount the circulating medium, and thereby elevating at one time the price of every article above a just standard, and depressing it at another below it, had likewise its due effect.

It is manifest that the pressures of which we complain have proceeded in a great measure from these causes. When, then, we take into view the prosperous and happy condition of our country in all the great circumstances which constitute the felicity of a nation — every individual in the full enjoyment of all his rights — the Union blessed with plenty, and rapidly rising to greatness under a national government which operates with complete effect in every part without being felt in any, except by the ample protection which it affords, and under state governments which perform their equal share according to a wise distribution of power between them, in pro-

moting the public happiness — it is impossible to behold so gratifying, so glorious a spectacle, without being penetrated with the most profound and grateful acknowledgments to the Supreme Author of all good for such manifold and inestimable blessings. Deeply impressed with these sentiments, I cannot regard the pressures to which I have adverted otherwise than in the light of mild and instructive admonitions; warning us of dangers to be shunned in future; teaching us lessons of economy corresponding with the simplicity and purity of our institutions, and best adapted to their support; evincing the connection and dependence which the various parts of our happy Union have on each other, thereby augmenting daily our social incorporation, and adding by its strong ties new strength and vigor to the political; opening a wider range, and with new encouragement, to the industry and enterprise of our fellow citizens at home and abroad; and more especially by the multiplied proofs which it has accumulated of the great perfection of our most excellent system of government, the powerful instrument in the hands of an All-merciful Creator, in securing to us these blessings.

Happy as our situation is, it does not exempt us from solicitude and care for the future. On the contrary, as the blessings which we enjoy are great, proportionably great should be our vigilance, zeal, and activity to preserve them. Foreign wars may again expose us to new wrongs, which would impose on us new duties for which we ought to be prepared. The state of Europe is unsettled, and how long peace may be preserved is altogether uncertain; in addition to which, we have interests of our own to adjust, which will require particular attention. A correct view of our relations with each power will enable you to form a just idea of existing difficulties, and of the measures of precaution best adapted to them.

Respecting our relations with Spain, nothing explicit can now be communicated. On the adjournment of Congress in May last, the minister plenipotentiary of the United States at Madrid was instructed to inform the government of Spain, that if His Catholic Majesty should then ratify the treaty, this government would accept the ratification so far as to submit to the decision of the Senate the question whether such ratification should be received in exchange for that of the United States heretofore given. By letters from the minister of the United States to the secretary of state, it appears that a communication in conformity with his instructions had been made to the government of Spain, and that the Cortes had the subject under consideration. The result of the deliberations of that body, which is daily expected, will be made known to Congress as soon as it is received. The friendly sentiment which was expressed on the part of the United States, in the message of the 9th of May last, is still entertained for Spain. Among the causes of regret, however, which are inseparable from the delay attending this transaction, it is proper to state that satisfactory information has been received that measures have been recently adopted, by designing persons, to convert certain parts of the province of East Florida into depots for the reception of foreign goods, from whence to smuggle them into the United States. By opening a port within the limits of Florida, immediately on our boundary, where there was no settlement, the object could not be misunderstood. An early accommodation of differences will, it is hoped, prevent all such fraudulent and pernicious practices, and place the relations of the two countries on a very amicable and permanent basis.

The commercial relations between the United States and the British colonies in the West Indies and on this continent, have undergone no change, the British government still preferring to leave that commerce under the restriction heretofore imposed on it on each side. It is satisfactory to recollect that the restraints resorted to by the United States were defensive only, intended to prevent a monopoly, under British regulations, in favor of Great Britain, as it likewise is to know that the experiment is advancing in a spirit of amity between the parties.

The question depending between the United States and Great Britain, respecting the construction of the first article of the treaty of Ghent, has been referred by both governments to the decision of the emperor of Russia, who has accepted the umpirage.

An attempt has been made with the government of France to regulate, by treaty, the commerce between the two countries, on the principle of reciprocity and equality. By the last communication from the minister plenipotentiary of the United States at Paris, to whom full power had been given, we learn that the negotiation had been commenced there, but serious difficulties having occurred, the French government had resolved to transfer it to the United States, for which purpose the minister plenipotentiary of France had been ordered to repair to this city, and whose arrival might soon be expected. It is hoped that this important interest may be arranged on just conditions and in a manner equally satisfactory to both parties. It is submitted to Congress to decide, until such arrangement is made, how far it may be proper, on the principle of the act of the last session which augmented the tonnage duty on French vessels, to adopt other measures for carrying more completely into effect the policy of that act.

The act referred to, which imposed new tonnage on French vessels, having been in force from and after the first day of July, it has happened that several vessels of that nation, which had been despatched from France before its existence was known, have entered the ports of the United States, and been subject to its operation, without that previous notice which the general spirit of our laws gives to individuals in similar cases. The object of that law having been merely to countervail inequalities which existed to the disadvantage of the United States in their commercial intercourse with France, it is submitted also to the consideration of Congress, whether, in the spirit of amity and conciliation which it is no less the inclination than the policy of the United States to preserve in their intercourse with other powers, it may not be improper to extend relief to the individuals interested in those cases, by exempting from the operation of the law all those vessels which have entered our ports without having had the means of previously knowing the existence of the additional duty.

The contest between Spain and the colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres, it is understood, still prevail. In no part of South America has Spain made any impression on the colonies, while in many parts, and particularly in Venezuela and New Grenada, the colonies have gained strength and acquired reputation, both for the management of a war in which they have been successful and for the order of the internal administration. The late change in the government of Spain, by the re-establishment of the constitution of 1812, is an event which promises to be favorable

to the revolution. Under the authority of the Cortes, the Congress of Angostura was invited to open a negotiation for the settlement of differences between the parties, to which it was replied, that they would willingly open the negotiation, provided the acknowledgment of their independence was made its basis, but not otherwise. Of farther proceedings between them we are uninformed. No facts are known to this government to warrant the belief that any of the powers of Europe will take a part in the contest; whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place on the basis proposed by the colonies. To promote that result by friendly counsels with other powers, including Spain herself, has been the uniform policy of this government.

In looking to the internal concerns of our country, you will, I am persuaded, derive much satisfaction from a view of the several objects to which, in the discharge of your official duties, your attention will be drawn. Among these, none hold a more important place than the public revenue, from the direct operation of the power by which it is raised on the people, and by its influence in giving effect to every other power of the government. The revenue depends on the resources of the country, and the facility by which the amount required is raised, is a strong proof of the extent of the resources and of the efficiency of the government. A few prominent facts will place this great interest in a just light before you. On the 30th of September, 1815, the funded and floating debt of the United States was estimated at one hundred and nineteen millions six hundred and thirty-five thousand five hundred and fifty-eight dollars. If to this sum be added the amount of five per cent. stock subscribed to the Bank of the United States, the amount of Mississippi stock, and of the stock which was issued subsequently to that date, the balances ascertained to be due to certain states for military services, and to individuals for supplies furnished and services rendered during the late war, the public debt may be estimated as amounting, at that date, and as afterwards liquidated, to one hundred and fifty-eight millions seven hundred and thirteen thousand and forty-nine dollars. On the 30th of September, 1820, it amounted to ninety-one millions one hundred and ninety-three thousand eight hundred and eighty-three dollars, having been reduced, in that interval, by payments of sixty-six millions eight hundred and seventy-nine thousand one hundred and sixty-five dollars. During this term the expenses of the government of the United States were likewise defrayed in every branch of the civil, military, and naval establishments; the public edifices in this city have been rebuilt, with considerable additions; extensive fortifications have been commenced and are in a train of execution; permanent arsenals and magazines have been erected in various parts of the Union; our navy has been considerably augmented, and the ordnance, munitions of war, and stores of the army and navy, which were much exhausted during the war, have been replenished.

By the discharge of so large a portion of the public debt, and the execution of such extensive and important operations, in so short a time, a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete and gratifying, when it is recollected that the direct tax and excise were repealed soon after the termination of the late war, and that the revenue applied to these purposes has been derived almost wholly from other sources.

The receipts into the treasury, from every source, to the 30th of September last, have amounted to sixteen millions seven hundred and ninety-four thousand one hundred and seven dollars and sixty-six cents; while the public expenditures to the same period amounted to sixteen millions eight hundred and seventy-one thousand five hundred and thirty-four dollars and seventy two cents; leaving in the treasury, on that day, a sum estimated at one million nine hundred and fifty thousand dollars. For the probable receipts of the following year I refer you to the statement which will be transmitted from the treasury.

The sum of three millions of dollars, authorized to be raised by loan by an act of the last session of Congress, has been obtained upon terms advantageous to the government, indicating not only an increased confidence in the faith of the nation, but the existence of a large amount of capital seeking that mode of investment, at a rate of interest not exceeding five per centum per annum.

It is proper to add, that there is now due to the treasury, for the sale of public lands, twenty two millions nine hundred and ninety-six thousand five hundred and forty-five dollars. In bringing this subject to view, I consider it my duty to submit to Congress whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavorable change which has occurred since the sales, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the instalments are becoming due at a period of great depression. It is presumed that some plan may be devised by the wisdom of Congress, compatible with the public interest, which would afford great relief to these purchasers.

Considerable progress has been made, during the present season, in examining the coast and its various bays and other inlets; in the collection of materials and in the construction of fortifications for the defence of the Union, at several of the positions at which it has been decided to erect such works. At Mobile Point and Dauphin Island, and at the Rigolets, leading to lake Pontchartrain, materials to a considerable amount have been collected, and all the necessary preparations made for the commencement of the works. At Old Point Comfort, at the mouth of James river, and at the Rip-Raps, on the opposite shore in the Chesapeake bay, materials to a vast amount have been collected; and at the Old Point some progress has been made in the construction of the fortification, which is on a very extensive scale. The work at Fort Washington, on this river, will be completed early in next spring, and that on the Peapatch, in the Delaware, in the course of the next season. Fort Diamond, at the Narrows, in the harbor of New York, will be finished this year. The works at Boston, New York, Baltimore, Norfolk, Charleston, and Niagara, have been in part repaired; and the Coast of North Carolina, extending south to cape Fear, has been examined, as have likewise other parts of the coast eastward of Boston. Great exertions have been made to push forward these works with the utmost despatch possible; but when their extent is considered, with the important purposes for which they are intended, the defence of the whole coast, and in consequence, of the whole interior, and that they are to last for ages, it will be manifest that a well-digested plan founded on military principles, connecting the whole together, combining security with economy, could not be prepared without repeated examinations of the most exposed and difficult parts, and that it

would also take considerable time to collect the materials at the several points where they would be required. From all the light that has been shed on this subject, I am satisfied that every favorable anticipation which has been formed of this great undertaking will be verified, and that when completed, it will afford very great if not complete protection to our Atlantic frontier in the event of another war; a protection sufficient to counter-balance, in a single campaign, with an enemy powerful at sea, the expense of all these works, without taking into the estimate the saving of the lives of so many of our citizens, the protection of our towns and other property, or the tendency of such works to prevent war.

Our military positions have been maintained at Belle Point on the Arkansas, at Council Bluff on the Missouri, at St. Peter's on the Mississippi, and at Green Bay on the upper lakes. Commodious barracks have already been erected at most of these posts, with such works as were necessary for their defence. Progress has also been made in opening communications between them, and in raising supplies at each for the support of the troops by their own labor, particularly those most remote.

With the Indians peace has been preserved, and a progress made in carrying into effect the act of Congress making an appropriation for their civilization, with a prospect of favorable results. As connected equally with both these objects, our trade with those tribes is thought to merit the attention of Congress. In their original state, game is their sustenance and war their occupation, and if they find no employment from civilized powers they destroy each other. Left to themselves, their extirpation is inevitable. By a judicious regulation of our trade with them, we supply their wants, administer to their comforts, and gradually, as the game retires, draw them to us. By maintaining posts far in the interior, we acquire a more thorough and direct control over them, without which it is confidently believed that a complete change in their manners can never be accomplished. By such posts, aided by a proper regulation of our trade with them, and a judicious civil administration over them, to be provided for by law, we shall, it is presumed, be enabled not only to protect our own settlements from their savage incursions, and to preserve peace among the several tribes, but accomplish also the great purpose of their civilization.

Considerable progress has also been made in the construction of ships of war, some of which have been launched in the course of the present year.

Our peace with the powers on the coast of Barbary has been preserved, but we owe it altogether to the presence of our squadron in the Mediterranean. It has been found equally necessary to employ some of our vessels for the protection of our commerce in the Indian sea, the Pacific, and along the Atlantic coast. The interests which we have depending in those quarters, which have been much improved of late, are of great extent and of high importance to the nation, as well as to the parties concerned, and would undoubtedly suffer if such protection was not extended to them. In execution of the law of last session, for the suppression of the slave trade, some of our public ships have also been employed on the coast of Africa, where several captures have already been made of vessels engaged in that disgraceful traffic.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1821.

To the Senate and House of Representatives of the United States :

THE progress of our affairs since the last session has been such as may justly be claimed and expected under a government deriving all its powers from an enlightened people, and under laws formed by their representatives, on great consideration, for the sole purpose of promoting the welfare and happiness of their constituents. In the execution of those laws, and of the powers vested by the constitution in the executive, unremitting attention has been paid to the great objects to which they extend. In the concerns which are exclusively internal, there is good cause to be satisfied with the result. The laws have had their due operation and effect. In those relating to foreign powers, I am happy to state that peace and amity are preserved with all, by a strict observance on both sides of the rights of each. In matters touching our commercial intercourse, where a difference of opinion has existed as to the conditions on which it should be placed, each party has pursued its own policy, without giving just cause of offence to the other. In this annual communication, especially when it is addressed to a new Congress, the whole scope of our political concerns naturally comes into view, that errors, if such have been committed, may be corrected; that defects which have become manifest may be remedied; and on the other hand, that measures which were adopted on due deliberation, and which experience has shown are just in themselves and essential to the public welfare, should be persevered in and supported. In performing this necessary and very important duty, I shall endeavor to place before you, on its merits, every subject that is thought to be entitled to your particular attention, in as distinct and clear a light as I may be able.

By an act of the 3d of March, 1815, so much of the several acts as imposed higher duties on the tonnage of foreign vessels, and on the manufactures and productions of foreign nations, when imported into the United States in foreign vessels, than when imported in vessels of the United States, were repealed, so far as respected the manufactured productions of the nation to which such vessels belonged, on the condition that the repeal should take effect only in favor of any foreign nation, when the executive should be satisfied that such discriminating duties to the disadvantage of the United States had likewise been repealed by such nation. By this act, a proposition was made to all nations to place our commerce with each on a basis which it was presumed would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports, and to take the manufactures and productions of the United States back to their ports, in their own vessels, on the same conditions that they might be transported in vessels of the United States; and in return, it was required that a like accommodation should be granted to the vessels of the United States in the ports of other powers. The articles to be admitted or prohibited on either side, formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other as it thought proper, and on its own conditions.

When the nature of the commerce between the United States and every

other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every power. The exports of the United States consist generally of articles of the first necessity, and of rude materials in demand for foreign manufactories, of great bulk, requiring for their transportation many vessels, the return for which, in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel. This observation is the more especially applicable to those countries from which manufactures alone are imported, but it applies in a great extent to the European dominions of every European power, and in a certain extent to all the colonies of those powers.

By placing, then, the navigation precisely on the same ground, in the transportation of exports and imports between the United States and other countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favor.

Many considerations of great weight gave us a right to expect that this commerce should be extended to the colonies, as well as to the European dominions of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies, and with the greater reason, as it was known that the supplies which the colonies derived from us were of the highest importance to them, their labor being bestowed with so much greater profit in the culture of other articles; and because, likewise, the articles of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe, except in cases of great emergency, to avert a serious calamity. When no article is admitted which is not required to supply the wants of the party admitting it, and admitted then, not in favor of any particular country, to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the vessels of the country affording such supply, and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies, on the payment of equal tonnage, strong proof was afforded of an accommodating spirit. To abandon to it the transportation of the whole would be a sacrifice which ought not to be expected. The demand, in the present instance, would be the more unreasonable, in consideration of the great inequality existing in the trade of the parent country.

Such was the basis of our system, as established by the act of 1815, and such its true character. In the year in which this act was passed, a treaty was concluded with great Britain, in strict conformity with its principles, in regard to her European dominions. To her colonies, however, in the West Indies and on this continent, it was not extended, the British government claiming the exclusive supply of those colonies, and from our own ports, and of the productions of the colonies in return in her own vessels. To this claim the United States could not assent, and in consequence, each party suspended the intercourse in the vessels of the other, by a prohibition which still exists.

The same conditions were offered to France, but not accepted. Her government has demanded other conditions more favorable to her naviga-

tion, and which should also give extraordinary encouragement to her manufactures and productions in ports of the United States. To these it was thought improper to accede, and in consequence, the restrictive regulations which had been adopted on her part, being countervailed on the part of the United States, the direct commerce between the two countries, in the vessels of each party, has been in a great measure suspended. It is much to be regretted, that although a negotiation has been long pending, such is the diversity of views entertained on the various points which have been brought into discussion, that there does not appear to be any reasonable prospect of its early conclusion.

It is my duty to state, as a cause of very great regret, that very serious differences have occurred in this negotiation, respecting the construction of the eighth article of the treaty of 1803, by which Louisiana was ceded to the United States, and likewise respecting the seizure of the *Apollo*, in 1820, for a violation of our revenue laws. The claim of the government of France has excited not less surprise than concern, because there does not appear to be a just foundation for it in either instance. By the eighth article of the treaty referred to, it is stipulated that, after the expiration of twelve years, during which time it was provided by the seventh or preceding article that the vessels of France and Spain should be admitted into the ports of the ceded territory without paying higher duties on merchandise, or tonnage on the vessels, than such as were paid by citizens of the United States, the ships of France should forever afterwards be placed on the footing of the most favored nation. By the obvious construction of this article, it is presumed that it was intended that no favor should be granted to any power, in those ports, to which France should not be forthwith entitled; nor should any accommodation be allowed to another power, on conditions to which she would not also be entitled on the same conditions. Under this construction, no favor or accommodation could be granted to any power to the prejudice of France. By allowing the equivalent allowed by those powers, she would always stand in those ports on the footing of the most favored nation. But if this article should be so construed as that France should enjoy, of right, and without paying the equivalent, all the advantages of such conditions as might be allowed to other powers, in return for important concessions made by them, then the whole character of the stipulation would be changed. She would not only be placed on the footing of the most favored nation, but on a footing held by no other nation. She would enjoy all the advantages allowed to them, in consideration of like advantages allowed to us, free from every and any condition whatever.

As little cause has the government of France to complain of the seizure of the *Apollo*, and the removal of other vessels from the waters of the *St. Mary's*. It will not be denied that every nation has a right to regulate its commercial system as it thinks fit, and to enforce the collection of its revenue, provided it be done without an invasion of the rights of other powers. The violation of its revenue laws is an offence which all nations punish, the punishment of which gives no just cause of complaint to the power to which the offenders belong, provided it be extended to all equally. In this case every circumstance which occurred indicated a fixed purpose to violate our revenue laws. Had the party intended to have pursued a fair trade, he would have entered our ports and paid the duties; or had he intended to carry on a legitimate circuitous commerce with the United States, he would have entered the port of some other power, landed his

goods at the custom-house according to law, and re-shipped and sent them in the vessel of such power, or of some other power which might lawfully bring them, free from such duties, to a port of the United States. But the conduct of the party in this case was altogether different. He entered the river St. Mary's, the boundary line between the United States and Florida, and took his position on the Spanish side, on which, in the whole extent of the river, there was no town, no port or custom-house, and scarcely any settlement. His purpose, therefore, was, not to sell his goods to the inhabitants of Florida, but to citizens of the United States, in exchange for their productions, which could not be done without a direct and palpable breach of our laws. It is known that a regular systematic plan had been formed by certain persons for the violation of our revenue system, which made it the more necessary to check the proceedings in its commencement.

That the unsettled bank of a river so remote from the Spanish garrisons and population could give no protection to any party in such a practice, is believed to be in strict accord with the law of nations. It would not have comported with a friendly policy in Spain herself to have established a custom-house there, since it could have subserved no other purpose than to elude our revenue law. But the government of Spain did not adopt that measure. On the contrary, it is understood that the captain-general of Cuba, to whom an application to that effect was made by these adventurers, had not acceded to it. The condition of those provinces for many years, before they were ceded to the United States, need not now be dwelt on. Inhabited by different tribes of Indians, and an inroad for every kind of adventurers, the jurisdiction of Spain may be said to have been almost exclusively confined to her garrisons. It certainly could not extend to places where she had no authority. The rules, therefore, applicable to settled countries governed by laws, could not be deemed so to the deserts of Florida and to the occurrences there. It merits attention, also, that the territory had then been ceded to the United States by a treaty, the ratification of which had not been refused and which has since been performed. Under any circumstances, therefore, Spain became less responsible for such acts committed there, and the United States more at liberty to exercise authority to prevent so great a mischief. The conduct of this government has, in every instance, been conciliatory and friendly to France. The construction of our revenue law, in its application to the cases which have formed the ground of such serious complaint on her part, and the order to the collector of St. Mary's, in accord with it, were given two years before these cases occurred, and in reference to a breach which was attempted by the subjects of another power. The application, therefore, to the cases in question, was inevitable. As soon as the treaty by which these provinces were ceded to the United States was ratified, and all danger of farther breach of our revenue laws ceased, an order was given for the release of the vessel which had been seized, and for the dismissal of the libel which had been instituted against her.

The principles of this system of reciprocity, founded on the law of the 3d of March, 1815, have been since carried into effect with the kingdoms of the Netherlands, Sweden, Prussia, and with Hamburg, Bremen, Lubeck, and Oldenburg, with a provision made by subsequent laws in regard to the Netherlands, Prussia, Hamburg, and Bremen, that such produce and manufactures as could only be, or most usually were, first shipped from the ports of those countries, the same being imported in vessels wholly

belonging to their subjects, should be considered and admitted as their own manufactures and productions

The government of Norway has, by an ordinance, opened the ports of that part of the dominions of the king of Sweden to the vessels of the United States, upon the payment of no other or higher duties than are paid by Norwegian vessels, from whatever place arriving and with whatever articles laden. They have requested the reciprocal allowance for the vessels of Norway in the ports of the United States. As this privilege is not within the scope of the act of the 3d of March, 1815, and can only be granted by Congress, and as it may involve the commercial relations of the United States with other nations, the subject is submitted to the wisdom of Congress.

I have presented thus fully to your view our commercial relations with other powers, that, seeing them in detail with each power, and knowing the basis on which they rest, Congress may in its wisdom decide whether any change ought to be made, and if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable, and any change in it will make concessions subversive of equality, and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong for adhering to the ground already taken, and supporting it by such farther regulations as may appear to be proper, should any additional support be found necessary.

The question concerning the construction of the first article of the treaty of Ghent, has been, by a joint act of the representatives of the United States and of Great Britain, at the court of St. Petersburg, submitted to the decision of His Imperial Majesty the Emperor of Russia. The result of that submission has not yet been received. The commissioners under the fifth article of that treaty not having been able to agree upon their decision, their reports to the two governments, according to the provisions of the treaty may be expected at an early day.

With Spain, the treaty of February 22d, 1819, has been partly carried into execution. Possession of East and West Florida has been given to the United States, but the officers charged with that service, by an order from His Catholic Majesty, delivered by his minister to the secretary of state and transmitted by a special agent to the captain-general of Cuba, to whom it was directed, and in whom the government of those provinces was vested, have not only omitted, in contravention of the order of their sovereign, the performance of the express stipulation to deliver over the archives and documents relating to the property and sovereignty of those provinces, all of which it was expected would have been delivered, either before or when the troops were withdrawn, but defeated, since, every effort of the United States to obtain them, especially those of the greatest importance. This omission has given rise to several incidents of a painful nature, the character of which will be fully disclosed by the documents which will be hereafter communicated.

In every other circumstance, the law of the 3d of March last, for carrying into effect that treaty, has been duly attended to. For the execution of that part which preserved in force, for the government of the inhabitants, for the term specified, all the civil, military, and judicial powers exercised by the existing government of those provinces, an adequate number of officers, as was presumed, were appointed, and ordered to their respective stations. Both provinces were formed into one territory, and a governor

appointed for it; but in consideration of the pre-existing division, and of the distance and difficulty of communication between Pensacola, the residence of the governor of West Florida, and St. Augustine, that of the governor of East Florida, at which places the inconsiderable population of each province was principally collected, two secretaries were appointed, the one to reside at Pensacola and the other at St. Augustine. Due attention was likewise paid to the execution of the laws of the United States, relating to the revenue and the slave trade, which were extended to these provinces. The whole territory was divided into three collection districts, that part lying between the river St. Mary's and cape Florida forming one, that from the cape to the Appalachicola another, and that from the Appalachicola to the Perdido the third. To these districts, the usual number of revenue officers were appointed; and to secure the due operation of these laws, one judge and a district attorney were appointed, to reside at Pensacola, and likewise one judge and a district attorney to reside at St. Augustine, with a specified boundary between them; and one marshal for the whole, with authority to appoint a deputy. In carrying this law into effect, and especially that part relating to the powers of the existing government of those provinces, it was thought important, in consideration of the short term for which it was to operate, and the radical change which would be made at the approaching session of Congress, to avoid expense, to make no appointment which should not be absolutely necessary to give effect to those powers, to withdraw none of our citizens from their pursuits, whereby to subject the government to claims which could not be gratified, and the parties to losses which it would be painful to witness.

It has been seen with much concern, that in the performance of these duties a collision arose between the governor of the territory and the judge appointed for the western district. It was presumed that the law under which the transitory government was organized, and the commissions which were granted to the officers who were appointed to execute each branch of the system, and to which the commissions were adapted, would have been understood in the same sense by them in which they were understood by the executive. Much allowance is due to the officers employed in each branch of this system, and the more so, as there is good cause to believe that each acted under a conviction that he possessed the power which he undertook to exercise. Of the officer holding the principal station, I think it proper to observe that he accepted it with reluctance, in compliance with the invitation given him, and from a high sense of duty to his country, being willing to contribute to the consummation of an event which would ensure complete protection to an important part of our Union, which had suffered much from incursion and invasion, and to the defence of which his very gallant and patriotic services had been so signally and usefully devoted.

From the intrinsic difficulty of executing laws deriving their origin from different sources, and so essentially different in many important circumstances, the advantage, and indeed the necessity, of establishing, as soon as may be practicable, a well-organized government over that territory, on the principles of our system, is apparent. This subject is therefore recommended to the early consideration of Congress,

In compliance with an injunction of the law of the 3d of March last, three commissioners have also been appointed, and a board organized, for carrying into effect the eleventh article of the treaty above recited, making

provision for the payment of such of our citizens as have well-founded claims on Spain, of the character specified by that treaty. This board has entered on its duties, and made some progress therein. The commissioner and surveyor of His Catholic Majesty, provided for by the fourth article of the treaty, have not yet arrived in the United States, but are soon expected. As soon as they do arrive, corresponding appointments will be made, and every facility be afforded for the due execution of this service.

The government of His Most Faithful Majesty, since the termination of the last session of Congress, has been removed from Rio de Janeiro to Lisbon, where a revolution, similar to that which had occurred in the neighboring kingdom of Spain, had in like manner been sanctioned by the accepted and pledged faith of the reigning monarch. The diplomatic intercourse between the United States and the Portuguese dominions, interrupted by that important event, has not been resumed, but the change of internal administration having already materially affected the commercial intercourse of the United States with the Portuguese dominions, the renewal of the public missions between the two countries appears to be desirable at an early day.

It is understood that the colonies in South America have had great success, during the present year, in the struggle for their independence. The new government of Colombia has extended its territories, and considerably augmented its strength; and at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appeared to have been established. Equal success has attended their efforts in the provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the government of Spain, guided by enlightened and liberal councils, will find it to comport with its interests, and due to its magnanimity, to terminate this exhausting controversy on that basis. To promote this result, by friendly counsel with the government of Spain, will be the object of the government of the United States.

In conducting the fiscal operations of the year, it has been found necessary to carry into full effect the act of the last session of Congress authorizing a loan of five millions of dollars. This sum has been raised at an average premium of five dollars fifty-nine hundredths per centum, upon stock bearing an interest at the rate of five per cent. per annum, redeemable, at the option of the government, after the first day of January, one thousand eight hundred and thirty-five.

There has been issued, under the provisions of this act, four millions seven hundred and thirty-five thousand two hundred and ninety-six dollars thirty cents, of five per cent. stock; and there has been, or will be, redeemed during the year, three millions one hundred and ninety-seven thousand and thirty dollars seventy-one cents of Louisiana six per cent. and deferred stock, and Mississippi stock. There has, therefore, been an actual increase of the public debt, contracted during the year, of one million five hundred and thirty-eight thousand two hundred and sixty-six dollars sixty-nine cents.

The receipts into the treasury, from the first of January to the 30th of September last, have amounted to sixteen millions two hundred and nine-

teen thousand one hundred and ninety-seven dollars seventy cents, which, with the balance of one million one hundred and ninety-eight thousand four hundred and sixty-one dollars twenty-one cents, in the treasury on the former day, make the aggregate sum of seventeen millions four hundred and seventeen thousand six hundred and fifty-eight dollars and ninety-one cents.

The payments from the treasury during the same period, have amounted to fifteen millions six hundred and fifty-five thousand two hundred and eighty-eight dollars forty seven cents, leaving in the treasury, on the last-mentioned day, the sum of one million seven hundred and sixty-two thousand three hundred and seventy dollars forty-four cents. It is estimated that the receipts of the fourth quarter of the year will exceed the demands which will be made on the treasury during the same period, and that the amount in the treasury on the 30th of September last will be increased on the first day of January next.

At the close of the last session, it was anticipated that the progressive diminution of the public revenue in 1819 and 1820, which had been the result of the languid state of our foreign commerce in those years, had in the latter year reached its extreme point of depression. It has, however, been ascertained that that point was reached only at the termination of the first quarter of the present year. From that time until the 30th of September last, the duties secured have exceeded those of the corresponding quarters of the last year, one million one hundred and seventy-two thousand dollars; whilst the amount of debentures, issued during the first three quarters of this year, is nine hundred and fifty-two thousand dollars less than that of the same quarters of the last year.

There are just grounds to believe that the improvement which has occurred in the revenue, during the last-mentioned period, will not only be maintained, but that it will progressively increase through the next and several succeeding years, so as to realize the results which were presented upon that subject, by the official reports of the treasury, at the commencement of the last session of Congress.

Under the influence of the most unfavorable circumstances, the revenue for the next and subsequent years, to the year 1825, will exceed the demands at present authorized by law.

It may fairly be presumed, that under the protection given to domestic manufactures by the existing laws, we shall become, at no distant period, a manufacturing country on an extensive scale. Possessing as we do the raw materials in such vast amount, with a capacity to augment them to an indefinite extent; raising within the country aliment of every kind to an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled also, as our people are, in the mechanic arts, and in every improvement calculated to lessen the demand for, and the price of, labor, it is manifest that their success in every branch of domestic industry may and will be carried, under the encouragement given by the present duties, to an extent to meet any demand which under a fair competition may be made on it.

A considerable increase of domestic manufactures, by diminishing the importation of foreign, will probably tend to lessen the amount of the public revenue. As, however, a large proportion of the revenue which is derived from duties is raised from other articles than manufactures, the

demand for which will increase with our population, it is believed that a fund will still be raised from that source adequate to the greater part of the national expenditures, especially as those expenditures, should we continue to be blessed with peace, will be diminished by the completion of the fortifications, dock yards, and other public works; by the augmentation of the navy to the point to which it is proposed to carry it; and by the payment of the public debt, including pensions for military services.

It cannot be doubted that the more complete our internal resources, and the less dependent we are on foreign powers for every national as well as domestic purpose, the greater and more stable will be the public felicity. By the increase of domestic manufactures will the demand for the rude materials at home be increased, and thus will the dependence of the several parts of our Union on each other, and the strength of the Union itself, be proportionably augmented. In this process, which is very desirable and inevitable under the existing duties, the resources which obviously present themselves to supply a deficiency in the revenue, should it occur, are the interests which may derive the principal benefit from the change. If domestic manufactures are raised by duties on foreign, the deficiency in the fund necessary for public purposes should be supplied by duties on the former. At the last session it seemed doubtful whether the revenue derived from the present sources would be adequate to all the great purposes of our Union, including the construction of our fortifications, the augmentation of our navy, and the protection of our commerce against the dangers to which it is exposed. Had the deficiency been such as to subject us to the necessity either to abandon those measures of defence or to resort to other means for adequate funds, the cause presented to the adoption of a virtuous and enlightened people appeared to be a plain one. It must be gratifying to all to know that this necessity does not exist. Nothing, however, in contemplation of such important objects, which can be easily provided for, should be left to hazard. It is thought that the revenue may receive an augmentation from the existing sources, and in a manner to aid our manufactures, without hastening prematurely the result which has been suggested. It is believed that a moderate additional duty on certain articles would have that effect, without being liable to any serious objection.

The examination of the whole coast, for the construction of permanent fortifications, from St. Croix to the Sabine, with the exception of part of the territory lately acquired, will be completed in the present year, as will be the survey of the Mississippi under the resolution of the House of Representatives, from the mouth of the Ohio to the ocean, and likewise of the Ohio, from Louisville to the Mississippi. A progress corresponding with the sums appropriated has also been made in the construction of these fortifications at the points designated. As they will form a system of defence for the whole maritime frontier, and in consequence for the interior, and are to last for ages, the utmost care has been taken to fix the position of each work, and to form it on such a scale as will be adequate to the purpose intended by it. All the inlets and assailable parts of our Union have been minutely examined, and positions taken with a view to the best effect, observing in every instance a just regard for economy. Doubts, however, being entertained as to the propriety of the position and extent of the work at Dauphine Island, farther progress in it was suspended soon after the last session of Congress and an order given to the board of engineers and naval

commissioners to make a farther and more minute examination of it in both respects, and to report the result without delay.

Due progress has been made in the construction of vessels of war, according to the law providing for the gradual augmentation of the navy, and to the extent of existing appropriations. The vessels authorized by the act of 1820 have all been completed, and are now in actual service. None of the larger ships have been or will be launched for the present, the object being to protect all which may not be required for immediate service from decay, by suitable buildings erected over them. A squadron has been maintained, as heretofore, in the Mediterranean, by means whereof peace has been preserved with the Barbary powers. This squadron has been reduced the present year to as small a force as is compatible with the fulfilment of the object intended by it. From past experience and the best information respecting the views of those powers, it is distinctly understood that should our squadron be withdrawn they would soon recommence their hostilities and depredations on our commerce. Their fortifications have been lately rebuilt and their maritime force increased. It has also been found necessary to maintain a naval force in the Pacific, for the protection of the very important interests of our citizens engaged in commerce and the fisheries in that sea. Vessels have likewise been employed in cruising along the Atlantic coast, in the Gulf of Mexico, on the coast of Africa, and in the neighboring seas. In the latter, many piracies have been committed on our commerce, and so extensive was becoming the range of those unprincipled adventurers, that there was cause to apprehend, without a timely and decisive effort to suppress them, the worst consequences would ensue. Fortunately a considerable check has been given to that spirit by our cruisers, who have succeeded in capturing and destroying several of their vessels. Nevertheless it is considered an object of high importance to continue these cruisers until the practice is entirely suppressed. Like successes have attended our efforts to suppress the slave trade. Under the flag of the United States and the sanction of their papers, the trade may be considered as entirely suppressed, and if any of our citizens are engaged in it under the flags and papers of other powers, it is only from a respect to the rights of those powers that these offenders are not seized and brought home, to receive the punishment which the laws inflict. If every other power should adopt the same policy, and pursue the same vigorous means for carrying it into effect, the trade could no longer exist.

Deeply impressed with the blessings which we enjoy, and of which we have such manifold proofs, my mind is irresistibly drawn to that Almighty Being, the great source from whence they proceed, and to whom our most grateful acknowledgments are due.

SIXTH ANNUAL MESSAGE.

DECEMBER 3, 1822.

Fellow Citizens of the Senate and House of Representatives :

MANY causes unite to make your present meeting peculiarly interesting to our constituents. The operation of our laws on the various subjects to which they apply, with the amendments which they occasionally require,

imposes annually an important duty on the representatives of a free people. Our system has happily advanced to such maturity that I am not aware that your cares in that respect will be augmented. Other causes exist which are highly interesting to the whole civilized world, and to no portion of it more so, in certain views, than to the United States. Of these causes, and of their bearing on the interests of our Union, I shall communicate the sentiments which I have formed with that freedom which a sense of duty dictates. It is proper, however, to invite your attention in the first instance to those concerns respecting which legislative provision is thought to be particularly urgent.

On the 24th of June last, a convention of navigation and commerce was concluded in this city between the United States and France, by ministers duly authorized for the purpose. The sanction of the executive having been given to this convention under a conviction that, taking all its stipulations into view, it rested essentially on a basis of reciprocal and equal advantage, I deemed it my duty, in compliance with the authority vested in the executive by the second section of the act of the last session, of the 6th of May, concerning navigation, to suspend by proclamation, until the end of the next session of Congress, the operation of the act entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes," and to suspend, likewise, all other duties on French vessels, or the goods imported in them, which exceeded the duties on American vessels, and on similar goods imported in them. I shall submit this convention forthwith to the Senate for its advice and consent as to the ratification.

Since your last session, the prohibition which had been imposed on the commerce between the United States and the British colonies, in the West Indies and on this continent, has likewise been removed. Satisfactory evidence having been adduced that the ports of those colonies had been opened to the vessels of the United States by an act of the British parliament, bearing date on the 24th of June last, on the conditions specified therein, I deemed it proper, in compliance with the provision of the first section of the act of the last session above recited, to declare, by proclamation bearing date the 24th of August last, that the ports of the United States should thenceforward and until the end of the next session of Congress be open to the vessels of Great Britain employed in that trade, under the limitation specified in that proclamation.

A doubt was entertained whether the act of Congress applied to the British colonies on this continent as well as to those in the West Indies, but as the act of parliament opened the intercourse equally with both, and it was the manifest intention of Congress, as well as the obvious policy of the United States, that the provisions of the act of parliament should be met in equal extent on the part of the United States, and as also the act of Congress was supposed to vest in the president some discretion in the execution of it, I thought it advisable to give it a corresponding construction.

Should the constitutional sanction of the Senate be given to the ratification of the convention with France, legislative provisions will be necessary to carry it fully into effect, as it likewise will be to continue in force, on such conditions as may be deemed just and proper, the intercourse which has been opened between the United States and the British colonies. Every light in the possession of the executive will in due time be communicated on both subjects.

Resting essentially on a basis of reciprocal and equal advantage, it has

been the object of the executive, in transactions with other powers, to meet the propositions of each with a liberal spirit, believing that thereby the interest of our country would be most effectually promoted. This course has been systematically pursued in the late occurrences with France and Great Britain, and in strict accord with the views of the legislature. A confident hope is entertained that, by the arrangement thus commenced with each, all differences respecting navigation and commerce with the dominions in question will be adjusted, and a solid foundation laid for an active and permanent intercourse which will prove equally advantageous to both parties.

The decision of His Imperial Majesty the Emperor of Russia, on the question submitted to him by the United States and Great Britain, concerning the construction of the first article of the treaty of Ghent, has been received. A convention has since been concluded between the parties, under the mediation of His Imperial Majesty, to prescribe the mode by which that article shall be carried into effect in conformity with that decision. I shall submit this convention to the Senate for its advice and consent as to the ratification, and if obtained, shall immediately bring the subject before Congress for such provisions as may require the interposition of the legislature.

In compliance with an act of the last session, a territorial government has been established in Florida on the principles of our system. By this act, the inhabitants are secured in the full enjoyment of their rights and liberties, and to admission into the Union, with equal participation in the government with the original states, on the conditions heretofore prescribed to other territories. By a clause in the ninth article of the treaty with Spain, by which that territory was ceded to the United States, it is stipulated that satisfaction shall be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of our troops in Florida. No provision having yet been made to carry that stipulation into effect, it is submitted to the consideration of Congress whether it will not be proper to vest the competent power in the district court at Pensacola, or in some tribunal to be specially organized for that purpose.

The fiscal operations of the year have been more successful than had been anticipated at the commencement of the last session of Congress.

The receipts into the treasury during the first three quarters of the year have exceeded the sum of fourteen millions seven hundred and forty-five thousand dollars. The payments made at the treasury, during the same period, have exceeded twelve millions two hundred and seventy-nine thousand dollars, leaving in the treasury on the 30th day of September last, (including one million one hundred and sixty-eight thousand five hundred and ninety-two dollars twenty-four cents, which were in the treasury on the first day of January last,) a sum exceeding four millions one hundred and twenty-eight thousand dollars.

Besides discharging all demands for the current service of the year, including the interest and the reimbursement of the public debt, the six per cent. stock of 1796, amounting to eighty thousand dollars, has been redeemed. It is estimated that, after defraying the current expenses of the present quarter and redeeming the two millions of six per cent. stock of 1820, there will remain in the treasury, on the first day of January next, nearly three millions of dollars. It is estimated that the gross amount of duties which have been secured, from the 1st of January to the 30th of September last, has

exceeded nineteen millions five hundred thousand dollars, and the amount for the whole year will probably not fall short of twenty-three millions of dollars.

Of the actual force in service under the present military establishment, the posts at which it is stationed, and the condition of each post, a report from the secretary of war, which is now communicated, will give a distinct idea. By like reports, the state of the academy at West Point will be seen, as will be the progress which has been made on the fortifications along the coasts, and at the public armories and arsenals.

The position on the Red river, and that at the Sault of St. Marie, are the only new posts that have been taken. These posts, with those already occupied in the interior, are thought to be well adapted to the protection of our frontiers. All the force not placed in the garrisons along the coast and in the ordnance depots, and indispensably necessary there, is placed on the frontiers.

The organization of the several corps composing the army is such as to admit its expansion to a great extent in case of emergency, the officers carrying with them all the light which they possess to the new corps to which they might be appointed.

With the organization of the staff there is equal cause to be satisfied. By the concentration of every branch with its chief in this city, in the presence of the department, and with a grade in the chief military station to keep alive and cherish a military spirit, the greatest promptitude in the execution of orders, with the greatest economy and efficiency, are secured. The same view is taken of the military academy. Good order is preserved in it, and the youth are well instructed in every science connected with the great objects of the institution. They are also well trained and disciplined in the practical parts of the profession. It has always been found difficult to control the ardor inseparable from that early age in such manner as to give it a proper direction. The rights of manhood are too often claimed prematurely, in pressing which too far, the respect which is due to age and the obedience necessary to a course of study and instruction in every such institution, are sometimes lost sight of. The great object to be accomplished is the restraint of that ardor by such wise regulations and government as, by directing all the energies of the youthful mind to the attainment of useful knowledge, will keep it within a just subordination and at the same time elevate it to the highest purposes. This object seems to be essentially obtained in this institution, and with great advantage to the Union.

The military academy forms the basis, in regard to science, on which the military establishment rests. It furnishes annually, after due examination, and on the report of the academic staff, many well-informed youths to fill the vacancies which occur in the several corps of the army, while others, who retire to private life, carry with them such attainments as, under the right reserved to the several states to appoint the officers and to train the militia, will enable them, by affording a wider field for selection, to promote the great object of the power vested in Congress of providing for the organizing, arming, and disciplining the militia. Thus, by the mutual and harmonious co-operation of the two governments, in the execution of a power divided between them, an object always to be cherished, the attainment of a great result, on which our liberties may depend, cannot fail to be secured. I have to add, that in proportion as our regular force is small, should the instruction and discipline of the militia, the great

resource on which we rely, be pushed to the utmost extent that circumstances will admit.

A report from the secretary of the navy will communicate the progress which has been made in the construction of vessels of war, with other interesting details respecting the actual state of the affairs of that department. It has been found necessary, for the protection of our commerce, to maintain the usual squadrons in the Mediterranean, the Pacific, and along the Atlantic coast, extending the cruises of the latter into the West Indies, where piracy, organized into a system, has preyed on the commerce of every country trading thither. A cruise has also been maintained on the coast of Africa, when the season would permit, for the suppression of the slave trade; and orders have been given to the commanders of all our public ships to seize our own vessels, should they find any engaged in that trade, and to bring them in for adjudication.

In the West Indies piracy is of a recent date, which may explain the cause why other powers have not combined against it. By the documents communicated, it will be seen that the efforts of the United States to suppress it have had a very salutary effect. The benevolent provision of the act, under which the protection has been extended alike to the commerce of other nations, cannot fail to be duly appreciated by them.

In compliance with the act of last session, entitled "An act to abolish the United States' trading establishments," agents were immediately appointed, and instructed, under the direction of the secretary of the treasury, to close the business of the trading houses among the Indian tribes and to settle the accounts of the factors and sub-factors engaged in that trade, and to execute, in all other respects, the injunctions of that act in the mode prescribed therein. A final report of their proceedings shall be communicated to Congress as soon as it is received.

It is with regret I have to state that a serious malady has deprived us of many valuable citizens at Pensacola, and checked the progress of some of those arrangements which are important to the territory. This effect has been sensibly felt in respect to the Indians who inhabit that territory, consisting of the remnants of several tribes who occupy the middle ground between St. Augustine and Pensacola, with extensive claims but undefined boundaries. Although peace is preserved with those Indians, yet their position and claims tend essentially to interrupt the intercourse between the eastern and western parts of the territory, on which our inhabitants are principally settled. It is essential to the growth and prosperity of the territory, as well as to the interests of the Union, that these Indians should be removed, by special compact with them, to some other position, or concentrated within narrower limits where they are. With the limited means in the power of the executive, instructions were given to the governor to accomplish this object, so far as it might be practicable, which was prevented by the distressing malady referred to. To carry it fully into effect, in either mode, additional funds will be necessary, to the provision of which, the powers of Congress alone are competent. With a view to such provisions as may be deemed proper, the subject is submitted to your consideration, and in the interim farther proceedings are suspended.

It appearing that so much of the act entitled "An act regulating the staff of the army," which passed on the 14th of April, 1818, as relates to the commissariat, will expire in April next, and the practical operation of that

department having evinced its great utility, the propriety of its renewal is submitted to your consideration.

The view which has been taken of the probable productiveness of the lead mines, connected with the importance of the material to the public defence, makes it expedient that they should be managed with peculiar care. It is therefore suggested, whether it will not comport with the public interest to provide by law for the appointment of an agent skilled in mineralogy to superintend them, under the direction of the proper department.

It is understood that the Cumberland road, which was constructed at a great expense, has already suffered from the want of that regular superintendence, and of those repairs which are indispensable to the preservation of such a work. This road is of incalculable advantage in facilitating the intercourse between the western and the Atlantic states. Through it, the whole country, from the northern extremity of Lake Erie to the Mississippi, and from all the waters which empty into each, finds an easy and direct communication to the seat of government, and thence to the Atlantic. The facility which it affords to all military and commercial operations, and also to those of the post-office department, cannot be estimated too highly. This great work is likewise an ornament and an honor to the nation. Believing that a competent power to adopt and execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes, and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the constitution to that effect should be recommended to the several states. A bill which assumed the right to adopt and execute such a system, having been presented for my signature at the last session, I was compelled, from the view which I had taken of the powers of the general government, to negative it, on which occasion I thought it proper to communicate the sentiments which I had formed, on mature consideration, on the whole subject. To that communication, in all the views in which the great interest to which it relates may be supposed to merit your attention, I have now to refer. Should Congress, however, deem it improper to recommend such an amendment, they have, according to my judgment, the right to keep the road in repair, by providing for the superintendence of it, and appropriating the money necessary for repairs. Surely, if they had a right to appropriate money to make the road, they have a right to appropriate it to preserve the road from ruin. From the exercise of this power no danger is to be apprehended. Under our happy system, the people are the sole and exclusive fountain of power. Each government originates from them, and to them alone, each to its proper constituents, are they respectively and solely responsible for the faithful discharge of their duty, within their constitutional limits. And that the people will confine their public agents, of every station, to the strict line of their constitutional duties, there is no cause to doubt. Having, however, communicated my sentiments to Congress at the last session fully, in the document to which I have referred, respecting the right of appropriation as distinct from the right of jurisdiction and sovereignty over the territory in question, I deem it improper to enlarge on the subject here.

From the best information that I have been able to obtain, it appears that our manufactures, though depressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1816, and by subsequent laws. Satisfied I am, what-

ever may be the abstract doctrine in favor of unrestricted commerce, provided all nations would concur in it and it was not liable to be interrupted by war, which has never occurred and cannot be expected, that there are other strong reasons applicable to our situation and relations with other countries, which impose on us the obligation to cherish and sustain our manufactures. Satisfied, however, I am, likewise, that the interest of every part of our Union, even of those most benefited by manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject, in all its relations, I am persuaded that a farther augmentation may now be made of the duties on certain foreign articles, in favor of our own, and without affecting injuriously any other interest. For more precise details, I refer you to the communications which were made to Congress during the last session.

So great was the amount of accounts for moneys advanced during the late war, in addition to others of a previous date, which in the regular operations of the government necessarily remained unsettled, that it requires a considerable length of time for their adjustment. By a report from the first comptroller of the treasury it appears that, on the 4th of March, 1817, the accounts then unsettled amounted to one hundred and three millions sixty-eight thousand eight hundred and seventy-six dollars and forty-one cents, of which, on the 30th of September of the present year, ninety-three millions one hundred and seventy-five thousand three hundred and ninety-six dollars and fifty-six cents had been settled; leaving on that day a balance unsettled of nine millions eight hundred and ninety-three thousand four hundred and seventy-nine dollars and eighty-five cents. That there have been drawn from the treasury, in paying the public debt and sustaining the government in all its operations and disbursements, since the 4th of March, 1817, one hundred and fifty-seven millions one hundred and ninety thousand three hundred and eighty dollars and ninety-six cents, the accounts for which have been settled to the amount of one hundred and thirty-seven millions five hundred and one thousand four hundred and fifty-one dollars and twelve cents; leaving a balance unsettled of nineteen millions six hundred and ninety-seven thousand nine hundred and twenty-nine dollars and eighty-four cents. For precise details respecting each of these balances, I refer to the report of the comptroller, and the documents which accompany it.

From this view, it appears that our commercial differences with France and Great Britain have been placed in a train of amicable arrangement, on conditions fair and honorable, in both instances, to each party; that our finances are in a very productive state, our revenue being at present fully competent to all demands upon it; that our military force is well organized in all its branches, and capable of rendering the most important service in case of emergency that its number will admit of; that due progress has been made, under existing appropriations, in the construction of fortifications and in the operation of the ordnance department; that due progress has in like manner been made in the construction of ships of war; that our navy is in the best condition, felt and respected in every sea in which it is employed for the protection of our commerce; that our manufactures have augmented in amount and improved in quality; that great progress has been made in the settlement of accounts, and in the recovery of the balances due by individuals; and that the utmost economy is secured and observed in every department of the administration.

Other objects will likewise claim your attention; because, from the station which the United States hold, as a member of the great community of nations, they have rights to maintain, duties to perform, and dangers to encounter.

A strong hope was entertained that peace would, ere this, have been concluded between Spain and the independent governments south of the United States in this hemisphere. Long experience having evinced the competency of those governments to maintain the independence which they had declared, it was presumed that the considerations which induced their recognition by the United States would have had equal weight with other powers, and that Spain herself, yielding to those magnanimous feelings of which her history furnishes so many examples, would have terminated, on that basis, a controversy so unavailing, and at the same time so destructive. We still cherish the hope that this result will not long be postponed.

Sustaining our neutral position, and allowing to each party, while the war continues, equal rights, it is incumbent on the United States to claim of each, with equal rigor, the faithful observance of our rights, according to the well-known law of nations. From each, therefore, a like co-operation is expected in the suppression of the piratical practice which has grown out of this war, and the blockades of extensive coasts on both seas, which, considering the small force employed to sustain them, have not the slightest foundation to rest on.

Europe is still unsettled, and although the war long menaced between Russia and Turkey has not broken out, there is no certainty that the differences between those powers will be amicably adjusted. It is impossible to look to the oppressions of the country, respecting which those differences arose, without being deeply affected. The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public and personal liberty, are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the re-appearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth.

A great effort has been made in Spain and Portugal to improve the condition of the people, and it must be very consoling to all benevolent minds to see the extraordinary moderation with which it has been conducted. That it may promote the happiness of both nations is the ardent wish of this whole people, to the expression of which we confine ourselves; for whatever may be the feelings or sentiments which every individual under our government has a right to indulge and express, it is nevertheless a sacred maxim, equally with the government and people, that the destiny of every independent nation, in what relates to such improvements, of right belongs and ought to be left exclusively to themselves.

Whether we reason from the late wars, or from those menacing symptoms which now appear in Europe, it is manifest, that if a convulsion should

take place in any of those countries, it will proceed from causes which have no existence and are utterly unknown in these states, in which there is but one order, that of the people, to whom the sovereignty exclusively belongs. Should war break out in any of those countries, who can foretell the extent to which it may be carried, or the desolation which it may spread? Exempt as we are from these causes, our internal tranquillity is secure; and distant as we are from the troubled scene, and faithful to first principles in regard to other powers, we might reasonably presume that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might, with some, be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration that no system of conduct, however correct in principle, can protect neutral powers from injury from any party; that a defenceless position and distinguished love of peace are the surest invitations to war; and that there is no way to avoid it other than by being always prepared, and willing for a just cause to meet it. If there be a people on earth whose more especial duty it is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burdens, and in submitting to sacrifices to make such preparations, it is undoubtedly the people of these states.

When we see that a civil war of the most frightful character rages from the Adriatic to the Black sea; that strong symptoms of war appear in other parts, proceeding from causes which, should it break out, may become general and be of long duration; that the war still continues between Spain and the independent governments, her late provinces in this hemisphere; that it is likewise menaced between Portugal and Brazil, in consequence of the attempt of the latter to dismember itself from the former; and that a system of piracy of great extent is maintained in the neighboring seas, which will require equal vigilance and decision to suppress it; the reasons for sustaining the attitude which we now hold, and for pushing forward all our measures of defence with the utmost vigor, appear to me to acquire new force.

The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity a generous support. They have so far succeeded to the satisfaction of the virtuous and enlightened of every country. There is no reason to doubt that their whole movement will be regulated by a sacred regard to principle, all our institutions being founded on that basis. The ability to support our own cause, under any trial to which it may be exposed, is the great point on which the public solicitude rests. It has been often charged against free governments that they have neither the foresight nor the virtue to provide at the proper season for great emergencies; that their course is improvident and expensive; that war will always find them unprepared, and whatever may be its calamities, that its terrible warnings will be disregarded and forgotten as soon as peace returns. I have full confidence that this charge, so far as relates to the United States, will be shown to be utterly destitute of truth.

SEVENTH ANNUAL MESSAGE.

DECEMBER 2, 1823.

To the Senate and House of Representatives of the United States :

MANY important subjects will claim your attention during the present session, of which I will endeavor to give, in aid of your deliberations, a just idea in this communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat, and of their great importance to every part of our Union. I enter on it with zeal, from a thorough conviction that there never was a period, since the establishment of our revolution, when, regarding the condition of the civilized world, and its bearings on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union in our constituents.

Meeting in you a new Congress, I deem it proper to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that in this respect I shall comply more fully with the sound principles of our government. The people being with us exclusively the sovereign, it is indispensable that full information be laid before them on all important subjects, to enable them to exercise that high power with complete effect. If kept in the dark, they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement, and to be led astray by their particular interests and passions, than the great body of our constituents, who, being at home in the pursuit of their ordinary avocations, are calm but deeply-interested spectators of events, and of the conduct of those who are parties to them. To the people every department of the government, and every individual in each, are responsible, and the more full their information, the better they can judge of the wisdom of the policy pursued and of the conduct of each in regard to it. From their dispassionate judgment, much aid may always be obtained, while their approbation will form the greatest incentive and most gratifying reward for virtuous actions, and the dread of their censure the best security against the abuse of their confidence. Their interests, in all vital questions, are the same, and the bond, by sentiment as well as by interest, will be proportionably strengthened as they are better informed of the real state of public affairs, especially in difficult conjunctures. It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our Union, is formed and steadily adhered to.

A precise knowledge of our relations with foreign powers, as respects our negotiations and transactions with each, is thought to be particularly necessary. Equally necessary is it that we should form a just estimate of our resources, revenue, and progress in every kind of improvement connected with the national prosperity and public defence. It is by rendering justice to other nations that we may expect it from them. It is by our ability to resent injuries, and redress wrongs, that we may avoid them.

The commissioners under the fifth article of the treaty of Ghent having disagreed in their opinions respecting that portion of the boundary between

the territories of the United States and of Great Britain, the establishment of which had been submitted to them, have made their respective reports, in compliance with that article, that the same might be referred to the decision of a friendly power. It being manifest, however, that it would be difficult, if not impossible, for any power to perform that office, without great delay and much inconvenience to itself, a proposal has been made by this government, and acceded to by that of Great Britain, to endeavor to establish that boundary by amicable negotiation. It appearing, from long experience, that no satisfactory arrangement could be formed of the commercial intercourse between the United States and the British colonies in this hemisphere by legislative acts, while each party pursued its own course without agreement or concert with the other, a proposal has been made to the British government to regulate this commerce by treaty, as it has been to arrange, in like manner, the just claim of the citizens of the United States, inhabiting the states and territories bordering on the lakes and rivers which empty into the St. Lawrence, to the navigation of that river to the ocean. For these and other objects of high importance to the interests of both parties, a negotiation has been opened with the British government, which it is hoped will have a satisfactory result.

The commissioners under the sixth and seventh articles of the treaty of Ghent, having successfully closed their labors in relation to the sixth, have proceeded to the discharge of those relating to the seventh. Their progress in the extensive survey required for the performance of their duties, justifies the presumption that it will be completed in the ensuing year.

The negotiation which had long been depending with the French government on several important subjects, and particularly for a just indemnity for losses sustained in the late wars by citizens of the United States, under unjustifiable seizures and confiscations of their property, has not as yet had the desired effect. As this claim rests on the same principle with others which have been admitted by the French government, it is not perceived on what just ground it can be rejected. A minister will be immediately appointed to proceed to France, and resume the negotiation on this and other subjects which may arise between the two nations.

At the proposal of the Russian imperial government, made through the minister of the emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the government of Great Britain, which has likewise been acceded to. The government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the emperor, and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

Since the close of the last session of Congress, the commissioners and arbitrators for ascertaining and determining the amount of indemnification which may be due to citizens of the United States, under the decision of His Imperial Majesty the Emperor of Russia, in conformity to the convention concluded at St. Petersburg on the 12th of July, 1822, have assembled in this city, and organized themselves as a board for the performance of the duties assigned to them by that treaty. The commission constituted under the eleventh article of the treaty of the 22d of February, 1819, between the United States and Spain, is also in session here; and as the term of three years, limited by the treaty for the execution of the trust, will expire before the period of the next regular meeting of Congress, the attention of the legislature will be drawn to the measures which may be necessary to accomplish the objects for which the commission was instituted.

In compliance with a resolution of the House of Representatives, adopted at their last session, instructions have been given to all the ministers of the United States, accredited to the powers of Europe and America, to propose the proscription of the African slave trade, by classing it under the denomination, and inflicting on its perpetrators the punishment, of piracy. Should this proposal be acceded to, it is not doubted that this odious and criminal practice will be promptly and entirely suppressed. It is earnestly hoped that it will be acceded to, from the firm belief that it is the most effectual expedient that can be adopted for the purpose.

At the commencement of the recent war between France and Spain, it was declared by the French government that it would grant no commissions to privateers, and that neither the commerce of Spain herself, nor of neutral nations, should be molested by the naval force of France, except in the breach of a lawful blockade. This declaration, which appears to have been faithfully carried into effect, concurring with principles proclaimed and cherished by the United States from the first establishment of their independence, suggested the hope that the time had arrived when the proposal for adopting it as a permanent and invariable rule in all future maritime wars might meet the favorable consideration of the great European powers. Instructions have accordingly been given to our ministers with France, Russia, and Great Britain, to make those proposals to their respective governments; and when the friends of humanity reflect on the essential amelioration to the condition of the human race which would result from the abolition of private war on the sea, and on the great facility by which it might be accomplished, requiring only the consent of a few sovereigns, an earnest hope is indulged that these overtures will meet with an attention animated by the spirit in which they were made, and that they will ultimately be successful.

The ministers who were appointed to the republics of Colombia and Buenos Ayres, during the last session of Congress, proceeded shortly afterward to their destinations. Of their arrival there official intelligence has not yet been received. The minister appointed to the republic of Chili will sail in a few days. An early appointment will also be made to Mexico. A minister has been received from Colombia, and the other governments have been informed that ministers, or diplomatic agents of inferior grade, would be received from each, accordingly as they might prefer the one or the other.

The minister appointed to Spain proceeded, soon after his appointment

for Cadiz, the residence of the sovereign to whom he was accredited. In approaching that port, the frigate which conveyed him was warned off by the commander of the French squadron by which it was blockaded, and not permitted to enter, although apprized by the captain of the frigate of the public character of the person whom he had on board, the landing of whom was the sole object of his proposed entry. This act being considered an infringement of the rights of ambassadors and of nations, will form a just cause of complaint to the government of France against the officer by whom it was committed.

The actual condition of the public finances more than realizes the favorable anticipations that were entertained of it at the opening of the last session of Congress. On the first of January, there was a balance in the treasury of four millions two hundred and thirty seven thousand four hundred and twenty-seven dollars and fifty-five cents. From that time to the 30th of September, the receipts amounted to upwards of sixteen millions one hundred thousand dollars, and the expenditures, to eleven millions four hundred thousand dollars. During the fourth quarter of the year it is estimated that the receipts will at least equal the expenditures, and that there will remain in the treasury, on the first day of January next, a surplus of nearly nine millions of dollars.

On the first of January, 1825, a large amount of the war debt and a part of the revolutionary debt become redeemable. Additional portions of the former will continue to become redeemable annually, until the year 1835. It is believed, however, that, if the United States remain at peace, the whole of that debt may be redeemed by the ordinary revenue of those years during that period, under the provision of the act of March 3d, 1817, creating the sinking fund; and in that case, the only part of the debt that will remain, after the year 1835, will be the seven millions of five per cent. stock subscribed to the Bank of the United States, and the three per cent. revolutionary debt, amounting to thirteen millions two hundred and ninety-six thousand and ninety-nine dollars and six cents; both of which are redeemable at the pleasure of the government.

The state of the army, in its organization and discipline, has been gradually improving for several years, and has now attained a high degree of perfection. The military disbursements have been regularly made, and the accounts regularly and promptly rendered for settlement. The supplies of various descriptions have been of good quality, and regularly issued at all of the posts. A system of economy and accountability has been introduced into every branch of the service, which admits of little additional improvement. This desirable state has been attained by the act re-organizing the staff of the army, passed on the 14th of April, 1818.

The moneys appropriated for fortifications have been regularly and economically applied, and all the works advanced as rapidly as the amount appropriated would admit. Three important works will be completed in the course of this year, that is, Fort Washington, Fort Delaware, and the fort at the Rigolets, in Louisiana.

The board of engineers and the topographical corps have been in constant and active service, in surveying the coast and projecting the works necessary for its defence.

The military academy has attained a degree of perfection in its discipline and instruction equal, as is believed, to any institution of its kind in any country.

The money appropriated for the use of the ordnance department has been regularly and economically applied. The fabrication of arms at the national armories, and by contract with the department, has been gradually improving in quality and cheapness. It is believed that their quality is now such as to admit of but little improvement.

The completion of the fortifications renders it necessary that there should be a suitable appropriation for the purpose of fabricating the cannon and carriages necessary for those works.

Under the appropriation of five thousand dollars for exploring the western waters for the location of a site for a western armory, a commission was constituted, consisting of Colonel McRee, Colonel Lee, and Captain Talcott, who have been engaged in exploring the country. They have not yet reported the result of their labors, but it is believed that they will be prepared to do it at an early part of the session of Congress.

During the month of June last, General Ashley and his party, who were trading under a license from the government, were attacked by the Ricarees, while peaceably trading with the Indians at their request. Several of the party were killed and wounded, and their property taken or destroyed.

Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluff, the most western post, apprehending that the hostile spirit of the Ricarees would extend to other tribes in that quarter, and that thereby the lives of the traders on the Missouri, and the peace of the frontier, would be endangered, took immediate measures to check the evil.

With a detachment of the regiment stationed at the Bluff, he successfully attacked the Ricaree village, and it is hoped that such an impression has been made on them, as well as on the other tribes on the Missouri, as will prevent a recurrence of future hostility.

The report of the secretary of war, which is herewith transmitted, will exhibit in greater detail the condition of the department in its various branches, and the progress which has been made in its administration during the first three quarters of the year.

I transmit a return of the militia of the several states, according to the last reports which have been made by the proper officers in each, to the department of war. By reference to this return it will be seen that it is not complete, although great exertions have been made to make it so. As the defence and even the liberties of the country must depend in times of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined throughout the Union. The report of the secretary of war shows the progress made during the first three quarters of the present year, by the application of the fund appropriated for arming the militia. Much difficulty is found in distributing the arms according to the act of Congress providing for it, from the failure of the proper departments in many of the states to make regular returns. The act of May the 12th, 1820, provides that the system of tactics and regulations of the various corps of the regular army shall be extended to the militia. This act has been very imperfectly executed from the want of uniformity in the organization of the militia, proceeding from the defects of the system itself, and especially in its application to the main arm of the public defence. It is thought that this important subject, in all its branches, merits the attention of Congress.

The report of the secretary of the navy, which is now communicated, furnishes an account of the administration of that department for the first

three quarters of the present year, with the progress made in augmenting the navy, and the manner in which the vessels in commission have been employed.

The usual force has been maintained in the Mediterranean sea, the Pacific ocean, and along the Atlantic coast, and has afforded the necessary protection to our commerce in those seas.

In the West Indies and the Gulf of Mexico, our naval force has been augmented by the addition of several small vessels, provided for by the "act authorizing an additional naval force for the suppression of piracy," passed by Congress at their last session. That armament has been eminently successful in the accomplishment of its object. The piracies by which our commerce in the neighborhood of the island of Cuba had been afflicted have been repressed, and the confidence of our merchants in a great measure restored.

The patriotic zeal and enterprise of Commodore Porter, to whom the command of the expedition was confided, has been fully seconded by the officers and men under his command. And in reflecting with high satisfaction on the honorable manner in which they have sustained the reputation of their country and its navy, the sentiment is alloyed only by a concern that, in the fulfilment of that arduous service, the diseases incident to the season, and to the climate in which it was discharged, have deprived the nation of many useful lives, and among them, of several officers of great promise.

In the month of August, a very malignant fever made its appearance at Thompson's island, which threatened the destruction of our station there. Many perished, and the commanding officer was severely attacked. Uncertain as to his fate, and knowing that most of the medical officers had been rendered incapable of discharging their duties, it was thought expedient to send to that post an officer of rank and experience, with several skilful surgeons, to ascertain the origin of the fever, and the probability of its recurrence there in future seasons; to furnish every assistance to those who were suffering, and, if practicable, to avoid the necessity of abandoning so important a station. Commodore Rodgers, with a promptitude which did him honor, cheerfully accepted that trust, and has discharged it in the manner anticipated from his skill and patriotism. Before his arrival, Commodore Porter, with the greater part of the squadron, had removed from the island and returned to the United States, in consequence of the prevailing sickness. Much useful information has, however, been obtained, as to the state of the island, and great relief afforded to those who had been necessarily left there.

Although our expedition, co-operating with an invigorated administration of the government of the Island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed piracies from that island, the success of our exertions has not been equally effectual to suppress the same crime, under other pretences and colors, in the neighboring island of Porto Rico. They have been committed there under the abusive issue of Spanish commissions. At an early period of the present year, remonstrances were made to the governor of that island, by an agent who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want of authority to make satisfaction for our just complaints, answered only by a

reference of them to the government of Spain. The minister of the United States to that court was specially instructed to urge the necessity of the immediate and effectual interposition of that government, directing restitution and indemnity for wrongs already committed, and interdicting the repetition of them. The minister, as has been seen, was debarred access to the Spanish government, and in the mean time several new cases of flagrant outrage have occurred, and citizens of the United States in the island of Porto Rico have suffered, and others have been threatened with assassination, for asserting their unquestionable rights, even before the lawful tribunals on the country.

The usual orders have been given to all our public ships to seize American vessels engaged in the slave trade, and bring them in for adjudication; and I have the gratification to state that not one so employed has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic.

It is a source of great satisfaction that we are always enabled to recur to the conduct of our navy with pride and commendation. As a means of national defence, it enjoys the public confidence and is steadily assuming additional importance. It is submitted whether a more efficient and equally economical organization of it might not, in several respects, be effected. It is supposed that higher grades than now exist by law would be useful. They would afford well-merited rewards to those who have long and faithfully served our country; present the best incentives to good conduct, and the best means of ensuring a proper discipline; destroy the inequality in that respect between the military and naval services; and relieve our officers from many inconveniences and mortifications which occur when our vessels meet those of other nations—ours being the only service in which such grades do not exist.

A report of the postmaster-general, which accompanies this communication, will show the present state of the post-office department and its general operations for some years past.

There is established by law, eighty-eight thousand six hundred miles of post-roads, on which the mail is now transported eighty-five thousand seven hundred miles; and contracts have been made for its transportation on all the established routes, with one or two exceptions. There are five thousand two hundred and forty post-offices in the Union, and as many postmasters. The gross amount of postage which accrued from the first of July, 1822, to the first of July, 1823, was one million one hundred and four thousand three hundred and forty-five dollars and twelve cents. During the same period, the expenditures of the post-office department amounted to one million one hundred and sixty-nine thousand eight hundred and eighty-five dollars and fifty-one cents; and consisted of the following items: compensation to postmasters, three hundred and fifty-three thousand nine hundred and ninety-five dollars and eighty-eight cents; incidental expenses, thirty thousand eight hundred and sixty-six dollars and thirty-seven cents; transportation of the mail, seven hundred and eighty-four thousand six hundred dollars and eight cents; payments into the treasury, four hundred and twenty-three dollars and eight cents. On the first of July last, there was due to the department, from postmasters, one hundred and thirty-five thousand two hundred and forty-five dollars and twenty-eight cents; from late postmasters and contractors, two hundred and fifty-six thousand seven hundred and forty-nine dollars and thirty-one cents; making a total amount of balances due to the

department, of three hundred and ninety-one thousand nine hundred and ninety-four dollars and fifty-nine cents. These balances embrace all delinquencies of postmasters and contractors which have taken place since the organization of the department. There was due by the department to contractors, on the first day of July last, twenty-six thousand five hundred and forty-eight dollars and sixty-four cents.

The transportation of the mail within five years past has been greatly extended, and the expenditures of the department proportionably increased. Although the postage which has accrued within the last three years has fallen short of the expenditures two hundred and sixty-two thousand eight hundred and twenty-one dollars and forty-six cents, it appears that collections have been made from the outstanding balances to meet the principal part of the current demands.

It is estimated that not more than two hundred and fifty thousand dollars of the above balances can be collected, and that a considerable part of this sum can only be realized by a resort to legal process. Some improvement in the receipts for postage is expected. A prompt attention to the collection of moneys received by postmasters, it is believed, will enable the department to continue its operations without aid from the treasury, unless the expenditures shall be increased by the establishment of new mail routes.

A revision of some parts of the post-office law may be necessary; and it is submitted whether it would not be proper to provide for the appointment of postmasters, where the compensation exceeds a certain amount, by nomination to the Senate, as other officers of the general government are appointed.

Having communicated my views to Congress, at the commencement of the last session, respecting the encouragement which ought to be given to our manufactures, and the principle on which it should be founded, I have only to add that those views remain unchanged, and that the present state of those countries with which we have the most immediate political relations and greatest commercial intercourse, tends to confirm them. Under this impression I recommend a review of the tariff, for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are more immediately connected with the defence and independence of the country.

The actual state of the public accounts furnishes additional evidence of the efficiency of the present system of accountability, in relation to the public expenditure. Of the moneys drawn from the treasury since the 4th of March, 1817, the sum remaining unaccounted for, on the 30th of September last, is more than one million five hundred thousand dollars less than on the 30th of September preceding, and during the same period, a reduction of nearly a million of dollars has been made in the amount of the unsettled accounts for money advanced previously to the 4th of March, 1817. It will be obvious that, in proportion as the mass of accounts of the latter description is diminished by settlement, the difficulty of settling the residue is increased, from the consideration that in many instances it can be obtained only by legal process. For more precise details on this subject, I refer to a report from the first comptroller of the treasury.

The sum which was appropriated at the last session for the repair of the Cumberland road has been applied with good effect to that object. A final report has not yet been received from the agent who was appointed to superintend it. As soon as it is received it shall be communicated to Congress.

Many patriotic and enlightened citizens, who have made the subject an object of particular investigation, have suggested an improvement of still greater importance. They are of opinion that the waters of the Chesapeake and Ohio may be connected together by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished, it is impossible to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country through which it would pass would find a market through that channel. Troops might be moved with great facility in war, with cannon and every kind of munition, and in either direction. Connecting the Atlantic with the western country, in a line passing through the seat of the national government, it would contribute essentially to strengthen the bond of union itself. Believing as I do that Congress possess the right to appropriate money for such a national object, (the jurisdiction remaining to the states through which the canal would pass,) I submit it to your consideration whether it may not be advisable to authorize, by an adequate appropriation, the employment of a suitable number of the officers of the corps of engineers, to examine the unexplored ground during the next session, and to report thereon. It will likewise be proper to extend their examination to the several routes through which the waters of the Ohio may be connected by canals with those of lake Erie.

As the Cumberland road will require annual repairs, and Congress have not thought it expedient to recommend to the states an amendment to the constitution for the purpose of vesting in the United States a power to adopt and execute a system of internal improvement, it is also submitted to your consideration whether it may not be expedient to authorize the executive to enter into an arrangement with the several states through which the road passes, to establish tolls, each within its limits, for the purpose of defraying the expense of future repairs, and of providing, also, by suitable penalties, for its protection against future injuries.

The act of Congress of the 7th of May, 1822, appropriated the sum of twenty-two thousand seven hundred dollars, for the purpose of erecting two piers as a shelter for vessels from ice, near Cape Henlopen, Delaware bay. To effect the object of the act, the officers of the board of engineers, with Commodore Bainbridge, were directed to prepare plans and estimates of piers sufficient to answer the purpose intended by the act. It appears by their report, which accompanies the documents from the war department, that the appropriation is not adequate to the purpose intended; and as the piers would be of great service, both to the navigation of the Delaware bay, and the protection of vessels on the adjacent parts of the coast, I submit for the consideration of Congress whether additional and sufficient appropriations should not be made.

The board of engineers were also directed to examine and survey the entrance of the harbor of the port of Presque Isle in Pennsylvania, in order to make an estimate of the expense of removing the obstructions to the entrance, with a plan of the best mode of effecting the same, under the appropriation for that purpose, by act of Congress passed on the 3d of March last. The report of the board accompanies the papers from the war department, and is submitted for the consideration of Congress.

A strong hope has long been entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole

civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers which would, ere this, have overwhelmed any other people. The ordinary calculations of interest, and of acquisition, with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost, forever, all dominion over them; that Greece will become again an independent nation. That she may obtain that rank is the object of our most ardent wishes.

It was stated, at the commencement of the last session, that a great effort was then making in Spain and Portugal, to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced, that we resent injuries or make preparation for our defence. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced, than that the allied powers should have thought it proper, on a principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To

what extent such interposition may be carried, on the same principle, is a question to which all independent powers, whose governments differ from theirs, are interested; even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government, *de facto*, as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy; meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

If we compare the present condition of our Union with its actual state at the close of our revolution, the history of the world furnishes no example of a progress in improvement, in all the important circumstances which constitute the happiness of a nation, which bears any resemblance to it. At the first epoch our population did not exceed three millions. By the last census it amounted to about ten millions, and what is more extraordinary, it is almost altogether native, for the emigration from other countries has been inconsiderable. At the first epoch half the territory within our acknowledged limits was uninhabited and a wilderness. Since then, new territory has been acquired, of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original states. Over this territory our population has expanded in every direction, and new states have been established, almost equal in number to those which formed the first bond of our Union. This expansion of our population and accession of new states to our Union, have had the happiest effect on all its highest interests. That it has eminently augmented our resources, and added to our strength and respectability as a power, is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that, by enlarging the basis of our system and increasing the number of states, the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each government, confiding in its own strength, has less to apprehend from the other; and in consequence, each enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat here of the vast improvement made in the system itself by the adoption of this constitution, and of its happy effect in elevating the character, and in protecting the rights of the nation, as well as of individuals. To what then do we owe these blessings? It is known to all that we derive them from the excellence of our institutions. Ought we not then to adopt every measure which may be necessary to perpetuate them.

SPECIAL MESSAGE.

FEBRUARY 24, 1824.

To the Senate and House of Representatives of the United States :

I HEREWITH transmit to Congress certain documents relating to a claim of Massachusetts for services rendered by the militia of that state in the late war, and for which the payment was made by the state. From the particular circumstances attending this claim, I have thought it proper to submit the subject to the consideration of Congress.

In forming a just estimate of this claim, it will be necessary to recur to the cause which prevented its admission, or the admission of any part thereof, at an earlier day. It will be recollected, that when a call was made on the militia of that state for service, in the late war, under an arrangement which was alike applicable to the militia of all the states, and in conformity with the acts of Congress, the executive of Massachusetts refused to comply with the call, on the principle that the power vested in Congress by the constitution, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, was not a competent power for those purposes, but conditional, and dependent on the consent of the executives of the several states; and also, that when called into service, such consent being given, they could not be commanded by a regular officer of the United States, or other officer than that of the militia, except by the president in person. That this decision of the executive of Massachusetts was repugnant to the constitution of the United States, and of dangerous tendency, especially when it is considered, that we were then engaged in a war with a powerful nation for the defence of our common rights, was the decided opinion of this government; and when the period at which that decision was formed was considered, it being as early as the 5th of August, 1812, immediately after the war was declared, and that it was not relinquished during the war, it was inferred by the executive of the United States that the decision of the executive of that state was alike applicable to all the services that were rendered by the militia of the state during the war.

In the correspondence with the governor of Massachusetts at that important epoch, and on that very interesting subject, it was announced to him by the secretary of war, that if the militia of the state were called into service by the executive of the state, and not put under the command of the major-general of the United States, as the militia of the other states were, the expense attending their service would be chargeable to the state, and not the United States. It was also stated to him at the same time, that any claim which the state might have for the reimbursement of such expenses could not be allowed by the executive of the United States, since it would involve principles on which that branch of the government could not decide.

Under these circumstances a decision on the claim of the state of Massachusetts has hitherto been suspended, and it need not be remarked that the suspension has proceeded from a conviction that it would be improper to give any sanction by its admission, or the admission of any part thereof, either to the construction of the constitution contended for by the then executive of that state, or to its conduct at that period toward the general government and the Union

In January, 1823, the representatives in Congress from Massachusetts and Maine suggested, by memorial, that the constitutional objection could not apply to a portion of the claim, and requested that the accounting officer of the government might be instructed to audit and admit such part as might be free from that objection. In all cases where claims are presented for militia service, it is the duty and the practice of the accounting officer to submit them to the department for instruction as to the legality of the claim; that is, whether the service had been rendered by order of the competent authority, or otherwise, under circumstances to justify the claim against the United States, admitting that the evidence in support of it should be satisfactory. To this request there appeared to be no well-founded objection, under the reservation as to the constitutional principle, and accordingly an order was given to the accounting officers of the treasury to proceed in auditing the claim with that reservation.

In conformity with this arrangement, the executive of Massachusetts appointed two citizens of that state commissioners to attend to the settlement of its claim, and who, in execution of the trust reposed in them, have presented to the accounting officer of the treasury that portion comprehending the services of the fifth division of the militia of the state, which has been audited and reported for consideration, subject to the objection above stated. I have examined this report, with the documents presented by the commissioners, and am of opinion that the services rendered by that division were spontaneous, patriotic, and proper, necessary for self-defence, to repel in some instances actual invasion, and in others, to meet by adequate preparation invasions that were menaced. The commissioners of the state having intimated that other portions of service stood on similar ground, the accounting officer has been instructed, in auditing the whole, to do it in such manner as to enable the department to show distinctly under what circumstances each portion of service was rendered—whether voluntary, called out by invasion, or the menace of invasion, or by public authority; and in such case, whether the militia rendering such service was placed under the authority of the United States, or retained under that of the state.

It affords me great pleasure to state that the present executive of Massachusetts has disclaimed the principle which was maintained by the former executive, and that in this disclaimer both branches of the legislature have concurred. By this renunciation, the state is placed on the same ground, in this respect, with the other states, and this very distressing anomaly in our system is removed. It is well known that the great body of our fellow citizens in Massachusetts are as firmly devoted to our Union, and to the free republican principles of our government, as our fellow citizens of the other states. Of this important truth their conduct in every stage of our revolutionary struggle, and in many other emergencies, bears ample testimony; and I add, with profound interest and a thorough conviction, that although the difficulty adverted to, in the late war, with their executive, excited equal surprise and regret, it was not believed to extend to them. There never was a moment when the confidence of the government in the great body of our fellow citizens of that state was impaired, nor is a doubt entertained that they were at all times willing and ready to support their rights and repel an invasion by the enemy.

The commissioners of Massachusetts have urged, in compliance with their instructions, the payment of so much of their claim as applies to the services rendered to the fifth division, which have been audited, and I should

have no hesitation in admitting it if I did not think, under all the circumstances of the case, that the claim in all its parts was cognizable by Congress alone. The period at which the constitutional difficulty was raised by the executive of the state was in the highest degree important, as was the tendency of the principle for which it contended, and which was adhered to during the war. The public mind throughout the Union was much excited by that occurrence, and great solicitude was felt as to its consequences. The executive of the United States was bound to maintain, and did maintain a just construction of the constitution; in doing which, it is gratifying to recollect that the most friendly feelings were cherished toward their brethren of that state. The executive of the state was warned, in the correspondence which then took place, of the light in which its conduct was viewed, and of the effect it would have, so far as related to the right of the executive of the United States, on any claim which might afterwards be presented by the state to compensation for such services. Under these circumstances, the power of the executive of the United States to settle any portion of this claim seems to be precluded. It seems proper, also, that this claim should be decided on full investigation before the public, that the principle on which it is decided may be thoroughly understood by our fellow citizens of every state, which can be done by congress alone; who alone, also, possess the power to pass the laws which may be necessary to carry such decision into effect.

In submitting this subject to the calm and enlightened judgment of Congress, I do it with peculiar satisfaction, from a knowledge that you are now placed, by the course of events, in a situation which will enable you to adopt such measures as will not only comport with the sound principles of our government, but likewise be conducive to farther the highest interests of our Union. By the renunciation of the principle maintained by the then executive of Massachusetts, as has been done by its present executive and both branches of the legislature, in the most formal manner, and in accord with the sentiments of the great body of the people, the constitution is restored in a very important feature—that connected with the public defence and in the most important branch, that of the militia, to its native strength. It is very gratifying to know that this renunciation has been produced by the regular, orderly, and pacific operation of our republican system, whereby those who were in the right at the moment of difficulty, and who sustained the government with great firmness, have daily gained strength until this result was accomplished. The points on which you will have to decide are, what is fairly due for the services which were actually rendered? By what means shall we contribute most to cement the Union and give the greatest support to our most excellent constitution? In seeking each object separately we are led to the same result. All that can be claimed by our fellow citizens of Massachusetts is, that the constitutional objection be waived, and that they be placed on the same footing with their brethren in the other states—that regarding the services rendered by the militia of other states, for which compensation has been made, giving to the rule the most liberal construction, like compensation be made for similar services rendered by the militia of that state,

I have been led to conclude, on great consideration, that the principles of justice, as well as a due regard for the great interests of our Union, require that this claim, in the extent proposed, should be acceded to. Essential service was rendered, in the late war, by the militia of Massachusetts, and

with the most patriotic motives. It seems just, therefore, that they should be compensated for such services, in like manner with the militia of other states. The constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive, in this instance, is the stronger, because well satisfied I am, that by so doing we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified, and even those who now survive, who were then in error, cannot fail to see with interest and satisfaction this distressing occurrence thus happily terminated. I therefore consider it my duty to recommend it to Congress to make provision for the settlement of the claim of Massachusetts for services rendered in the late war by the militia of the state, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other states.

EIGHTH ANNUAL MESSAGE.

DECEMBER 7, 1824.

To the Senate and House of Representatives of the United States :

THE view which I have now to present to you, of our affairs, foreign and domestic, realizes the most sanguine anticipations which have been entertained of the public prosperity. If we look to the whole, our growth as a nation continues to be rapid beyond example ; if to the states which compose it, the same gratifying spectacle is exhibited. Our expansion over the vast territory within our limits has been great, without indicating any decline in those sections from which the emigration has been most conspicuous. We have daily gained strength by a native population in every quarter — a population devoted to our happy system of government, and cherishing the bond of Union with fraternal affection. Experience has already shown, that the difference of climate and of industry, proceeding from that cause, inseparable from such vast domains, and which, under other systems, might have a repulsive tendency, cannot fail to produce with us, under wise regulations, the opposite effect. What one portion wants the other may supply, and this will be most sensibly felt by the parts most distant from each other ; forming, thereby, a domestic market, and an active intercourse between the extremes and throughout every portion of our Union. Thus, by a happy distribution of power between the national and state governments, governments which rest exclusively on the sovereignty of the people and are fully adequate to the great purposes for which they were respectively instituted, causes which might otherwise lead to dismemberment operate powerfully to draw us closer together. In every other circumstances, a correct view of the actual state of our Union must be equally gratifying to our constituents. Our relations with foreign powers are of a friendly character, although certain interesting differences remain unsettled with some. Our revenue, under the mild system of impost and tonnage, continues to be adequate to all the purposes of the government. Our agriculture, commerce, manufactures, and navigation flourish. Our fortifications are advancing, in the degree authori-

zed by existing appropriations, to maturity, and due progress is made in the augmentation of the navy to the limit prescribed for it by law. For these blessings we owe to Almighty God, from whom we derive them, and with profound reverence, our most grateful and unceasing acknowledgments.

In adverting to our relations with foreign powers, which are always an object of the highest importance, I have to remark, that of the subjects which have been brought into discussion with them during the present administration, some have been satisfactorily terminated, others have been suspended to be resumed hereafter under circumstances more favorable to success, and others are still in negotiation, with the hope that they may be adjusted with mutual accommodation to the interests and to the satisfaction of the respective parties. It has been the invariable object of this government to cherish the most friendly relations with every power, and on principles and conditions which might make them permanent. A systematic effort has been made to place our commerce with each power on a footing of perfect reciprocity; to settle with each, in a spirit of candor and liberality, all existing differences, and to anticipate and remove, so far as it might be practicable, all causes of future variance.

It having been stipulated by the same article of the convention of navigation and commerce, which was concluded on the 24th of June, 1822, between the United States and France, that the said convention should continue in force for two years, from the 1st of October of that year, and for an indefinite term afterward, unless one of the parties should declare its intention to renounce it, in which event it should cease to operate at the end of six months from such declaration; and no such intention having been announced, the convention having been found advantageous to both parties, it has since remained, and still remains, in full force. At the time when that convention was concluded, many interesting subjects were unsettled, and particularly our claims to indemnity for spoliations which were committed on our commerce in the late wars. For these interests and claims it was in the contemplation of the parties to make provision, at a subsequent day, by a more comprehensive and definitive treaty. The object has been duly attended to since by the executive, but as yet it has not been accomplished. It is hoped that a favorable opportunity will present itself for opening a negotiation which may embrace and arrange all existing differences, and every other concern in which they have a common interest, upon the accession of the present king of France, an event which has occurred since the close of the last session of Congress.

With Great Britain our commercial intercourse rests on the same footing that it did at the last session. By the convention of 1815, the commerce between the United States and the British dominions in Europe and the East Indies was arranged on the principle of reciprocity. That convention was confirmed and continued in force, with slight exceptions, by a subsequent treaty, for the term of ten years from the 20th of October, 1818, the date of the latter. The trade with the British colonies in the West Indies has not as yet been arranged, by treaty or otherwise, to our satisfaction. An approach to that result has been made by legislative acts, whereby many serious impediments which had been raised by the parties in defence of their respective claims were removed. An earnest desire exists, and has been manifested on the part of this government, to place the commerce with the colonies, likewise, on a footing of reciprocal advantage, and it is hoped that the British government, seeing the justice of the proposal, and its importance to the colonies, will ere long accede to it.

The commissioners who were appointed for the adjustment of the boundary between the territories of the United States and those of Great Britain, specified in the fifth article of the treaty of Ghent, having disagreed in their decision, and both governments having agreed to establish that boundary by amicable negotiation between them, it is hoped that it may be satisfactorily adjusted in that mode. The boundary specified by the sixth article has been established by the decision of the commissioners. From the progress made in that provided for by the seventh, according to a report recently received, there is good cause to presume that it will be settled in the course of the ensuing year.

It is a cause of serious regret that no arrangement has yet been finally concluded between the two governments, to secure, by joint co-operation, the suppression of the slave trade. It was the object of the British government, in the early stages of the negotiation, to adopt a plan for the suppression, which should include the concession of a mutual right of search, by the ships of war of each party, of the vessels of the other for suspected offenders. This was objected to by this government, on the principle that, as the right of search was a right of war of a belligerent toward a neutral power, it might have an ill effect to extend it by treaty, to an offence which had been made comparatively mild, to a time of peace. Anxious, however, for the suppression of this trade, it was thought advisable, in compliance with a resolution of the House of Representatives, founded on an act of Congress, to propose to the British government an expedient which should be free from that objection, and more effectual for the object, by making it piratical. In that mode, the enormity of the crime would place the offenders out of the protection of their government, and involve no question of search, or other question, between the parties, touching their respective rights. It was believed, also, that it would completely suppress the trade in the vessels of both the parties, and by their respective citizens and subjects in those of other powers, with whom, it was hoped, that the odium which would thereby be attached to it would produce a corresponding arrangement, and by means thereof, its entire extirpation forever. A convention to this effect was concluded and signed in London, on the thirteenth day of March, one thousand eight hundred and twenty-four, by plenipotentiaries duly authorized by both governments, to the ratification of which certain obstacles have arisen which are not yet entirely removed. The differences between the parties still remaining have been reduced to a point not of sufficient magnitude, as is presumed, to be permitted to defeat an object so near to the hearts of both nations, and so desirable to the friends of humanity throughout the world. As objections, however, to the principle recommended by the House of Representatives, or at least to the consequences inseparable from it, and which are understood to apply to the law, have been raised; which may deserve a reconsideration of the whole subject, I have thought it proper to suspend the conclusion of a new convention until the definitive sentiments of Congress may be ascertained. The documents relating to the negotiation are with that intent submitted to your consideration.

Our commerce with Sweden has been placed on a footing of perfect reciprocity by treaty, and with Russia, the Netherlands, Prussia, the free Hanseatic cities, the dukedom of Oldenburg, and Sardinia, by internal regulations on each side, founded on mutual agreement between the respective governments.

The principles upon which the commercial policy of the United States is

founded are to be traced to an early period. They are essentially connected with those upon which their independence was declared, and owe their origin to the enlightened men who took the lead in our affairs at that important epoch. They are developed in their first treaty of commerce with France, of the 6th of February, 1778, and by a formal commission which was instituted immediately after the conclusion of their revolutionary struggle, for the purpose of negotiating treaties of commerce with every European power. The first treaty of the United States with Prussia, which was negotiated by that commission, affords a signal illustration of those principles. The act of Congress of the 3d of March, 1815, adopted immediately after the return of a general peace, was a new overture to foreign nations to establish our commercial relations with them on the basis of free and equal reciprocity. That principle has pervaded all the acts of Congress and all the negotiations of the executive on the subject since.

A convention for the settlement of important questions in relation to the northwest coast of this continent and its adjoining seas, was concluded and signed at St. Petersburg, on the 5th day of April last, by the minister plenipotentiary of the United States and plenipotentiaries of the imperial government of Russia. It will immediately be laid before the Senate, for the exercise of the constitutional authority of that body with reference to its ratification. It is proper to add, that the manner in which this negotiation was invited and conducted on the part of the emperor has been very satisfactory.

The great and extraordinary changes which have happened in the governments of Spain and Portugal, within the last two years, without seriously affecting the friendly relations which, under all of them, have been maintained with those powers by the United States, have been obstacles to the adjustment of the particular subjects of discussion which have arisen with each. A resolution of the Senate, adopted at their last session, called for information as to the effect produced upon our relations with Spain, by the recognition, on the part of the United States, of the independent South American governments. The papers containing that information are now communicated to Congress.

A chargé d'affaires has been received from the independent government of Brazil. That country, heretofore a colonial possession of Portugal, had some years since been proclaimed by the sovereign of Portugal himself an independent kingdom. Since his return to Lisbon, a revolution in Brazil has established a new government there, with an imperial title, at the head of which is placed a prince, in whom the regency has been vested by the king at the time of his departure. There is reason to expect that, by amicable negotiation, the independence of Brazil will, ere long, be recognised by Portugal herself.

With the remaining powers of Europe, with those on the coast of Barbary, and with all the new South American states, our relations are of a friendly character. We have ministers plenipotentiary residing with the republics of Colombia and Chili, and have received ministers of the same rank from Colombia, Guatemala, Buenos Ayres, and Mexico. Our commercial relations with all those states are mutually beneficial and increasing. With the republic of Colombia, a treaty of commerce has been formed, of which a copy is received, and the original daily expected. A negotiation for a like treaty would have been commenced with Buenos Ayres, had it not been prevented by the indisposition, and lamented decease, of Mr. Rodney,

our minister there, and to whose memory the most respectful attention has been shown by the government of that republic. An advantageous alteration in our treaty with Tunis has been obtained by our consular agent residing there, the official documents of which, when received, will be laid before the Senate.

The attention of this government has been drawn with great solicitude to other subjects, and particularly to that relating to a state of maritime war, involving the relative rights of neutral and belligerent in such wars. Most of the difficulties which we have experienced, and of the losses which we have sustained, since the establishment of our independence, have proceeded from the unsettled state of those rights, and the extent to which the belligerent claim has been carried against the neutral party. It is impossible to look back on the occurrences of the late wars in Europe, and to behold the disregard which was paid to our rights as a neutral power, and the waste which was made of our commerce by the parties to those wars, by various acts of their respective governments, and under the pretext by each that the other had set the example, without great mortification, and a fixed purpose never to submit to the like in future. An attempt to remove those causes of possible variance by friendly negotiation, and on just principles which would be applicable to all parties, could, it was presumed, be viewed by none, other than as a proof of an earnest desire to preserve those relations with every power. In the late war between France and Spain, a crisis occurred in which it seemed probable that all the controvertible principles involved in such wars might be brought into discussion and settled to the satisfaction of all parties. Propositions having this object in view have been made to the governments of Great Britain, France, Russia, and of other powers, which have been received in a friendly manner by all; but as yet no treaty has been formed with either for its accomplishment. The policy will, it is presumed, be persevered in, and in the hope that it may be successful.

It will always be recollected that, with one of the parties to those wars, and from whom we received those injuries, we sought redress by war. From the other, by whose then reigning government our vessels were seized in port as well as at sea, and their cargoes confiscated, indemnity has been expected, but has not yet been rendered. It was under the influence of the latter that our vessels were likewise seized by the governments of Spain, Holland, Denmark, Sweden, and Naples, and from whom indemnity has been claimed and is still expected, with the exception of Spain, by whom it has been rendered. With both parties we had abundant cause of war, but we had no alternative but to resist that which was most powerful at sea, and pressed us nearest at home. With this, all differences were settled by a treaty, founded on conditions fair and honorable to both, which has been so far executed with perfect good faith. It has been earnestly hoped that the other would, of its own accord, and from a sentiment of justice and conciliation, make to our citizens the indemnity to which they are entitled, and thereby remove from our relations any just cause of discontent on our side.

It is estimated that the receipts in the treasury, during the current year, exclusive of loans, will exceed eighteen millions five hundred thousand dollars; which, with the sum remaining in the treasury at the end of the last year, amounting to nine millions four hundred and sixty-three thousand nine hundred and twenty-two dollars eighty-one cents, will, after discharging the current disbursements of the year, the interest on the public debt, and up-

wards of eleven millions six hundred and thirty-three thousand and eleven dollars fifty-two cents of the principal, leave a balance of more than three millions dollars in the treasury on the 1st day of January next.

A larger amount of the debt contracted during the late war, bearing an interest of six per cent. becoming redeemable in the course of the ensuing year, than could be discharged by the ordinary revenue, the act of the 26th of May authorized a loan of five millions of dollars, at four and a half per cent., to meet the same. By this arrangement an annual saving will accrue to the public of seventy-five thousand dollars.

Under the act of the 24th of May last, a loan of five millions of dollars was authorized, in order to meet the awards under the Florida treaty, which was negotiated at par with the Bank of the United States, at four and a half per cent., the limit of interest fixed by the act. By this provision the claims of our citizens, who had sustained so great a loss by spoiliations, and from whom indemnity had been so long withheld, were promptly paid. For these advances the public will be amply repaid, at no distant day, by the sale of the lands in Florida. Of the great advantage resulting from the acquisition of the territory in other respects, too high an estimate cannot be formed.

It is estimated that the receipts into the treasury, during the year 1825, will be sufficient to meet the disbursements of the year, including the sum of ten millions of dollars which is annually appropriated by the act constituting the sinking fund, for the payment of the principal and interest of the public debt.

The whole amount of the public debt, on the 1st of January next, may be estimated at eighty-six millions of dollars, inclusive of two millions five hundred thousand dollars of the loan authorized by the act of the 26th of May last. In this estimate is included a stock of seven millions of dollars, issued for the purchase of that amount of the capital stock of the Bank of the United States; and which, as the stock of the bank still held by the government will at least be fully equal to its reimbursement, ought not to be considered as constituting a part of the public debt. Estimating, then, the whole amount of the public debt at seventy-nine millions of dollars, and regarding the annual receipts and expenditures of the government, a well-founded hope may be entertained, that, should no unexpected event occur, the whole of the public debt may be discharged in the course of ten years, and the government be left at liberty, thereafter, to apply such portion of the revenue as may not be necessary for current expenses, to such other objects as may be most conducive to the public security and welfare. That the sums applicable to these objects will be very considerable, may be fairly concluded, when it is recollected that a large amount of the public revenue has been applied, since the late war, to the construction of the public buildings in this city; to the erection of fortifications along the coast, and of arsenals in different parts of the Union; to the augmentation of the navy; to the extinguishment of Indian title to large tracts of fertile territory; to the acquisition of Florida; to pensions to revolutionary officers and soldiers, and to invalids of the late war. On many of these objects the expense will annually be diminished, and, at no distant period, cease on most of them. On the first of January, 1817, the public debt amounted to one hundred and twenty-three millions four hundred and ninety-one thousand nine hundred and sixty-five dollars and sixteen cents; and notwithstanding the large sums which have been applied to these objects, it has been reduced, since that period, thirty-seven millions four hundred and forty-six thousand nine hundred and sixty-one dollars and seventy-eight cents. The last portion of the public debt will be redeemable on the 1st of

January, 1835; and while there is the best reason to believe that the resources of the government will be continually adequate to such portion of it as may become due in the interval, it is recommended to Congress to seize every opportunity which may present itself to reduce the rate of interest on every part thereof. The high state of the public credit, and the great abundance of money, are at this time very favorable to such a result. It must be very gratifying to our fellow citizens to witness this flourishing state of the public finances, when it is recollected that no burden whatever has been imposed upon them.

The military establishment, in all its branches, in the performance of the various duties assigned to each, justifies the favorable view which was presented of the efficiency of its organization at the last session. All the appropriations have been regularly applied to the object intended by Congress, and so far as the disbursements have been made, the accounts have been rendered and settled without loss to the public. The condition of the army itself, as relates to the officers and men, in science and discipline, is highly respectable. The military academy, on which the army essentially rests, and to which it is much indebted for this state of improvement, has attained, in comparison with any other institution of a like kind, a high degree of perfection. Experience, however, has shown, that the dispersed condition of the corps of artillery is unfavorable to the discipline of that important branch of the military establishment. To remedy this inconvenience, eleven companies have been assembled at the fortifications erected at Old Point Comfort as a school for artillery instruction, with intention, as they shall be perfected in the various duties of that service, to order them to other posts, and to supply their places with other companies, for instruction in like manner. In this mode a complete knowledge of the science and duties of this arm will be extended throughout the whole corps of artillery. But to carry this object fully into effect will require the aid of Congress, to obtain which the subject is now submitted to your consideration.

Of the progress which has been made in the construction of fortifications for the permanent defence of our maritime frontier, according to the plan decided on, and to the extent of the existing appropriations, the report of the secretary of war, which is herewith communicated, will give a detailed account. Their final completion cannot fail to give great additional security to that frontier, and to diminish proportionably the expense of defending it in the event of war.

The provisions in the several acts of Congress of the last session, for the improvement of the navigation of the Mississippi and the Ohio, of the harbor of Presque Isle on Lake Erie, and the repair of the Plymouth beach, are in a course of regular execution; and there is reason to believe that the appropriation in each instance will be adequate to the object. To carry these improvements fully into effect, the superintendence of them has been assigned to officers of the corps of engineers.

Under the act of the 30th April last, authorizing the president to cause a survey to be made, with the necessary plans and estimates of such roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail, a board has been instituted, consisting of two distinguished officers of the corps of engineers, and a distinguished civil engineer, with assistants, who have been actively employed in carrying into effect the objects of the act. They

have carefully examined the route between the Potomac and the Ohio rivers; between the latter and lake Erie; between the Alleghany and the Susquehannah; and the routes between the Delaware and the Raritan, Barnstable and Buzzard's bay, and between Boston harbor and Narraganset bay. Such portion of the corps of topographical engineers as could be spared from the survey of the coast, has been employed in surveying the very important route between the Potomac and the Ohio. Considerable progress has been made in it, but the survey cannot be completed until the next season. It is gratifying to add, from the view already taken, that there is good cause to believe that this great national object may be fully accomplished.

It is contemplated to commence early in the next season the execution of the other branch of the act, that which relates to roads, and with the survey of a route from this city, through the southern states, to New Orleans, the importance of which cannot be too highly estimated. All the officers of both the corps of engineers, who could be spared from other services, have been employed in exploring and surveying the routes for canals. To digest a plan for both objects for the great purposes specified, will require a thorough knowledge of every part of our Union, and of the relation of each part to the others, and of all to the seat of the general government. For such a digest, it will be necessary that the information be full, minute, and precise. With a view to these important objects, I submit to the consideration of Congress the propriety of enlarging both the corps of engineers, the military and topographical. It need scarcely be remarked, that the more extensively these corps are engaged in the improvement of their country, in the execution of the powers of Congress, and in aid of the states, and such improvements as lie beyond that limit, when such aid is desired, the happier the effect will be in many views of which the subject is susceptible. By profiting of their science, the works will always be well executed; and, by giving to the officers such employment, our Union will derive all the advantage, in peace as well as in war, from their talents and services, which they can afford. In this mode, also, the military will be incorporated with the civil, and unfounded injurious distinctions and prejudices of every kind be done away. To the corps themselves, this service cannot fail to be equally useful, since, by the knowledge they would thus acquire, they would be eminently better qualified, in the event of war, for the great purposes for which they were instituted.

Our relations with the Indian tribes within our limits have not been materially changed during the year. The hostile disposition evinced by certain tribes on the Missouri during the last year, still continues, and has extended in some degree to those on the upper Mississippi and the upper lakes. Several parties of our citizens have been plundered and murdered by those tribes. In order to establish relations of friendship with them, Congress at the last session made an appropriation for treaties with them, and for the employment of a suitable military escort, to accompany and attend the commissioners at the places appointed for the negotiations. This object has not been effected. The season was too far advanced when the appropriation was made, and the distance too great to permit it; but measures have been taken, and all the preparations will be completed, to accomplish it at an early period next season.

Believing that the hostility of the tribes, particularly on the upper Mis-

Mississippi and the lakes, is in no small degree owing to the wars which are carried on between the tribes residing in that quarter, measures have been taken to bring about a general peace among them, which, if successful, will not only tend to the security of our citizens, but be of great advantage to the Indians themselves.

With the exception of the tribes referred to, our relations with all the others are on the most friendly footing, and it affords me great satisfaction to add, that they are making steady advances in civilization and the improvement of their condition. Many of the tribes have already made great progress in the arts of civilized life. This desirable result has been brought about by the humane and persevering policy of the government, and particularly by means of the appropriation for the civilization of the Indians. There have been established under the provisions of this act, thirty-two schools, containing nine hundred and sixteen scholars who are well instructed in several branches of literature, and likewise in agriculture and the ordinary arts of life.

Under the appropriation to authorize treaties with the Creek and Quapaw Indians, commissioners have been appointed and negotiations are now pending, but the result is not yet known.

For more full information respecting the principle which has been adopted for carrying into effect the act of Congress authorizing surveys, with plans and estimates for canals and roads, and on every other branch of duty incident to the department of war, I refer you to the report of the secretary.

The squadron in the Mediterranean has been maintained in the extent which was proposed in the report of the secretary of the navy of the last year, and has afforded to our commerce the necessary protection in that sea. Apprehending, however, that the unfriendly relations which have existed between Algiers and some of the powers of Europe might be extended to us, it has been thought expedient to augment the force there, and, in consequence, the "North Carolina," a ship of the line, has been prepared and will sail in a few days to join it.

The force employed in the gulf of Mexico, and in the neighboring seas, for the suppression of piracy, has likewise been preserved essentially in the state in which it was during the last year. A persevering effort has been made for the accomplishment of that object, and much protection has thereby been afforded to our commerce; but still the practice is far from being suppressed. From every view which has been taken on the subject, it is thought that it will be necessary rather to augment than to diminish our force in that quarter. There is reason to believe that the piracies now complained of are committed by bands of robbers who inhabit the land, and who, by preserving good intelligence with the towns, and seizing favorable opportunities, rush forth and fall on unprotected merchant vessels, of which they make an easy prey. The pillage thus taken they carry to their lurking places, and dispose of afterwards at prices tending to seduce the neighboring population. This combination is understood to be of great extent, and is the more to be deprecated, because the crime of piracy is often attended with the murder of the crews, these robbers knowing, if any survived, their lurking places would be exposed and they be caught and punished. That this atrocious practice should be carried to such an extent, is cause of equal surprise and regret. It is presumed that it must be attributed to the relaxed and feeble state of the local govern-

ments, since it is not doubted, from the high character of the governor of Cuba, who is well known and much respected here, that if he had the power he would promptly suppress it. Whether those robbers should be pursued on the land, the local authorities be made responsible for these atrocities, or any other measure be resorted to to suppress them, is submitted to the consideration of Congress.

In the execution of the laws for the suppression of the slave trade, a vessel has been occasionally sent from that squadron to the coast of Africa, with orders to return thence by the usual track of the slave ships, and to seize any of our vessels which may be engaged in that trade. None have been found, and it is believed that none are thus employed. It is well known, however, that the trade exists under other flags.

The health of our squadron, while at Thompson's island, has been much better during the present than it was the last season. Some improvements have been made, and others are contemplated there, which, it is believed, will have a very salutary effect.

On the Pacific our commerce has much increased, and on that coast, as well as on that sea, the United States have many important interests which require attention and protection. It is thought that all the considerations which suggested the expediency of placing a squadron on that sea operate with augmented force for maintaining it there, at least in equal extent.

For detailed information respecting the state of our maritime force on each sea, the improvement necessary to be made on either, in the organization of the naval establishment generally, and of the laws for its better government, I refer you to the report of the secretary of the navy, which is herewith communicated.

The revenue of the post-office department has received a considerable augmentation in the present year. The current receipts will exceed the expenditures, although the transportation of the mail within the year has been much increased. A report of the postmaster-general, which is transmitted, will furnish in detail the necessary information respecting the administration and present state of this department.

In conformity with a resolution of Congress of the last session, an invitation was given to General Lafayette to visit the United States, with an assurance that a ship of war should attend at any port of France which he might designate, to receive and convey him across the Atlantic, whenever it might be convenient for him to sail. He declined the offer of the public ship from motives of delicacy, but assured me that he had long intended, and would certainly visit our Union in the course of the present year. In August last he arrived at New York, where he was received with the warmth of affection and gratitude to which his very important and disinterested services and sacrifices in our revolutionary struggle so eminently entitled him. A corresponding sentiment has since been manifested in his favor throughout every portion of our Union, and affectionate invitations have been given him to extend his visits to them. To these he has yielded all the accommodation in his power. At every designated point of rendezvous the whole population of the neighboring country has been assembled to greet him, among whom it has excited, in a peculiar manner, the sensibility of all, to behold the surviving members of our revolutionary contest, civil and military, who had shared with him in the toils and dangers of the war, many of them in a decrepid state. A more interesting spectacle, it is believed, was never witnessed, because none could be founded on purer

principles,—none proceed from higher or more disinterested motives. That the feelings of those who had fought and bled with him in a common cause should have been much excited, was natural. There are, however, circumstances attending these interviews which pervaded the whole community, and touched the breasts of every age, even the youngest among us. There was not an individual present who had not some relative who had not partaken in those scenes, nor an infant who had not heard the relation of them. But the circumstance which was most sensibly felt, and which his presence brought forcibly to the recollection of all, was the great cause in which we were engaged, and the blessings which we have derived from our success in it. The struggle was for independence, and liberty public and personal, and in this we succeeded. The meeting with one who had borne so distinguished a part in that great struggle, and from such lofty and disinterested motives, could not fail to affect profoundly every individual, and of every age. It is natural that we should all take a deep interest in his future welfare as we do. His high claims on our Union are felt, and the sentiment universal, that they should be met in a generous spirit. Under these impressions, I invite your attention to the subject, with a view that, regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments, and be worthy the character, of the American people.

In turning our attention to the condition of the civilized world, in which the United States has always taken a deep interest, it is gratifying to see how large a portion of it is blessed with peace. The only wars which now exist within that limit are those between Turkey and Greece, in Europe, and between Spain and the new governments, our neighbors, in this hemisphere. In both these wars, the cause of independence, of liberty, and humanity, continues to prevail. The success of Greece, when the relative population of the contending parties is considered, commands our admiration and applause, and that it has had a similar effect with the neighboring powers is obvious. The feeling of the whole civilized world is excited in a high degree in their favor. May we not hope that these sentiments, winning on the hearts of their respective governments, may lead to a more decisive result; that they may produce an accord among them, to replace Greece on the ground which she formerly held, and to which her heroic exertions, at this day, so eminently entitle her?

With respect to the contest to which our neighbors are a party, it is evident that Spain, as a power, is scarcely felt in it. These new states had completely achieved their independence before it was acknowledged by the United States, and they have since maintained it with little foreign pressure. The disturbances which have appeared in certain portions of that vast territory have proceeded from internal causes, which had their origin in their former governments and have not yet been thoroughly removed. It is manifest that these causes are daily losing their effect, and that these new states are settling down under governments, elective and representative in every branch, similar to our own. In this course we ardently wish them to persevere, under a firm conviction that it will promote their happiness. In this, their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which, in their judgment, may suit them best. Our example is before them, of the good effect of which, being our neighbors, they are competent judges, and to their judgment we leave it, in the expectation that other powers will

pursue the same policy. The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own governments, has been declared, and is known to the world. Separated as we are from Europe, by the great Atlantic ocean, we can have no concern in the wars of the European governments, nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, cannot affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.

The augmentation of our population, with the expansion of our Union, and increased number of states, have produced effects in certain branches of our system which merit the attention of Congress. Some of our arrangements, and particularly of the judiciary establishment, were made with a view to the original thirteen states only. Since then, the United States have acquired a vast extent of territory; eleven new states have been admitted into the Union, and territories have been laid off for three others, which will likewise be admitted at no distant day. An organization of the supreme court, which assigns to the judges any portion of the duties which belong to the inferior, requiring their passage over so vast a space, under any distribution of the states that may now be made, if not impracticable in the execution, must render it impossible for them to discharge the duties of either branch with advantage to the Union. The duties of the supreme court would be of great importance, if its decisions were confined to the ordinary limits of other tribunals, but when it is considered that this court decides, and in the last resort, on all the great questions which arise under our constitution, involving those between the United States individually, between the states and the United States, and between the latter and foreign powers, too high an estimate of their importance cannot be formed. The great interests of the nation seem to require that the judges of the supreme court should be exempt from every other duty than those which are incident to that high trust. The organization of the inferior courts would of course be adapted to circumstances. It is presumed that such an one might be formed as would secure an able and faithful discharge of their duties, and without any material augmentation of expense.

The condition of the aborigines within our limits, and especially those who are within the limits of any of the states, merits, likewise, particular attention. Experience has shown, that unless the tribes be civilized they can never be incorporated into our system in any form whatever. It has likewise shown, that in the regular augmentation of our population, with the extension of our settlements, their situation will become deplorable if their extinction is not menaced. Some well-digested plan, which will rescue them from such calamities, is due to their rights, to the rights of humanity, and to the honor of the nation. Their civilization is indispensable to their

safety, and this can be accomplished only by degrees. The process must commence with the infant state, through whom some effect may be wrought on the parental. Difficulties of the most serious character present themselves to the attainment of this very desirable result, on the territory on which they now reside. To remove them from it by force, even with a view to their own security and happiness, would be revolting to humanity, and utterly unjustifiable. Between the limits of our present states and territories and the Rocky Mountain and Mexico, there is a vast territory to which they might be invited, with inducements which might be successful. It is thought that if that territory should be divided into districts, by previous agreement with the tribes now residing there, and civil governments be established in each, with schools for every branch of instruction in literature and in the arts of civilized life, that all the tribes now within our limits might gradually be drawn there. The execution of this plan would necessarily be attended with expense, and that not inconsiderable; but it is doubted whether any other can be devised which would be less liable to that objection, or more likely to succeed.

In looking to the interests which the United States have on the Pacific ocean, and on the western coast of this continent, the propriety of establishing a military post at the mouth of Columbia river, or at some other point in that quarter, within our acknowledged limits, is submitted to the consideration of Congress. Our commerce and fisheries on that sea, and along the coast, have much increased, and are increasing. It is thought that a military post, to which our ships of war might resort, would afford protection to every interest, and have a tendency to conciliate the tribes to the northwest, with whom our trade is extensive. It is thought, also, that by the establishment of such a post, the intercourse between our western states and territories and the Pacific, and our trade with the tribes residing in the interior, on each side of the Rocky Mountain, would be essentially promoted. To carry this object into effect, the appropriation of an adequate sum to authorize the employment of a frigate, with an officer of the corps of engineers, to explore the mouth of the Columbia river, and the coast contiguous thereto, to enable the executive to make such establishment at the most suitable point, is recommended to Congress.

It is thought that attention is also due to the improvement of this city. The communication between the public buildings, and in various other parts, and the grounds around those buildings, require it. It is presumed, also, that the completion of the canal from the Tiber to the eastern branch would have a very salutary effect. Great exertions have been made, and expenses incurred, by the citizens, in improvements of various kinds; but those which are suggested belong exclusively to the government, or are of a nature to require expenditures beyond their resources. The public lots which are still for sale, would, it is not doubted, be more than adequate to these purposes.

From the view above presented, it is manifest that the situation of the United States is in the highest degree prosperous and happy. There is no object which, as a people, we can desire, which we do not possess or which is not within our reach. Blessed with governments the happiest which the world ever knew, with no distinct orders in society or divided interests in any portion of the vast territory over which their dominion extends, we have every motive to cling together which can animate a virtuous and enlightened people. The great object is to preserve those blessings, and to

hand them down to our latest posterity. Our experience ought to satisfy us, that our progress, under the most correct and provident policy, will not be exempt from danger. Our institutions form an important epoch in the history of the civilized world. On their preservation, and in their utmost purity, every thing will depend. Extending as our interests do to every part of the inhabited globe, and to every sea to which our citizens are carried by their industry and enterprise, to which they are invited by the wants of others, and have a right to go, we must either protect them in the enjoyment of their rights or abandon them, in certain events, to waste and desolation. Our attitude is highly interesting as relates to other powers, and particularly to our southern neighbors. We have duties to perform, with respect to all, to which we must be faithful. To every kind of danger we should pay the most vigilant and unceasing attention; remove the cause where it may be practicable, and be prepared to meet it when inevitable.

Against foreign danger, the policy of the government seems to be already settled. The events of the late war admonished us to make our maritime frontier impregnable by a well-digested chain of fortifications, and to give efficient protection to our commerce by augmenting our navy to a certain extent, which has been steadily pursued, and which it is incumbent upon us to complete as soon as circumstances will permit. In the event of war, it is on the maritime frontier that we shall be assailed. It is in that quarter, therefore, that we should be prepared to meet the attack. It is there that our whole force will be called into action to prevent the destruction of our towns, and the desolation and pillage of the interior. To give full effect to this policy, great improvements will be indispensable. Access to those works, by every practicable communication, should be made easy, and in every direction. The intercourse, also, between every part of our Union, should be promoted and facilitated by the exercise of those powers which may comport with a faithful regard to the great principles of our constitution. With respect to internal causes, these great principles point out with equal certainty the policy to be pursued. Resting on the people, as our governments do, state and national, with well-defined powers, it is of the highest importance that they severally keep within the limits prescribed to them. Fulfilling that sacred duty, it is of equal importance that the movement between them be harmonious, and in case of any disagreement, should any such occur, a calm appeal be made to the people; and their voice be heard and promptly obeyed. But governments being instituted for the common good, we cannot fail to prosper while those who made them are attentive to the conduct of their representatives and control their measures. In the pursuit of those great objects, let a generous spirit and national views and feelings be indulged; and let every part recollect that, by cherishing that spirit and improving the condition of the others in what relates to their welfare, the general interest will not only be promoted, but the local advantages be reciprocated.

I cannot conclude this communication, the last of the kind which I shall have to make, without recollecting, with great sensibility and heartfelt gratitude, the many instances of the public confidence and the generous support which I have received from my fellow citizens in the various trusts with which I have been honored. Having commenced my service in early youth, and continued it since with few and short intervals, I have witnessed the great difficulties to which our Union has been exposed, and admired the virtue and courage with which they were surmounted. From the present

prosperous and happy state I derive a gratification which I cannot express. That these blessings may be preserved and perpetuated, will be the object of my fervent and unceasing prayers to the Supreme Ruler of the universe.

SPECIAL MESSAGE.

MARCH 8, 1822.

To the Senate and House of Representatives of the United States :

In transmitting to the House of Representatives the documents called for by the resolution of that house of the 30th of January, I consider it my duty to invite the attention of Congress to a very important subject, and to communicate the sentiments of the executive on it, that, should Congress entertain similar sentiments, there may be such co-operation between the two departments of the government as their respective rights and duties may require.

The revolutionary movement in the Spanish provinces in this hemisphere, attracted the attention and excited the sympathy of our fellow citizens from its commencement. This feeling was natural and honorable to them, from causes which need not be communicated to you. It has been gratifying to all to see the general acquiescence which has been manifested in the policy which the constituted authorities have deemed it proper to pursue in regard to this contest. As soon as the movement assumed such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, were extended to them. Each party was permitted to enter our ports with its public and private ships, and to take from them every article which was the subject of commerce with other nations. Our citizens, also, have carried on commerce with both parties, and the government has protected it, with each, in articles not contraband of war. Through the whole of this contest the United States have remained neutral, and have fulfilled with the utmost impartiality all the obligations incident to that character.

This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it, in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810, free from invasion by the parent country. The provinces composing the Republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819. A strong Spanish force occupied at that time certain parts of the territory within their limits, and waged a destructive war. That force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed, or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded by two fortresses. The provinces on the Pacific have likewise been very successful. Chili declared independence in 1818, and has since enjoyed it undisturbed; and of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement in Mexico our information is less authentic, but it is, nevertheless, distinctly understood, that the new government has declared its independence, and that

there is now no opposition to it there, nor a force to make any. For the last three years the government of Spain has not sent a single corps of troops to any part of that country; nor is there any reason to believe it will send any in future. Thus, it is manifest that all those provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it.

When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers which ought not to be resisted. Civil wars too often excite feelings which the parties cannot control. The opinion entertained by other powers as to the result, may assuage those feelings, and promote an accommodation between them, useful and honorable to both. The delay which has been observed in making a decision on this important subject, will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other powers, of the high respect entertained by the United States for her rights, and of their determination not to interfere with them. The provinces belonging to this hemisphere are our neighbors, and have, successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest, this government has invariably disclaimed all pretension, being resolved to take no part in the controversy, or other measure in regard to it, which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt and frankly acknowledged, but they, in themselves, could never become an adequate cause of action. It was incumbent on this government to look to every important fact and circumstance on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognised.

Of the views of the Spanish government on this subject, no particular information has been recently received. It may be presumed that the successful progress of the revolution, through such a long series of years, gaining strength and extending annually in every direction, and embracing by the late important events, with little exception, all the dominions of Spain, south of the United States, on this continent, placing thereby the complete sovereignty over the whole in the hands of the people, will reconcile the parent country to an accommodation with them on the basis of their unqualified independence. Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition, of which several were sometime past duly apprized; but it was understood that they were not prepared for it. The immense space between those powers, even those which border on the Atlantic, and these provinces, make the movement an affair of less interest and excitement to them, than to us. It is probable, therefore, that they have been less attentive to its progress than we have been. It may be presumed, however, that the late events will dispel all doubt of the result.

In proposing this measure, it is not contemplated to change thereby, in

the slightest manner, our friendly relations with either of the parties, but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition, an assurance will be given to the government of Spain, to whom it is presumed it will be, as it ought to be satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations; that it is just and right as to the parties; and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

SPECIAL MESSAGE.

MARCH 26, 1808.

To the Senate and House of Representatives of the United States :

CONGRESS having suspended the appropriation, at the last session, for the fortification at Dauphin Island, in consequence of a doubt which was entertained of the propriety of that position, the farther prosecution of the work was suspended, and an order given, as intimated in the message of the 3d of December, to the board of engineers and naval commissioners, to re-examine that part of the coast, and particularly that position, as also the position at Mobile point, with which it is connected, and to report their opinion thereon, which has been done, and which report is herewith communicated.

By this report it appears to be still the opinion of the board, that the construction of works at both these positions is of great importance to the defence of New Orleans, and of all that portion of our Union which is connected with, and dependent on, the Mississippi, and on the other waters which empty into the gulf of Mexico, between that river and cape Florida. That the subject may be fully before Congress, I transmit, also, a copy of the former report of the board, being that on which the work was undertaken, and has been in part executed. Approving as I do the opinion of the board, I consider it my duty to state the reasons on which I adopted the first report, especially as they were in part suggested by the occurrences of the late war.

The policy which induced Congress to decide on and provide for the defence of the coast, immediately after the war, was founded on the marked events of that interesting epoch. The vast body of men which it was found necessary to call into the field, through the whole extent of our maritime frontier, and the number who perished by exposure, with the immense expenditure of money and waste of property which followed, were to be traced in an eminent degree to the defenceless condition of the coast. It was to mitigate these evils in future wars, and even for the higher purpose of preventing war itself, that the decision was formed to make the coast, so far as it might be practicable, impregnable, and that the measures necessary to that great object have been pursued with so much zeal since.

It is known that no part of our Union is more exposed to invasion by the numerous avenues leading to it, or more defenceless by the thinness of the neighboring population, or offers a greater temptation to invasion, either as a permanent acquisition or as a prize to the cupidity of grasping invaders, from the immense amount of produce deposited there, than the

city of New Orleans. It is known, also, that the seizure of no part of our Union could affect so deeply and vitally the immediate interests of so many states, and of so many of our fellow citizens, comprising all that extensive territory and numerous population which are connected with, and dependent on, the Mississippi, as the seizure of that city. Strong works, well posted, were therefore deemed absolutely necessary for its protection.

It is not, however, by the Mississippi only, or the waters which communicate directly with, or approach nearest to, New Orleans, that the town is assailable. It will be recollected that, in the late war, the public solicitude was excited, not so much by the danger which menaced it in those directions, as by the apprehension that, while a feint might be made there, the main force, landing either in the bay of Mobile, or other waters between that bay and the Rigolets, would be thrown above the town, in the rear of the army which had been collected there for its defence. Full confidence was entertained that that gallant army, led by the gallant and able chief who commanded it, would repel any attack to which it might be exposed in front. But had such a force been thrown above the town, and a position taken on the banks of the river, the disadvantage to which our troops would have been subjected, attacked in front and rear as they might have been, may easily be conceived. As their supplies would have been cut off, they could not long have remained in the city, and withdrawing from it, it must have fallen immediately into the hands of the force below. In ascending the river, to attack the force above, the attack must have been made to great disadvantage, since it must have been on such ground, and at such a time, as the enemy preferred. These considerations show that defences, other than such as are immediately connected with the city, are of great importance to its safety.

An attempt to seize New Orleans and the lower part of the Mississippi will be made only by a great power, or a combination of several powers, with a strong naval and land force, the latter of which must be brought in transports which may sail in shallow water. If the defences around New Orleans are well posted, and of sufficient strength to repel any attack which may be made on them, the city can be assailed only by a land force, which must pass in the direction above suggested, between the Rigolets and the bay of Mobile. It becomes, therefore, an object of high importance to present such an obstacle to such an attempt as would defeat it should it be made. Fortifications are useful for the defence of posts, to prevent the approach to cities, and the passage of rivers; but as works, their effect cannot be felt beyond the reach of their cannon. They are formidable in other respects, by the body of men with them, which may be removed and applied to other purposes.

Between the Rigolets and the bay of Mobile, there is a chain of islands, at the extremity of which is Dauphin island, which forms, with Mobile point, from which it is distant about three and a quarter miles, the entrance into the bay of Mobile, which leads through that part of the state of Alabama to the towns of Mobile and Blakeley. The distance between Dauphin island and the Rigolets is ninety miles. The principal islands between them are Massacre, Horn, Ship, and Cat islands, near to which there is an anchorage for large ships of war. The first object is to prevent the landing of any force, for the purposes above stated, between the Rigolets and the bay of Mobile; the second, to defeat that force in case it should be landed. When the distance from one point to the other is con-

sidered, it is believed that it would be impossible to establish works so near to each other as to prevent the landing of such a force. Its defeat, therefore, should be effectually provided for. If the arrangement should be such as to make that result evident, it might be fairly concluded that the attempt would not be made, and thus we should accomplish in the best mode possible, and with the least expense, the complete security of this important part of our Union, the great object of our system of defence for the whole.

There are some other views of this subject which it is thought will merit particular attention in deciding the point in question. Not being able to establish a chain of posts, at least for the present, along the whole coast, from the Rigolets to Dauphin island, or on all the islands between them, at which point shall we begin? Should an attack on the city be anticipated, it cannot be doubted that an adequate force would immediately be ordered there for its defence. If the enemy should despair of making an impression on the works near the town, it may be presumed that they would promptly decide to make the attempt in the manner, and in the line above suggested, between the Rigolets and the bay of Mobile. It will be obvious that the nearer the fortification is erected to the Rigolets, with a view to this object, should it be on Cat or Ship island, for example, the wider would the passage be left open between that work and the bay of Mobile, for such an enterprise. The main army being drawn to New Orleans, would be ready to meet such an attempt near the Rigolets, or any other point not distant from the city. It is probable, therefore, that the enemy, profiting of a fair wind, would make his attempt at the greatest distance compatible with his object from that point, and at the bay of Mobile, should there not be works there of sufficient strength to prevent it. Should, however, strong works be erected there, such as were sufficient not only for their own defence against any attack which might be made on them, but to hold a force connected with that which might be drawn from the neighbouring country, capable of co-operating with the force at the city, and which would doubtless be ordered to those works in the event of war, it would be dangerous for the invading force to land any where between the Rigolets and the bay of Mobile, and to pass toward the Mississippi above the city, lest such a body might be thrown in its rear as to cut off its retreat. These considerations show the great advantage of establishing, at the mouth of the bay of Mobile, very strong works, such as would be adequate to all the purposes suggested.

If fortifications were necessary only to protect our country and cities against the entry of large ships of war into our bays and rivers, they would be of little use for the defence of New Orleans, since that city cannot be approached so near, either by the Mississippi or in any other direction, by such vessels, for them to make an attack on it. In the gulf, within our limits west of Florida, which has been acquired since these works were decided on and commenced, there is no bay or river into which large ships of war can enter. As a defence, therefore, against an attack from such vessels, extensive works would be altogether unnecessary, either at Mobile point or Dauphin island, since sloops of war only can navigate the deepest channel. But it is not for that purpose alone that these works are intended. It is to provide, also, against a formidable invasion, both by land and sea, the object of which may be to shake the foundation of our system. Should such small works be erected, and such an invasion take place, they would

be sure to fall at once into the hands of the invaders, and to be turned against us.

Whether the acquisition of Florida may be considered as affording an inducement to make any change in the position or strength of these works, is a circumstance which also merits attention. From the view which I have taken of the subject, I am of opinion that it should not. The defence of New Orleans and of the river Mississippi, against a powerful invasion, being one of the great objects of such extensive works, that object would be essentially abandoned if they should be established eastward of the bay of Mobile, since the force to be collected in them would be placed at too great a distance to allow the co-operation necessary for those purposes, between it and that at the city. In addition to which, it may be observed, that by carrying them to Pensacola, or farther to the east, that bay would fall immediately, in case of such invasion, into the hands of the enemy, whereby such co-operation would be rendered utterly impossible, and the state of Alabama would also be left wholly unprotected.

With a view to such formidable invasion, of which we should never lose sight, and of the great objects to which it would be directed, I think that very strong works at some point within the gulf of Mexico will be found indispensable. I think, also, that those works ought to be established at the bay of Mobile, one at Mobile point, and the other on Dauphin island, whereby the enemy would be excluded, and the complete command of that bay, with all the advantages attending it, be secured to ourselves. In the case of such invasion, it will, it is presumed, be deemed necessary to collect, at some point other than at New Orleans, a strong force, capable of moving in any direction, and affording aid to any part which may be attacked; and, in my judgment, no position presents so many advantages as a point of rendezvous for such force, as the mouth of that bay. The fortification at the Rigolets will defend the entrance by one passage into lake Pontchartrain, and also into Pearl river, which empties into the gulf at that point. Between the Rigolets and Mobile bay, there are but two inlets which deserve the name, those at St. Louis and Pascagola, the entrance into which is too shallow even for the smallest vessels; and from the Rigolets to Mobile bay, the whole coast is equally shallow, affording the depth of a few feet of water only. Cat island, which is nearest the Rigolets, is about seven and a half miles distant from the coast, and thirty from the Rigolets. Ship island is distant about ten miles from Cat island, and twelve from the coast. Between these islands and the coast, the water is very shallow.

As to the precise depth of water, in approaching those islands from the gulf, the report of the topographical engineers not having yet been received, it is impossible to speak with precision; but admitting it to be such as for frigates, and even ships of the line to enter, the anchorage at both is unsafe, being much exposed to northwest winds. Along the coast, therefore, there is no motive for such strong works on our part; no town to guard; no inlet into the country to defend; and, if placed on the islands, (and the entrance to them is such as to admit large ships of war,) distant as they are from the coast, it would be more easy for the enemy to assail them with effect.

The position, however, at Mobile bay is essentially different. That bay takes its name from Mobile river, which is formed by the junction of the

Alabama and Tombigbee, which extend, each, about three hundred miles into the interior, approaching, at their head waters, near the Tennessee river. If the enemy possessed its mouth, and fortified Mobile point and Dauphin island, being superior at sea, it would be very difficult for us to dispossess him of either, even of Mobile point; and holding that position, Pensacola would soon fall, as, without incurring great expense in the construction of works there, it would present but a feeble resistance to a strong force in its rear. If we had a work at Mobile point only, the enemy might take Dauphin island, which would afford him great aid in attacking the point, and enable him, even should we succeed in repelling the attack, to render us great mischief there, and throughout the whole gulf. In every view which can be taken of the subject, it appears indispensable for us to command the entrance into Mobile bay; and that decision being taken, I think the considerations which favor the occupation of Dauphin island, by a strong work, are conclusive. It is proper to observe, that after the repulse before New Orleans, in the late war, the British forces took possession of Dauphin island and held it till the peace. Under neither of the reports of the board of engineers and naval commissioners could any but sloops of war enter the bay, or the anchorage between Dauphin and Pelican islands. Both reports give to that anchorage eighteen feet at low water, and twenty and a half at high. The only difference between them consists in this: that in the first, a bar leading to the anchorage, reducing the depth of water to twelve feet at low tide, was omitted. In neither case could frigates enter, though sloops of war of larger size might. The whole scope, however, of this reasoning turns on a different principle—on the works necessary to defend that bay, and by means thereof, New Orleans, the Mississippi, and all the surrounding country, against a powerful invasion both by land and sea, and not on the precise depth of water in any of the approaches to the bay or to the island.

The reasoning which is applicable to the works near New Orleans, and at the bay of Mobile, is equally so, in certain respects, to those which are to be erected for the defence of all the bays and rivers along the other parts of the coast. All those works are also erected on a greater scale than would be necessary for the sole purpose of preventing the passage of our inlets by large ships of war. They are, in most instances, formed for defence against a more powerful invasion, both by land and sea. There are, however, some differences between the works which are deemed necessary in the gulf, and those in other parts of our Union, founded on the peculiar situation of that part of the coast. The vast extent of the Mississippi, the great outlet and channel of commerce for so many states, all of which may be affected by the seizure of that city, or of any part of the river to a great extent above it, is one of those striking peculiarities which require particular provision. The thinness of the population near the city, making it necessary that the force requisite for its defence should be called from distant parts and states, is another. The danger which the army assembled at New Orleans would be exposed to of being cut off, in case the enemy should throw a force on the river above it, from the difficulty of ascending the river to attack it, and of making a retreat in any other direction, is a third. For an attack on the city of New Orleans, Mobile bay, or any part of the intermediate coast, ships of war would be necessary only as a convoy to protect the transports against a naval force on their passage, and on their approach to the shore for the landing of the men, and on their return home, in case they should be repulsed.

On the important subject of our defences generally, I think proper to observe, that the system was adopted immediately after the late war, by Congress, on great consideration and a thorough knowledge of the effects of that war; by the enormous expense attending it; by the waste of life, of property, and by the general distress of the country. The amount of debt incurred in that war, and due at its conclusion, without taking into the estimate other losses, having been heretofore communicated, need not now be repeated. The interest of the debt thus incurred is four times more than the sum necessary, by annual appropriations, for the completion of our whole system of defence, land and naval, to the extent provided for, and within the time specified. When that system shall be completed, the expense of construction will cease, and our expenditures be proportionally diminished. Should another war occur before it is completed, the experience of the last marks, in characters too strong to be mistaken, its inevitable consequences; and should such war occur, and find us unprepared for it, what will be our justification to the enlightened body whom we represent, for not having completed these defences? That this system should not have been adopted before the late war, cannot be a cause of surprise to any one, because all might wish to avoid every expense, the necessity of which might be in any degree doubtful. But with the experience of that war before us, it is thought there is no cause of hesitation. Will the completion of these works, and the augmentation of our navy to the point contemplated by law, require the imposition of onerous burdens on our fellow citizens, such as they cannot or will not bear? Have such, or any burdens been imposed, to advance the system to its present state? It is known that no burdens whatever have been imposed; on the contrary, that all the direct or internal taxes have been long repealed, and none paid but those which are indirect and voluntary, such as, are imposed on articles imported from foreign countries, most of which are luxuries, and on the vessels employed in the transportation,—taxes which some of our most enlightened citizens think ought to be imposed on many of the articles, for the encouragement of our manufactures, even if the revenue derived from them could be dispensed with. It is known also, that in all other respects our condition as a nation is in the highest degree prosperous and flourishing; nearly half the debt incurred in the late war having already been discharged, and considerable progress having also been made in the completion of this system of defence, and in the construction of other works of great extent and utility, by the revenue derived from these sources and from the sale of the public lands. I may add, also, that a very generous provision has been made from the same sources, for the surviving officers and soldiers of our revolutionary army. These important facts show that this system has been so far executed, and may be completed without any real inconvenience to the public. Were it, however, otherwise, I have full confidence that any burdens which might be found necessary for the completion of this system, in both its branches, within the term contemplated, or much sooner, should any emergency require it, would be called for rather than complained of by our fellow citizens.

From these views, applicable to the very important subject of our defences generally, as well as to the work at Dauphin island, I think it my duty to recommend to Congress an appropriation for the latter. I consider the withholding it, at the last session, as the expression only of a doubt by Congress of the propriety of the position, and not as a definitive opinion.

Supposing that that question would be decided at the present session, I caused the position, and such parts of the coast as are particularly connected with it, to be re-examined, that all the light on which the decision, as to the appropriation, could depend, might be fully before you. In the first survey, the report of which was that on which the works intended for the defence of New Orleans, the Mississippi, the Bay of Mobile, and all the country dependent on those waters, were sanctioned by the executive, the commissioners were industriously engaged about six months. I should have communicated that very able and interesting document then, but from a doubt how far the interest of our country would justify its publication, a circumstance which I now mention, that the attention of Congress may be drawn to it.

SPECIAL MESSAGE.

MAY 4, 1822.

To the House of Representatives :

HAVING duly considered the bill entitled, "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving as I do the policy, that I am compelled to object to its passage, and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power, under the constitution, to pass such a law.

A power to establish turnpikes, with gates and tolls, and to enforce the collection of the tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor, on a valuation, and to pass laws for the protection of the road from injuries; and if it exist as to one road, it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money, under the power vested in Congress to make appropriations; under which power, with the consent of the states through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power,—that the states, individually, cannot grant it; for although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the constitution, and in the mode prescribed by it.

If the power exist, it must be either because it has been specifically granted to the United States, or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power, we do not find it among them; nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

1st. From the right to establish post-offices and post-roads. 2d. From the right to declare war. 3d. to regulate commerce. 4th. To pay the debts and provide for the common defence and general welfare. 5th. From the power to make all laws necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof. 6th, and lastly, from the power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment, it cannot be derived from either of those powers, nor from all of them united, and in consequence it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded, if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having, at the commencement of my service in this high trust, considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest for the consideration of Congress the propriety of recommending to the states an amendment to the constitution, to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed, is not such as I should have given it, had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance, and which, in many of its bearings, has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

J. Q. ADAMS'S
ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 4, 1825.

IN compliance with an usage coeval with the existence of our federal constitution, and sanctioned by the example of my predecessors in the career upon which I am about to enter, I appear, my fellow citizens, in your presence, and in that of heaven, to bind myself, by the solemnities of a religious obligation, to the faithful performance of the duties allotted to me in the station to which I have been called.

In unfolding to my countrymen the principles by which I shall be governed in the fulfilment of those duties, my first resort will be to that constitution which I shall swear, to the best of my ability, to preserve, protect, and defend. That revered instrument enumerates the powers and prescribes the duties of the executive magistrate; and, in its first words, declares the purposes to which these, and the whole action of the government instituted by it, should be invariably and sacredly devoted—to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people of this Union, in their successive generations. Since the adoption of this social compact, one of these generations has passed away. It is the work of our forefathers. Administered by some of the most eminent men who contributed to its formation, through a most eventful period in the annals of the world, and through all the vicissitudes of peace and war, incidental to the condition of associated man, it has not disappointed the hopes and aspirations of those illustrious benefactors of their age and nation. It has promoted the lasting welfare of that country, so dear to us all; it has, to an extent far beyond the ordinary lot of humanity, secured the freedom and happiness of this people. We now receive it as a precious inheritance from those to whom we are indebted for its establishment, doubly bound by the examples which they have left us, and by the blessings which we have enjoyed, as the fruits of their labors, to transmit the same, unimpaired, to the succeeding generation.

In the compass of thirty-six years, since this great national covenant was instituted, a body of laws enacted under its authority, and in conformity with its provisions, has unfolded its powers and carried into practical operation its effective energies. Subordinate departments have distributed the executive functions in their various relations to foreign affairs, to the revenue and expenditures, and to the military force of the Union, by land and sea. A co-ordinate department of the judiciary has expounded the constitution and the laws; settling, in harmonious coincidence with the legislative will, numerous weighty questions of construction which the imperfection of human language had rendered unavoidable. The year of jubilee since the first formation of our Union has just elapsed; that of the declaration of our

independence is at hand. The consummation of both was effected by this constitution. Since that period, a population of four millions has multiplied to twelve. A territory, bounded by the Mississippi, has been extended from sea to sea. New states have been admitted to the Union, in numbers nearly equal to those of the first confederation. Treaties of peace, amity and commerce, have been concluded with the principal dominions of the earth. The people of other nations, inhabitants of regions acquired, not by conquest but by compact, have been united with us in the participation of our rights and duties, of our burdens and blessings. The forest has fallen by the axe of our woodsmen—the soil has been made to teem by the tillage of our farmers; our commerce has whitened every ocean. The dominion of man over physical nature has been extended by the invention of our artists. Liberty and law have marched hand in hand. All the purposes of human association have been accomplished as effectively as under any other government on the globe; and at a cost little exceeding, in a whole generation, the expenditures of other nations in a single year.

Such is the unexaggerated picture of our condition under a constitution founded upon the republican principle of equal rights. To admit that this picture has its shades, is but to say that it is still the condition of men upon earth. From evil, physical, moral, and political, it is not our claim to be exempt. We have suffered sometimes by the visitation of heaven, through disease; often by the wrongs and injustices of other nations, even to the extremities of war; and lastly, by dissensions among ourselves—dissensions, perhaps, inseparable from the enjoyment of freedom, but which have more than once appeared to threaten the dissolution of the Union, and, with it, the overthrow of all the enjoyments of our present lot, and all our earthly hopes of the future. The causes of these dissensions have been various, founded upon differences of speculation in the theory of republican government; upon conflicting views of policy, in our relations with foreign nations; upon jealousies of partial and sectional interests, aggravated by prejudices and prepossessions, which strangers to each other are ever apt to entertain.

It is a source of gratification and of encouragement to me to observe, that the great result of this experiment upon the theory of human rights has, at the close of that generation by which it was formed, been crowned with success equal to the most sanguine expectations of its founders. Union, justice, tranquillity, the common defence, the general welfare, and the blessings of liberty,—all have been promoted by the government under which we have lived. Standing at this point of time, looking back to that generation which has gone by, and forward to that which is advancing, we may at once indulge in grateful exultation and in cheering hope. From the experience of the past, we derive instructive lessons for the future. Of the two great political parties which have divided the opinions and feelings of our country, the candid and the just will now admit, that both have contributed splendid talents, spotless integrity, ardent patriotism, and disinterested sacrifices, to the formation and administration of this government; and that both have required a liberal indulgence for a portion of human infirmity and error. The revolutionary wars of Europe, commencing precisely at the moment when the government of the United States first went into operation under this constitution, excited a collision of sentiments and of sympathies which kindled all the passions, and embittered the conflict of parties, till the nation was involved in war, and the Union was shaken to its centre.

This time of trial embraced a period of five and twenty years, during which the policy of the Union, in its relations with Europe, constituted the principal basis of our political divisions, and the most arduous part of the action of our federal government. With the catastrophe in which the wars of the French revolution terminated, and our own subsequent peace with Great Britain, this baneful weed of party strife was uprooted. From that time, no difference of principle, connected either with the theory of government or with our intercourse with foreign nations, has existed or been called forth in force sufficient to sustain a continued combination of parties, or give more than wholesome animation to public sentiment or legislative debate. Our political creed is, without a dissenting voice that can be heard, that the will of the people is the source, and the happiness of the people the end, of all legitimate government upon earth. That the best security for the beneficence, and the best guaranty against the abuse of power, consists in the freedom, the purity, and the frequency of popular elections. That the general government of the Union, and the separate governments of the states, are all sovereignties of legitimated powers; fellow servants of the same masters, uncontrolled within their respective spheres, uncontrollable by encroachments upon each other. That the firmest security of peace, is the preparation during peace of the defences of war. That a rigorous economy, and accountability of public expenditures, should guard against the aggravation, and alleviate, when possible, the burden of taxation. That the military should be kept in strict subordination to the civil power. That the freedom of the press and of religious opinion should be inviolate. That the policy of our country is peace, and the ark of our salvation, union, are articles of faith upon which we are all agreed. If there have been those who doubted whether a confederated representative democracy were a government competent to the wise and orderly management of the common concerns of a mighty nation, those doubts have been dispelled. If there have been projects of partial confederacies to be erected upon the ruins of the Union, they have been scattered to the winds. If there have been dangerous attachments to one foreign nation, and antipathies against another, they have been extinguished. Ten years of peace, at home and abroad, have assuaged the animosities of political contention, and blended into harmony the most discordant elements of public opinion. There still remains one effort of magnanimity, one sacrifice of prejudice and passion, to be made by the individuals throughout the nation, who have heretofore followed the standards of political party. It is that of discarding every remnant of rancor against each other; of embracing as countrymen and friends; and of yielding to talents and virtue alone that confidence which, in times of contention for principle, was bestowed only upon those who bore the badge of party communion.

The collisions of party spirit, which originate in speculative opinions or in different views of administrative policy, are in their nature transitory. Those which are founded on geographical divisions, adverse interests of soil, climate, and modes of domestic life, are more permanent, and therefore perhaps more dangerous. It is this which gives inestimable value to the character of our government, at once federal and national. It holds out to us a perpetual admonition to preserve alike, and with equal anxiety, the rights of each individual state in its own government, and the rights of the whole nation in that of the Union. Whatever is of domestic concernment, unconnected with the other members of the Union, or with foreign lands, belongs

exclusively to the administration of the state governments. Whatsoever directly involves the rights and interests of the federative fraternity, or of foreign powers, is of the resort of this general government. The duties of both are obvious in the general principle, though sometimes perplexed with difficulties in the detail. To respect the rights of the state governments is the inviolable duty of that of the Union; the government of every state will feel its own obligation to respect and preserve the rights of the whole. The prejudices everywhere too commonly entertained against distant strangers are worn away, and the jealousies of jarring interests are allayed by the composition and functions of the great national councils annually assembled from all quarters of the Union at this place. Here the distinguished men from every section of our country, while meeting to deliberate upon the great interests of those by whom they are deputed, learn to estimate the talents, and do justice to the virtues of each other. The harmony of the nation is promoted, and the whole Union is knit together by the sentiments of mutual respect, the habits of social intercourse, and the ties of personal friendship, formed between the representatives of its several parts in the performance of their service at this metropolis.

Passing from this general review of the purposes and injunctions of the federal constitution, and their results, as indicating the first traces of the path of duty in the discharge of my public trust, I turn to the administration of my immediate predecessor, as the second. It has passed away in a period of profound peace; how much to the satisfaction of our country, and to the honor of our country's name, is known to you all. The great features of its policy, in general concurrence with the will of the legislature have been: To cherish peace while preparing for defensive war; to yield exact justice to other nations, and maintain the rights of our own; to cherish the principles of freedom and of equal rights, wherever they were proclaimed; to discharge with all possible promptitude the national debt; to reduce within the narrowest limits of efficiency the military force; to improve the organization and discipline of the army; to provide and sustain a school of military science; to extend equal protection to all the great interests of the nation; to promote the civilization of the Indian tribes; and to proceed in the great system of internal improvements within the limits of the constitutional power of the Union. Under the pledge of these promises, made by that eminent citizen at the time of his first induction to this office, in his career of eight years, the internal taxes have been repealed; sixty millions of the public debt have been discharged; provision has been made for the comfort and relief of the aged and indigent among the surviving warriors of the revolution; the regular armed force has been reduced, and its constitution revised and perfected; the accountability for the expenditures of public moneys has been made more effective; the Floridas have been peaceably acquired, and our boundary has been extended to the Pacific ocean; the independence of the southern nations of this hemisphere has been recognised, and recommended by example and by counsel to the potentates of Europe; progress has been made in the defence of the country by fortifications and the increase of the navy,—toward the effectual suppression of the African traffic in slaves,—in alluring the aboriginal hunters of our land to the cultivation of the soil and of the mind,—in exploring the interior regions of the Union, and in preparing, by scientific researches and surveys, for the farther application of our national resources to the internal improvement of our country.

In this brief outline of the promise and performance of my immediate predecessor, the line of duty for his successor is clearly delineated. To pursue to their consummation those purposes of improvement in our common condition, instituted or recommended by him, will embrace the whole sphere of my obligations. To the topic of internal improvement, emphatically urged by him at his inauguration, I recur with peculiar satisfaction. It is that from which I am convinced that the unborn millions of our posterity, who are in future ages to people this continent, will derive their most fervent gratitude to the founders of the Union; that in which the beneficent action of its government will be most deeply felt and acknowledged. The magnificence and splendor of their public works are among the imperishable glories of the ancient republics. The roads and aqueducts of Rome have been the admiration of all after ages, and have survived thousands of years, after all her conquests have been swallowed up in despotism, or become the spoil of barbarians. Some diversity of opinion has prevailed with regard to the powers of Congress for legislation upon objects of this nature. The most respectful deference is due to doubts originating in pure patriotism, and sustained by venerated authority. But nearly twenty years have passed since the construction of the first national road was commenced. The authority for its construction was then unquestioned. To how many thousands of our countrymen has it proved a benefit? To what single individual has it ever proved an injury? Repeated, liberal, and candid discussions in the legislature have conciliated the sentiments, and approximated the opinions of enlightened minds, upon the question of constitutional power. I cannot but hope that, by the same process of friendly, patient, and persevering deliberation, all constitutional objections will ultimately be removed. The extent and limitation of the powers of the general government, in relation to this transcendently important interest, will be settled and acknowledged to the common satisfaction of all; and every speculative scruple will be solved by a practical public blessing.

Fellow citizens, you are acquainted with the peculiar circumstances of the recent elections, which have resulted in affording me the opportunity of addressing you at this time. You have heard the exposition of the principles which will direct me in the fulfilment of the high and solemn trust imposed upon me in this station. Less possessed of your confidence in advance than any of my predecessors, I am deeply conscious of the prospect that I shall stand, more and oftener, in need of your indulgence. Intentions upright and pure, a heart devoted to the welfare of our country, and the unceasing application of the faculties allotted to me to her service, are all the pledges that I can give to the faithful performance of the arduous duties I am to undertake. To the guidance of the legislative councils; to the assistance of the executive and subordinate departments; to the friendly co-operation of the respective state governments; to the candid and liberal support of the people, so far as it may be deserved by honest industry and zeal, I shall look for whatever success may attend my public service; and knowing that, except the Lord keep the city, the watchman waketh but in vain, with fervent supplications for his favor, to his overruling providence I commit, with humble but fearless confidence, my own fate, and the future destinies of my country.

FIRST ANNUAL MESSAGE.

DECEMBER 6, 1825.

To the Senate and House of Representatives of the United States :

IN taking a general survey of the concerns of our beloved country, with reference to subjects interesting to the common welfare, the first sentiment which impresses itself upon the mind, is of gratitude to the Omnipotent Dispenser of all Good, for the continuance of the signal blessings of his providence, and especially for that health which, to an unusual extent, has prevailed within our borders; and for that abundance which, in the vicissitudes of the seasons, has been scattered with profusion over our land. Nor ought we less to ascribe to Him the glory, that we are permitted to enjoy the bounties of His hand in peace and tranquillity,—in peace with all the other nations of the earth, in tranquillity among ourselves. There has, indeed, rarely been a period in the history of civilized man, in which the general condition of the Christian nations has been marked so extensively by peace and prosperity.

Europe, with a few partial and unhappy exceptions, has enjoyed ten years of peace; during which, all her governments, whatever the theory of their constitutions may have been, are successively taught to feel that the end of their institutions is the happiness of the people, and that the exercise of power among men can be justified only by the blessings it confers upon those over whom it is extended.

During the same period, our intercourse with all those nations has been pacific and friendly; it so continues. Since the close of your late session, no material variation has occurred in our relations with any one of them. In the commercial and navigation system of Great Britain, important changes of municipal regulations have recently been sanctioned by acts of parliament, the effect of which upon the interests of other nations, and particularly upon ours, has not yet been fully developed. In the recent renewal of the diplomatic missions, on both sides, between the two governments, assurances have been given and received of the continuance and increase of that mutual confidence and cordiality by which the adjustment of many points of difference had already been effected, and which affords the surest pledge for the ultimate satisfactory adjustment of those which still remain open, or may hereafter arise.

The policy of the United States, in their commercial intercourse with other nations, has always been of the most liberal character. In the mutual exchange of their respective productions, they have abstained altogether from prohibitions; they have interdicted themselves the power of laying taxes upon exports, and whenever they have favored their own shipping, by special preferences or exclusive privileges in their own ports, it has been only with a view to countervail similar favors and exclusions granted by the nations with whom we have been engaged in traffic, to their own people or shipping, and to the disadvantage of ours. Immediately after the close of the last war, a proposal was fairly made by the act of Congress of the 3d of March, 1815, to all the maritime nations, to lay aside the system of retaliating restrictions and exclusions, and to place the shipping of both parties to the common trade on a footing of equality in respect to the duties of tonnage and impost. This offer was partially and succes-

sively accepted by Great Britain, Sweden, the Netherlands, the Hanseatic Cities, Prussia, Sardinia, the Duke of Oldenburg, and Russia. It was also adopted, under certain modifications, in our late commercial convention with France. And by the act of Congress of the 8th of January, 1824, it has received a new confirmation with all the nations who had acceded to it, and has been offered again to all those who are or may hereafter be willing to abide in reciprocity by it. But all these regulations, whether established by treaty or by municipal enactments, are still subject to one important restriction.

The removal of discriminating duties of tonnage and of impost is limited to articles of the growth, produce, or manufacture of the country to which the vessel belongs, or to such articles as are most universally first shipped from her ports. It will deserve the serious consideration of Congress, whether even this remnant of restriction may not be safely abandoned, and whether the general tender of equal competition, made in the act of the 8th of January, 1824, may not be extended to include all articles of merchandise not prohibited, of what country soever they may be the produce or manufacture. Propositions to this effect have already been made to us by more than one European government; and it is probable that, if once established by legislation or compact with any distinguished maritime state, it would recommend itself, by the experience of its advantages, to the general accession of all.

The convention of commerce and navigation between the United States and France, concluded on the 24th of June, 1822, was, in the understanding and intent of both parties, as appears upon its face, only a temporary arrangement of the points of difference between them of the most immediate and pressing urgency. It was limited, in the first instance, to two years from the first of October, 1822, but with a proviso, that it should farther continue in force till the conclusion of a general and definitive treaty of commerce, unless terminated by a notice six months in advance, of either of the parties to the other. Its operation, so far as it extended, has been mutually advantageous; and it still continues in force, by common consent. But it left unadjusted several objects of great interest to the citizens and subjects of both countries, and particularly a mass of claims, to considerable amount, of citizens of the United States upon the government of France, of indemnity for property taken or destroyed, under circumstances of the most aggravated and outrageous character. In the long period, during which continual and earnest appeals have been made to the equity and magnanimity of France, in behalf of these claims, their justice has not been, as it could not be, denied. It was hoped that the accession of a new sovereign to the throne would have afforded a favorable opportunity for presenting them to the consideration of his government. They have been presented and urged, hitherto, without effect. The repeated and earnest representations of our minister at the court of France remains as yet even without any answer. Were the demands of nations upon the justice of each other susceptible of adjudication by the sentence of an impartial tribunal, those to which I now refer would long since have been settled, and adequate indemnity would have been obtained. There are large amounts of similar claims upon the Netherlands, Naples, and Denmark. For those upon Spain, prior to 1819, indemnity was, after many years of patient forbearance, obtained; and those upon Sweden have been lately compromised by a private settlement, in which the claimants themselves have acquiesced.

The governments of Denmark and of Naples have been recently reminded of those yet existing against them; nor will any of them be forgotten while a hope may be indulged of obtaining justice by the means within the constitutional power of the executive, and without resorting to those measures of self-redress which, as well as the time, circumstances, and occasion, which may require them, are within the exclusive competency of the legislature.

It is with great satisfaction that I am enabled to bear witness to the liberal spirit with which the republic of Colombia has made satisfaction for well-established claims of a similar character. And among the documents now communicated to Congress, will be distinguished a treaty of commerce and navigation with that republic, the ratifications of which have been exchanged since the last recess of the legislature. The negotiation of similar treaties with all the independent South American states has been contemplated, and may yet be accomplished. The basis of them all, as proposed by the United States, has been laid in two principles: the one, of entire and unqualified reciprocity; the other, the mutual obligation of the parties to place each other permanently on the footing of the most favored nation. These principles are, indeed, indispensable to the effectual emancipation of the American hemisphere from the thralldom of colonizing monopolies and exclusions,—an event rapidly realizing in the progress of human affairs, and which the resistance still opposed in certain parts of Europe to the acknowledgment of the South American republics as independent states, will, it is believed, contribute more effectually to accomplish. The time has been, and that not remote, when some of those states might, in their anxious desire to obtain a nominal recognition, have accepted of a nominal independence, clogged with burdensome conditions, and exclusive commercial privileges granted to the nation from which they have separated, to the disadvantage of all others. They are now all aware that such concessions to any European nation would be incompatible with that independence which they have declared and maintained.

Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes of their condition, is that of assembling at the isthmus of Panama, a congress, at which each of them should be represented, to deliberate upon objects important to the welfare of all. The republics of Colombia, of Mexico, and of Central America, have already deputed plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their ministers. The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them, so far as may be compatible with that neutrality, from which it is neither our intention, nor the desire of the other American states that we should depart.

The commissioners under the seventh article of the treaty of Ghent have so nearly completed their labors that, by the report recently received from the agent on the part of the United States, there is reason to expect that the commission will be closed at their next session, appointed for the 22d of May, of the ensuing year.

The other commission appointed to ascertain the indemnities due for slaves carried away from the United States, after the close of the late war, have met with some difficulty, which has delayed their progress in the inquiry. A reference has been made to the British government on the sub-

ject, which, it may be hoped, will tend to hasten the decision of the commissioners, or serve as a substitute for it.

Among the powers specifically granted to Congress by the constitution, are those of establishing uniform laws on the subject of bankruptcies throughout the United States, and of providing for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States. The magnitude and complexity of the interests affected by legislation upon these subjects, may account for the fact that, long and often as both of them have occupied the attention, and animated the debates of Congress, no systems have yet been devised for fulfilling, to the satisfaction of the community, the duties prescribed by these grants of power. To conciliate the claim of the individual citizen to the enjoyment of personal liberty, with the effective obligation of private contracts, is the difficult problem to be solved by a law of bankruptcy. These are objects of the deepest interest to society; affecting all that is precious in the existence of multitudes of persons, many of them in the classes essentially dependent and helpless; of the age requiring nurture, and of the sex entitled to protection from the free agency of the parent and the husband. The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace, and bid defiance to foreign aggression; it is by the militia that we are constituted an armed nation, standing in perpetual panoply of defence, in the presence of all the other nations of the earth. To this end it would be necessary so to shape its organization, as to give it a more united and active energy. There are laws for establishing an uniform militia throughout the United States, and for arming and equipping its whole body. But it is a body of dislocated members, without the vigor of unity, and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible, and to make it available for the defence of the Union, at the shortest notice, and at the smallest expense of time, of life and of treasure, are among the benefits to be expected from the persevering deliberations of Congress.

Among the unequivocal indications of our national prosperity is the flourishing state of our finances. The revenues of the present year, from all their principal sources, will exceed the anticipations of the last. The balance in the treasury, on the first of January last, was a little short of two millions of dollars, exclusive of two millions and a half, being a moiety of the loan of five millions, authorized by the act of the 26th May, 1824. The receipts into the treasury, from the first of January to the 30th of September, exclusive of the other moiety of the same loan, are estimated at sixteen millions five hundred thousand dollars; and it is expected that those of the current quarter will exceed five millions of dollars; forming an aggregate of receipts of nearly twenty-two millions, independent of the loan. The expenditures of the year will not exceed that sum more than two millions. By those expenditures, nearly eight millions of the principal of the public debt have been discharged. More than a million and a half has been devoted to the debt of gratitude to the warriors of the revolution; a nearly equal sum to the construction of fortifications and the acquisition of ordnance, and other permanent preparatives of national defence; half a million to the gradual increase of the navy; an equal sum for purchases of territory from the Indians, and payment of annuities to them; and upwards of a million for objects of internal improvement, authorized by special acts

of the last Congress. If we add to these four millions of dollars for payment of interest upon the public debt, there remains a sum of about seven millions, which have defrayed the whole expense of the administration of government, in its legislative, executive, and judiciary departments, including the support of the military and naval establishments, and all the occasional contingencies of a government co-extensive with the Union.

The amount of duties secured on merchandise imported, from the commencement of the year, is about twenty-five millions and a half; and that which will accrue during the current quarter is estimated at five millions and a half; from these thirty-one millions, deducting the drawbacks, estimated at less than seven millions, a sum exceeding twenty-four millions will constitute the revenue of the year, and will exceed the whole expenditures of the year. The entire amount of the public debt remaining due on the first of January next, will be short of eighty-one millions of dollars.

By an act of Congress of the 3d of March last, a loan of twelve millions of dollars was authorized at four and a half per cent., or an exchange of stock to that amount, of four and a half per cent., for a stock of six per cent., to create a fund for extinguishing an equal amount of the public debt, bearing an interest of six per cent., redeemable in 1826. An account of the measures taken to give effect to this act will be laid before you by the secretary of the treasury. As the object which it had in view has been but partially accomplished, it will be for the consideration of Congress, whether the power with which it clothed the executive should not be renewed at an early day of the present session, and under what modifications.

The act of Congress of the 3d of March last, directing the secretary of the treasury to subscribe, in the name and for the use of the United States, for one thousand five hundred shares of the capital stock of the Chesapeake and Delaware Canal Company, has been executed by the actual subscription for the amount specified; and such other measures have been adopted by that officer, under the act, as the fulfilment of its intentions requires. The latest accounts received of this important undertaking authorize the belief that it is in successful progress.

The payments into the treasury from the proceeds of the sales of the public lands, during the present year, were estimated at one million of dollars. The actual receipts of the first two quarters have fallen very little short of that sum; it is not expected that the second half of the year will be equally productive, but the income of the year, from that source, may now be safely estimated at a million and a half. The act of Congress of 18th May, 1824, to provide for the extinguishment of the debt due to the United States by the purchasers of public lands, was limited, in its operation of relief to the purchaser, to the 10th of April last. Its effect at the end of the quarter during which it expired, was to reduce that debt from ten to seven millions. By the operation of similar prior laws of relief, from and since that of 2d March, 1821, the debt had been reduced from upwards of twenty-two millions to ten. It is exceedingly desirable that it should be extinguished altogether; and to facilitate that consummation, I recommend to Congress the revival, for one year more, of the act of 18th May, 1824, with such provisional modification as may be necessary to guard the public interests against fraudulent practices in the re-sale of the relinquished land. The purchasers of public lands are among the most useful of our fellow citizens: and, since the system of sales for cash alone has been introduced, great indulgence has been justly extended to those who had previously purchased

upon credit. The debt which had been contracted under the credit sales had become unwieldy, and its extinction was alike advantageous to the purchaser and the public. Under the system of sales, matured as it has been by experience, and adapted to the exigencies of the times, the lands will continue as they have become, an abundant source of revenue; and when the pledge of them to the public creditor shall be redeemed by the entire discharge of the national debt, the swelling tide of wealth with which they replenish the common treasury may be made to re-flow, in unfailling streams of improvement, from the Atlantic to the Pacific ocean.

The condition of the various branches of the public service resulting from the department of war, and their administration during the current year, will be exhibited in the report of the secretary of war, and the accompanying documents herewith communicated. The organization and discipline of the army are effective and satisfactory. To counteract the prevalence of desertion among the troops, it has been suggested to withhold from the men a small portion of their monthly pay, until the period of their discharge; and some expedient appears to be necessary, to preserve and maintain among the officers so much of the art of horsemanship as could scarcely fail to be found wanting on the possibly sudden eruption of a war, which should overtake us unprovided with a single corps of cavalry. The military academy at West Point, under the restrictions of a severe but paternal superintendence, recommends itself more and more to the patronage of the nation; and the number of meritorious officers which it forms and introduces to the public service, furnishes the means of multiplying the undertaking of public improvements, to which their acquirements at that institution are peculiarly adapted. The school of artillery practice, established at fortress Monroe, is well suited to the same purpose, and may need the aid of farther legislative provisions to the same end. The report from the various officers at the head of the administrative branches of the military service, connected with the quartering, clothing, subsistence, health, and pay of the army, exhibit the assiduous vigilance of those officers in the performance of their respective duties, and the faithful accountability which has pervaded every part of the system.

Our relations with the numerous tribes of aboriginal natives of this country, scattered over its extensive surface, and so dependent, even for their existence, upon our power, have been during the present year highly interesting. An act of Congress of the 25th of May, 1824, made an appropriation to defray the expenses of making treaties of trade and friendship with the Indian tribes beyond the Mississippi. An act of the 3d of March, 1825, authorized treaties to be made with the Indians for their consent to the making of a road from the frontier of Missouri to that of New Mexico. And another act, of the same date, providing for defraying the expenses of holding treaties with the Sioux, Chippewas, Menomonees, Sacs, Foxes, &c., for the purpose of establishing boundaries and promoting peace between said tribes. The first and the last objects of these acts have been accomplished; and the second is yet in process of execution. The treaties which, since the last session of Congress, have been concluded with the several tribes, will be laid before the Senate for their consideration, conformably to the constitution. They comprise large and valuable acquisitions of territory, and they secure an adjustment of boundaries and give pledges of permanent peace between several tribes which had been long waging bloody war against each other.

On the 12th of February last, a treaty was signed at the Indian Springs, between commissioners appointed on the part of the United States and certain chiefs and individuals of the Creek nation of Indians, which was received at the seat of government only a few days before the close of the last session of Congress and of the late administration. The advice and consent of the Senate was given to it on the 3d of March, too late for it to receive the ratification of the then president of the United States; it was ratified on the 7th of March, under the unsuspecting impression that it had been negotiated in good faith, and in the confidence inspired by the recommendation of the Senate. The subsequent transactions in relation to this treaty will form the subject of a separate message.

The appropriations made by Congress for public works, as well in the construction of fortifications as for purposes of internal improvement, so far as they have been expended, have been faithfully applied. Their progress has been delayed by the want of suitable officers for superintending them. An increase of both the corps of engineers, military and topographical, was recommended by my predecessor at the last session of Congress. The reasons upon which that recommendation was founded subsist in all their force, and have acquired additional urgency since that time. It may also be expedient to organize the topographical engineers into a corps similar to the present establishment of the corps of engineers. The military academy at West Point will furnish, from the cadets annually graduated there, officers well qualified for carrying this measure into effect.

The board of engineers for internal improvement, appointed for carrying into execution the act of Congress of 30th April, 1824, "to procure the necessary surveys, plans, and estimates, on the subject of roads and canals," have been actively engaged in that service from the close of the last session of Congress. They have completed the surveys necessary for ascertaining the practicability of a canal from the Chesapeake bay to the Ohio river, and are preparing a full report on that subject, which, when completed, will be laid before you. The same observation is to be made with regard to the two other objects of great national importance, upon which the board have been occupied; namely, the accomplishment of a national road from this city to New Orleans, and the practicability of uniting the waters of Lake Memphramagog with Connecticut river, and the improvement of the navigation of that river. The surveys have been made, and are nearly completed. The report may be expected at an early period during the present session of Congress.

The acts of Congress of the last session, relative to the surveying, marking, or laying out roads in the territories of Florida, Arkansas, and Michigan, from Missouri to Mexico, and for the continuation of the Cumberland road, are, some of them, fully executed, and others in the process of execution. Those for completing or commencing fortifications have been delayed only so far as the corps of engineers has been inadequate to furnish officers for the necessary superintendance of the works. Under the act confirming the statutes of Virginia and Maryland, incorporating the Chesapeake and Ohio Canal Company, three commissioners on the part of the United States have been appointed for opening books and receiving subscriptions, in concert with a like number of commissioners appointed on the part of each of those states. A meeting of the commissioners has been postponed, to await the definitive report of the board of engineers. The light-houses and monuments for the safety of our commerce and mariners; the works for the secu-

rity of Plymouth Beach, and for the preservation of the islands in Boston harbor, have received the attention required by the laws relating to those objects respectively. The continuation of the Cumberland road, the most important of them all, after surmounting no inconsiderable difficulty in fixing upon the direction of the road, has commenced under the most promising auspices, with the improvements of recent invention in the mode of construction, and with the advantage of a great reduction in the comparative cost of the work.

The operation of the laws relating to the revolutionary pensioners may deserve the renewed consideration of Congress. The act of 18th March, 1818, while it made provision for many meritorious and indigent citizens who had served in the war of independence, opened a door to numerous abuses and impositions. To remedy this, the act of 1st May, 1820, exacted proofs of absolute indigence, which many really in want were unable, and all, susceptible of that delicacy which is allied to many virtues, must be deeply reluctant to give. The result has been, that some among the least deserving have been retained, and some in whom the requisites both of worth and want were combined, have been stricken from the list. As the numbers of these venerable relics of an age gone by diminish; as the decays of body, mind, and estate, of those that survive must, in the common course of nature, increase; should not a more liberal portion of indulgence be dealt out to them? May not the want in most instances be inferred from the demand, when the service can be duly proved; and may not the last days of human infirmity be spared the mortification of purchasing a pittance of relief only by the exposure of its own necessities? I submit to Congress the expediency either of providing for individual cases of this description, by special enactment, or of revising the act of the 1st of May, 1820, with a view to mitigate the rigor of its exclusions, in favor of persons to whom charity, now bestowed, can scarcely discharge the debt of justice.

The portion of the naval force of the Union in actual service has been chiefly employed on three stations: the Mediterranean, the coasts of South America bordering on the Pacific ocean, and the West Indies. An occasional cruiser has been sent to range along the African shores most polluted by the traffic of slaves; one armed vessel has been stationed on the coast of our eastern boundary, to cruise along the fishing grounds in Hudson's bay, and on the coast of Labrador; and the first service of a new frigate has been performed, in restoring to his native soil, and domestic enjoyments, the veteran hero whose youthful blood and treasure had freely flowed in the cause of our country's independence, and whose whole life has been a series of services and sacrifices to the improvement of his fellow men. The visit of General Lafayette, alike honorable to himself and to our country, closed, as it had commenced, with the most affecting testimonials of devoted attachment on his part, and of unbounded gratitude of this people to him in return. It will form, hereafter, a pleasing incident in the annals of our Union, giving to real history the intense interest of romance, and signally marking the unpurchasable tribute of a great nation's social affections to the disinterested champion of the liberties of human kind.

The constant maintenance of a small squadron in the Mediterranean is a necessary substitute for the humiliating alternative of paying tribute for the security of our commerce in that sea, and for a precarious peace, at the mercy of every caprice of four Barbary States, by whom it was liable to be violated. An additional motive for keeping a respectable force stationed there at this

time, is found in the maritime war raging between the Greeks and the Turks; and in which the neutral navigation of this Union is always in danger of outrage and depredation. A few instances have occurred of such depredations upon our merchant vessels by privateers or pirates wearing the Grecian flag, but without real authority from the Greek or any other government. The heroic struggles of the Greeks themselves, in which our warmest sympathies as freemen and Christians have been engaged, have continued to be maintained with vicissitudes of success adverse and favorable.

Similar motives have rendered expedient the keeping of a like force on the coasts of Peru and Chili, on the Pacific. The irregular and convulsive character of the war upon the shores has been extended to the conflicts upon the ocean. An active warfare has been kept up for years, with alternate success, though generally to the advantage of the American patriots. But their naval forces have not always been under the control of their own governments. Blockades, unjustifiable upon any acknowledged principles of international law, have been proclaimed by officers in command; and though disavowed by the supreme authorities, the protection of our own commerce against them has been made cause of complaint and of erroneous imputations against some of the most gallant officers of our navy. Complaints equally groundless have been made by the commanders of the Spanish royal forces in those seas; but the most effective protection to our commerce has been the flag, and the firmness of our own commanding officers. The cessation of the war, by the complete triumph of the patriot cause, has removed, it is hoped, all cause of dissension with one party, and all vestige of force of the other. But an unsettled coast of many degrees of latitude, forming a part of our own territory, and a flourishing commerce and fishery, extending to the islands of the Pacific and to China, still require that the protecting power of the Union should be displayed under its flag, as well upon the ocean as upon the land.

The objects of the West India squadron have been, to carry into execution the laws for the suppression of the African slave trade; for the protection of our commerce against vessels of piratical character, though bearing commissions from either of the belligerent parties; for its protection against open and unequivocal pirates. These objects, during the present year, have been accomplished more effectually than at any former period. The African slave trade has long been excluded from the use of our flag; and if some few citizens of our country have continued to set the laws of the Union, as well as those of nature and humanity, at defiance, by persevering in that abominable traffic, it has been only by sheltering themselves under the banners of other nations, less earnest for the total extinction of the trade than ours. The irregular privateers have, within the last year, been in a great measure banished from those seas; and the pirates, for months past, appear to have been almost entirely swept away from the borders and the shores of the two Spanish islands in those regions. The active, persevering, and unremitting energy of Captain Warrington, and of the officers and men under his command, on that trying and perilous service, have been crowned with signal success, and are entitled to the approbation of their country. But experience has shown that not even a temporary suspension or relaxation from assiduity can be indulged on that station without reproducing piracy and murder in all their horrors; nor is it probable that, for years to come, our immensely valuable commerce in those seas can navigate in security, without the steady continuance of an armed force devoted to its protection.

It were indeed a vain and dangerous illusion to believe, that in the present or probable condition of human society, a commerce so extensive and so rich as ours could exist and be pursued in safety, without the continual support of a military marine,—the only arm by which the power of this confederacy can be estimated or felt by foreign nations, and the only standing military force which can never be dangerous to our own liberties at home. A permanent naval peace establishment, therefore, adapted to our present condition, and adaptable to that gigantic growth with which the nation is advancing in its career, is among the subjects which have already occupied the foresight of the last Congress, and which will deserve your serious deliberations. Our navy, commenced at an early period of our present political organization upon a scale commensurate with the incipient energies, the scanty resources, and the comparative indigence of our infancy, was even then found adequate to cope with all the powers of Barbary, save the first, and with one of the principal maritime powers of Europe.

At a period of farther advancement, but with little accession of strength, it not only sustained with honor the most unequal of conflicts, but covered itself and our country with unfading glory. But it is only since the close of the late war that, by the numbers and force of the ships of which it was composed, it could deserve the name of a navy. Yet it retains nearly the same organization as when it consisted only of five frigates. The rules and regulations by which it is governed earnestly call for revision; and the want of a naval school of instruction, corresponding with the military academy at West Point, for the formation of scientific and accomplished officers, is felt with daily increasing aggravation.

The act of Congress, of 26th of May, 1824, authorizing an examination and survey of the harbor of Charleston in South Carolina, of St. Mary's in Georgia, and of the coast of Florida, and for other purposes, has been executed so far as the appropriation would admit. Those of the 3d of March last, authorizing the establishment of a navy yard and depot on the coast of Florida, in the Gulf of Mexico, and authorizing the building of ten sloops of war, and for other purposes; are in the course of execution, for the particulars of which, and other objects connected with this department, I refer to the report of the secretary of the navy herewith communicated.

A report from the postmaster-general is also submitted, exhibiting the present flourishing condition of that department. For the first time for many years, the receipts for the year ending on the first of July last, exceeded the expenditures during the same period, to the amount of more than forty-five thousand dollars. Other facts, equally creditable to the administration of the department, are, that in two years from the first of July, 1823, an improvement of more than one hundred and eighty-five thousand dollars, in its pecuniary affairs, has been realized; that, in the same interval, the increase of the transportation of the mail has exceeded one million five hundred thousand miles annually; and that one thousand and forty new post-offices have been established. It hence appears, that under judicious management, the income from this establishment may be relied on as fully adequate to defray its expenses; and that, by the discontinuance of post-roads, altogether unproductive, others of more useful character may be opened, till the circulation of the mail shall keep pace with the spread of our population, and the comforts of friendly correspondence, the exchanges of internal traffic, and the lights of the periodical press shall be distributed

to the remotest corners of the Union, at a charge scarcely perceptible to any individual, and without the cost of a dollar to the public treasury.

Upon this first occasion of addressing the legislature of the Union, with which I have been honored, in presenting to their view the execution, so far as it has been effected, of the measures sanctioned by them, for promoting the internal improvement of our country, I cannot close the communication without recommending to their calm and persevering consideration the general principle in a more enlarged extent. The great object of the institution of civil government is the improvement of the condition of those who are parties to the social compact. And no government, in whatever form constituted, can accomplish the lawful ends of its institution, but in proportion as it improves the condition of those over whom it is established. Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions and multitudes of men, are among the most important means of improvement. But moral, political, and intellectual improvement are duties assigned by the Author of our existence to social, no less than to individual man. For the fulfilment of those duties, governments are invested with power; and to the attainment of the end, the progressive improvement of the condition of the governed, the exercise of delegated powers, is a duty as sacred and indispensable as the usurpation of powers not granted is criminal and odious. Among the first, perhaps the very first instrument for the improvement of the condition of men, is knowledge; and to the acquisition of much of the knowledge adapted to the wants, the comforts, and enjoyments of human life, public institutions and seminaries of learning are essential. So convinced of this was the first of my predecessors in this office, now first in the memory as living, he was first in the hearts of our countrymen, that once and again, in his addresses to the Congress with whom he co-operated in the public service, he earnestly recommended the establishment of seminaries of learning, to prepare for all the emergencies of peace and war,—a national university, and a military academy. With respect to the latter, had he lived to the present day, in turning his eyes to the institution at West Point, he would have enjoyed the gratification of his most earnest wishes. But, in surveying the city which has been honored with his name, he would have seen the spot of earth which he had destined and bequeathed to the use and benefit of his country as the site for an university, still bare and barren.

In assuming her station among the civilized nations of the earth, it would seem that our country had contracted the engagement to contribute her share of mind, of labor, and of expense, to the improvement of those parts of knowledge which lie beyond the reach of individual acquisition; and particularly to geographical and astronomical science. Looking back to the history only of the half century since the declaration of our independence, and observing the generous emulation with which the governments of France, Great Britain, and Russia have devoted the genius, the intelligence, the treasures of their respective nations, to the common improvement of the species in these branches of science, is it not incumbent upon us to inquire whether we are not bound by obligations of a high and honorable character to contribute our portion of energy and exertion to the common stock? The voyages of discovery prosecuted in the course of that time at the expense of those nations, have not only redounded to their glory, but to the improvement of human knowledge. We have been partakers of that improvement, and owe for it a sacred debt, not only of gratitude, but of equal

or proportional exertion in the same common cause. Of the cost of these undertakings, if the mere expenditures of outfit, equipment, and completion of the expeditions were to be considered the only charges, it would be unworthy of a great and generous nation to take a second thought. One hundred expeditions of circumnavigation like those of Cook and La Perouse, would not burden the exchequer of the nation fitting them out, so much as the ways and means of defraying a single campaign in war. But if we take into the account the lives of those benefactors of mankind, of which their services in the cause of their species were the purchase, how shall the cost of those heroic enterprises be estimated? And what compensation can be made to them, or to their countries for them? Is it not by bearing them in affectionate remembrance? Is it not still more by imitating their example,—by enabling countrymen of our own to pursue the same career, and to hazard their lives in the same cause?

In inviting the attention of Congress to the subject of internal improvements, upon a view thus enlarged, it is not my design to recommend the equipment of an expedition for circumnavigating the globe for purposes of scientific research and inquiry. We have objects of useful investigation nearer home, and to which our cares may be more beneficially applied. The interior of our own territories has yet been very imperfectly explored. Our coasts, along many degrees of latitude upon the shores of the Pacific ocean, though much frequented by our spirited commercial navigators, have been barely visited by our public ships. The river of the west, first fully discovered and navigated by a countryman of our own, still bears the name of the ship in which he ascended its waters, and claims the protection of our armed national flag at its mouth. With the establishment of a military post there, or at some other point of that coast, recommended by my predecessor, and already matured, in the deliberations of the last Congress, I would suggest the expediency of connecting the equipment of a public ship for the exploration of the whole northwest coast of this continent.

The establishment of an uniform standard of weights and measures was one of the specific objects contemplated in the formation of our constitution; and to fix that standard was one of the powers delegated by express terms, in that instrument to Congress. The governments of Great Britain and France have scarcely ceased to be occupied with inquiries and speculations on the same subject since the existence of our constitution; and with them it has expanded into profound, laborious, and expensive researches into the figure of the earth, and the comparative length of the pendulum vibrating seconds in various latitudes, from the equator to the pole. These researches have resulted in the composition and publication of several works highly interesting to the cause of science. The experiments are yet in the process of performance. Some of them have recently been made on our own shores, within the walls of one of our own colleges, and partly by one of our own fellow citizens. It would be honorable to our country if the sequel of the same experiments should be countenanced by the patronage of our government, as they have hitherto been by those of France and Great Britain.

Connected with the establishment of an university, or separate from it, might be undertaken the erection of an astronomical observatory, with provision for the support of an astronomer, to be in constant attendance of observation upon the phenomena of the heavens; and for the periodical publication of his observations. It is with no feeling of pride, as an American,

that the remark may be made that, on the comparatively small territorial surface of Europe, there are existing upwards of one hundred and thirty of these light-houses of the skies; while throughout the whole American hemisphere there is not one. If we reflect a moment upon the discoveries which, in the last four centuries, have been made in the physical constitution of the universe, by the means of these buildings, and of observers stationed in them, shall we doubt of their usefulness to every nation? And while scarcely a year passes over our heads without bringing some new astronomical discovery to light, which we must fain receive at second hand from Europe, are we not cutting ourselves off from the means of returning light for light, while we have neither observatory nor observer upon our half of the globe, and the earth revolves in perpetual darkness to our unsearching eyes?

When, on the 25th of October, 1791, the first president of the United States announced to Congress the result of the first enumeration of the inhabitants of this Union, he informed them that the returns gave the pleasing assurance that the population of the United States bordered on four millions of persons. At the distance of thirty years from that time, the last enumeration, five years since completed, presented a population bordering on ten millions. Perhaps of all the evidences of a prosperous and happy condition of human society, the rapidity of the increase of population is the most unequivocal. But the demonstration of our prosperity rests not alone upon this indication. Our commerce, our wealth, and the extent of our territories have increased in corresponding proportions; and the number of independent communities, associated in our federal Union, has since that time nearly doubled. The legislative representation of the states and people, in the two houses of Congress, has grown with the growth of their constituent bodies. The House, which then consisted of sixty-five members, now numbers upwards of two hundred. The Senate, which consisted of twenty-six members, has now forty-eight. But the executive, and still more, the judiciary departments, are yet, in a great measure, confined to their primitive organization, and are now not adequate to the urgent wants of a still growing community.

The naval armaments, which at an early period forced themselves upon the necessities of the Union, soon led to the establishment of a department of the navy. But the departments of foreign affairs, and of the interior, which, early after the formation of the government had been united in one, continue so united at this time, to the unquestionable detriment of the public service. The multiplication of our relations with the nations and governments of the old world has kept pace with that of our population and commerce, while, within the last ten years, a new family of nations, in our own hemisphere, has arisen among the inhabitants of the earth, with whom our intercourse, commercial and political, would of itself furnish occupation to an active and industrious department. The constitution of the judiciary, experimental and imperfect as it was, even in the infancy of our existing government, is yet more inadequate to the administration of national justice at our present maturity. Nine years have elapsed since a predecessor in this office, now not the last, the citizen who, perhaps, of all others throughout the Union, contributed most to the formation and establishment of our constitution, in his valedictory address to Congress, immediately preceding his retirement from public life, urgently recommended the revision of the judiciary, and the establishment of an addi-

tional executive department. The exigencies of the public service and its unavoidable deficiencies, as now in exercise, have added yearly cumulative weight to the considerations presented by him as persuasive to the measure; and in recommending it to your deliberations, I am happy to have the influence of his high authority, in aid of the undoubting convictions of my own experience.

The laws relating to the administration of the patent office are deserving much consideration, and perhaps susceptible of some improvement. The grant of power to regulate the action of Congress on this subject, has specified both the end to be attained and the means by which it is to be effected, "to promote the progress of science and of useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries. If an honest pride might be indulged in the reflection, that on the records of the office are already found inventions, the usefulness of which has scarcely been transcended in the annals of human ingenuity, would not its exultation be allayed by the inquiry, whether the laws have effectually insured to the inventors the reward destined to them by the constitution,—even a limited term of exclusive right to their discoveries?

On the 24th of December, 1799, it was resolved by Congress, that a marble monument should be erected by the United States, in the capitol, at the city of Washington; that the family of General Washington should be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life. In reminding Congress of this resolution, and that the monument contemplated by it remains yet without execution, I shall indulge only the remarks, that the works in the capitol are approaching to completion; that the consent of the family, desired by the resolution, was requested and obtained; that a monument has been recently erected in this city, at the expense of the nation, over the remains of another distinguished patriot of the revolution; and that a spot has been reserved within the walls where you are deliberating for the benefit of this and future ages, in which the mortal remains may be deposited of him whose spirit hovers over you, and listens with delight to every act of the representatives of his nation which can tend to exalt and adorn his and their country.

The constitution under which you are assembled is a charter of limited powers. After full and solemn deliberations upon all or any of the objects which, urged by an irresistible sense of my own duty, I have recommended to your attention, should you come to the conclusion that, however desirable in themselves, the enactment of laws for effecting them would transcend the powers committed to you by that venerable instrument which we are all bound to support, let no consideration induce you to assume the exercise of powers not granted to you by the people. But if the power to exercise exclusive legislation, in all cases whatsoever, over the District of Columbia; if the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; if the power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes; to fix the standard of weights and measures; to establish post-offices and post-roads; to declare war; to raise and support armies; to provide and maintain a navy; to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and to make all laws

which shall be necessary and proper for carrying these powers into execution,—if these powers, and others enumerated in the constitution, may be effectually brought into action by laws promoting the improvement of agriculture, commerce, and manufactures, the cultivation and encouragement of the mechanic and of the elegant arts, the advancement of literature, and the progress of the sciences, ornamental and profound; to refrain from exercising them for the benefit of the people themselves, would be to hide in the earth the talent committed to our charge,—would be treachery to the most sacred of trusts.

The spirit of improvement is abroad upon the earth. It stimulates the hearts and sharpens the faculties, not of our fellow citizens alone, but of the nations of Europe, and of their rulers. While dwelling with pleasing satisfaction upon the superior excellence of our political institutions, let us not be unmindful that liberty is power; that the nation blessed with the largest portion of liberty must, in proportion to its numbers, be the most powerful nation upon earth; and that the tenure of power by man is, in the moral purposes of his Creator, upon condition that it shall be exercised to ends of beneficence, to improve the condition of himself and his fellow men. While foreign nations, less blessed with that freedom which is power than ourselves, are advancing with gigantic strides in the career of public improvement; were we to slumber in indolence, or fold up our arms and proclaim to the world that we are palsied by the will of our constituents, would it not be to cast away the bounties of Providence, and doom ourselves to perpetual inferiority? In the course of the year now drawing to its close, we have beheld, under the auspices and at the expense of one state of this Union, a new university unfolding its portals to the sons of science, and holding up the torch of human improvement to eyes that seek the light. We have seen, under the persevering and enlightened enterprise of another state, the waters of our western lakes mingle with those of the ocean. If undertakings like these have been accomplished in the compass of a few years, by the authority of single members of our confederation, can we, the representative authorities of the whole Union, fall behind our fellow servants in the exercise of the trust committed to us for the benefit of our common sovereign, by the accomplishment of works important to the whole, and to which neither the authority nor the resources of any one state can be adequate?

Finally, fellow citizens, I shall await with cheering hope, and faithful co-operation, the result of your deliberations; assured that, without encroaching upon the powers reserved to the authorities of the respective states, or to the people, you will, with a due sense of your obligations to your country, and of the high responsibilities weighing upon yourselves, give efficacy to the means committed to you for the common good. And may He who searches the hearts of the children of men, prosper your exertions to secure the blessings of peace, and promote the highest welfare of our country.

SECOND ANNUAL MESSAGE.

DECEMBER 9, 1826.

To the Senate and House of Representatives of the United States :

THE assemblage of the representatives of our Union in both houses of Congress at this time, occurs under circumstances calling for the renewed

homage of our grateful acknowledgments to the Giver of all good. With the exceptions incidental to the most felicitous condition of human existence, we continue to be highly favored in all the elements which contribute to individual comfort and to national prosperity. In the survey of our extensive country, we have generally to observe abodes of health and regions of plenty. In our civil and political relations, we have peace without, and tranquillity within our borders. We are, as a people, increasing with unabated rapidity in population, wealth, and national resources; and, whatever differences of opinion exist among us with regard to the mode and the means by which we shall turn the beneficence of Heaven to the improvement of our own condition, there is yet a spirit animating us all, which will not suffer the bounties of Providence to be showered upon us in vain, but will receive them with grateful hearts, and apply them with unwearied hands to the advancement of the general good.

Of the subjects recommended to the consideration of Congress at their last session, some were then definitely acted upon. Others left unfinished, but partly matured, will recur to your attention, without needing a renewal of notice from me. The purpose of this communication will be to present to your view the general aspect of our public affairs at this moment, and the measures which have been taken to carry into effect the intentions of the legislature as signified by the laws then and heretofore enacted.

In our intercourse with the other nations of the earth, we have still the happiness of enjoying peace and a general good understanding; qualified, however, in several important instances, by collisions of interest, and by unsatisfied claims of justice, to the settlement of which the constitutional interposition of the legislative authority may become ultimately indispensable.

By the decease of the Emperor Alexander of Russia, which occurred coterminously with the commencement of the last session of Congress, the United States have been deprived of a long-tryed, steady, and faithful friend. Born to the inheritance of absolute power, and trained in the school of adversity, from which no power on earth, however absolute, is exempt, that monarch, from his youth, had been taught to feel the force and value of public opinion, and to be sensible that the interests of his own government would be best promoted by a frank and friendly intercourse with this republic, as those of his people would be advanced by a liberal commercial intercourse with our country. A candid and confidential interchange of sentiments between him and the government of the United States, upon the affairs of South America, took place at a period not long preceding his demise, and contributed to fix that course of policy which left to the other governments of Europe no alternative but that of sooner or later recognising the independence of our southern neighbors, of which the example had by the United States already been set. The ordinary diplomatic communications between his successor, the Emperor Nicholas, and the United States, have suffered some interruption by the illness, departure, and subsequent decease of his minister residing here, who enjoyed, as he merited, the entire confidence of his new sovereign, as he had eminently responded to that of his predecessor. But we have had the most satisfactory assurances that the sentiments of the reigning emperor toward the United States are altogether conformable to those which had so long and constantly animated his imperial brother; and we have reason to hope that they will serve to cement that harmony and good understanding between the two nations which, founded in congenial interests, cannot but result in the advancement of the welfare and prosperity of both.

Our relations of commerce and navigation with France are, by the operation of the convention of 24th June, 1822, with that nation, in a state of gradual and progressive improvement. Convinced by all our experience, no less than by the principles of fair and liberal reciprocity which the United States have constantly tendered to all the nations of the earth, as the rule of commercial intercourse which they would universally prefer, that fair and equal competition is most conducive to the interests of both parties, the United States, in the negotiation of that convention, earnestly contended for a mutual renunciation of discriminating duties and charges in the ports of the two countries. Unable to obtain the immediate recognition of this principle in its full extent, after reducing the duties of discrimination so far as was found attainable, it was agreed that, at the expiration of two years from the first of October, 1822, when the convention was to go into effect, unless a notice of six months on either side should be given to the other, that the convention itself must terminate, those duties should be reduced by one fourth, and that this reduction should be yearly repeated until all discrimination should cease while the convention itself should continue in force. By the effect of this stipulation, three fourths of the discriminating duties which had been levied by each party, upon the vessels of the other in its ports, have already been removed; and on the first of next October, should the convention be still in force, the remaining fourth will be discontinued. French vessels, laden with French produce, will be received in our ports on the same terms as our own; and ours, in return, will enjoy the same advantages in the ports of France.

By these approximations to an equality of duties and of charges, not only has the commerce between the two countries prospered, but friendly dispositions have been on both sides encouraged and promoted. They will continue to be cherished and cultivated on the part of the United States. It would have been gratifying to have had it in my power to add, that the claims upon the justice of the French government, involving the property and the comfortable subsistence of many of our fellow citizens, and which have been so long and so earnestly urged, were in a more promising train of adjustment than at your last meeting; but their condition remains unaltered.

With the government of the Netherlands, the mutual abandonment of discriminating duties had been regulated by the legislative acts on both sides. The act of Congress of the 20th of April, 1818, abolished all discriminating duties of impost and tonnage, upon the vessels and produce of the Netherlands in the ports of the United States, upon the assurance given by the government of the Netherlands, that all such duties operating against the shipping and commerce of the United States in that kingdom had been abolished. These reciprocal regulations had continued in force several years, when the discriminating principle was resumed by the Netherlands in a new and indirect form, by a bounty of ten per cent., in the shape of a return of duties to their national vessels, and in which those of the United States are not permitted to participate. By the act of Congress of the 7th January, 1824, all discriminating duties in the United States were again suspended, so far as related to the vessels and produce of the Netherlands, so long as the reciprocal exemption should be extended to the vessels and produce of the United States in the Netherlands. But the same act provides that, in the event of a restoration of discriminating duties to operate against the shipping and commerce of the United States in any of the

foreign countries referred to therein, the suspension of discriminating duties in favor of the navigation of such foreign country should cease, and all the provisions of the acts imposing discriminating foreign tonnage and import duties in the United States should revive and be in full force with regard to that nation.

In the correspondence with the government of the Netherlands upon this subject, they have contended that the favor shown to their own shipping by this bounty upon their tonnage is not to be considered as a discriminatory duty. But it cannot be denied that it produces all the same effects. Had the mutual abolition been stipulated by treaty, such a bounty upon the national vessels could scarcely have been granted consistently with good faith. Yet, as the act of Congress of 7th January, 1824, has not expressly authorized the executive authority to determine what shall be considered as a revival of discriminating duties by a foreign government to the disadvantage of the United States, and as the retaliatory measure on our part, however just and necessary, may tend rather to that conflict of legislation which we deprecate, than to that concert to which we invite all commercial nations as most conducive to their interest and our own, I have thought it more consistent with the spirit of our institutions to refer the subject again to the paramount authority of the legislature to decide what measure the emergency may require, than abruptly by proclamation to carry into effect the minatory provision of the act of 1824.

During the last session of Congress, treaties of amity, navigation, and commerce, were negotiated and signed at this place with the government of Denmark in Europe, and with the federation of Central America in this hemisphere. These treaties then received the constitutional sanction of the Senate, by the advice and consent to their ratification. They were accordingly ratified on the part of the United States, and during the recess of Congress, have been also ratified by the other respective contracting parties. The ratifications have been exchanged, and they have been published by proclamations, copies of which are herewith communicated to Congress. These treaties have established between the contracting parties the principles of equality and reciprocity in their broadest and most liberal extent. Each party admitting the vessels of the other into its ports, laden with cargoes the produce or manufacture of any quarter of the globe, upon the payment of the same duties of tonnage and impost that are chargeable upon their own. They have farther stipulated, that the parties shall hereafter grant no favor of navigation or commerce to any other nation, which shall not, upon the same terms be granted to each other; and that neither party will impose upon articles of merchandise, the produce or manufacture of the other, any other or higher duties than upon the like articles, being the produce or manufacture of any other country. To these principles there is, in the convention with Denmark, an exception with regard to the colonies of that kingdom in the Arctic seas, but none with regard to her colonies in the West Indies.

In the course of the last summer, the term to which our last commercial treaty with Sweden was limited has expired. A continuation of it is in the contemplation of the Swedish government, and is believed to be desirable on the part of the United States. It has been proposed by the King of Sweden that, pending the negotiation of renewal, the expired treaty should be mutually considered as still in force; a measure which will require the sanction

of Congress to be carried into effect on our part, and which I therefore recommend to your consideration.

With Prussia, Spain, Portugal, and in general all the European powers, between whom and the United States relations of friendly intercourse have existed, their condition has not materially varied since the last session of Congress. I regret not to be able to say the same of our commercial intercourse with the colonial possessions of Great Britain in America. Negotiations of the highest importance to our common interests have been for several years in discussion between the two governments, and on the part of the United States have been invariably pursued in the spirit of candor and conciliation. Interests of great magnitude and delicacy had been adjusted by the conventions of 1815 and 1818, while that of 1822, mediated by the late Emperor Alexander, had promised a satisfactory compromise of claims which the government of the United States, in justice to the rights of a numerous class of their citizens, was bound to sustain. But with regard to the commercial intercourse between the United States and the British colonies in America, it has been hitherto found impracticable to bring the parties to an understanding satisfactory to both. The relative geographical position, and the respective products of nature, cultivated by human industry, had constituted the elements of a commercial intercourse between the United States and British America, insular and continental, important to the inhabitants of both countries. But it had been interdicted by Great Britain, upon a principle heretofore practised upon by the colonizing nations of Europe, of holding the trade of their colonies, each in exclusive monopoly to herself. After the termination of the late war, this interdiction had been revived, and the British government declined including this portion of our intercourse with her possessions in the negotiation of the convention of 1815. The trade was then carried on exclusively in British vessels, till the act of Congress concerning navigation, of 1818, and the supplemental act of 1820, met the interdict by a corresponding measure on the part of the United States. These measures, not of retaliation, but of necessary self-defence, were soon succeeded by an act of parliament, opening certain colonial ports to the vessels of the United States, coming directly from them, and to the importation from them of certain articles of our produce, burdened with heavy duties, and excluding some of the most valuable articles of our exports. The United States opened their ports to British vessels from the colonies upon terms as exactly corresponding with those of the act of parliament, as in the relative position of the parties could be made. And a negotiation was commenced by mutual consent, with the hope on our part that a reciprocal spirit of accommodation and a common sentiment of the importance of the trade to the interests of the inhabitants of the two countries, between whom it must be carried on, would ultimately bring the parties to a compromise, with which both might be satisfied. With this view, the government of the United States had determined to sacrifice something of that entire reciprocity which in all commercial arrangements with foreign powers they are entitled to demand, and to acquiesce in some inequalities disadvantageous to ourselves, rather than to forego the benefit of a final and permanent adjustment of this interest, to the satisfaction of Great Britain herself. The negotiation, repeatedly suspended by accidental circumstances, was, however, by mutual agreement and express assent, considered as pending, and to be speedily resumed. In the mean time, another act of parliament, so doubtful and ambiguous in its import as to have been misunderstood

by the officers in the colonies who were to carry it into execution, opens again certain colonial ports, upon new conditions and terms, with a threat to close them against any nation which may not accept those terms, as prescribed by the British government. This act, passed in July, 1825, not communicated to the government of the United States, not understood by the British officers of the customs in the colonies where it was to be enforced, was nevertheless submitted to the consideration of Congress at their last session. With the knowledge that a negotiation upon the subject had long been in progress, and pledges given of its resumption at an early day, it was deemed expedient to await the result of that negotiation, rather than to subscribe implicitly to terms, the import of which was not clear, and which the British authorities themselves in this hemisphere were not prepared to explain.

Immediately after the close of the last session of Congress, one of our most distinguished citizens was despatched as envoy extraordinary and minister plenipotentiary to Great Britain, furnished with instructions which we could not doubt would lead to a conclusion of this long controverted interest, upon terms acceptable to Great Britain. Upon his arrival, and before he had delivered his letters of credence, he was met by an order of the British council, excluding, from and after the first of December now current, the vessels of the United States from all the colonial British ports, excepting those immediately bordering upon our territories. In answer to his exostulations upon a measure thus unexpected, he is informed that, according to the ancient maxims of policy of European nations having colonies, their trade is an exclusive possession of the mother country. That all participation in it by other nations is a boon or favor not forming a subject of negotiation, but to be regulated by the legislative acts of the power owning the colony. That the British government, therefore, declines negotiating concerning it, and that as the United States did not forthwith accept, purely and simply, the terms offered by the act of parliament of July, 1825, Great Britain would not admit the vessels of the United States even upon the terms on which she had opened them to the navigation of other nations.

We have been accustomed to consider the trade which we have enjoyed with the British colonies rather as an interchange of mutual benefits than as a mere favor received; that under every circumstance we have given an ample equivalent. We have seen every other nation holding colonies negotiate with other nations, and grant them freely admission to the colonies by treaty; and, so far are the other colonizing nations of Europe now from refusing to negotiate for trade with their colonies, that we ourselves have secured access to the colonies of more than one of them by treaty. The refusal, however, of Great Britain to negotiate, leaves to the United States no other alternative than that of regulating, or interdicting altogether the trade on their part, according as either measure may affect the interests of our own country; and, with that exclusive object, I would recommend the whole subject to your calm and candid deliberations.

It is hoped that our unavailing exertions to accomplish a cordial good understanding on this interest will not have an unpropitious effect upon the other great topics of discussion between the two governments. Our north-eastern and northwestern boundaries are still unadjusted. The commissioners under the 7th article of the treaty of Ghent have nearly come to the close of their labors; nor can we renounce the expectation, enfeebled as it is, that they may agree upon their report to the satisfaction or acquiescence

of both parties. The commission for liquidating the claims for indemnity for slaves carried away after the close of the war has been sitting, with doubtful prospects of success. Propositions of compromise have, however, passed between the two governments, the result of which we flatter ourselves may yet prove satisfactory. Our own dispositions and purposes toward Great Britain are all friendly and conciliatory; nor can we abandon, but with strong reluctance, the belief that they will ultimately meet a return, not of favors, which we neither ask nor desire, but of equal reciprocity and good will.

With the American governments of this hemisphere we continue to maintain an intercourse altogether friendly, and between their nations and ours that commercial interchange of which mutual benefit is the source, and mutual comfort and harmony the result, is in a continual state of improvement. The war between Spain and them, since the total expulsion of the Spanish military force from their continental territories, has been little more than nominal; and their internal tranquillity, though occasionally menaced by the agitations which civil wars never fail to leave behind them, has not been affected by any serious calamity.

The congress of ministers from several of those nations which assembled at Panama, after a short session there, adjourned to meet again, at a more favorable season, in the neighborhood of Mexico. The decease of one of our ministers on his way to the Isthmus, and the impediments of the season, which delayed the departure of the other, deprived us of the advantage of being represented at the first meeting of the congress. There is, however, no reason to believe that any of the transactions of the congress were of a nature to affect injuriously the interests of the United States, or to require the interposition of our ministers had they been present. Their absence has, indeed, deprived us of the opportunity of possessing precise and authentic information of the treaties which were concluded at Panama; and the whole result has confirmed me in the conviction of the expediency to the United States of being represented at the congress. The surviving member of the mission, appointed during your last session, has accordingly proceeded to his destination, and a successor to his distinguished and lamented associate will be nominated to the Senate. A treaty of amity, navigation, and commerce has, in the course of last summer, been concluded by our minister plenipotentiary at Mexico, with the United States and that confederacy, which will also be laid before the Senate for their advice with regard to its ratifications.

In adverting to the present condition of our fiscal concerns, and to the prospects of our revenue, the first remark that calls our attention is, that they are less exuberantly prosperous than they were at the corresponding period of the last year. The severe shock so extensively sustained by the commercial and manufacturing interests in Great Britain has not been without a perceptible recoil upon ourselves. A reduced importation from abroad is necessarily succeeded by a reduced return to the treasury at home. The nett revenue of the present year will not equal that of the last. And the receipts of that which is to come will fall short of those in the current year. The diminution, however, is in part attributable to the flourishing condition of some of our domestic manufactures, and so far is compensated by an equivalent more profitable to the nation. It is also highly gratifying to perceive, that the deficiency in the revenue, while it scarcely exceeds the anticipations of the last year's estimates from the treasury, has not inter-

rupted the application of more than eleven millions during the present year, to the discharge of the principal and interest of the debt, nor the reduction of upwards of seven millions of the capital debt itself. The balance in the treasury on the 1st of January last, was five millions two hundred and one thousand six hundred and fifty dollars forty-three cents. The receipts from that time to the 30th September last, were nineteen millions five hundred and eighty-five thousand nine hundred and thirty-two dollars fifty cents. The receipts of the current quarter, estimated at six millions of dollars, yield, with the sums already received, a revenue of about twenty-five millions and a half for the year. The expenditures for the first three quarters of the year have amounted to eighteen millions seven hundred and fourteen thousand two hundred and twenty-six dollars sixty-six cents. The expenditures of the current quarter are expected, including the two millions of the principal debt to be paid, to balance the receipts. So that the expenses of the year, amounting to upwards of a million less than its income, will leave a proportionally increased balance in the treasury on the first of January, 1827, over that of the first of January last. Instead of five millions two hundred thousand dollars, there will be six millions four hundred thousand dollars.

The amount of duties secured on merchandise imported from the commencement of the year until the 30th of September, is estimated at twenty-one millions two hundred and fifty thousand dollars, and the amount that will probably accrue during the present quarter, is estimated at four millions two hundred and fifty thousand dollars, making for the whole year twenty-five millions five hundred thousand dollars, from which the drawbacks being deducted, will leave a clear revenue from the customs, receivable in the year 1827, of about twenty millions four hundred thousand dollars, which, with the sums to be received from the proceeds of the public lands, the bank dividends, and other incidental receipts, will form an aggregate of about twenty-three millions of dollars, a sum falling short of the whole expenses of the present year, little more than the portion of those expenditures applied to the discharge of the public debt, beyond the annual appropriation of ten millions of dollars by the act of the 3d March, 1817. At the passage of that act, the public debt amounted to one hundred and twenty-three millions five hundred thousand dollars. On the 1st of January next it will be short of seventy-four millions of dollars. In the lapse of these ten years, fifty millions of dollars of public debt, with the annual charge of upwards of three millions of dollars of interest upon them, have been extinguished. At the passage of that act, of the annual appropriation of the ten millions of dollars, seven were absorbed in the payment of interest, and not more than three millions of dollars went to reduce the capital of the debt. Of the same ten millions of dollars, at this time scarcely four are applicable to the interest, and upwards of six are effective in melting down the capital. Yet our experience has proved that a revenue consisting so largely of imposts and tonnage ebbs and flows, to an extraordinary extent, with all the fluctuations incident to the general commerce of the world. It is within our recollection that even in the compass of the same last ten years, the receipts of the treasury were not adequate to the expenditures of the year; and that in two successive years it was found necessary to resort to loans to meet the engagements of the nation. The returning tides of the succeeding years replenished the public coffers, until they have again begun to feel the vicissitudes of a decline. To produce these alterations of fulness and exhaustion, the relative

operation of abundant or of unfruitful seasons, the regulations of foreign governments, political revolutions, the prosperous or decaying condition of manufactures, commercial speculations, and many other causes, not always to be traced, variously combine. We have found the alternate swells and diminutions embracing periods of from two to three years. The last period of depression to us was from 1819 to 1822. The corresponding revival was from 1823 to the commencement of the present year. Still we have no cause to apprehend a depression comparable to that of the former period, or even to anticipate a deficiency which will intrench upon the ability to apply the annual ten millions of dollars to the reduction of the debt. It is well for us, however, to be admonished of the necessity of abiding by the maxims of the most vigilant economy, and of resorting to all honorable and useful expedients, for the pursuing with steady and inflexible perseverance the total discharge of the debt.

Besides the seven millions of dollars of the loans of 1813, which will have been discharged in the course of the present year, there are nine millions of dollars which, by the terms of the contracts, would have been, and are now redeemable. Thirteen millions of dollars more of the loan of 1814 will become redeemable from and after the expiration of the present month, and nine other millions from and after the close of the ensuing year. They constitute a mass of thirty-one millions of dollars, all bearing an interest of six per cent., more than twenty millions of dollars of which will be immediately redeemable, and the rest within little more than a year. Leaving of this amount fifteen millions of dollars to continue at the interest of six per cent., but to be, as far as shall be found practicable, paid off in the years 1827 and 1828, there is scarcely a doubt that the remaining sixteen millions might within a few months be discharged by a loan at not exceeding five per cent., redeemable in the years 1829 and 1830. By this operation, a sum of nearly five hundred thousand dollars may be saved to the nation; and the discharge of the whole thirty-one millions of dollars within the four years, may be greatly facilitated, if not wholly accomplished.

By an act of Congress of 3d March, 1825, a loan for the purpose now referred to, or a subscription to stock, was authorized, at an interest not exceeding four and a half per cent. But, at that time, so large a portion of the floating capital of the country was absorbed in commercial speculations, and so little was left for investment in the stocks, that the measure was but partially successful. At the last session of Congress, the condition of the funds was still unpropitious to the measure; but the change so soon afterwards occurred that, had the authority existed to redeem the nine millions of dollars now redeemable by an exchange of stocks, or a loan of five per cent., it is morally certain that it might have been effected, and with it a yearly saving of ninety thousand dollars.

With regard to the collection of revenue of impost, certain occurrences have within the last year been disclosed in one or two of our principal ports, which engaged the attention of Congress at their last session, and may hereafter require farther consideration. Until within a very few years, the execution of the laws for raising the revenue, like that of all our other laws, has been ensured more by the moral sense of the community, than by the rigors of a jealous precaution, or by penal sanctions. Confiding in the exemplary punctuality and the unsullied integrity of our importing merchants, a gradual relaxation from the provisions of the collection laws, a close adherence to which would have caused inconvenience and expense to them, had long become habitual; and indulgences had

been extended universally, because they had never been abused. It may be worthy of your serious consideration whether some farther legislative provision may not be necessary to come in aid of this state of unguarded security.

From the reports herewith communicated, of the secretaries of war and of the navy, with the subsidiary documents annexed to them, will be discovered the present condition and administration of our military establishment on the land and on the sea. The organization of the army having undergone no change since its reduction to the present peace establishment in 1821, it remains only to observe, that it is yet found adequate to all the purposes for which a permanent armed force in time of peace can be needed or useful. It may be proper to add that, from a difference of opinion between the late president of the United States and the Senate, with regard to the construction of the act of Congress of the 2d of March, 1821, to reduce and fix the military peace establishment of the United States, it remains hitherto so far without execution, that no colonel has been appointed to command one of the regiments of artillery. A supplementary or explanatory act of the legislature appears to be the only expedient practicable for removing the difficulty of this appointment.

In a period of profound peace, the conduct of the mere military establishment forms but a very inconsiderable portion of the duties devolving upon the administration of the department of war. It will be seen by the returns from the subordinate departments of the army, that every branch of the service is marked with order, regularity, and discipline. That from the commanding general through all the gradations of superintendence, the officers feel themselves to have been citizens before they were soldiers, and that the glory of a republican army must consist in the spirit of freedom by which it is animated, and of patriotism by which it is impelled. It may be confidently stated, that the moral character of the army is in a state of continual improvement, and that all the arrangements for the disposal of its parts have a constant reference to that end.

But to the war department are attributed other duties, having indeed relation to a future possible condition of war, but being purely defensive, and in their tendency contributing rather to the security and permanency of peace. The erection of the fortifications provided for by Congress, and adapted to secure our shores from hostile invasion; the distribution of the fund of public gratitude and justice to the pensioners of the revolutionary war; the maintenance of our relations of peace and of protection with the Indian tribes; and the internal improvements and surveys for the location of roads and canals, which, during the last three sessions of Congress, have engaged so much of their attention, and may engross so large a share of their future benefactions to our country.

By the act of the 30th of April, 1824, suggested and approved by my predecessor, the sum of thirty thousand dollars was appropriated for the purpose of causing to be made the necessary surveys, plans, and estimates of the routes of such roads and canals as the president of the United States might deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail. The surveys, plans, and estimates for each, when completed, will be laid before Congress.

In execution of this act, a board of engineers was immediately instituted, and have been since most assiduously and constantly occupied in carrying it into effect. The first object to which their labors were directed, by order

of the late president, was the examination of the country between the tide waters of the Potomac, the Ohio, and Lake Erie, to ascertain the practicability of a communication between them, to designate the most suitable route for the same, and to form plans and estimates, in detail of the expense of execution.

On the third of February, 1825, they made their first report, which was immediately communicated to Congress, and in which they declared, that having maturely considered the circumstances observed by them personally, and carefully studied the results of such of the preliminary surveys as were then completed, they were decidedly of opinion that the communication was practicable.

At the last session of Congress, before the board of engineers were enabled to make up their second report, containing a general plan and preparatory estimates for the work, the committee of the House of Representatives upon roads and canals, closed the session with a report, expressing the hope that the plans and estimates of the board of engineers might at this time be prepared, and that the subject be referred to the early and favorable consideration of Congress at their present session. That expected report of the board of engineers is prepared, and will forthwith be laid before you.

Under the resolution of Congress, authorizing the secretary of war to have prepared a complete system of cavalry tactics, and system of exercise and instruction of field artillery, for the use of the militia of the United States, to be reported to Congress at the present session, a board of distinguished officers of the army and of the militia has been convened, whose report will be submitted to you, with that of the secretary of war. The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the governors of the several states and territories, and other citizens of intelligence and experience, upon the acknowledged defective condition of our militia system, and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

In the estimated appropriations for the ensuing year, upwards of five millions of dollars will be submitted for the expenditures to be paid from the department of war. Less than two fifths of this will be applicable to the maintenance and support of the army. A million and a half, in the form of pensions, goes as a scarcely adequate tribute to the services and sacrifices of a former age, and a more than equal sum invested in fortifications, or for the preparations of internal improvement, provides for the quiet, the comfort, and the happier existence of the ages to come. The appropriations to indemnify those unfortunate remnants of another race, unable alike to share in the enjoyments and to exist in the presence of civilization, though swelling in recent years to a magnitude burdensome to the treasury, are generally not without their equivalents, in profitable value; or serve to discharge the Union from engagements more burdensome than debt.

In like manner the estimate of appropriations for the navy department will present an aggregate sum of upwards of three millions of dollars. About one half of these, however, cover the current expenditures of the navy in actual service, and one half constitutes a fund of national property, the pledge of our future glory and defence. It was scarcely one short year after the close of the late war, and when the burden of its expenses and charges weighed heaviest upon the country, that Congress, by the act of

29th April, 1816, appropriated one million of dollars annually, for eight years, to the gradual increase of the navy. . At a subsequent period, this annual appropriation was reduced to half a million for six years, of which the present year is the last, A yet more recent appropriation of the last two years, for building ten sloops of war, has nearly restored the original appropriation of 1816, of a million for every year. The result is before us all. We have twelve line-of-battle ships, twenty frigates, and sloops of war in proportion; which, with a few months of preparation, may present a line of floating fortifications along the whole range of our coast, ready to meet any invader who might attempt to set foot upon our shores. Combining with a system of fortifications upon the shores themselves, commenced about the same time under the auspices of my immediate predecessor, and hitherto systematically pursued, it has placed in our possession the most effective sinews of war, and has left us at once an example and a lesson from which our own duties may be inferred. The gradual increase of the navy was the principle of which the act of 29th April, 1816, was the first development. It was the introduction of a system to act upon the character and history of our country for an indefinite series of ages. It was a declaration of that Congress, to their constituents and to posterity, that it was the destiny and the duty of these confederated states to become, in regular process of time, and by no petty advances, a great naval power. That which they proposed to accomplish in eight years is rather to be considered as the measure of their means, than the limitation of their design. They looked forward for a term of years sufficient for the accomplishment of a definite portion of their purpose; and they left to their successors to fill up the canvass of which they had traced the large and prophetic outline. The ships of the line and frigates, which they had in contemplation, will be shortly completed. The time which they had allotted for the accomplishment of the work has more than elapsed. It remains for your consideration how their successors may contribute their portion of toil and of treasure for the benefit of the succeeding age, in the gradual increase of our navy. There is, perhaps, no part of the exercise of the constitutional powers of the federal government which has given more general satisfaction to the people of the Union than this. The system has not been thus vigorously introduced and hitherto sustained, to be now departed from or abandoned. In continuing to provide for the gradual increase of the navy, it may not be necessary or expedient to add for the present any more to the number of our ships; but should you deem it advisable to continue the yearly appropriation of half a million to the same objects, it may be profitably expended in providing a supply of timber to be seasoned, and other materials for future use in the construction of docks, or in laying the foundation of schools for naval education, as to the wisdom of Congress either of those measures may appear to claim the preference.

Of the small portions of this navy engaged in actual service during the peace, squadrons have continued to be maintained on the Pacific ocean, in the West India seas, and in the Mediterranean; to which has been added a small armament to cruise on the eastern coast of South America. In all they have afforded protection to our commerce, have contributed to make our country advantageously known to foreign nations, have honorably employed multitudes of our seamen in the service of their country, and have enured numbers of youths of the rising generation to lives of manly hardihood and of nautical experience and skill. The piracies with which the

West India seas were for several years infested, have been totally suppressed. But in the Mediterranean they have increased in a manner afflictive to other nations, and but for the continual presence of our squadron, would probably have been distressing to our own. The war which has unfortunately broken out between the republic of Buenos Ayres and the Brazilian government, has given rise to very great irregularities among the naval officers of the latter, by whom principles in relation to blockades, and to neutral navigation, have been brought forward, to which we cannot subscribe, and which our own commanders have found it necessary to resist. From the friendly disposition toward the United States constantly manifested by the Emperor of Brazil, and the very useful and friendly commercial intercourse between the United States and his dominions, we have reason to believe that the just reparation demanded for the injuries sustained by several of our citizens from some of his officers, will not be withheld. Abstracts from the recent despatches of the commanders of our several squadrons are communicated with the report of the secretary of the navy to Congress.

A report from the postmaster-general is likewise communicated, presenting, in a highly satisfactory manner, the result of a vigorous, efficient and economical administration of that department. The revenue of the office, even of the year including the latter half of 1824, and of the first half of 1825, had exceeded its expenditures by a sum of more than forty-five thousand dollars. That of the succeeding year has been still more productive. The increase of the receipts, in the year preceding the first of July last, over that of the year before, exceeds one hundred and thirty-six thousand dollars, and the excess of the receipts over the expenditures of the year has swollen from forty-five thousand to nearly eighty thousand dollars. During the same period, contracts for additional transportation of the mail in stages, for about two hundred and sixty thousand miles, have been made, and for seventy thousand miles annually, on horseback. Seven hundred and fourteen new post-offices have been established within the year; and the increase of revenue within the last three years, as well as the augmentation of the transportation by mail, is more than equal to the whole amount of receipts and of mail conveyance at the commencement of the present century, when the seat of the general government was removed to this place. When we reflect that the objects effected by the transportation of the mail are among the choicest comforts and enjoyments of social life, it is pleasing to observe that the dissemination of them to every corner of our country has outstripped in their increase even the rapid march of our population.

By the treaties with France and Spain, respectively ceding Louisiana and the Floridas to the United States, provision was made for the security of land titles derived from the governments of those nations. Some progress has been made, under the authority of various acts of Congress, in the ascertainment and establishment of those titles; and claims to a very large extent remain unadjusted. The public faith, no less than the just rights of individuals, and the interest of the community itself, appears to require farther provision for the speedy settlement of these claims, which I therefore recommend to the care and attention of the legislature.

In conformity with the provisions of the 20th of May last, to provide for erecting a penitentiary in the District of Columbia, and for other purposes, three commissioners were appointed to select a site for the erection of a penitentiary for the District, and also a site in the county of Alexandria for

a county jail; both of which objects have been effected. The building of the penitentiary has been commenced, and is in such a degree of forwardness as to promise that it will be completed before the meeting of the next Congress. This consideration points to the expediency of maturing, at the present session, a system for the regulation and government of the penitentiary, and of defining the class of offences which shall be punishable by confinement in this edifice.

In closing this communication, I trust that it will not be deemed inappropriate to the occasion and purposes upon which we are here assembled, to indulge a momentary retrospect, combining, in a single glance, the period of our origin as a national confederation with that of our present existence, at the precise interval of half a century from each other. Since your last meeting at this place, the fiftieth anniversary of the day when our independence was declared, has been celebrated throughout our land; and on that day, when every heart was bounding with joy, and every voice was tuned to gratulation, amid the blessings of freedom and independence, which the sires of a former age have handed down to their children, two of the principal actors in that solemn scene, the hand that penned the ever-memorable declaration, and the voice that sustained it in debate, were, by one summons, at the distance of seven hundred miles from each other, called before the Judge of all, to account for their deeds done upon earth. They departed cheered by the benedictions of their country, to whom they left the inheritance of their fame, and the memory of their bright example. If we turn our thoughts to the condition of their country, in the contrast of the first and last day of that half century, how resplendent and sublime is the transition from gloom to glory! Then, glancing through the same lapse of time, in the condition of the individuals, we see the first day marked with the fulness and vigor of youth, in the pledge of their lives, their fortunes, and their sacred honor, to the cause of freedom and mankind. And on the last, extended on the bed of death, with but sense and sensibility left to breathe a last aspiration to Heaven of blessing upon their country; may we not humbly hope, that to them too, it was a pledge of transition from gloom to glory; and that while their mortal vestments were sinking into the clod of the valley, their emancipated spirits were ascending to the bosom of their God!

THIRD ANNUAL MESSAGE.

DECEMBER 8, 1827.

To the Senate and House of Representatives of the United States :

A REVOLUTION of the seasons has nearly been completed since the representatives of the people and the states of this Union were last assembled at this place, to deliberate and to act upon the common important interests of their constituents. In that interval, the never-slumbering eye of a wise and beneficent Providence has continued its guardian care over the welfare of our beloved country. The blessing of health has continued generally to prevail throughout the land. The blessing of peace with our brethren of the human race has been enjoyed without interruption; internal quiet has left our fellow citizens in the full enjoyment of all their rights, and in the free exercise of all their faculties, to pursue the impulse of their nature, and

the obligation of their duty in the improvement of their own condition. the productions of the soil, the exchanges of commerce, the vivifying labors of human industry, have combined to mingle in our cup a portion of enjoyment as large and liberal as the indulgence of Heaven has perhaps ever granted to the imperfect state of man upon earth; and, as the purest of human felicity consists in its participation with others, it is no small addition to the sum of our national happiness at this time, that peace and prosperity prevail to a degree seldom experienced over the whole habitable globe; presenting, though as yet with painful exceptions, a foretaste of that blessed period of promise, when the lion shall lie down with the lamb, and wars shall be no more. To preserve, to improve, and to perpetuate the sources, and to direct in their most effective channels the streams which contribute to the public weal, is the purpose for which government was instituted. Objects of deep importance to the welfare of the Union are constantly recurring to demand the attention of the federal legislature, and they call with accumulated interest at the first meeting of the two houses, after their periodical renovation. To present to their consideration, from time to time, subjects in which the interests of the nation are most deeply involved, and for the regulation of which the legislative will is alone competent, is a duty prescribed by the constitution, to the performance of which, the first meeting of the new Congress is a period eminently appropriate, and which it is now my purpose to discharge.

Our relations of friendship with the other nations of the earth, political and commercial, have been preserved unimpaired; and the opportunities to improve them have been cultivated with anxious and unremitting attention. A negotiation upon subjects of high and delicate interest with the government of Great Britain, has terminated in the adjustment of some of the questions at issue, upon satisfactory terms, and the postponement of others for future discussion and agreement. The purposes of the convention concluded at St. Petersburg, on the 12th day of July, 1822, under the mediation of the late Emperor Alexander, have been carried into effect by a subsequent convention, concluded at London, on the 13th of November, 1826, the ratifications of which were exchanged at that place on the 6th day of February last. A copy of the proclamation issued on the 19th day of March last, publishing this convention, is herewith communicated to Congress. The sum of twelve hundred and four thousand nine hundred and sixty dollars, therein stipulated to be paid to the claimants of indemnity, under the first article of the treaty of Ghent, has been duly received, and the commission instituted, conformably to the act of Congress of the 2d of March last, for the distribution of the indemnity to the persons entitled to receive it, are now in session, and approaching the consummation of their labors. This final disposal of one of the most painful topics of collision between the United States and Great Britain, not only affords an occasion of gratulation to ourselves, but has had the happiest effect in promoting a friendly disposition, and in softening asperities upon other objects of discussion. Nor ought it to pass without the tribute of a frank and cordial acknowledgment of the magnanimity with which an honorable nation, by the reparation of their own wrongs, achieves a triumph more glorious than any field of blood can ever bestow.

The conventions of 3d July, 1815, and of 20th October, 1818, will expire, by their own limitation, on the 20th October, 1828. These have regulated the direct commercial intercourse between the United States and Great

Britain, upon terms of the most perfect reciprocity; and they effected a temporary compromise of the respective rights and claims to territory westward of the Rocky Mountains. These arrangements have been continued for an indefinite period of time, after the expiration of the above-mentioned conventions; leaving each party the liberty of terminating them by giving twelve months notice to the other. The radical principle of all commercial intercourse between independent nations is the mutual interest of both parties. It is the vital spirit of trade itself; nor can it be reconciled to the nature of man, or to the primary laws of human society, that any traffic should long be willingly pursued, of which all the advantages are on one side, and all the burdens on the other. Treaties of commerce have been found, by experience, to be among the most effective instruments for promoting peace and harmony between nations whose interests, exclusively considered on either side, are brought into frequent collisions by competition. In framing such treaties, it is the duty of each party, not simply to urge with unyielding pertinacity that which suits its own interests, but to concede liberally to that which is adapted to the interest of the other. To accomplish this, little more is generally required than a simple observance of the rule of reciprocity; and were it possible for the statesman of one nation, by stratagem and management, to obtain from the weakness or ignorance of another an overreaching treaty, such a compact would prove an incentive to war rather than a bond of peace. Our conventions with Great Britain are founded upon the principles of reciprocity. The commercial intercourse between the two countries is greater in magnitude and amount than between any two other nations on the globe. It is, for all purposes of benefit or advantage to both, as precious, and in all probability far more extensive, than if the parties were still constituent parts of one and the same nation. Treaties between such states, regulating the intercourse of peace between them, and adjusting interests of such transcendent importance to both, which have been found in a long experience of years mutually advantageous, should not be lightly cancelled or discontinued. Two conventions for continuing in force those above mentioned, have been concluded between the plenipotentiaries of the two governments, on the 6th of August last, and will be forthwith laid before the Senate for the exercise of their constitutional authority concerning them.

In the execution of the treaties of peace, of November, 1782 and September, 1783, between the United States and Great Britain, and which terminated the war of our independence, a line of boundary was drawn as the demarcation of territory between the two countries, extending over near twenty degrees of latitude, and ranging over seas, lakes, and mountains, then very imperfectly explored, and scarcely opened to the geographical knowledge of the age. In the progress of discovery and settlement by both parties, since that time, several questions of boundary between their respective territories have arisen, which have been found of exceedingly difficult adjustment. At the close of the last war with Great Britain, four of these questions pressed themselves upon the consideration of the negotiation of the treaty of Ghent, but without the means of concluding a definitive arrangement concerning them. They were referred to three separate commissions, consisting of two commissioners, one appointed by each party, to examine and decide upon their respective claims. In the event of disagreement between the commissioners, it was provided that they should make reports to their several governments, and that the reports

should finally be referred to the decision of a sovereign, the common friend of both. Of these commissions two have already terminated their sessions and investigations, one by entire, and the other by partial agreement. The commissioners of the fifth article of the treaty of Ghent have finally disagreed, and made their conflicting reports to their own governments. But from these reports a great difficulty has occurred in making up a question to be decided by the arbitrator. This purpose has, however, been effected by a fourth convention, concluded at London by the plenipotentiaries of the two governments, on the 29th of September last. It will be submitted, together with the others, to the consideration of the Senate.

While these questions have been pending, incidents have occurred of conflicting pretensions, and of a dangerous character, upon the territory itself in dispute between the two nations. By a common understanding between the governments, it was agreed that no exercise of exclusive jurisdiction by either party, while the negotiation was pending, should change the state of the question of right to be definitively settled. Such collision has, nevertheless, recently taken place by occurrences the precise character of which has not yet been ascertained. A communication from the governor of the state of Maine, with accompanying documents, and a correspondence between the secretary of state and the minister of Great Britain, on this subject, are now communicated. Measures have been taken to ascertain the state of the facts more correctly, by the employment of a special agent to visit the spot where the alleged outrages have occurred; the result of those inquiries, when received, will be transmitted to Congress.

While so many of the subjects of high interest to the friendly relations between the two countries have been so far adjusted, it is matter of regret that their views respecting commercial intercourse between the United States and the British colonial possessions have not equally approximated to a friendly agreement.

At the commencement of the last session of Congress, they were informed of the sudden and unexpected exclusion, by the British government, of access, in vessels of the United States, to all their colonial ports, except those immediately bordering upon our own territories. In the amicable discussions which have succeeded the adoption of this measure, which, as it affected harshly the interests of the United States, became a subject of expostulation on our part, the principles upon which its justification has been placed have been of a diversified character. It has been at once ascribed to a mere recurrence to the old long-established principle of colonial monopoly, and at the same time to a feeling of resentment, because the offers of an act of parliament, opening the colonial ports upon certain conditions had not been grasped at with sufficient eagerness by an instantaneous conformity to them. At a subsequent period it has been intimated that the new exclusion was in resentment, because a prior act of parliament, of 1822, opening certain colonial ports, under heavy and burdensome restrictions to vessels of the United States, had not been reciprocated by an admission of British vessels from the colonies, and their cargoes, without any restriction or discrimination whatever. But, be the motive for the interdiction what it may, the British government have manifested no disposition, either by negotiation or by corresponding legislative enactments, to recede from it, and we have been given distinctly to understand, that neither of the bills which were under the consideration of Congress, at their

last session, would have been deemed sufficient in their concessions to have been rewarded by any relaxation from the British interdict. It is one of the inconveniences inseparably connected with the attempt to adjust, by reciprocal legislation, interests of this nature, that neither party can know what would be satisfactory to the other; and that after enacting a statute for the avowed and sincere purpose of conciliation, it will generally be found utterly inadequate to the expectations of the other party, and will terminate in mutual disappointment.

The session of Congress having terminated without any act upon the subject, a proclamation was issued, on the 17th of March last, conformably to the provisions of the 6th section of the act of 1st March, 1823, declaring the fact that the trade and intercourse authorized by the British act of parliament, of 24th June, 1822, between the United States and the British enumerated colonial ports, had been, by the subsequent acts of parliament, of 5th July, 1825, and the order of council, of 27th July, 1826, prohibited. The effect of this proclamation, by the terms of the act under which it was issued, has been, that each and every provision of the act concerning navigation, of 18th of April, 1818, and of the act supplementary thereto, of 15th of May, 1820, revived, and is in full force. Such, then, is the present condition of the trade, that, useful as it is to both parties, it can, with a single momentary exception, be carried on directly by the vessels of neither. That exception itself is found in a proclamation of the governor of the island of St. Christopher and of the Virgin islands, inviting, for three months from the 28th of August last, the importation of the articles of the produce of the United States, which constitute their export portion of this trade, in the vessels of all nations. That period having already expired, the state of mutual interdiction has again taken place. The British government have not only declined negotiation upon this subject, but by the principle they have assumed with reference to it, have precluded even the means of negotiation. It becomes not the self-respect of the United States either to solicit gratuitous favors, or to accept as the grant of a favor that for which an ample equivalent is exacted. It remains to be determined by the respective governments, whether the trade shall be opened by acts of reciprocal legislation. It is, in the meantime, satisfactory to know that, apart from the inconveniences resulting from a disturbance of the usual channels of trade, no loss has been sustained by the commerce, the navigation, or the revenue of the United States, and none of magnitude is to be apprehended from this existing state of mutual interdict.

With the other maritime and commercial nations of Europe our intercourse still continues with little variation. Since the cessation, by the convention of 24th June, 1822, of all discriminating duties upon the vessels of the United States and of France, in either country, our trade with that nation has increased and is increasing. A disposition on the part of France has been manifested to renew that negotiation; and, in acceding to the proposal, we have expressed the wish that it might be extended to other objects, upon which a good understanding between the parties would be beneficial to the interests of both. The origin of the political relations between the United States and France is coeval with the first years of our independence. The memory of it is interwoven with that of our arduous struggle for national existence. Weakened as it has occasionally been since that time, it can by us never be forgotten; and we should hail with exultation the moment which should indicate a recollection equally friendly in spirit on the

part of France. A fresh effort has recently been made, by the minister of the United States residing at Paris, to obtain a consideration of the just claims of citizens of the United States, to the reparation of wrongs long since committed, many of them frankly acknowledged, and all of them entitled, upon every principle of justice, to a candid examination. The proposal last made to the French government has been, to refer the subject which has formed an obstacle to this consideration to the determination of a sovereign the common friend of both. To this offer no definitive answer has yet been received; but the gallant and honorable spirit which has at all times been the pride and glory of France, will not ultimately permit the demands of innocent sufferers to be extinguished in the mere consciousness of the power to reject them.

A new treaty of amity, navigation, and commerce has been concluded with the kingdom of Sweden, which will be submitted to the Senate, for their advice with regard to its ratification. At a more recent date, a minister plenipotentiary from the Hanseatic republics of Hamburg, Lubeck, and Bremen, has been received, charged with a special mission for the negotiation of a treaty of amity and commerce between that ancient and renowned league and the United States. This negotiation has accordingly been commenced, and is now in progress, the result of which will, if successful, be also submitted to the Senate for their consideration.

Since the accession of the Emperor Nicholas to the imperial throne of all the Russias, the friendly dispositions toward the United States, so constantly manifested by his predecessor, have continued unabated, and have been recently testified by the appointment of a minister plenipotentiary to reside at this place. From the interest taken by this sovereign in behalf of the suffering Greeks, and from the spirit with which others of the great European powers are co-operating with him, the friends of freedom and of humanity may indulge the hope that they will obtain relief from that most unequal of conflicts which they have so long and so gallantly sustained; that they will enjoy the blessings of self-government which, by their sufferings in the cause of liberty, they have richly earned; and that their independence will be secured by those liberal institutions of which their country furnished the earliest examples in the history of mankind, and which have consecrated to immortal remembrance the very soil for which they are now again profusely pouring forth their blood. The sympathies which the people and the government of the United States have so warmly indulged with their cause, have been acknowledged by their government, in a letter of thanks, which I have received from their illustrious president, a translation of which is now communicated to Congress, the representatives of that nation to whom this tribute of gratitude was intended to be paid, and to whom it was justly due.

In the American hemisphere, the cause of freedom and independence has continued to prevail, and if signalized by none of those splendid triumphs which had crowned with glory some of the preceding years, it has only been from the banishment of all external force against which the struggle had been maintained. The shout of victory has been superseded by the expulsion of the enemy over whom it could have been achieved. Our friendly wishes and cordial good will, which have constantly followed the southern nations of America, in all the vicissitudes of their war of independence, are succeeded by a solicitude equally ardent and cordial, that, by the wisdom and purity of their institutions, they may secure to themselves the choicest

blessings of social order, and the best rewards of virtuous liberty. Disclaiming alike all right and all intention of interfering in those concerns which it is the prerogative of their independence to regulate as to them shall seem fit, we hail with joy every indication of their prosperity, of their harmony, of their persevering and inflexible homage to those principles of freedom and of equal rights which are alone suited to the genius and temper of the American nations. It has been, therefore, with some concern that we have observed indications of intestine divisions in some of the republics of the south, and appearances of less union with one another than we believe to be the interest of all. Among the results of this state of things has been that the treaties concluded at Panama do not appear to have been ratified by the contracting parties, and that the meeting of the congress at Tacubaya has been indefinitely postponed. In accepting the invitations to be represented at this congress, while a manifestation was intended on the part of the United States, of the most friendly disposition toward the southern republics by whom it had been proposed, it was hoped that it would furnish an opportunity for bringing all the nations of this hemisphere to the common acknowledgment and adoption of the principles, in the regulation of their internal relations, which would have secured a lasting peace and harmony between them, and have promoted the cause of mutual benevolence throughout the globe. But as obstacles appear to have arisen to the re-assembling of the congress, one of the two ministers commissioned on the part of the United States has returned to the bosom of his country, while the ministers charged with the ordinary mission to Mexico remain authorized to attend at the conferences of the congress, whenever they may be resumed.

A hope was for a short time entertained that a treaty of peace, actually signed between the governments of Buenos Ayres and Brazil, would supersede all farther occasions for those collisions between belligerent pretensions and neutral rights which are so commonly the result of maritime war, and which have unfortunately disturbed the harmony of the relations between the United States and the Brazilian government. At their last session, Congress were informed that some of the naval officers of that empire had advanced and practised upon principles in relation to blockade, and to neutral navigation, which we could not sanction, and which our commanders found it necessary to resist. It appears that they have not been sustained by the government of Brazil itself. Some of the vessels captured under the assumed authority of these erroneous principles have been restored, and we trust that our just expectations will be realized, that adequate indemnity will be made to all the citizens of the United States who have suffered by the unwarranted captures which the Brazilian tribunals themselves have pronounced unlawful.

In the diplomatic discussion at Rio de Janeiro of these wrongs, sustained by citizens of the United States, and of others which seemed as if emanating immediately from that government itself, the chargé d'affaires of the United States, under an impression that his representations in behalf of the rights and interests of his countrymen were totally disregarded and useless, deemed it his duty, without waiting for instructions, to terminate his official functions, to demand his passports, and return to the United States. This movement, dictated by an honest zeal for the honor and interest of his country—motives which operated exclusively upon the mind of the officer who resorted to it—has not been disapproved by me. The Brazilian government,

however, complained of it as a measure for which no adequate intentional cause had been given by them; and, upon an explicit assurance, through their chargé d'affaires residing here, that a successor to the late representative of the United States near that government, the appointment of whom they desired, should be received and treated with the respect due to his character, and that indemnity should be promptly made for all injuries inflicted on citizens of the United States, or their property, contrary to the laws of nations, a temporary commission as chargé d'affaires to that country has been issued, which, it is hoped, will entirely restore the ordinary diplomatic intercourse between the two governments, and the friendly relations between their respective nations.

Turning from the momentous concerns of our Union, in its intercourse with foreign nations, to those of the deepest interest in the administration of our internal affairs, we find the revenues of the present year corresponding as nearly as might be expected to the anticipations of the last, and presenting an aspect still more favorable in the promise of the next. The balance in the treasury on the first of January last, was six millions three hundred and fifty-eight thousand six hundred and eighty-six dollars eighteen cents. The receipts from that day to the 30th September last, as near as the returns of them yet received can show, amount to sixteen millions eight hundred and eighty-six thousand five hundred and eighty-one dollars thirty-two cents. The receipts of the present quarter, estimated at four millions five hundred and fifteen thousand dollars, added to the above, form an aggregate of twenty-one millions four hundred thousand dollars of receipts. The expenditures of the year may perhaps amount to twenty-two millions three hundred thousand dollars, presenting a small excess over the receipts. But of these twenty-two millions of dollars, upwards of six have been applied to the discharge of the principal of the public debt; the whole amount of which, approaching seventy-four millions of dollars, on the first of January last, will, on the first day of next year, fall short of sixty-seven millions five hundred thousand dollars. The balance in the treasury, on the first of January next, it is expected will exceed five millions four hundred and fifty thousand dollars, a sum exceeding that of the first of January, 1825, though falling short of that exhibited on the first of January last.

It was foreseen that the revenue of the present year would not equal that of the last, which had itself been less than that of the next preceding year. But the hope has been realized which was entertained, that these deficiencies would in no wise interrupt the steady operation of the discharge of the public debt by the annual ten millions devoted to that object by the act of 3d of March, 1817.

The amount of duties secured on merchandise imported from the commencement of the year until the 30th of September last, is twenty-one millions two hundred and twenty-six thousand dollars, and the probable amount of that which will be secured during the remainder of the year, is five millions seven hundred and seventy-four thousand dollars; forming a sum total of twenty-seven millions of dollars. With the allowances for drawbacks and contingent deficiencies which may occur, though not specifically foreseen, we may safely estimate the receipts of the ensuing year at twenty-two millions three hundred thousand dollars; a revenue for the next, equal to the expenditures of the present year.

The deep solicitude felt by our citizens of all classes throughout the Union for the total discharge of the public debt, will apologize for the

earnestness with which I deem it my duty to urge this topic upon the consideration of Congress,—of recommending to them again the observance of the strictest economy in the public funds. The depression upon the receipts of the revenue which had commenced with the year 1826, continued with increased severity during the first two quarters of the present year. The returning tide began to flow with the third quarter, and so far as we can judge from experience, may be expected to continue through the course of the ensuing year. In the mean time, an alleviation from the burden of the public debt will, in the three years, have been effected to the amount of nearly sixteen millions of dollars, and the charge of annual interest will have been reduced upwards of one million. But among the maxims of political economy which the stewards of the public moneys should never suffer without urgent necessity to be transcended, is that of keeping the expenditures of the year within the limits of its receipts. The appropriations of the last two years, including the yearly ten millions of the sinking fund, have each equalled the promised revenue of the ensuing year. While we foresee with confidence that the public coffers will be replenished from the receipts, as fast as they will be drained by the expenditures, equal in amount to those of the current year, it should not be forgotten that they could ill suffer the exhaustion of larger disbursements.

The condition of the army, and of all branches of the public service under the superintendence of the secretary of war, will be seen by the report from that officer, and the documents with which it is accompanied.

During the course of the last summer, a detachment of the army has been usefully and successfully called to perform their appropriate duties. At the moment when the commissioners appointed for carrying into execution certain provisions of the treaty of August 19th, 1825, with various tribes of the northwestern Indians, were about to arrive at the appointed place of meeting, the unprovoked murder of several citizens, and other acts of unequivocal hostility committed by a party of the Winnebago tribe, one of those associated in the treaty, followed by indications of a menacing character, among other tribes of the same region, rendered necessary an immediate display of the defensive and protective force of the Union in that quarter. It was accordingly exhibited by the immediate and concerted movements of the governors of the state of Illinois, and of the territory of Michigan, and competent levies of militia, under their authority, with a corps of seven hundred men of United States' troops, under the command of General Atkinson, who, at the call of Governor Cass, immediately repaired to the scene of danger from their station at St. Louis. Their presence dispelled the alarm of our fellow citizens on those borders, and overawed the hostile purposes of the Indians. The perpetrators of the murders were surrendered to the authority and operation of our laws; and every appearance of purposed hostility from those Indian tribes has subsided.

Although the present organization of the army, and the administration of its various branches of service are, upon the whole, satisfactory, they are yet susceptible of much improvement in particulars, some of which have been heretofore submitted to the consideration of Congress, and others are now first presented in the report of the secretary of war.

The expediency of providing for additional numbers of officers in the two corps of engineers will, in some degree, depend upon the number and extent of the objects of national importance upon which Congress

may think it proper that surveys should be made, conformably to the act of the 30th of April, 1824. Of the surveys which, before the last session of Congress, had been made under the authority of that act, reports were made:

1. Of the board of internal improvement on the Chesapeake and Ohio canal.
2. On the continuance of the national road from Cumberland to the tide waters within the District of Columbia.
3. On the continuance of the national road from Canton to Zanesville.
4. On the location of the national road from Zanesville to Columbus.
5. On the continuation of the same road to the seat of government in Missouri.
6. On a post-road from Baltimore to Philadelphia.
7. On a survey of Kennebec river, (in part.)
8. On a national road from Washington to Buffalo.
9. On the survey of Saugatuck harbor and river.
10. On a canal from Lake Pontchartrain to the Mississippi river.
11. On surveys at Edgartown, Newburyport, and Hytanic harbor.
12. On survey of La Plaisance bay, in the territory of Michigan.

And reports are now prepared, and will be submitted to Congress:

On surveys of the peninsula of Florida, to ascertain the practicability of a canal to connect the waters of the Atlantic with the gulf of Mexico, across that peninsula; and also of the country between the bays of Mobile and of Pensacola, with the view of connecting them together by a canal.

On surveys of a route for a canal to connect the waters of James and Great Kenhawa rivers.

On the survey of the Swash, in Pamlico Sound, and that of Cape Fear, below the town of Wilmington, in North Carolina.

On the survey of the Muscle Shoals, in the Tennessee river, and for a route for a contemplated communication between the Hiwassee and Coosa rivers, in the state of Alabama.

Other reports of surveys upon objects pointed out by the several acts of Congress of the last and preceding sessions, are in the progress of preparation, and most of them may be completed before the close of this session. All the officers of both corps of engineers, with several other persons duly qualified, have been constantly employed upon these services, from the passage of the act of the 30th of April, 1824, to this time. Were no other advantage to accrue to the country from their labors than the fund of topographical knowledge which they have collected and communicated, that alone would have been a profit to the Union more than adequate to all the expenditures which have been devoted to the object; but the appropriations for the repair and continuation of the Cumberland road, for the construction of various other roads, for the removal of obstructions from the rivers and harbors, for the erection of light-houses, beacons, piers, and buoys, and for the completion of canals undertaken by individual associations, but needing the assistance of means and resources more comprehensive than individual enterprise can command, may be considered rather as treasures laid up from the contributions of the present age for the benefit of posterity, than as unrequited applications of the accruing revenues of the nation. To such objects of permanent improvement to the condition of the country, of real addition to the wealth as well as to the comfort of the people by whose authority and resources they have been effected, from

three to four millions of the annual income of the nation have, by laws enacted at the three most recent sessions of Congress, been applied, without intrrenching upon the necessities of the treasury; without adding a dollar to the taxes or debts of the community; without suspending even the steady and regular discharge of the debts contracted in former days, which, within the same three years, have been diminished by the amount of nearly sixteen millions of dollars.

The same observations are, in a great degree, applicable to the appropriations made for fortifications upon the coasts and harbors of the United States, for the maintenance of the military academy at West Point, and for the various objects under the superintendence of the department of the navy. The report of the secretary of the navy, and those from the subordinate branches of both the military departments, exhibit to Congress, in minute detail, the present condition of the public establishments dependent upon them; the execution of the acts of Congress relating to them; and the views of the officers engaged in the several branches of the service concerning the improvements which may tend to their perfection. The fortifications of the coast, and the gradual increase and improvement of the navy, are parts of a great system of national defence, which has been upwards of ten years in progress, and which, for a series of years to come, will continue to claim the constant and persevering protection and superintendence of the legislative authority. Among the measures which have emanated from these principles, the act of the last session of Congress, for the gradual improvement of the navy, holds a conspicuous place. The collection of timber for the future construction of vessels of war, the preservation and reproduction of the species of timber peculiarly adapted to that purpose; the construction of dry docks for the use of the navy; the erection of a marine railway for the repair of the public ships, and the improvement of the navy yards for the preservation of the public property deposited in them, have all received from the executive the attention required by that act, and will continue to receive it, steadily proceeding toward the execution of all its purposes. The establishment of a naval academy, furnishing the means of theoretic instruction to the youths who devote their lives to the service of their country upon the ocean, still solicit the sanction of the legislature. Practical seamanship and the art of navigation may be acquired upon the cruises of the squadrons, which from time to time are despatched to distant seas; but a competent knowledge even of the art of ship-building, the higher mathematics, and astronomy; the literature which can place our officers on a level of polished education with the officers of other maritime nations; the knowledge of the laws, municipal and national, which, in their intercourse with foreign states and their governments, are continually called into operation; and above all, that acquaintance with the principles of honor and justice, with the higher obligations of morals, and of general laws, human and divine, which constitute the great distinction between the warrior patriot, and the licensed robber and pirate; these can be systematically taught and eminently acquired only in a permanent school, stationed upon the shore, and provided with the teachers, the instruments, and the books, conversant with and adapted to the communication of the principles of these respective sciences to the youthful and inquiring mind.

The report from the postmaster-general exhibits the condition of that department as highly satisfactory for the present, and still more promising for the future. Its receipts for the year ending the first of July last,

amounted to one million four hundred seventy-three thousand five hundred and fifty-one dollars, and exceeded its expenditures by upwards of one hundred thousand dollars. It cannot be an over sanguine estimate to predict that, in less than ten years, of which one half have elapsed, the receipts will have been more than doubled. In the mean time, a reduced expenditure upon established routes has kept pace with increased facilities of public accommodation, and additional services have been obtained at reduced rates of compensation. Within the last year the transportation of the mail in stages has been greatly augmented. The number of post-offices has been increased to seven thousand; and it may be anticipated that, while the facilities of intercourse between fellow citizens, in person or by correspondence, will soon be carried to the door of every villager in the Union, a yearly surplus of revenue will accrue which may be applied as the wisdom of Congress, under the exercise of their constitutional powers, may devise for the farther establishment and improvement of the public roads, or by adding still farther to the facilities in the transportation of the mail. Of the indications of the prosperous condition of our country, none can be more pleasing than those presented by the multiplying relations of personal and intimate intercourse between the citizens of the Union dwelling at the remotest distances from each other.

Among the subjects which have heretofore occupied the earnest solicitude and attention of Congress, is the management and disposal of that portion of the property of the nation which consists of the public lands. The acquisition of them, made at the expense of the whole Union, not only in treasure but in blood, marks a right of property in them equally extensive. By the report and statements from the general land office, now communicated, it appears that, under the present government of the United States, a sum little short of thirty-three millions of dollars has been paid from the common treasury, for that portion of this property which has been purchased from France and Spain, and for the extinction of the aboriginal titles. The amount of lands acquired is near two hundred and sixty millions of acres, of which, on the first of January, 1826, about one hundred and thirty-nine millions of acres had been surveyed, and little more than nineteen millions of acres had been sold. The amount paid into the treasury by the purchasers of the lands sold, is not yet equal to the sums paid for the whole, but leaves a small balance to be refunded; the proceeds of the sales of the lands have long been pledged to the creditors of the nation; a pledge from which we have reason to hope that they will in a very few years be redeemed.

The system upon which this great national interest has been managed, was the result of long, anxious, and persevering deliberation; matured and modified by the progress of our population and the lessons of experience, it has been hitherto eminently successful. More than nine tenths of the lands still remain the common property of the Union, the appropriation and disposal of which are sacred trusts in the hands of Congress. Of the lands sold, a considerable part were conveyed under extended credits, which, in the vicissitudes and fluctuations in the value of lands, and of their produce, became oppressively burdensome to the purchasers. It can never be the interest or the policy of the nation to wring from its own citizens the reasonable profits of their industry and enterprise, by holding them to the rigorous import of disastrous engagements. In March, 1821, a debt of twenty-two millions of dollars, due by purchasers of the public lands, had accumu-

lated, which they were unable to pay. An act of Congress of the 2d of March, 1821, came to their relief, and has been succeeded by others, the latest being the act of the 4th of May, 1826, the indulgent provisions of which expired on the 4th of July last. The effect of these laws has been to reduce the debt from the purchasers, to a remaining balance of about four millions three hundred thousand dollars due; more than three fifths of which are for lands within the state of Alabama. I recommend to Congress the revival and continuance for a farther term, of the beneficent accommodations to the public debtors of that statute, and submit to their consideration, in the same spirit of equity, the remission, under proper discriminations, of the forfeitures of partial payments on account of purchases of the public lands, so far as to allow of their application to other payments.

There are various other subjects of deep interest to the whole Union, which have heretofore been recommended to the consideration of Congress, as well by my predecessor, as under the impression of the duties devolving upon me, by myself. Among these are: the debt, rather of justice than gratitude, to the surviving warriors of the revolutionary war; the extension of the judicial administration of the federal government to those extensive and important members of the Union which, having risen into existence since the organization of the present judiciary establishment, now constitute at least one third of its territory, power, and population; the formation of a more effective and uniform system for the government of the militia; and the amelioration, in some form or modification, of the diversified and often oppressive codes relating to insolvency. Amidst the multiplicity of topics of great national concernment which may recommend themselves to the calm and patriotic deliberations of the legislature, it may suffice to say, that, on these and on all other measures which may receive their sanction, my hearty co-operation will be given, conformably to the duties enjoined upon me, and under the sense of all the obligations prescribed by the constitution.

FOURTH ANNUAL MESSAGE.

DECEMBER 2, 1828.

To the Senate and House of Representatives of the United States:

If the enjoyment in profusion of the bounties of Providence forms a suitable subject of mutual gratulation and grateful acknowledgment, we are admonished at this return of the season, when the representatives of the nation are assembled to deliberate upon their concerns, to offer up the tribute of fervent and grateful hearts for the never-failing mercies of Him who ruleth over all. He has again favored us with healthful seasons and abundant harvests. He has sustained us at peace with foreign countries, and in tranquillity within our borders. He has preserved us in the quiet and undisturbed possession of civil and religious liberty. He has crowned the year with his goodness, imposing on us no other conditions than of improving, for our own happiness, the blessings bestowed by his hands; and in the fruition of all his favors, of devoting the faculties with which we have been endowed by him, to his glory and to our own temporal and eternal welfare.

In the relations of our federal Union with our brethren of the human race, the changes which have occurred since the close of your last session have generally tended to the preservation of peace, and to the cultivation

of harmony. Before your last separation, a war had unhappily been kindled between the empire of Russia, one of those with which our intercourse has been no other than a constant exchange of good offices, and that of the Ottoman Porte, a nation from which geographical distance, religious opinions and maxims of government on their part, little suited to the formation of those bonds of mutual benevolence which result from the benefits of commerce, had kept us in a state, perhaps too much prolonged, of coldness and alienation. The extensive, fertile, and populous dominions of the sultan, belong rather to the Asiatic than the European division of the human family. They enter but partially into the system of Europe; nor have their wars with Russia and Austria, the European states upon which they border, for more than a century past, disturbed the pacific relations of these states with the other great powers of Europe. Neither France, nor Prussia, nor Great Britain, has ever taken part in them; nor is it to be expected that they will at this time. The declaration of war by Russia has received the approbation or acquiescence of her allies, and we may indulge the hope that its progress and termination will be signalized by the moderation and forbearance, no less than by the energy of the Emperor Nicholas, and that it will afford the opportunity for such collateral agency in behalf of the suffering Greeks as will secure to them ultimately the triumph of humanity and of freedom.

The state of our particular relations with France has scarcely varied in the course of our present year. The commercial intercourse between the two countries has continued to increase for the mutual benefit of both. The claims of indemnity to numbers of our fellow citizens for depredations upon their property, heretofore committed during the revolutionary governments, still remain unadjusted, and still form the subject of earnest representation and remonstrance. Recent advices from the minister of the United States at Paris, encourage the expectations that the appeal to the justice of the French government will ere long receive a favorable consideration.

The last friendly expedient has been resorted to for the decision of the controversy with Great Britain, relating to the northeastern boundary of the United States. By an agreement with the British government, carrying into effect the provisions of the fifth article of the treaty of Ghent, and the convention of the 29th of September, 1827, his majesty the king of the Netherlands has by common consent been selected as the umpire between the parties. The proposal to him to accept the designation for the performance of this friendly office will be made at an early day, and the United States, relying upon the justice of their cause, will cheerfully commit the arbitrament of it to a prince equally distinguished for the independence of his spirit, his indefatigable assiduity to the duties of his station, and his inflexible personal probity.

Our commercial relations with Great Britain will deserve the serious consideration of Congress, and the exercise of a conciliatory and forbearing spirit in the policy of both governments. The state of them has been materially changed by the act of Congress passed at their last session, in alteration of the several acts imposing duties on imports, and by acts of more recent date of the British parliament. The effect of the interdiction of direct trade, commenced by Great Britain, and reciprocated by the United States, has been, as was to be foreseen, only to substitute different channels for an exchange of commodities indispensable to the colonies, and profitable to a numerous class of our fellow citizens. The exports, the revenue, the

navigation of the United States have suffered no diminution by our exclusion from direct access to the British colonies. The colonies pay more dearly for the necessaries of life, which their government burdens with the charges of double voyages, freight, insurance, and commission, and the profits of our exports are somewhat impaired, and more injuriously transferred from one portion of our citizens to another. The resumption of this old and otherwise exploded system of colonial exclusion has not secured to the shipping interests of Great Britain the relief which, at the expense of the distant colonies and of the United States, it was expected to afford. Other measures have been resorted to, more pointedly bearing upon the navigation of the United States, and which, unless modified by the construction given to the recent acts of parliament, will be manifestly incompatible with the positive stipulations of the commercial convention existing between the two countries. That convention, however, may be terminated with twelve months' notice, at the option of either party.

A treaty of amity, navigation, and commerce, between the United States and his majesty the emperor of Austria, king of Hungary and Bohemia, has been prepared for signature by the secretary of state, and by the Baron de Lederer, intrusted with full powers of the Austrian government. Independently of the new and friendly relations which may be thus commenced with one of the most eminent and powerful nations of the earth, the occasion has been taken in it, as in other recent treaties concluded by the United States, to extend those principles of liberal intercourse and of fair reciprocity which intertwine with the exchanges of commerce the principles of justice, and the feelings of mutual benevolence. This system, first proclaimed to the world in the first commercial treaty ever concluded by the United States, that of 6th February, 1778, with France, has been invariably the cherished policy of our Union. It is by treaties of commerce alone that it can be made ultimately to prevail as the established system of all civilized nations. With this principle our fathers extended the hand of friendship to every nation of the globe, and to this policy our country has ever since adhered,—whatever of regulation in our laws has ever been adopted unfavorable to the interest of any foreign nation has been essentially defensive, and counteracting to similar regulations of theirs operating against us.

Immediately after the close of the war of independence, commissioners were appointed by the Congress of the confederation, authorized to conclude treaties with every nation of Europe disposed to adopt them. Before the wars of the French revolution, such treaties had been consummated with the United Netherlands, Sweden, and Prussia. During these wars, treaties with Great Britain and Spain had been effected, and those with Russia and France renewed. In all these, some concessions to the liberal principles of intercourse proposed by the United States had been obtained; but as, in all the negotiations, they came occasionally in collision with previous internal regulations, or exclusive and excluding compacts of monopoly with which the other parties had been trammelled, the advances made in them toward the freedom of trade were partial and imperfect. Colonial establishments, chartered companies, and ship-building influence, pervaded and encumbered the legislation of all the great commercial states; and the United States, in offering free trade and equal privileges to all, were compelled to acquiesce in many exceptions with each of the parties to their treaties, accommodated to their existing laws and anterior engagements.

The colonial system by which this whole hemisphere was bound has fallen into ruins. Totally abolished by the revolutions converting colonies into independent nations, throughout the two American continents, excepting a portion of territory chiefly at the northern extremity of our own, and confined to the remnants of dominion retained by Great Britain over the insular Archipelago, geographically the appendages of our part of the globe. With all the rest we have free trade; even with the insular colonies of all the European nations, except Great Britain. Her government also had manifested approaches to the adoption of a free and liberal intercourse between her colonies and other nations, though, by a sudden and scarcely explained revulsion, the spirit of exclusion has been revived for operation upon the United States alone.

The conclusion of our last treaty of peace with Great Britain was shortly afterward followed by a commercial convention, placing the direct intercourse between the two countries upon a footing of more equal reciprocity than had ever before been admitted. The same principle has since been much farther extended, by treaties with France, Sweden, Denmark, the Hanseatic cities, Prussia, in Europe, and with the republics of Colombia and of Central America, in this hemisphere. The mutual abolition of discriminating duties and charges, upon the navigation and commercial intercourse between the parties, is the general maxim which characterizes them all. There is reason to expect that it will, at no distant period, be adopted by other nations, both of Europe and America, and to hope that, by its universal prevalence, one of the fruitful sources of wars of commercial competition will be extinguished.

Among the nations upon whose governments many of our fellow citizens have had long pending claims of indemnity, for depredations upon their property during a period when the rights of neutral commerce were disregarded, was that of Denmark. They were, soon after the events occurred, the subject of a special mission from the United States, at the close of which the assurance was given by his Danish majesty, that at a period of more tranquillity, and of less distress, they would be considered, examined, and decided upon, in a spirit of determined purpose for the dispensation of justice. I have much pleasure in informing Congress that the fulfilment of this honorable promise is now in progress; that a small portion of the claims has already been settled to the satisfaction of the claimants; and that we have reason to hope that the remainder will shortly be placed in a train of equitable adjustment. This result has always been confidently expected, from the character of personal integrity and of benevolence which the sovereign of the Danish dominions has through every vicissitude of fortune maintained.

The general aspect of the affairs of our neighboring American nations of the south, has been rather of approaching than of settled tranquillity. Internal disturbances have been more frequent among them than their common friends would have desired. Our intercourse with all has continued to be that of friendship and mutual good will. Treaties of commerce and of boundaries with the United Mexican States have been negotiated, but from various successive obstacles, not yet brought to a final conclusion.

The civil war which unfortunately still prevails in the republic of Central America has been unpropitious to the cultivation of our commercial relations with them; and the dissensions and revolutionary changes in the republics of Colombia and of Peru, have been seen with cordial regret by

us, who would gladly contribute to the happiness of both. It is with great satisfaction, however, that we have witnessed the recent conclusion of a peace between the governments of Buenos Ayres and Brazil, and it is equally gratifying to observe that indemnity has been obtained for some of the injuries which our fellow citizens had sustained in the latter of those countries. The rest are in a train of negotiation, which we hope may terminate to mutual satisfaction, and that it may be succeeded by a treaty of commerce and navigation, upon liberal principles, propitious to a great and growing commerce already important to the interests of our country.

The condition and prospects of the revenue are more favorable than our most sanguine expectations had anticipated. The balance in the treasury, on the first of January last, exclusive of the moneys received under the convention of 13th of November, 1826, with Great Britain, was five millions eight hundred and sixty-one thousand nine hundred and seventy-two dollars eighty-three cents. The receipts into the treasury from the first of January to the 30th of September last, so far as they have been ascertained, to form the basis of an estimate, amount to eighteen millions six hundred and thirty-three thousand nine hundred and eighty dollars twenty-seven cents, which, with the receipts of the present quarter, estimated at five millions four hundred and sixty-one thousand two hundred and eighty-three dollars forty cents, form an aggregate of receipts during the year, of twenty-four millions ninety-four thousand eight hundred and sixty-three dollars sixty-seven cents. The expenditures of the year may probably amount to twenty-five millions six hundred and thirty-seven thousand five hundred and eleven dollars sixty-three cents; and leaving in the treasury on the first of January next, the sum of five millions one hundred and twenty-five thousand six hundred and thirty-eight dollars fourteen cents.

The receipts of the present year have amounted to near two millions of dollars more than was anticipated at the commencement of the last session of Congress.

The amount of duties secured on importations from the first of January to the 30th of September, was about twenty-two millions nine hundred and ninety-seven thousand dollars, and that of the estimated accruing revenue is five millions of dollars; leaving an aggregate for the year of near twenty-eight millions of dollars. This is one million more than the estimate made last December, for the accruing revenue of the present year, which, with allowances for drawbacks and contingent deficiencies, was expected to produce an actual revenue of twenty-two millions three hundred thousand dollars. Had these only been realized, the expenditures of the year would have been also proportionally reduced. For, of these twenty-four millions of dollars received, upwards of nine millions have been applied to the extinction of the public debt, bearing an interest of six per cent. a year, and of course reducing the burden of interest annually payable in future, by the amount of more than half a million. The payments on account of interest during the current year exceed three millions of dollars; presenting an aggregate of more than twelve millions of dollars, applied during the year to the discharge of the public debt, the whole of which remaining due on the 1st of January next, will amount only to fifty-eight millions three hundred and sixty-two thousand one hundred and thirty-five dollars seventy-eight cents.

That the revenue of the ensuing year will not fall short of that received in the one now expiring, there are indications which can scarcely prove deceptive. In our country, an uniform experience of forty years has shown

that whatever the tariff of duties upon articles imported from abroad has been, the amount of importations has always borne an average value nearly approaching to that of the exports, though occasionally differing in the balance, sometimes being more, and sometimes less. It is, indeed, a general law of prosperous commerce, that the real value of exports should, by a small, and only a small balance, exceed that of imports, that balance being a permanent addition to the wealth of the nation. The extent of the prosperous commerce of the nation must be regulated by the amount of its exports; and an important addition to the value of these will draw after it a corresponding increase of importations.

It has happened, in the vicissitudes of the seasons, that the harvests of all Europe have, in the late summer and autumn, fallen short of their usual average. A relaxation of the interdict upon the importation of grain and flour from abroad has ensued, a propitious market has been opened to the granaries of our country, and a new prospect of reward presented to the labors of the husbandman, which for several years has been denied. This accession to the profits of agriculture in the middle and western portions of our Union is accidental and temporary. It may continue only for a single year. It may be, as has been often experienced in the revolutions of time, but the first of several scanty harvests in succession. We may consider it certain that, for the approaching year, it has added an item of large amount to the value of our exports, and that it will produce a corresponding increase of importations. It may, therefore, confidently be foreseen that the revenue of 1829 will equal, and probably exceed that of 1828, and will afford the means of extinguishing ten millions of dollars more of the principal of the public debt.

This new element of prosperity to that part of our agricultural industry which is occupied in producing the first article of human subsistence, is of the most cheering character to the feelings of patriotism. Proceeding from a cause which humanity will view with concern, the sufferings of scarcity in distant lands, it yields a consolatory reflection, that this scarcity is in no respects attributable to us. That it comes from the dispensation of Him who ordains all in wisdom and goodness, and who permits evil itself only as an instrument of good. That, far from contributing to this scarcity, our agency will be applied only to the alleviation of its severity; and that, in pouring forth from the abundance of our own garners the supplies which will partially restore plenty to those who are in need, we shall ourselves reduce our stores, and add to the price of our own bread, so as in some degree to participate in the wants which it will be the good fortune of our country to relieve.

The great interests of an agricultural, commercial, and manufacturing nation are so linked in union together, that no permanent cause of prosperity to one of them can operate without extending its influence to the others. All these interests are alike under the protecting power of the legislative authority, and the duties of the representative bodies are to conciliate them in harmony together. So far as the object of taxation is to raise a revenue for discharging the debts, and defraying the expenses of the community, it should, as much as possible, suit the burden with equal hand upon all, in proportion with their ability of bearing it without oppression. But the legislation of one nation is sometimes intentionally made to bear heavily upon the interests of another. That legislation adapted, as it is meant to be, to the special interests of its own people, will often press most unequally

upon the several component interests of its neighbors. Thus, the legislation of Great Britain, when, as has recently been avowed, adapted to the depression of a rival nation, will naturally abound with regulations of interdict upon the productions of the soil or industry of the other which come in competition with its own; and will present encouragement, perhaps even bounty, to the raw material of the other state, which it cannot produce itself, and which is essential for the use of its manufactures, competitors in the markets of the world with those of its commercial rival. Such is the state of the commercial legislation of Great Britain as it bears upon our interests. It excludes, with interdicting duties, all importation (except in time of approaching famine) of the great staple productions of our middle and western states; it proscribes with equal rigor, bulkier lumber and live stock of the same portion, and also of the northern and eastern part of our Union. It refuses even the rice of the south, unless aggravated with a charge of duty upon the northern carrier who brings it to them. But the cotton, indispensable for their looms, they will receive almost duty free, to weave it into a fabric for our own wear, to the destruction of our own manufactures, which they are enabled thus to undersell.

Is the self-protecting energy of this nation so helpless that there exists in the political institutions of our country no power to counteract the bias of this foreign legislation? that the growers of grain must submit to this exclusion from the foreign markets of their produce; that the shippers must dismantle their ships, the trade of the north stagnate at the wharves, and the manufacturers starve at their looms, while the whole people shall pay tribute to foreign industry, to be clad in a foreign garb; that the Congress of the Union are impotent to restore the balance in favor of native industry, destroyed by the statutes of another realm? More just and more generous sentiments will, I trust, prevail. If the tariff adopted at the last session of Congress shall be found by experience to bear oppressively upon the interests of any one section of the Union, it ought to be, and I cannot doubt will be, so modified as to alleviate its burden. To the voice of just complaint from any portion of their constituents, the representatives of the states and people will never turn away their ears. But so long as the duty of the foreign shall operate only as a bounty upon the domestic article,—while the planter, and the merchant, and the shepherd, and the husbandman, shall be found thriving in their occupations under the duties imposed for the protection of domestic manufactures, they will not repine at the prosperity shared with themselves by their fellow citizens of other professions, nor denounce as violations of the constitution, the deliberate acts of Congress to shield from the wrongs of foreign laws the native industry of the Union. While the tariff of the last session of Congress was a subject of legislative deliberation, it was foretold by some of its opposers that one of its necessary consequences would be to impair the revenue. It is yet too soon to pronounce with confidence that this prediction was erroneous. The obstruction of one avenue of trade not unfrequently opens an issue to another. The consequence of the tariff will be to increase the exportation, and to diminish the importation of some specific articles. But, by the general law of trade, the increase of exportation of one article will be followed by an increased importation of others, the duties upon which will supply the deficiencies which the diminished importation would otherwise occasion. The effect of taxation upon revenue can seldom be foreseen with certainty. It must abide the test of experience. As yet no symptoms of diminution are perceptible

in the receipts of the treasury. As yet, little addition of cost has even been experienced upon the article burdened with heavier duties by the last tariff. The domestic manufacturer supplies the same or a kindred article at a diminished price, and the consumer pays the same tribute to the labor of his own countryman which he must otherwise have paid to foreign industry and toil.

The tariff of the last session was, in its details, not acceptable to the great interests of any portion of the Union, not even to the interests which it was specially intended to subserve. Its object was to balance the burdens upon native industry imposed by the operation of foreign laws; but not to aggravate the burdens of one section of the Union by the relief afforded to another. To the great principle sanctioned by that act, one of those upon which the constitution itself was formed, I hope and trust the authorities of the Union will adhere. But if any of the duties imposed by the act only relieve the manufacturer by aggravating the burden of the planter, let a careful revisal of its provisions, enlightened by the practical experience of its effects, be directed to retain those which impart protection to native industry, and remove or supply the place of those which only alleviate one great national interest by the depression of another.

The United States of America, and the people of every state of which they are composed, are each of them sovereign powers. The legislative authority of the whole is exercised by Congress under authority granted them in the common constitution. The legislative power of each state is exercised by assemblies deriving their authority from the constitution of the state. Each is sovereign within its own province. The distribution of power between them presupposes that these authorities will move in harmony with each other. The members of the state and general government are all under oath to support both, and allegiance is due to the one and to the other. The case of a conflict between these two powers has not been supposed; nor has any provision been made for it in our institutions; as a virtuous nation of ancient times existed more than five centuries without a law for the punishment of parricide.

More than once, however, in the progress of our history, have the people and legislatures of one or more states, in moments of excitement, been instigated to this conflict; and the means of effecting this impulse have been allegations that the acts of Congress to be resisted were *unconstitutional*. The people of no one state have ever delegated to their legislature the power of pronouncing an act of Congress unconstitutional; but they have delegated to them powers, by the exercise of which the execution of the laws of Congress within the state may be resisted. If we suppose the case of such conflicting legislation sustained by the corresponding executive and judicial authorities, patriotism and philanthropy turn their eyes from the condition in which the parties would be placed, and from that of the people of both, which must be its victims.

The reports from the secretary of war, and from the various subordinate offices of the resort of that department, present an exposition of the public administration of affairs connected with them, through the course of the current year. The present state of the army, and the distribution of the force of which it is composed, will be seen from the report of the major-general. Several alterations in the disposal of the troops have been found expedient in the course of the year, and the discipline of the army, though not entirely free from exception, has been generally good.

The attention of Congress is particularly invited to that part of the report of the secretary of war which concerns the existing system of our relations with the Indian tribes. At the establishment of the federal government, under the present constitution of the United States, the principle was adopted of considering them as foreign and independent powers, and also as proprietors of land. They were, moreover, considered as savages, whom it was our policy and our duty to use our influence in converting to Christianity, and in bringing within the pale of civilization.

As independent powers, we negotiated with them by treaties; as proprietors, we purchased of them all the lands which we could prevail upon them to sell; as brethren of the human race, rude and ignorant, we endeavored to bring them to the knowledge of religion and letters. The ultimate design was to incorporate in our own institutions that portion of them which could be converted to the state of civilization. In the practice of European states, before our revolution, they had been considered as children to be governed; as tenants at discretion, to be dispossessed as occasion might require; as hunters, to be indemnified by trifling concessions for removal from the grounds upon which their game was extirpated. In changing the system, it would seem as if a full contemplation of the consequences of the change had not been taken. We have been far more successful in the acquisition of their lands than in imparting to them the principles, or inspiring them with the spirit of civilization. But in appropriating to ourselves their hunting-grounds, we have brought upon ourselves the obligation of providing them with subsistence; and when we have had the rare good fortune of teaching them the arts of civilization, and the doctrines of Christianity, we have unexpectedly found them forming in the midst of ourselves communities claiming to be independent of ours, and rivals of sovereignty within the territories of the members of our Union. This state of things requires that a remedy should be provided, a remedy which, while it shall do justice to those unfortunate children of nature, may secure to the members of our confederation their rights of sovereignty and of soil. As the outline of a project to that effect, the views presented in the report of the secretary of war are recommended to the consideration of Congress.

The report from the engineer department presents a comprehensive view of the progress which has been made in the great systems promotive of the public interests, commenced and organized under the authority of Congress, and the effects of which have already contributed to the security, as they will hereafter largely contribute to the honor and dignity of the nation.

The first of these great systems is that of fortifications, commenced immediately after the close of our last war, under the salutary experience which the events of that war had impressed upon our countrymen of its necessity. Introduced under the auspices of my immediate predecessor, it has been continued with the persevering and liberal encouragement of the legislature; and combined with corresponding exertions for the gradual increase and improvement of the navy, prepares for our extensive country a condition of defence adapted to any critical emergency which the varying course of events may bring forth. Our advances in these concerted systems have for the last ten years been steady and progressive; and in a few years more will be so completed as to leave no cause for apprehension that our sea-coast will ever again offer a theatre of hostile invasion.

The next of those cardinal measures of policy is the preliminary to great

and lasting works of public improvement, in the surveys of roads, examinations for the course of canals, and labors for the removal of the obstructions of rivers and harbors, first commenced by the act of Congress of 30th April, 1824.

The report exhibits in one table the funds appropriated at the last and preceding sessions of Congress, for all these fortifications, surveys, and works of public improvement; the manner in which these funds have been applied, the amount expended upon the several works under construction, and the farther sums which may be necessary to complete them. In a second, the works projected by the board of engineers, which have not been commenced, and the estimate of their cost.

In a third, the report of the annual board of visitors at the military academy at West Point. For thirteen fortifications erecting on various points of our Atlantic coast, from Rhode Island to Louisiana, the aggregate expenditure of the year has fallen little short of one million of dollars.

For the preparation of five additional reports of reconnoissances and surveys since the last session of Congress, for the civil constructions upon thirty-seven different public works commenced, eight others for which specific appropriations have been made by acts of Congress, and twenty other incipient surveys under the authority given by the act of the 30th April, 1824, about one million more of dollars have been drawn from the treasury.

To these two millions are to be added: the appropriation of two hundred and fifty thousand to commence the erection of a breakwater near the mouth of the Delaware river; the subscriptions to the Delaware and Chesapeake, the Louisville and Portland, the Dismal Swamp, and the Chesapeake and Ohio canals; the large donations of lands to the states of Ohio, Indiana, Illinois, and Alabama, for objects of improvements within those states, and the sums appropriated for light-houses, buoys, and piers, on the coast; and a full view will be taken of the munificence of the nation in the application of its resources to the improvement of its own condition.

Of these great national undertakings, the academy at West Point is among the most important in itself, and the most comprehensive in its consequences. In that institution, a part of the revenue of the nation is applied to defray the expense of educating a competent portion of her youth, chiefly to the knowledge and the duties of military life. It is the living armory of the nation. While the other works of improvement enumerated in the reports now presented to the attention of Congress are destined to ameliorate the face of nature; to multiply the facilities of communication between the different parts of the Union; to assist the labors, increase the comforts, and enhance the enjoyments of individuals—the instruction acquired at West Point enlarges the dominion and expands the capacities of the mind. Its beneficial results are already experienced in the composition of the army, and their influence is felt in the intellectual progress of society. The institution is susceptible still of great improvement from benefactions proposed by several successive boards of visitors, to whose earnest and repeated recommendations I cheerfully add my own.

With the usual annual reports of the secretary of the navy, and the board of commissioners, will be exhibited to the view of Congress the execution of the laws relating to that department of the public service. The repression of piracy in the West Indian and Grecian seas has been effectually maintained, with scarcely any exception. During the war between the governments of Buenos Ayres and Brazil, frequent collisions between bel-

ligerent acts of power and the rights of neutral commerce occurred. Licentious blockades, irregularly enlisted or impressed seamen, and the property of honest commerce seized with violence, and even plundered under legal pretences, are disorders never separable from the conflicts of war upon the ocean. With a portion of them, the correspondence of our commanders on the eastern aspect of the South American coasts, and among the islands of Greece, discover how far we have been involved. In these, the honor of our country and rights of our citizens have been asserted and vindicated. The appearance of new squadrons in the Mediterranean, and the blockade of the Dardanelles, indicate the danger of other obstacles to the freedom of commerce and the necessity of keeping our naval force in those seas. To the suggestions repeated in the report of the secretary of the navy, and tending to the permanent improvement of this institution, I invite the favorable consideration of Congress.

A resolution of the House of Representatives, requesting that one of our small public vessels should be sent to the Pacific ocean, and South sea, to examine the coasts, islands, harbors, shoals, and reefs, in those seas, and to ascertain their true situation and description, has been put in a train of execution. The vessel is nearly ready to depart; the successful accomplishment of the expedition may be greatly facilitated by suitable legislative provisions; and particularly by an appropriation to defray its necessary expense. The addition of a second, and perhaps a third vessel, with a slight aggravation of the cost, would contribute much to the safety of the citizens embarked on this undertaking, the results of which may be of the deepest interest to our country.

With the report of the secretary of the navy will be submitted, in conformity to the act of Congress of 3d March, 1827, for the gradual improvement of the navy of the United States, statements of the expenditures under that act, and of the measures taken for carrying the same into effect. Every section of that statute contains a distinct provision, looking to the great object of the whole, the gradual improvement of the navy. Under its salutary sanction, stores of ship-timber have been procured, and are in process of seasoning and preservation for the future uses of the navy. Arrangements have been made for the preservation of the live-oak timber growing on the lands of the United States, and for its reproduction, to supply at future and distant days, the waste of that most valuable material for ship-building, by the great consumption of it yearly for the commercial, as well as for the military marine of our country. The construction of the two dry docks at Charleston and at Norfolk, is making satisfactory progress toward a durable establishment. The examinations and inquiries to ascertain the practicability and expediency of a marine railway at Pensacola, though not yet accomplished, have been postponed, but to be more effectually made. The navy yards of the United States have been examined, and plans for their improvement, and the preservation of the public property therein, at Portsmouth, Charleston, Philadelphia, Washington, and Gosport, and to which two others are to be added, have been prepared, and received my sanction; and no other portion of my public duties has been performed with a more intimate conviction of its importance to the future welfare and security of the Union.

With the report from the postmaster-general is exhibited a comparative view of the gradual increase of that establishment, from five to five years, since 1792, till this time, in the number of post-offices, which has grown from less than two hundred to nearly eight thousand; in the revenue yielded

by them, which, from sixty-seven thousand dollars, has swollen to upwards of one million five hundred thousand dollars, and in the number of miles of post-roads, which, from five thousand six hundred and forty-two, have multiplied to one hundred and fourteen thousand five hundred and thirty-six. While, in the same period of time, the population of the Union has about thrice doubled, the rate of increase of these offices is nearly forty, and of the revenue and of travelled miles, from twenty to twenty-five for one. The increase of revenue within the last five years has been nearly equal to the whole revenue of the department in 1812.

The expenditures of the department during the year which ended on the first of July last, have exceeded the receipts by a sum of about twenty-five thousand dollars. The excess has been occasioned by the increase of mail conveyances and facilities to the extent of near eight hundred thousand miles. It has been supplied by collections from the postmasters of the arrearages of the preceding years. While the correct principle seems to be, that the income levied by the department should defray all its expenses, it has never been the policy of this government to raise from this establishment any revenue to be applied to any other purposes. The suggestion of the postmaster-general, that the insurance of the safe transmission of moneys by the mail might be assumed by the department, for a moderate and competent remuneration, will deserve the consideration of Congress.

A report from the commissioner of the public buildings in this city exhibits the expenditures upon them in the course of the current year. It will be seen that the humane and benevolent intentions of Congress in providing, by the act of the 20th of May, 1826, for the erection of a penitentiary in this district have been accomplished. The authority of farther legislation is now required for the removal to this tenement of the offenders against the laws, sentenced to atone by personal confinement for their crimes, and to provide a code for their employment and government while thus confined.

The commissioners appointed conformably to the act of 2d March, 1827, to provide for the adjustment of claims of persons entitled to indemnification under the first article of the treaty of Ghent, and for the distribution among such claimants of the sum paid by the government of Great Britain, under the convention of 13th November, 1826, closed their labors on the 30th August last, by awarding to the claimants the sum of one million one hundred and ninety-seven thousand four hundred and twenty-two dollars and eighteen cents; leaving a balance of seven thousand five hundred and thirty-seven dollars and eighty-two cents, which was distributed rately among all the claimants to whom awards had been made, according to the directions of the act.

The exhibits appended to the report from the commissioner of the general land office, present the actual condition of that common property of the Union. The amount paid into the treasury, from the proceeds of lands during the year 1827, and the first half of 1828, falls little short of two millions of dollars. The propriety of farther extending the time for the extinguishment of the debt due to the United States by the purchasers of the public lands, limited by the act of 21st March last to the 4th of July next, will claim the consideration of Congress, to whose vigilance and careful attention, the regulation, disposal, and preservation of this great national inheritance has by the people of the United States been entrusted.

Among the important subjects to which the attention of the present Congress has already been invited, and which may occupy their farther and

deliberate discussion, will be the provision to be made for taking the fifth census, or enumeration of the inhabitants of the United States. The constitution of the United States requires that this enumeration should be made within every term of ten years, and the date from which the last enumeration commenced was the first Monday of August, of the year 1820. The laws under which the former enumerations were taken were enacted at the session of Congress immediately preceding the operation. But considerable inconveniences were experienced from the delay of legislation to so late a period. That law, like those of the preceding enumerations, directed that the census should be taken by the marshals of the several districts and territories, under instructions from the secretary of state. The preparation and transmission to the marshals of those instructions, required more time than was then allowed between the passage of the law and the day when the enumeration was to commence. The term of six months, limited for the returns of the marshals, was also found even then too short, and must be more so now, when an additional population of at least three millions must be presented upon the returns. As they are to be made at the short session of Congress, it would, as well as from other considerations, be more convenient to commence the enumeration at an earlier period of the year than the first of August. The most favorable season would be the spring. On a review of the former enumerations, it will be found that the plan for taking every census has contained improvements upon that of its predecessor. The last is still susceptible of much improvement. The third census was the first at which any account was taken of the manufactures of the country. It was repeated at the last enumeration, but the returns in both cases were necessarily very imperfect.

They must always be so, resting of course only on the communications voluntarily made by individuals interested in some of the manufacturing establishments. Yet they contained much valuable information, and may by some supplementary provision of the law be rendered more effective. The columns of age, commencing from infancy, have hitherto been confined to a few periods, all under the number of forty-five years. Important knowledge would be obtained by extending those columns, in intervals of ten years, to the utmost boundaries of human life. The labor of taking them would be a trifling addition to that already prescribed, and the result would exhibit comparative tables of longevity highly interesting to the country. I deem it my duty farther to observe, that much of the imperfections in the returns of the last, and perhaps of preceding enumerations, proceeded from the inadequateness of the compensation allowed to the marshals and their assistants in taking them.

In closing this communication, it only remains for me to assure the legislature of my continued earnest wish for the adoption of measures recommended by me heretofore, and yet to be acted on by them, and of the cordial concurrence on my part in every constitutional provision which may receive their sanction during the session, tending to the general welfare.

JACKSON'S
ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 4, 1829.

Fellow Citizens:

ABOUT to undertake the arduous duties that I have been appointed to perform by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires, and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make, is the zealous dedication of my humble abilities to their service and their good.

As the instrument of the federal constitution, it will devolve upon me, for a stated period, to execute the laws of the United States; to superintend their foreign and confederate relations; to manage their revenue; to command their forces; and, by communications to the legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties, it is now proper for me briefly to explain.

In administering the laws of Congress, I shall keep steadily in view the limitations as well as the extent of the executive power, trusting thereby to discharge the functions of my office without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship on fair and honorable terms; and in the adjustment of any differences that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

In such measures as I may be called on to pursue, in regard to the rights of the separate states, I hope to be animated by a proper respect for those sovereign members of our Union; taking care not to confound the powers they have reserved to themselves with those they have granted to the confederacy.

The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours; and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This, I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt, the unnecessary duration of which is incompatible with real independence, and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money, and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost, with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise, in which the constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favored; and that perhaps the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal improvement, and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the federal government, are of high importance.

Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor to disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dock-yards; and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for omitting their mention, sooner than enlarging on their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and property, liberty of conscience, and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable *ægis*. Partial injuries and occasional mortifications we may be subjected to; but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power.

It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which are consistent with the habits of our government and the feelings of our people.

The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of *reform*; which will require particularly the correction of those abuses that have brought the patronage of the federal government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.

In the performance of a task thus generally delineated, I shall endeavor to select men whose diligence and talents will ensure, in their respective stations, able and faithful co-operation,—depending for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers.

A diffidence, perhaps too just, in my own qualifications, will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system. The same diffidence induces me to hope for instruction and aid from the co-ordinate branches of

the government, and for the indulgence and support of my fellow citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved country the object of his divine care and gracious benediction.

FIRST ANNUAL MESSAGE.

DECEMBER 8, 1829.

Fellow Citizens of the Senate and House of Representatives :

IT affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of government, to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the constitution, to present to you, as the federal legislature of twenty-four sovereign states, and twelve millions of happy people, a view of our affairs; and to propose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time, it is to me a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind; and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other powers of deep interest, as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavors; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is with every thing which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is wrong; and I flatter myself that, supported by the other branches of the government, and by the intelligence and patriotism of the people, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other powers, the most prominent are those which have for years been the subject of negotiation with England, France and Spain. The late periods at which our ministers to those governments left the United States render it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations. Such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development of the policy which the present cabinet of Great Britain designs to pursue toward this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the convention for regulating the reference to arbitration of the disputed points of boundary under the fifth article of the treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of sovereign states, seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication, on our part, is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this confederacy. The exposition of our rights, already made, is such as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the court of the sovereign who has evinced his friendly disposition by assuming the delicate task of arbitration, have been committed to a citizen of the state of Maine, whose character, talents, and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient ally, we have a right to expect that justice which becomes the sovereign of a powerful, intelligent, and magnanimous people. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her government. Should this result induce a disposition to embrace to their full extent the wholesome principles which constitute our commercial policy, our minister to that court will be found instructed to cherish such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and in many instances by the express direction, of the then existing government of France, remain unsatisfied; and must, therefore, continue to furnish a subject of unpleasant discussion, and possible collision, between the two governments. I cherish, however, a lively hope, founded as well on the validity of those claims and the established policy of all enlightened governments, as on the known integrity of the French monarch, that the injurious delays of the past will find redress in the equity of the future. Our minister has been instructed to press these demands on the French government with all the earnestness which is called for by their importance and irrefutable justice, and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

Our minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a commercial convention upon liberal and reciprocal terms, or by urging the acceptance, in their full extent, of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a farther appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce, committed under her authority,—an appeal which the pacific and liberal course observed on our part, and a due confidence in the honor of that government, authorize us to expect will not be made in vain.

With other European powers our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power, high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we cannot but anticipate that the result will prove favorable to the cause of civilization, and to the progress of human happiness. The treaty of peace between these powers having been ratified, we cannot be insensible to the great benefit to be derived by the commerce of the United States from unlocking the navigation of the Black sea, a free passage into which is secured to all merchant vessels bound to ports of Russia under a flag at peace with the Porte. This advantage, enjoyed upon conditions, by most of the powers of Europe, has hitherto been withheld from us. During the past summer, an antecedent but unsuccessful attempt to obtain it, was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, farther facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to ensure to them our most zealous attention.

Our trade with Austria, although of secondary importance, has been gradually increasing; and is now so extended as to deserve the fostering care of the government. A negotiation, commenced and nearly completed with that power, by the late administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the Senate.

During the recess of Congress our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and, as far as practicable, prospective condition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our government in like cases was no longer withheld.

Considerable advances have been made during the present year in the adjustment of claims of our citizens upon Denmark for spoliations; but all that we have a right to demand from that government in their behalf has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the government, together with the uniformly just and friendly disposition which has been evinced by His Danish Majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

Our relations with the Barbary powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force

in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in; as well as a similar one for the protection of our commerce and fisheries in the Pacific.

The southern republics of our own hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty, and promoting the happiness of the citizens, will crown with complete success their long and arduous efforts in the cause of self-government; and enable us to salute them as friendly rivals in all that is truly great and glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and perhaps forever stifled in that republic by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit, and if a corresponding sentiment prevails in the other states, this devotion to liberty cannot be without a proper effect upon the counsels of the mother country. The adoption by Spain of a pacific policy toward her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself cannot fail largely to participate—may be most reasonably expected.

The claims of our citizens upon the South American governments generally, are in a train of settlement, while the principal part of those upon Brazil have been adjusted; and a decree of council, ordering bonds to be issued by the minister of the treasury for their amount, has received the sanction of his imperial majesty. This event, together with the exchange of the ratifications of the treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that power.

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested; and if met by a proper disposition on the part of that government, important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our sister republics, and more particularly in that of our immediate neighbor, it would be most gratifying to me were I permitted to say that the treatment which we have received at her hands has been as universally friendly as the early and constant solicitude manifested by the United States for her success gave us a right to expect. But it becomes my duty to inform you that prejudices long indulged by a portion of the inhabitants of Mexico against the envoy extraordinary and minister plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two countries, and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause in a great degree is to be imputed the failure of several measures equally interesting to both parties; but particularly that of the Mexican government to ratify a treaty negotiated and concluded in its own capital, and under its own eye. Under these circumstances, it appeared expedient to give to Mr. Poinsett the option either to return or not, as in his judgment the interests of his country might require; and instructions to that end were prepared; but before they could be despatched, a communication was received from the government of Mexico, through its *chargé d'affaires* here, requesting the recall of our minister. This was

promptly complied with; and a representative of a rank corresponding with that of the Mexican diplomatic agent near this government was appointed. Our conduct toward that republic has been uniformly of the most friendly character; and having thus removed the only alleged obstacle to harmonious intercourse, I cannot but hope that an advantageous change will occur in our affairs.

In justice to Mr. Poinsett, it is proper to say, that my immediate compliance with the application for his recall, and the appointment of a successor, are not to be ascribed to any evidence that the imputation of an improper interference by him, in the local politics of Mexico, was well founded; nor to a want of confidence in his talents or integrity; and to add, that the truth of that charge has never been affirmed by the federal government of Mexico in its communications with this.

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our constitution which relates to the election of a president and vice president. Our system of government was by its framers deemed an experiment, and they therefore consistently provided a mode of remedying its defects.

To the people belongs the right of electing their chief magistrate; it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves that, in proportion as agents to execute the will of the people are multiplied there is danger of their wishes being frustrated. Some may be unfaithful—all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will.

The number of aspirants to the presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance; and in that event, the election must devolve on the House of Representatives, where, it is obvious, the will of the people may not be always ascertained; or, if ascertained may not be regarded. From the mode of voting by states, the choice is to be made by twenty-four votes; and it may often occur that one of these may be controlled by an individual representative. Honors and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the representative to be proof against the powerful motives by which he may be assailed—the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidate; finally, although all were inflexibly honest—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect a president; and when this happens, it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system—that the majority is to govern—it must be very certain that a president elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public

will. Let us then endeavor so to amend our system, that the office of chief magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

I would therefore recommend such an amendment of the constitution as may remove all intermediate agency in the election of president and vice president. The mode may be so regulated as to preserve to each state its present relative weight in the election; and a failure in the first attempt may be provided for, by confiding the second to a choice between the two highest candidates. In connection with such an amendment, it would seem advisable to limit the service of the chief magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the representatives in Congress on whom such an election may have devolved, would not be proper.

While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our government would doubtless be promoted by their exclusion from all appointments in the gift of the president, in whose election they may have been officially concerned. The nature of the judicial office, and the necessity of securing in the cabinet and in diplomatic stations of the highest rank, the best talents and political experience, should perhaps except these from the exclusion.

There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavorable to a faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property; and government rather as a means of promoting individual interest, than as an instrument created solely for the service of the people. Corruption in some, and in others a perversion of correct feelings and principles, divert government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least, admit of being made so plain and simple, that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit therefore to your consideration whether the efficiency of the government would not be promoted, and official industry and integrity better secured by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the people, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment to nor continuance in office is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office.

The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

No very considerable change has occurred during the recess of Congress, in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former, or as beneficial to the latter as was anticipated. Importations of foreign goods have not been sensibly diminished, while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no good reason to doubt.

To regulate its conduct, so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations, could not by common consent be abolished, and commerce allowed to flow in those channels to which individual enterprise, always its surest guide, might direct it. But we must ever expect selfish legislation in other nations; and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions, I invite your attention to the existing tariff, believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point, are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

In deliberating, therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influences, can never be just; and will not long retain the sanction of a people, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendancy, the north, the south, the east, and the west, should unite in diminishing any burden of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely

necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own productions, are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent; they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction therefore of the existing duties will be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious, and not injurious, it should be gradual and certain.

The public prosperity is evinced in the increased revenue arising from the sales of public lands; and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

The balance in the treasury on the 1st January, 1829, was five millions nine hundred and seventy-two thousand four hundred and thirty-five dollars and eighty-one cents. The receipts of the current year are estimated at twenty-four millions six hundred and two thousand two hundred and thirty dollars; and the expenditures for the same time at twenty-six millions one hundred and sixty-four thousand five hundred and ninety-five dollars. Leaving a balance in the treasury, on the 1st of January next, of four millions four hundred and ten thousand and seventy dollars and eighty-one cents.

There will have been paid on account of the public debt during the present year, the sum of twelve millions four hundred and five thousand and five dollars and eighty cents; reducing the whole debt of the government, on the first of January next, to forty-eight millions five hundred and sixty-five thousand four hundred and six dollars and fifty cents, including seven millions of five per cent. stock, subscribed to the Bank of the United States. The payment on account of the public debt, made on the first of July last, was eight millions seven hundred and fifteen thousand four hundred and sixty-two dollars and eighty-seven cents. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

The state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry; and auspicious of the ability of government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burdens; and will find not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the states will also be increased, and may be more extensively exerted in favor of education and other public objects; while ample means will remain in the federal government to promote the general weal, in all the modes permitted to its authority.

After the extinction of the public debt, it is not probable that any adjust-

ment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the government without a considerable surplus in the treasury, beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the general government; it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the states, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation, and the construction of highways in the several states. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow citizens, been deprecated as an infraction of the constitution; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of this surplus revenue, would be its apportionment among the several states, according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the states an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience point out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained construction. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the federal convention found it,—in the state governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the constitution under which we are now acting, to the watchful and auxiliary operation of the state authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly, or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of state sovereignty. Sustained by its healthful and invigorating influence, the federal system can never fall.

In the collection of the revenue, the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of

the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by government sufficient to receive the goods offered in deposit for security and for debenture; and if the right of the United States to a priority of payment out of the estates of its insolvent debtors was more effectually secured, this evil would in a great measure be obviated. An authority to construct such houses is, therefore, with the proposed alteration of the credits, recommended to your attention.

It is worthy of notice that the laws for the collection and security of the revenue arising from imposts were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are in some respects quite insufficient for the proper security of the revenue and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and cannot be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty and embarrassment of fair and lawful business.

On an examination of the records of the treasury, I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the government, a considerable portion is undoubtedly desperate; and in many instances has probably been rendered so by remissness in the agents charged with its collection. By proper exertions a great part, however, may yet be recovered; and whatever may be the portions respectively belonging to these two classes it behooves the government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public; and that this inadequacy lies chiefly in the want of legal skill, habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavorably to the public interest.

It is important that this branch of the public service should be subject to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the executive department would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the agent of the treasury, so far as they relate to the superintendence and management of legal proceedings on the part of the United States, be transferred to the attorney-general; and that this officer be placed on the same footing in all respects as the heads of the other departments,—receiving like compensation and having such subordinate officers provided for his department as may be requisite for the discharge of these additional duties. The professional skill of the attorney-general, employed in directing the conduct of marshals and district-attorneys, would hasten the collection of debts now in suit and hereafter save much to the government. It might be further extended to

the superintendence of all criminal proceedings for offences against the United States. In making this transfer great care should be taken, however, that the power necessary to the treasury department be not impaired; one of its greatest securities consisting in a control over all accounts until they are audited or reported for suit.

In connection with the foregoing views I would suggest, also, an inquiry whether the provisions of the act of Congress authorizing the discharge of the persons of debtors to the government from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails in reference to this unfortunate class of citizens is certainly due to them, and would prove beneficial to the country. The continuance of the liability after the means to discharge it have been exhausted, can only serve to dispirit the debtor; or where his resources are but partial, the want of power in the government to compromise and release the demand, instigates to fraud as the only resource for securing a support to his family. He thus sinks into a state of apathy and becomes a useless drone in society, or a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves that oppressive debt is the bane of enterprise; and it should be the care of a republic not to exert a grinding power over misfortune and poverty.

Since the last session of Congress numerous frauds on the treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States court for this district, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the cases came within the penalties of the act of the 17th Congress, approved 3d March, 1823, providing for the punishment of frauds committed on the government of the United States. Either from some defect in the law, or in its administration, every effort to bring the accused to trial under its provisions proved ineffectual, and the government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the treasury. If, indeed, there be no provision by which those who may be unworthily entrusted with its guardianship can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission. Or if the law has been perverted from its original purposes, and criminals deserving to be punished under its provisions have been rescued by legal subtleties, it ought to be made so plain by amendatory provisions as to baffle the arts of perversion, and accomplish the ends of its original enactment.

In one of the most flagrant cases, the court decided that the prosecution was barred by the statute which limits its prosecution for fraud to two years. In this case all the evidences of the fraud, and indeed all knowledge that a fraud had been committed, were in possession of the party accused, until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession; and least of all, in favor of a public officer who continues to defraud the treasury, and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party and the government two years after the disclosure of

the fraud, or after the accused is out of office, to commence their prosecution.

In connection with this subject, I invite the attention of Congress to a general and minute inquiry into the condition of the government with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

The report of the secretary of war will make you acquainted with the condition of our army, fortifications, arsenals, and Indian affairs. The proper discipline of the army, the training and equipment of the militia, the education bestowed at West Point, and the accumulation of the means of defence applicable to the naval force, will tend to prolong the peace we now enjoy, and which every good citizen, more especially those who have felt the miseries of even a successful warfare, most ardently desires to perpetuate.

The returns from the subordinate branches of this service exhibit a regularity and order highly creditable to its character; both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of farther legislation to obviate the inconveniences specified in the report under consideration; to some of which it is proper that I should call your particular attention.

The act of Congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, cannot now be deemed a guide to the executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list, as existing prior to the act of 1821, or from it, as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally, should be more specific than they now are. Those, for example, in relation to the paymaster and surgeon-general, assign to them an annual salary of two thousand five hundred dollars; but are silent as to allowances which, in certain exigencies of the service, may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances at different times under former administrations, but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases, in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of your safest means of national defence, the military academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our army; and such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service, and in a measure secure to that class of troops the advantages which in this respect belong to standing armies.

I would also suggest a review of the pension law, for the purpose of extending its benefits to every revolutionary soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort. These relics

of the war of independence have strong claims upon their country's gratitude and bounty. The law is defective in not embracing within its provisions all those who were during the last war disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the people, as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred, to the number of one hundred and fifty-four; of which, on the 27th March, the date of its revocation, eighty-seven were admitted. For the amount there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the department, exceed the estimate of its late secretary by about fifty thousand dollars, for which an appropriation is asked.

Your particular attention is requested to that part of the report of the secretary of war which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the executive cannot obviate the embarrassments occasioned by the diminution of the dividends on that fund, which originally amounted to one hundred thousand dollars, and has recently been vested in United States, three per cent stock.

The condition and ulterior destiny of the Indian tribes within the limits of some of our states have become objects of much interest and importance. It has long been the policy of government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands, and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, government has constantly defeated its own policy; and the Indians, in general, receding farther and farther to the west, have retained their savage habits. A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These states, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

Under these circumstances, the question presented was, whether the general government had a right to sustain those people in their pretensions? The constitution declares, that "no new state shall be formed or erected within the jurisdiction of any other state," without the consent of its legislature. If the general government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union, against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the confederacy which eventuated in our federal union, as a sovereign state, always asserting her claim to certain limits, which, having been ori-

ginally defined in her colonial charter, and subsequently recognised in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original states, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their state? and unless they did, would it not be the duty of the general government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders, to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? and if they were so disposed, would it be the duty of this government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this government are reversed; and that it has become a part of its duty to aid in destroying the states which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those states.

Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river, and from mountain to mountain, until some of the tribes have become extinct, and others have left but remnants, to preserve for a while their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay; the fate of the Mohegan, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them, if they remain within the limits of the states, does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new states whose limits they could control. That step cannot be retraced. A state cannot be dismembered by Congress, or restricted in the exercise of her constitutional power. But the people of those states, and of every state, actuated by feelings of justice and regard for our national honor, submit to you the interesting question, whether something cannot be done, consistently with the rights of the states, to preserve this much injured race.

As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any state or territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control

from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization; and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this government.

This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that, if they remain within the limits of the states, they must be subject to their laws. In return for their obedience as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase. Submitting to the laws of the states, and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.

The accompanying report of the secretary of the navy will make you acquainted with the condition and useful employment of that branch of our service during the present year. Constituting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of government. In this spirit, the measures which, since the termination of the last war, have been in operation for its gradual enlargement were adopted; and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has in many important respects not been secured.

In time of peace we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lay in the harbors, where, without proper covering, they rapidly decay; and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels, which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposits in navy yards, of timber and other materials, fashioned under the hands of skilful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards are indicated with so much force in the report of the navy board that, in recommending it to your attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The yard in this district, being already furnished with most of the machinery necessary for ship building, will be competent to the supply of the two selected by the board as the best for the concentration of materials; and, from the facility and cer-

tainty of communication between them, it will be useless to incur, at these depots, the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

Another improvement would be effected, by dispensing altogether with the navy board, as now constituted, and substituting in its stead bureaux similar to those already existing in the war department. Each member of the board transferred to the head of a separate bureau, charged with specific duties, would feel, in its highest degree, that wholesome responsibility which cannot be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the navy; to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character; its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the marine corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its lieutenant-colonel commandant, five brevet lieutenant-colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the infantry or artillery, there being no peculiar training requisite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that, under an energetic administration of its affairs, the navy may soon be made every thing that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the secretary, to which I refer you for other interesting details. Among these I would bespeak the attention of Congress for the views presented in relation to the inequality between the army and navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country; and where it does exist, it is submitted to Congress whether it ought not to be rectified.

The report of the postmaster-general is referred to as exhibiting a highly satisfactory administration of that department. Abuses have been reformed, increased expedition in the transmission of the mail secured, and its revenue much improved. In a political point of view, this department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural—conveying rapidly and regularly to the remotest parts of the system, correct information of the operations of the government, and bringing back to it the wishes and feelings of the people. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs, a subject of high importance presents itself in the present organization of the judiciary. An uniform operation of the federal government in the different states is certainly desirable; and, existing as they do in the Union, on the basis of perfect equality, each state has a right to expect that the benefits conferred on the citizens of one should be extended to hers. The judicial system of the United States exists

in all its efficiency in only fifteen members of the Union ; to three others, the circuit courts, which constitute an important part of that system, have been imperfectly extended ; and to the remaining six, altogether denied. The effect has been, to withhold from the inhabitants of the latter the advantages afforded (by the supreme court) to their fellow citizens in other states, in the whole extent of the criminal, and much of the civil authority of the federal judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted ; neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the circuit courts equally throughout the different parts of the Union, and, at the same time, to avoid such a multiplication of members as would encumber the supreme appellate tribunal, is the object desired. Perhaps it might be accomplished by dividing the circuit judges into two classes, and providing that the supreme court should be held by those classes alternately, the chief justice always presiding.

If an extension of the circuit court system to those states which do not now enjoy its benefits should be determined upon, it would of course be necessary to revise the present arrangement of the circuits ; and even if that system should not be enlarged, such a revision is recommended.

A provision for taking the census of the people of the United States will, to ensure the completion of that work within a convenient time, claim the early attention of Congress.

The great and constant increase of business in the department of state forced itself, at an early period, upon the attention of the executive. Thirteen years ago it was, in Mr. Madison's last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors ; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a home department,—a measure which does not appear to have met the views of Congress, on account of its supposed tendency to increase, gradually and imperceptibly, the already too strong bias of the federal system toward the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation, but am not the less impressed with the importance of so organizing that department, that its secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow citizens ; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legis-

lature whether a national one, founded upon the credit of the government and its revenues, might not be devised, which would avoid all constitutional difficulties, and at the same time secure all the advantages to the government and country that were expected to result from the present bank.

I cannot close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the re-capture of the frigate Philadelphia, under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of executive interference under a government like ours, where every individual enjoys the right of directly petitioning Congress; yet, viewing this case as one of a very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides the justice of this claim, as corresponding to those which have been since recognised and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which infused life and confidence into our infant navy, and contributed, as much as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps her seal upon it, and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow citizens, to the guidance of Almighty God, with a full reliance on his merciful providence for the maintenance of our free institutions; and with an earnest supplication that whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels.

MAYSVILLE ROAD VETO.

MAY 27, 1830.

To the House of Representatives:

GENTLEMEN: I have maturely considered the bill proposing to authorize "a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike-road Company," and now return the same to the House of Representatives, in which it originated, with my objections to its passage.

Sincerely friendly to the improvement of our country by means of roads and canals, I regret that any difference of opinion in the mode of contributing to it should exist between us; and if, in stating this difference, I go beyond what the occasion may be deemed to call for, I hope to find an apology in the great importance of the subject, an unfeigned respect for the high source from which this branch of it has emanated, and an anxious wish to be correctly understood by my constituents in the discharge of all my duties. Diversity of sentiment among public functionaries, actuated by the same general motives, on the character and tendency of particular measures, is an incident common to all governments, and the more to be expected in one which like ours owes its existence to the freedom of opinion, and must be upheld by the same influence. Controlled as we thus are by a higher tribunal, before which our respective acts will be canvassed with the indulgence due to the imperfections of our nature, and with that intelligence

and unbiased judgment' which are the true correctives of error, all that our responsibility demands is that the public good should be the measure of our views, dictating alike their frank expression and honest maintenance.

In the message which was presented to Congress at the opening of its present session, I endeavored to exhibit briefly my views upon the important and highly-interesting subject to which our attention is now to be directed. I was desirous of presenting to the representatives of the several states in Congress assembled, the inquiry whether some mode could not be devised which would reconcile the diversity of opinion concerning the powers of this government over the subject of internal improvements, and the manner in which these powers, if conferred by the constitution, ought to be exercised. The act which I am called upon to consider has therefore been passed with a knowledge of my views on this question, as these are expressed in the message referred to. In that document the following suggestion will be found:

"After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will, until a remote period, if ever, leave the government without a considerable surplus in the treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debts will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement; and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the general government; it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the states, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation, and the construction of highways in the several states. Let us then endeavor to obtain this benefit in a mode which will be satisfactory to all. That hitherto adopted has been deprecated as an infraction of the constitution by many of our fellow citizens, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils." And adverting to the constitutional power of Congress to make what I consider a proper disposition of the surplus revenue, I subjoin the following remarks: "To avoid these evils it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several states according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the states an amendment authorizing it."

The constitutional power of the federal government to construct or promote works of internal improvement presents itself in two points of view: the first, as bearing upon the sovereignty of the states within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second, as asserting the simple right to appropriate money from the national treasury in aid of such works when undertaken by state authority surrendering the claim of jurisdiction. In the first view, the question of power

is an open one, and can be decided without the embarrassment attending the other, arising from the practice of the government. Although frequently and strenuously attempted, the power to this extent has never been exercised by the government in a single instance. It does not, in my opinion, possess it; and no bill, therefore, which admits it can receive my official sanction.

But in the other view of the power the question is differently situated. The ground taken at an early period of the government was, "that whenever money has been raised by the general authority, and is to be applied to a particular measure, a question arises whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application can be made." The document in which this principle was first advanced is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse, and for its conservative effect upon some of the most valuable principles of the constitution. The symmetry and purity of the government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfil the general objects of its institution,—an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged construction of the power. It is not my purpose to detain you by a minute recital of the acts which sustain this assertion, but it is proper that I should notice some of the most prominent, in order that the reflections which they suggest to my mind may be better understood.

In the administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation, which, in the considerations that led to their adoption, and in their effects upon the public mind, have had a greater agency in marking the character of the power than any subsequent events. I allude to the payment of fifteen millions of dollars for the purchase of Louisiana, and to the original appropriation for the construction of the Cumberland road; the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the confederacy, expressed through their respective legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the constitution, it must nevertheless be admitted that so far as the mere appropriation of money is concerned, they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed through all the forms of the constitution, appropriating upwards of two millions and a half of dollars out of the national treasury in support of that improvement, with the approbation of every president of the United States, including my predecessor, since its commencement.

Independently of the sanction given to appropriations for the Cumberland and other roads and objects, under this power, the administration of Mr. Madison was characterized by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both houses of Congress and presented for his approval, "setting apart and pledging certain funds for constructing roads and canals, and improving the navigation of

water courses, in order to facilitate, promote, and give security to internal commerce among the several states, and to render more easy and less expensive the means and provisions for the common defence." Regarding the bill as asserting a power in the federal government to construct roads and canals within the limits of the states in which they were made, he objected to its passage on the ground of its unconstitutionality, declaring that the assent of the respective states in the mode provided by the bill could not confer the power in question; that the only cases in which the consent and cession of particular states can extend the power of Congress are those specified and provided for in the constitution; and superadding to these avowals his opinion that a restriction of the power "to provide for the common defence and general welfare" to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of government, money being the ordinary and necessary means of carrying them into execution. I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr. Monroe upon this subject were not left to inference. During his administration, a bill was passed through both houses of Congress conferring the jurisdiction and prescribing the mode by which the federal government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them; but that on farther reflection and observation his mind had undergone a change; that his opinion then was, "that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defence and of general, not local, national, not state, benefit;" and this was avowed to be the governing principle through the residue of his administration. The views of the last administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it in relation to internal improvements, was fully recognised and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty if not impracticability of bringing back the operations of the government to the construction of the constitution set up in 1793, assuming that to be its true reading in relation to the power under consideration; thus giving an admonitory proof of the force of implication, and the necessity of guarding the constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers. For although it is the duty of all to look to that sacred instrument instead of the statute book; to repudiate at all times encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances; it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular constructions of the constitution on

doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the constitution itself.

The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress to aid works of internal improvement; for although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated has, as we have seen, been long claimed and exercised by the federal government, yet such grants have always been professedly under the control of the general principle that the works which might be thus aided should be "of a general, not local, national, not state, character." A disregard of this distinction would of necessity lead to the subversion of the federal system. That even this is an unsafe one, arbitrary in its nature, and liable consequently to great abuses, is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow citizens who have desired its passage, and by the respect which is due to a co-ordinate branch of the government; but I am not able to view it in any other light than as a measure of purely local character; or, if it can be considered national, that no farther distinction between the appropriate duties of the general and state governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national. It has no connection with any established system of improvements; is exclusively within the limits of a state, starting at a point on the Ohio river, and running out sixty miles to an interior town; and even as far as the state is interested conferring partial instead of general advantages.

Considering the magnitude and importance of the power, and the embarrassments to which, from the very nature of the thing, its exercise must necessarily be subjected, the real friends of internal improvement ought not to be willing to confide it to accident and chance. What is properly *national* in its character or otherwise, is an enquiry which is often extremely difficult of solution. The appropriations of one year, for an object which is considered national, may be rendered nugatory by the refusal of a succeeding Congress to continue the work, on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work, not that of those by whom it is to be accomplished. Notwithstanding the union of the government with the corporation, by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain, is it national, and conducive to the benefit of the whole, or local, and operating only to the advantage of a portion of the Union?

But, although I might not feel it to be my official duty to interpose the executive veto to the passage of a bill appropriating money for the construction of such works as are authorized by the states, and are national in their character, I do not wish to be understood as expressing an opinion that it is expedient at this time for the general government to embark in a system of this kind; and, anxious that my constituents should be possessed of my views on this as well as on all other subjects which they have committed to my discretion, I shall state them frankly and briefly. Besides many

minor considerations, there are two prominent views on the subject which have made a deep impression upon my mind, which I think are well entitled to your serious attention, and will, I hope, be maturely weighed by the people.

From the official communications submitted to you, it appears that if no adverse or unforeseen contingency happens in our foreign relations, and no unusual diversion be made of the funds set apart for the payment of the national debt, we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures, of the character of the one now under consideration, must be obvious to all, and equally so that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the treasury department, and those from the clerks of the Senate and House of Representatives, herewith submitted, it appears that the bills which have passed into laws, and those which, in all probability, will pass before the adjournment of Congress, anticipate appropriations which, with the ordinary expenditures for the support of government, will exceed considerably the amount in the treasury for the year 1830. Thus, whilst we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa, the appropriations for internal improvement are increasing beyond the available means of the treasury; and if to this calculation be added the amount contained in bills which are pending before the two houses, it may be safely affirmed that ten millions of dollars would not make up the excess over the treasury receipts, unless the payment of the national debt be postponed, and the means now pledged to that object applied to those enumerated in these bills. Without a well regulated system of internal improvement, this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be, either a continuance of the national debt or a resort to additional taxes.

Although many of the states, with a laudable zeal, and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the general government in the construction of such as, from their nature, ought to devolve upon it, and to which the means of the individual states are inadequate, is both rational and patriotic; and if that desire is not gratified now, it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guarantee that, at the proper time, this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. But, great as this object undoubtedly is, it is not the only one which demands the fostering care of the government. The preservation and success of the republican principle rest with us. To elevate its character and extend its influence rank among our most important duties, and the best means to accomplish this desirable end are those which will rivet the attachment of our citizens to the government of their choice, by the comparative lightness of their public burdens, and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence, our country is blessed with general prosperity, and our citizens exempted from the pressure of taxation which other less favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens, through

the medium of imposts, have for a considerable period been onerous. In many particulars, these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessities of life, and this, too, in cases where the burden was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity, by the encouragement of their growth and manufacture at home. They have been cheerfully borne, because they were thought to be necessary to the support of government, and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence, when it is known that the necessity for their continuance would cease, were it not for the irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union, and authorize the reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor, whose prosperity is essential to our national safety and independence, will allow? When the national debt is paid, the duties upon those articles which we do not raise may be repealed with safety, and still leave, I trust, without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well digested system of improvement.

Under this view, the question, as to the manner in which the federal government can, or ought to embark in the construction of roads and canals, and the extent to which it may impose burdens on the people for these purposes, may be presented on its own merits, free of all disguise, and of every embarrassment except such as may arise from the constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effected? Ought they not to require it? With the best disposition to aid, as far as I can conscientiously, in the fartherance of works of internal improvement, my opinion is, that the soundest views of national policy, at this time, point to such a course. Besides the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the government will reap from it in the elevation of its character! How gratifying the effect of presenting to the world the sublime spectacle of a republic, of more than twelve millions of happy people, in the forty-fourth year of her existence—after having passed through two protracted wars, the one for the acquisition, and the other for the maintenance of liberty—free from debt, and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world. Would we not ourselves find, in its effect, an additional guarantee that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these, cannot be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement, and whose good effects must of necessity be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable of promoting. They may be resorted to as artful expedients to shift upon the government the losses of unsuccessful private speculation, and thus, by ministering to personal ambition and self-aggrandizement, tend to sap the foundations of public

virtue, and taint the administration of the government with a demoralizing influence.

In the other view of the subject, and the only remaining one which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement without a previous amendment of the constitution, explaining and defining the precise powers of the federal government over it. Assuming the right to appropriate money to aid in the construction of national works, to be warranted by the contemporaneous and continued exposition of the constitution, its insufficiency for the successful prosecution of them must be admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant, and embracing so much that has been overruled, as to involve the whole subject in great uncertainty, and to render the execution of our respective duties in relation to it replete with difficulty and embarrassment. It is in regard to such works and the acquisition of additional territory, that the practice obtained its first footing. In most if not all other disputed questions of appropriation, the construction of the constitution may be regarded as unsettled, if the right to apply money, in the enumerated cases, is placed on the ground of usage.

This subject has been one of much, and, I may add, painful reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blest with an abundance of it; for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none certainly are so degenerate as to desire their success at the cost of that sacred instrument, with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter; if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will in the end be disappointed; or, if be not so, then indeed has the world but little to hope from the example of free government. When an honest observance of constitutional compacts cannot be obtained from communities like ours, it need not be anticipated elsewhere; and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth, that man is unfit for self-government, admitted. And this will be the case, if *expediency* be made a rule of construction in interpreting the constitution. Power, in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

But I do not entertain such gloomy apprehensions. If it be the wish of the people that the construction of roads and canals should be conducted by the federal government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the constitution, delegating the necessary power, and defining and restricting its exercise with reference to the sovereignty of the states should be made. Without it, nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the works, and to raise funds by the collection

of tolls to keep them in repair, cannot be dispensed with. The Cumberland road should be an instructive admonition of the consequences of acting without this right. Year after year, contests are witnessed, growing out of efforts to obtain the necessary appropriations for completing and repairing this useful work. Whilst one Congress may claim and exercise the power, a succeeding one may deny it; and this fluctuation of opinion must be unavoidably fatal to any scheme which, from its extent, would promote the interests and elevate the character of the country. The experience of the past has shown that the opinion of Congress is subject to such fluctuations.

If it be the desire of the people that the agency of the federal government should be confined to the appropriation of money in aid of such undertakings, in virtue of state authorities, then the occasion, the manner, and the extent of the appropriations, should be made the subject of constitutional regulation. This is the more necessary, in order that they may be equitable among the several states; promote harmony between different sections of the Union and their representatives; preserve other parts of the constitution from being undermined by the exercise of doubtful powers, or the too great extension of those which are not so; and protect the whole subject against the deleterious influence of combinations to carry, by concert, measures which, considered by themselves, might meet but little countenance. That a constitutional adjustment of this power upon equitable principles is in the highest degree desirable, can scarcely be doubted; nor can it fail to be promoted by every sincere friend to the success of our political institutions. In no government are appeals to the source of power in cases of real doubt more suitable than in ours. No good motive can be assigned for the exercise of power by the constituted authorities, whilst those for whose benefit it is to be exercised have not conferred it, and may not be willing to confer it. It would seem to me that an honest application of the conceded powers of the general government to the advancement of the common weal presents a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the constitution in this respect is, I firmly believe, in a great degree unfounded. The time has never yet been when the patriotism and intelligence of the American people were not fully equal to the greatest exigency; and it never will, when the subject calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous, and full consideration of their deep importance, is in my estimation among the highest of our duties.

A supposed connection between appropriations for internal improvement and the system of protecting duties, growing out of the anxieties of those more immediately interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those who had a right to know them. Those which I have entertained on the latter have frequently placed me in opposition to individuals as well as communities, whose claims upon my friendship and gratitude are of the strongest character; but I trust there has been nothing in my public life which has exposed me to the suspicion of being thought capable of sacrificing my views of duty to private considerations, however strong they may have been, or deep the regrets which they are capable of exciting.

As long as the encouragement of domestic manufactures is directed to national ends, it shall receive from me a temperate but steady support. There

is no necessary connection between it and the system of appropriations. On the contrary, it appears to me that the supposition of their dependence upon each other is calculated to excite the prejudices of the public against both. The former is sustained on the ground of its consistency with the letter and spirit of the constitution, of its origin being traced to the assent of all the parties to the original compact, and of its having the support and approbation of a majority of the people; on which account it is at least entitled to a fair experiment. The suggestions to which I have alluded refer to a forced continuance of the national debt, by means of large appropriations, as a substitute for the security which the system derives from the principles on which it has hitherto been sustained. Such a course would certainly indicate either an unreasonable distrust of the people, or a consciousness that the system does not possess sufficient soundness for its support, if left to their voluntary choice and its own merits. Those who suppose that any policy thus founded can be long upheld in this country, have looked upon its history with eyes very different from mine. This policy, like every other, must abide the will of the people, who will not be likely to allow any device, however specious, to conceal its character and tendency.

In presenting these opinions, I have spoken with the freedom and candor which I thought the occasion for their expression called for; and now respectfully return the bill which has been under consideration, for your farther deliberation and judgment.

SECOND ANNUAL MESSAGE.

DECEMBER 7, 1830.

Fellow Citizens of the Senate and House of Representatives :

THE pleasure I have in congratulating you upon your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires. The Beneficent Author of all good has granted to us, during the present year, health, peace, and plenty, and numerous causes for joy in the wonderful success which attends the progress of our free institutions.

With a population unparalleled in its increase, and possessing a character which combines the hardihood of enterprise with the considerateness of wisdom, we see in every section of our happy country a steady improvement in the means of social intercourse, and correspondent effects upon the genius and laws of our extended republic.

The apparent exceptions to the harmony of the prospect are to be referred rather to the inevitable diversities in the various interests which enter into the composition of so extensive a whole, than to any want of attachment to the Union,—interests whose collisions serve only, in the end, to foster the spirit of conciliation and patriotism, so essential to the preservation of that Union which I most devoutly hope is destined to prove imperishable.

In the midst of these blessings, we have recently witnessed changes in the condition of other nations which may, in their consequences, call for the utmost vigilance, wisdom, and unanimity in our councils, and the exercise of all the moderation and patriotism of our people.

The important modifications of their government, effected with so much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this

nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow citizens, upon an event so auspicious to the dearest interests of mankind, I do no more than respond to the voice of my country, without transcending in the slightest degree that salutary maxim of the illustrious Washington, which enjoins an abstinence from all interference with the internal affairs of other nations. From a people exercising in the most unlimited degree the right of self-government, and enjoying, as derived from this proud characteristic, under the favor of heaven, much of the happiness with which they are blessed: a people who can point in triumph to their free institutions, and challenge comparison with the fruits they bear, as well as with the moderation, intelligence, and energy, with which they are administered; from such a people the deepest sympathy was to be expected in a struggle for the sacred principles of liberty, conducted in a spirit every way worthy of the cause, and crowned by a heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely love and justly admire has given to the world of the high character of the present king of the French, and which, if sustained to the end, will secure to him the proud appellation of patriot king, it is not in his success, but in that of the great principle which has borne him to the throne—the paramount authority of the public will—that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs have been fully realized in several important particulars.

An arrangement has been effected with Great Britain, in relation to the trade between the United States and her West India and North American colonies, which has settled a question that has for years afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies, or to exclude us from a participation therein, has never been denied by the United States. But we have contended, and with reason, that if at any time Great Britain may desire the productions of this country as necessary to her colonies, they must be received upon principles of just reciprocity; and farther, that it is making an invidious and unfriendly distinction to open her colonial ports to the vessels of other nations and close them against those of the United States.

Antecedently to 1794, a portion of our productions was admitted into the colonial islands of Great Britain, by particular concessions, limited to the term of one year, but renewed from year to year. In the transportation of these productions, however, our vessels were not allowed to engage: this being a privilege reserved to British shipping, by which alone our produce could be taken to the islands, and theirs brought to us in return. From Newfoundland and her continental possessions all our productions, as well as our vessels, were excluded, with occasional relaxations, by which, in seasons of distress, the former were admitted in British bottoms.

By the treaty of 1794 she offered to concede to us, for a limited time, the right of carrying to her West India possessions, in our vessels not exceeding seventy tons burden, and upon the same terms as British vessels, any pro-

ductions of the United States which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the Senate; that is, that American vessels should land their return cargoes in the United States only; and moreover, that they should, during the continuance of the privilege, be precluded from carrying molasses, sugar, cocoa, or cotton, either from those islands or from the United States, to any other part of the world. Great Britain readily consented to expunge this article from the treaty; and subsequent attempts to arrange the terms of trade either by treaty stipulations or concerted legislation, having failed, it has been successively suspended and allowed according to the varying legislation of the parties.

The following are the prominent points which have in latter years separated the two governments. Besides a restriction whereby all importations into her colonies in American vessels are confined to our own products carried hence, a restriction to which it does not appear that we have ever objected, a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States, it has been contended, 1st. That the subject should be regulated by treaty stipulations in preference to separate legislation; 2d. That our productions, when imported into the colonies in question, should not be subject to higher duties than the productions of the mother country, or of her other colonial possessions; and 3d. That our vessels should be allowed to participate in the circuitous trade between the United States and different parts of the British dominions.

The first point, after having been for a long time strenuously insisted upon by Great Britain, was given up by the act of parliament of July, 1825; all vessels suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export, and proceed to any part of the world, Great Britain and her dependencies alone excepted. On our part, each of the above points had in succession been explicitly abandoned in negotiations preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked by them, and which the state of the negotiation allowed us to insist upon. The trade will be placed upon a footing decidedly more favorable to this country than any on which it ever stood; and our commerce and navigation will enjoy in the colonial ports of Great Britain every privilege allowed to other nations.

That the prosperity of the country, so far as it depends on this trade, will be greatly promoted by the new arrangement, there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict under all the expenses and inconvenience unavoidably incident to it, would have been insupportably onerous had it not been in a great degree lightened by concerted evasions in the mode of making the transshipments at what are called the neutral ports. These indirections are inconsistent with the dignity of nations that have so many motives not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open, and honorable competition only, and preserve them from the influence of seductive and vitiating circumstances.

When your preliminary interposition was asked at the close of the last session, a copy of the instructions under which Mr. M'Lane has acted, together with the communications which had at that time passed between him and the British government, was laid before you. Although there has not been any thing in the acts of the two governments which requires secrecy, it was thought most proper, in the then state of the negotiation, to make that communication a confidential one. So soon, however, as the evidence of execution on the part of Great Britain is received, the whole matter shall be laid before you, when it will be seen that the apprehension which appears to have suggested one of the provisions of the act passed at your last session, that the restoration of the trade in question might be connected with other subjects, and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded; and that the change which has taken place in the views of the British government has been induced by considerations as honorable to both parties as I trust the result will prove beneficial.

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which our ports were, upon the reception and annunciation by the president of the required assurance on the part of Great Britain, forthwith opened to her vessels, before the arrangement could be carried into effect on her part; pursuing in this act of prospective legislation a similar course to that adopted by Great Britain in abolishing, by her act of parliament in 1825, a restriction then existing, and permitting our vessels to clear from the colonies on their return voyages for any foreign country whatever, before British vessels had been relieved from the restriction imposed by our law, of returning directly from the United States to the colonies,—a restriction which she required and expected that we should abolish. Upon each occasion a limited and temporary advantage has been given to the opposite party, but an advantage of no importance in comparison with the restoration of a mutual confidence and good feeling, and the ultimate establishment of the trade upon fair principles.

It gives me unfeigned pleasure to assure you that this negotiation has been throughout characterized by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability is a duty which I shall deem it a privilege to discharge.

Although the result is itself the best commentary on the services rendered to his country by our minister to the court of St. James, it would be doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States, resulting from the exclusion of our vessels from the Black sea, and the previous footing of mere sufferance upon which even the limited trade enjoyed by us with Turkey has hitherto been placed, have for a long time been a source of much solicitude to this government, and several endeavors have been made to obtain a better state of things. Sensible of the importance of the object I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were consequently appointed to open a negotiation with the Sub-

lime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecution of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a treaty, which will be forthwith laid before the Senate.

By its provision a free passage is secured, without limitation of time, to the vessels of the United States to and from the Black sea, including the navigation thereof; and our trade with Turkey is placed on the footing of the most favored nation. The latter is an arrangement wholly independent of the treaty of Adrianople; and the former derives much value, not only from the increased security which, under any circumstances, it would give to the right in question, but from the fact ascertained in the course of the negotiation that, by the construction put upon the treaty by Turkey, the article relating to the passage of the Bosphorus is confined to nations having treaties with the Porte. The most friendly feelings appear to be entertained by the sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Our relations with Russia are of the most stable character. Respect for that empire, and confidence in its friendship toward the United States, have been so long entertained on our part, and so carefully cherished by the present emperor and his illustrious predecessor, as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings, and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

I sincerely regret to inform you that our minister lately commissioned to that court, on whose distinguished talents and great experience in public affairs I placed great reliance, has been compelled by extreme indisposition to exercise a privilege which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion,—of leaving temporarily his post for the advantage of a more genial climate.

If, as is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St. Petersburg, and resume the discharge of his official duties. I have received the most satisfactory assurance that in the mean time the public interest in that quarter will be preserved from prejudice by the intercourse which he will continue through the secretary of legation, with the Russian cabinet.

You are apprized, although the fact has not been officially announced to the House of Representatives, that a treaty was, in the month of March last, concluded between the United States and Denmark, by which six hundred and fifty thousand dollars are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the Senate at the close of its last session, and it now becomes the duty of Congress to pass the necessary laws for the organization of the board of commissioners to distribute the indemnity

among the claimants. It is an agreeable circumstance of this adjustment, that its terms are in conformity with the previously ascertained views of the claimants themselves, thus removing all pretence for a future agitation of the subject in any form.

The negotiations in regard to such points in our foreign relations as remain to be adjusted, have been actively prosecuted during the recess. Material advances have been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression; and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations with all; ever ready to fulfil our engagements with scrupulous fidelity; limiting our demands upon others to mere justice; holding ourselves ever ready to do unto them as we would wish to be done by; and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations, can fail to place them ultimately upon the footing on which it is our wish they should rest.

Of the points referred to, the most prominent are our claims upon France for spoliations upon our commerce; similar claims upon Spain, together with embarrassments in the commercial intercourse between the two countries, which ought to be removed; the conclusion of the treaty of commerce and navigation with Mexico, which has been so long in suspense, as well as the final settlement of limits between ourselves and that republic; and finally, the arbitrament of the question between the United States and Great Britain in regard to the northeastern boundary.

The negotiation with France has been conducted by our minister with zeal and ability, and in all respects to my entire satisfaction. Although the prospect of a favorable termination was occasionally dimmed by counter pretensions, to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late government. The negotiation has been renewed with the present authorities; and, sensible of the general and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more, not to have it in my power yet to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation, has been taken, and I do not allow myself to doubt that justice will soon be done to us. The amount of the claims, the length of time they have remained unsatisfied, and their incontrovertible justice, make an earnest prosecution of them by this government an urgent duty. The illegality of the seizures and confiscations out of which they have arisen is not disputed; and whatever distinctions may have heretofore been set up, in regard to the liability of the existing government, it is quite clear that such considerations cannot now be interposed.

The commercial intercourse between the two countries is susceptible of highly advantageous improvements; but the sense of this injury has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment, not only a firm and cordial friendship, but a progressive development of all their relations may be expected. It is therefore my earnest hope that this old and vexatious subject of difference may be speedily removed.

I feel that my confidence in our appeal to the motives which should govern a just and magnanimous nation, is alike warranted by the character of

the French people, and by the high voucher we possess for the enlarged views and pure integrity of the monarch who now presides over their councils, and nothing shall be wanting on my part to meet any manifestation of the spirit we anticipate in one of corresponding frankness and liberality.

The subjects of difference with Spain have been brought to the view of that government by our minister there, with much force and propriety; and the strongest assurances have been received of their early and favorable consideration.

The steps which remained to place the matter in controversy between Great Britain and the United States fairly before the arbitrator have all been taken in the same liberal and friendly spirit which characterized those before announced. Recent events have doubtless served to delay the decision, but our minister at the court of the distinguished arbitrator has been assured that it will be made within the time contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting change has been effected in our relations with the neighboring republic of Mexico. The unfortunate and unfounded suspicions in regard to our disposition, which it became my painful duty to advert to on a former occasion, have been, I believe, entirely removed; and the government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence is, the establishment of friendship and mutual confidence. Such are the assurances which I have received, and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained, but which I am persuaded are not the result of an indisposition on her part to enter into it, have produced the delay.

There was reason to fear, in the course of last summer, that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which has hitherto been under our jurisdiction. The co-operation of the representative of Mexico near this government was asked on the occasion, and was readily afforded. Instructions and advice have been given to the governor of Arkansas and the officers in command in the adjoining Mexican state, by which it is hoped the quiet of that frontier will be preserved, until a final settlement of the dividing line shall have removed all ground of controversy.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the non-arrival of the ratification of that government within the time prescribed by the treaty. Renewed authority has been asked for by the representative of Austria; and, in the mean time, the rapidly increasing trade and navigation between the two countries have been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our commerce by the national vessels of Portugal. They have been made the subject of immediate remonstrance and reclamation. I am not yet possessed of sufficient information to express a definitive opinion of their character, but expect soon to receive it. No proper means shall be omitted to obtain for our citizens all the redress to which they may appear to be entitled.

Almost at the moment of the adjournment of your last session, two bills, the one entitled "An act for making appropriations for building light-

houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and the other, "An act to authorize a subscription for stock in the Louisville and Portland Canal Company," were submitted for my approval. It was not possible, within the time allowed me, before the close of the session, to give these bills the consideration which was due to their character and importance, and I was compelled to retain them for that purpose. I now avail myself of this early opportunity to return them to the houses in which they respectively originated, with the reasons which, after mature deliberation, compel me to withhold my approval.

The practice of defraying out of the treasury of the United States the expenses incurred by the establishment and support of light-houses beacons, buoys, and public piers, within the bays, inlets, harbors, and ports within the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the constitution, and has been continued without interruption or dispute.

As our foreign commerce increased, and was extended into the interior of the country, by the establishment of ports of entry and delivery upon our navigable rivers, the sphere of those expenditures received a corresponding enlargement. Light-houses, beacons, buoys, public piers, and the removal of sand-bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors, which were embraced in the revenue districts from time to time established by law, were authorized upon the same principle, and the expense defrayed in the same manner. That these expenses have at times been extravagant and disproportionate, it is very probable. The circumstances under which they are incurred are well calculated to lead to such a result, unless their application is subjected to the closest scrutiny. The local advantages arising from the disbursement of public money too frequently, it is to be feared, invite appropriations for objects of this character, that are neither necessary or useful.

The number of light-house keepers is already very large, and the bill before me proposes to add to it fifty-one more, of various descriptions. From representations upon the subject which are understood to be entitled to respect, I am induced to believe that there has not only been great improvidence in the past expenditures of the government upon these objects, but that the security of navigation has, in some instances, been diminished by the multiplication of light-houses, and consequent change of lights, upon the coast. It is in this, as in other respects, our duty to avoid all unnecessary expense, as well as every increase of patronage not called for by the public service. But, in the discharge of that duty in this particular, it must not be forgotten that, in relation to our foreign commerce, the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable that whatever gives facility and security to navigation, cheapens imports: and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay; otherwise they do not pay. The consumer, in the most inland state, derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation, that he does who resides in a maritime state. Local expenditures have not of themselves a correspondent operation.

From a bill making *direct* appropriations for such objects, I should not

have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character which I cannot approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

In speaking of direct appropriations, I mean not to include a practice which has obtained, to some extent, and to which I have, in one instance, in a different capacity, given my assent,—that of subscribing to the stock of private associations. Positive experience, and a more thorough consideration, of the subject, have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow citizens, exempt from the payment of tolls, or any imposition of that character. The practice of thus mingling the concerns of the government with those of the states or of individuals, is inconsistent with the object of its institution, and highly impolitic. The successful operation of the federal system can only be preserved by confining it to the few and simple, but yet important, objects for which it was designed.

A different practice, if allowed to progress, would ultimately change the character of this government, by consolidating into one the general and state governments, which were intended to be kept forever distinct. I cannot perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the constitution. If the interest of the government in private companies is subordinate to that of individuals, the management and control of a portion of the public funds is delegated to an authority unknown to the constitution, and beyond the supervision of our constituents; if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest, or an alienation of the affections and respect of portions of the people, may, therefore, in addition to the general discredit resulting to the government from embarking with its constituents in pecuniary speculations, be looked for as the probable fruit of such associations. It is no answer to this objection to say that the extent of consequences like these cannot be great from a limited and small number of investments: because experience in other matters teaches us, and we are not at liberty to disregard its admonitions, that, unless an entire stop be put to them, it will soon be impossible to prevent their accumulation, until they are spread over the whole country, and made to embrace many of the private and appropriate concerns of individuals.

The power which the general government would acquire within the several states by becoming the principal stockholder in corporations, controlling every canal and each sixty or hundred miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and, in my view, dangerous to the liberties of the people.

This mode of aiding such works is, also, in its nature deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility, and granted with less security to the public interest, when the measure is thus disguised, than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoid-

ing all such indirect modes of aiding particular objects. In a government like ours, more especially, should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or animadversion of the people. The bill authorizing a subscription to the Louisville and Portland canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object, when the first erroneous step has been taken, by instituting a partnership between the government and private companies. It proposes a third subscription on the part of the United States, when each preceding one was at the time regarded as the extent of the aid which government was to render to that work; and the accompanying bill for light-houses, &c., contains an appropriation for the survey of the bed of the river, with a view to its improvement, by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage to the river, and render the canal entirely useless. To such improvidence is the course of legislation subject, in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be already sufficiently stated, I am nevertheless induced by its importance to add a few observations of a general character.

In my objections to the bills authorizing subscriptions to the Maysville and Rockville road companies, I expressed my views fully in regard to the power of Congress to construct roads and canals within the state, or to appropriate money for improvements of a local character. I at the same time intimate my belief that the right to make appropriations for such as were of a national character had been so generally acted upon, and so long acquiesced in by the federal and state governments, and the constituents of each, as to justify its exercise on the ground of continued and uninterrupted usage; but that it was, nevertheless, highly expedient that appropriations, even of that character, should, with the exception made at the time, be deferred until the national debt is paid, and that, in the meanwhile, some general rule for the action of the government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me; and were, I readily admit, intended to awaken the attention and draw forth the opinions and observations of our constituents, upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily, in the discharge of my official duties, be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform, as far as I can, to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy; but making full allowances on that account, I cannot, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures, should shrink from the

application of a rule which prefers their more general and remote interests to those which are personal and immediate, is to be expected. But even such objections must, from the nature of our population, be but temporary in their duration; and if it were otherwise, our course should be the same; for the time is yet, I hope, far distant, when those intrusted with power to be exercised for the good of the whole, will consider it either honest or wise to purchase local favor at the sacrifice of principle and general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the executive to withhold his assent from bills on other grounds than their unconstitutionality. That this right should not be exercised on slight occasions, all will admit. It is only in matters of deep interest, when the principle involved may be justly regarded as next in importance to infractions of the constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty, I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligations of official duty by several of my predecessors; and by the persuasion, too, that whatever liberal institutions may have to fear from the encroachments of executive power, which has been everywhere the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which the authority denies to itself the exercise of powers that bring in their train influence and patronage of great extent; and thus excludes the operation of personal interests, everywhere the bane of official trust. I derive, too, no small degree of satisfaction from the reflection that, if I have mistaken the interests and wishes of the people, the constitution affords the means of soon redressing the error, by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the mean time, the interests of the nation will be saved from prejudice, by a rigid application of that portion of the public funds which might otherwise be applied to different objects—to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule for the operations of the government in this matter, than any which has hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as it relates to the general prosperity of the country, but to the safety of the federal system, I cannot avoid repeating my earnest hope that all good citizens, who take a proper interest in the success and harmony of our admirable political institutions, and who are incapable of desiring to convert an opposite state of things into means for the gratification of personal ambition—will, laying aside minor considerations, and discarding local prejudices, unite their honest exertions to establish some fixed general principle which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general ground of my objection to local appropriations has been heretofore expressed; and I shall endeavor to avoid a repetition of what has

been already urged,—the importance of sustaining the state sovereignties as far as is consistent with the rightful action of the federal government, and of preserving the greatest attainable harmony between them. I will now only add an expression of my conviction—a conviction which every day's experience serves to confirm—that the political creed which inculcates the pursuit of those great objects as a paramount duty, is the true faith, and one to which we are mainly indebted for the present success of the entire system; and to which we must alone look for its future stability.

That there are diversities in the interests of the different states which compose this extensive confederacy, must be admitted. Those diversities arising from situation, climate, population, and pursuits, are doubtless, as it is natural they should be, greatly exaggerated by jealousies, and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are intrusted with the management of its affairs, to neutralize their effects as far as practicable, by making the beneficial operation of the federal government as equal and equitable among the several states as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts, to see how far the past acts of the government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upwards of five millions of dollars, and have been distributed in very unequal proportions among the states. The estimated expense of works, of which surveys have been made, together with that of others projected and partially surveyed, amounts to more than ninety-six millions of dollars.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some states than in others, is doubtless true; but that they are of a character which should prevent an equitable distribution of the funds among the several states, is not to be conceded. The want of this equitable distribution cannot fail to prove a prolific source of irritation among the states.

We have it constantly before our eyes, that profession of superior zeal in the cause of internal improvement, and a disposition to lavish the public funds upon objects of this character, are daily and earnestly put forth by aspirants to power, as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times, have been more fortunate than myself in their observations of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things gives rise, with their baleful influences upon the legislation of Congress, touching the leading and appropriate duties of the federal government, it was but doing justice to the character of our people to expect the severe condemnation of the past, which the recent exhibition of public sentiment has evinced.

Nothing short of a radical change in the action of the government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the states which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense

of the states which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds, which may at any time remain in the treasury after the national debt shall have been paid, among the states, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here, will not therefore, I trust, be regarded as out of place.

They rest, as far as they have come to my knowledge, on the following grounds: 1st, an objection to the ratio of distribution; 2d, an apprehension that the existence of such a regulation would produce an improvident and oppressive taxation to raise the funds for distribution; 3d, that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general, and as would consequently be of a more useful character; and last, that it would create a discreditable and injurious dependence on the part of the state governments upon the federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective states would constitute one that would be more equitable; and others again, that the extent of their respective territories would furnish a standard which would be more expedient and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, be deemed politic and just to give it that character, have regard to several.

In my first message, I stated it to be my opinion that, "it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will, until a remote period, if ever, leave the government without a considerable surplus in the treasury beyond what may be required for its current service. I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; and if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I cannot assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority in the exercise of constitutional power shall at any time hereafter decide to be for the general good, will, in that as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard by the agents of the people will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow citizens, in intelligence,

and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burdens; and as sensible of the great truth, that the resources of the nation, beyond those required for the immediate and necessary purposes of government, can nowhere be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular states would not be deemed to coincide with the general interests in relation to improvement within such state. But, if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct, to such improvement of a general character as the states concerned might not be disposed to unite in, the application of the quotas of those states, under the restriction of confining to each state the expenditure of its appropriate quota. It may, however, be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective states in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength, as well as the true glory of the confederacy, is founded on the prosperity and power of the several independent sovereignties of which it is composed, and the certainty with which they can be brought into successful active co-operation, through the agency of the federal government.

It is, moreover, within the knowledge of such as are at all conversant with public affairs, that schemes of internal improvement have from time to time been proposed, which, from their extent and seeming magnificence, were regarded as of national concernment; but which, upon fuller consideration and farther experience, would now be rejected with great unanimity.

That the plan under consideration would derive important advantages from its certainty; and that the moneys set apart for these purposes would be more judiciously applied and economically expended under the direction of the state legislatures, in which every part of each state is immediately represented, cannot, I think, be doubted. In the new states particularly, where a comparatively small population is scattered over an extensive surface, and the representation in Congress consequently very limited, it is natural to expect that the appropriations made by the federal government would be more likely to be expended in the vicinity of those members through whose immediate agency they were obtained, than if the funds were placed under the control of the legislature, in which every county of the state has its own representative. This supposition does not necessarily impugn the motives of such congressional representatives, nor is it so intended. We are all sensible of the bias to which the strongest minds and purest hearts are, under such circumstances, liable. In respect to the last objection, its probable effect upon the dignity and independence of the state governments, it appears to me only necessary to state the case as it is, and as it would be if the measures proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes.

In the one case, the state would receive its quota of the national revenue for domestic use upon a fixed principle, as a matter of right, and from a fund to the creation of which it had itself contributed its fair proportion.

Surely there could be nothing derogatory in that. As matters now stand, the states themselves, in their sovereign character, are not unfrequently petitioners at the bar of the federal legislature for such allowances out of the national treasury as it may comport with their pleasure or sense of duty to bestow upon them. It cannot require argument to prove which of the two courses is most compatible with the efficiency or respectability of the state governments.

But all these are matters for discussion and dispassionate consideration. That the desired adjustment would be attended with difficulty, affords no reason why it should not be attempted. The effective operation of such motives would have prevented the adoption of the constitution under which we have so long lived, and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome; and they did overcome them. The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance. Strict right was merged in a spirit of compromise, and the result has consecrated their disinterested devotion to the general weal. Unless the American people have degenerated, the same result can be again effected, whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers had reared. It is beyond the power of man to make a system of government like ours, or any other, operate with precise equality upon states situated like those which compose this confederacy; nor is inequality always injustice. Every state cannot expect to shape the measures of the general government to suit its own particular interests. The causes which prevent it are seated in the nature of things, and cannot be entirely counteracted by human means. Mutual forbearance, therefore, becomes a duty obligatory upon all; and we may, I am confident, count upon a cheerful compliance with this high injunction on the part of our constituents. It is not to be supposed that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges which other less favored portions of the world have in vain waded through seas of blood to acquire.

Our course is a safe one, if it be but faithfully adhered to. Acquiescence in the constitutionally expressed will of the majority, and the exercise of that will in a spirit of moderation, justice, and brotherly kindness, will constitute a cement which would for ever preserve our Union. Those who cherish and inculcate sentiments like these, render a most essential service to their country; while those who seek to weaken their influence are, however conscientious and praiseworthy their intentions, in effect, its worst enemies.

If the intelligence and influence of the country, instead of laboring to foment sectional prejudices, to be made subservient to party warfare, were in good faith applied to the eradication of causes of local discontent, by the improvement of our institutions, and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty. May we not hope that the obvious interests of our common country, and the dictates of an enlightened patriotism, will, in the end, lead the public mind in that direction.

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation, is, perhaps, the worst that could exist; and every advance that can be made in its

improvement is a matter eminently worthy of your most deliberate attention.

It is very possible that one better calculated to effect the objects in view may yet be devised. If so, it is to be hoped, that those who disapprove of the past, and dissent from what is proposed for the future, will feel it their duty to direct their attention to it, as they must be sensible that, unless some fixed rule for the action of the federal government in this respect is established, the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the greatest degree of effect and harmony to our legislation upon the subject—which shall best serve to keep the movements of the federal government within the sphere intended by those who modelled, and those who adopted it—which shall lead to the extinguishment of the national debt in the shortest period, and impose the lightest burdens upon our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern, I cannot omit to press again upon your attention that part of the constitution which regulates the election of president and vice-president. The necessity for its amendment is made so clear to my mind by the observation of its evils, and by the many able discussions which they have elicited on the floor of Congress and elsewhere, that I should be wanting in my duty were I to withhold another expression of my deep solicitude upon the subject. Our system fortunately contemplates a recurrence to first principles, differing in this respect from all that have preceded it, and securing it, I trust, equally against the decay and the commotions which have marked the progress of other governments. Our fellow citizens, too, who, in proportion to their love of liberty, keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves, to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indicative of a bad organization, but may proceed from temporary causes; yet the habitual presence, or even a single instance of evils which can be clearly traced to an organic defect, will not, I trust, be overlooked through a too scrupulous veneration for the work of their ancestors. The constitution was an experiment committed to the virtue and intelligence of the great mass of our countrymen, in whose ranks the framers of it themselves were to perform the part of patriotic observation and scrutiny: and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition, we should learn from authority so high, the duty of fortifying the points in it which time proves to be exposed, rather than be deterred from approaching them by the suggestions of fear, or the dictates of misplaced reverence.

A provision which does not secure to the people a direct choice of their chief magistrate, but has a tendency to defeat their will, presented to my mind such an inconsistency with the general spirit of our institutions, that I was induced to suggest for your consideration the substitute which appeared to me, at the same time, the most likely to correct the evil, and to meet the views of our constituents. The most mature reflection since, has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the House of Representatives to decide an election of so high and solemn a character, is unjust to the people; and becomes, when it occurs, a source of embarrassment to the individuals thus brought into power, and a cause of distrust of the representative body. Liable as the confederacy is, from its great extent, to parties

ounded upon sectional interests, and to corresponding multiplication of candidates for the presidency, the tendency of the constitutional reference to the House of Representatives, is to devolve the election upon that body in almost every instance; and whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the constitution appear far more threatening to the peace and integrity of the Union, than any which I can conceive as likely to result from the simple legislative action of the federal government.

It was a leading object with the framers of the constitution to keep as separate as possible the action of the legislative and executive branches of the government. To secure this object, nothing is more essential than to preserve the former from the temptations of private interest, and therefore so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason that, in connection with an amendment of the constitution removing all intermediate agency in the choice of the president, I recommended some restrictions upon the re-eligibility of that officer and upon the tenure of officers generally. The reason still exists; and I renew the recommendation, with an increased confidence that this adoption will strengthen those checks by which the constitution designed to secure the independence of each department of the government, and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the constitution is the chief magistrate. In order, particularly, that this appointment may, as far as possible, be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people, uncommitted to any other course than the strict line of constitutional duty; and that the securities for this independence may be rendered as strong as the nature of power, and the weakness of its possessor, will admit; I cannot too earnestly invite your attention to the propriety of promoting such amendment of the constitution as will render him ineligible after one term of service.

It gives me pleasure to announce to Congress that the benevolent policy of the government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes, also, to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual states, and to the Indians themselves. The pecuniary advantages which it promises to the government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the general and state governments, on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north, and Louisiana on the south, to the settlements of the whites, it will incalculably strengthen the south-western frontier, and render the adjacent states strong enough to repel future invasion

without remote aid. It will relieve the whole state of Mississippi, and the western part of Alabama, of Indian occupancy, and enable those states to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with the settlements of the whites; free them from the power of the states; enable them to pursue happiness in their own way, and under their own rude institutions; will retard the progress of decay which is lessening their numbers; and perhaps cause them gradually, under the protection of the government, and through the influence of good counsels, to cast off their savage habits, and become an interesting, civilized, and Christian community. These consequences, some of them so certain, and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session, an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go farther in attempting to reclaim them from their wandering habits, and make them a happy and prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the general government in relation to the state authorities. For the justice of the laws passed by the states within the scope of their reserved powers, they are not responsible to this government. As individuals, we may entertain and express our opinions of their acts; but as a government, we have as little right to control them as we have to prescribe laws to foreign nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have, with great unanimity, determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi river. Treaties have been made with them, which, in due season, will be submitted for consideration. In negotiating these treaties, they were made to understand their true condition; and they have preferred maintaining their independence in the western forests, to submitting to the laws of the state in which they now reside. These treaties being probably the last which will ever be made with them, are characterized by great liberality on the part of the government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and philanthropy has been long busily employed in devising means to avert it. But its progress has never for a moment been arrested; and, one by one, have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race, and to tread on the graves of extinct nations, excites melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes, as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the west, we behold the memorials of a once powerful race, which was exterminated, or has disappeared, to make room for the existing savage tribes. Nor is there anything in this, which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand

savages, to our extensive republic, studded with cities, towns, and prosperous farms; embellished with all the improvements which art can devise, or industry execute; occupied by more than twelve millions of happy people, and filled with all the blessings of liberty, civilization, and religion.

The present policy of the government is but a continuation of the same progressive change, by a milder process. The tribes which occupied the countries now constituting the eastern states, were annihilated, or have melted away, to make room for the whites. The waves of population and civilization are rolling to the westward; and we now propose to acquire the countries occupied by the red men of the south and west by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged, and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did, or than our children are now doing? To better their condition in an unknown land, our forefathers left all that was dear in earthly objects. Our children, by thousands yearly leave the land of their birth, to seek new homes in distant regions. Does humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds, and almost thousands of miles, at their own expense, purchase the lands they occupy, and support themselves at their new homes, from the moment of their arrival. Can it be cruel in this government, when, by events which it cannot control, the Indian is made discontented in his ancient home, to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the west on such conditions? If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home, than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers, than it is to our brothers and children? Rightly considered, the policy of the general government toward the red man, is not only liberal but generous. He is unwilling to submit to the laws of the states, and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the general government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every administration within the present century—so just to the states, and so generous to the Indians, the executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The states, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our confederacy. With Georgia, there is an express contract; with the new states, an implied one, of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama, to form constitutions and become separate states, did Congress include within their limits extensive tracts of Indian lands, and in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the states was to be co-exten-

sive with their limits, and that, with all convenient despatch, the general government should extinguish the Indian title, and remove every obstruction to the complete jurisdiction of the state governments over the soil? Probably not one of those states would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were confined for ever to those small portions of their nominal territory, the Indian title to which had at the time been extinguished.

It is, therefore, a duty, which this government owes to the new states, to extinguish, as soon as possible, the Indian title to all lands which Congress themselves have included within their limits. When this is done, the duties of the general government in relation to the states and the Indians within their limits are at an end. The Indians may leave the state or not, as they choose. The purchase of their lands does not alter, in the least, their personal relations with the state government. No act of the general government has ever been deemed necessary to give the states jurisdiction over the persons of the Indians. That they possess by virtue of their sovereign power within their own limits, in as full a manner before, as after the purchase of the Indian lands; nor can this government add to, or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the states, will unite in attempting to open the eyes of those children of the forest to their true condition; and, by a speedy removal, to relieve them from the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Among the numerous causes of congratulation, the condition of our impost revenue deserves special mention, inasmuch as it promises the means of extinguishing the public debt sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests.

The object of the tariff is objected to by some as unconstitutional; and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several states. The right to adjust those duties with a view to the encouragement of domestic branches of industry, is so completely identical with that power, that it is difficult to suppose the existence of the one without the other. The states have delegated their whole authority over imports to the general government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the states, the right to exercise it for the purpose of protection does not exist in them; and consequently, if it be not possessed by the general government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely cannot be the case: this indispensable power, thus surrendered by the states, must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion, I am confirmed as well by the opinions of presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the constitution, as by the uni-

form practice of Congress, the continued acquiescence of the states, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present tariff, although great, are far from being insurmountable. Some are unwilling to improve any of its parts, because they would destroy the whole; others fear to touch the objectionable parts, lest those they approve should be jeopardized. I am persuaded that the advocates of these conflicting views do injustice to the American people, and to their representatives. The general interest is the interest of each; and my confidence is entire, that to insure the adoption of such modifications of the tariff as the general interest requires, it is only necessary that that interest should be understood.

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes, qualities they do not possess, and effects they cannot produce. The effects of the present tariff are doubtless overrated, both in its evils and in its advantages. By one class of reasoners, the reduced price of cotton and other agricultural products is ascribed wholly to its influence, and by another, the reduced price of manufactured articles. The probability is that neither opinion approaches the truth, and that both are induced by that influence of interests and prejudices to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw material and the manufactured article, but provisions and lands. The cause must, therefore, be deeper and more pervading than the tariff of the United States. It may, in a measure, be attributable to the increased value of the precious metals, produced by a diminution of the supply, and an increase in the demand; while commerce has rapidly extended itself, and population has augmented. The supply of gold and silver, the general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A part of the effect, too, is doubtless owing to an increase of operatives and improvements in machinery. But, on the whole, it is questionable whether the reduction in the price of lands, produce, and manufactures, has been greater than the appreciation of the standard of value.

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the government to be guided by the general good. Objects of national importance alone ought to be protected; of these, the productions of our soil, our mines and our workshops, essential to national defence, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected, after temporary protection, to compete with foreign labor on equal terms, merit the same attention in a subordinate degree.

The present tariff taxes some of the comforts of life unnecessarily high; it undertakes to protect interests too local and minute to justify a general exaction; and it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived in some of these respects from the measures of your last session.

The best as well as fairest mode of determining whether, from any just considerations, a particular interest ought to receive protection, would be to submit the question singly for deliberation. If, after due examination of its merits, unconnected with extraneous considerations—such as a desire to sustain a general system, or to purchase support for a different interest, it should

enlist in its favor a majority of the representatives of the people, there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection, would be saved from the prejudice excited against them, when that protection forms part of a system by which portions of the country feel or conceive themselves to be oppressed. What is incalculably more important, the vital principle of our system—that principle which requires acquiescence in the will of the majority—would be secure from the discredit and danger to which it is exposed by the acts of majorities, founded, not on identity of conviction, but on combinations of small minorities, entered into for the purpose of mutual assistance in measures which, resting solely on their own merits, could never be carried.

I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution; and that while an abandonment of the policy in which it originated,—a policy coeval with our government, and pursued through successive administrations — is neither to be expected nor desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.

That our deliberations on this interesting subject should be uninfluenced by those partizan conflicts that are incident to free institutions, is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction, must destroy all hope of settling it satisfactorily to the great body of the people, and for the general interest. I cannot, therefore, on taking leave of this subject, too earnestly for my own feelings or the common good, warn you against the blighting consequences of such a course.

According to the estimates at the treasury department, the receipts in the treasury during the present year, will amount to twenty-four millions one hundred and sixty-one thousand and eighteen dollars, which will exceed, by about three hundred thousand dollars, the estimate presented in the last annual report of the secretary of the treasury. The total expenditure during the year, exclusive of public debt, is estimated at thirteen millions seven hundred and forty-two thousand three hundred and eleven dollars; and the payment on account of public debt for the same period, will have been eleven millions three hundred and fifty-four thousand six hundred and thirty dollars; leaving a balance in the treasury, on the first of January, 1831, of four millions eight hundred and nineteen thousand seven hundred and eighty-one dollars.

In connection with the condition of our finances, it affords me pleasure to remark, that judicious and efficient arrangements have been made by the treasury department for securing the pecuniary responsibility of the public officers, and the more punctual payment of the public dues. The revenue cutter service has been organized and placed on a good footing, and aided by an increase of inspectors at exposed points; and the regulations adopted under the act of May, 1830, for the inspection and appraisement of merchandise, have produced much improvement in the execution of the laws, and more security against the commission of frauds upon the revenue. Abuses in the allowances for fishing bounties have also been corrected, and a material saving in that branch of the service thereby effected. In addition to these improvements, the system of expenditure for sick seamen belonging to

the merchant service has been revised; and by being rendered uniform and economical, the benefits of the fund applicable to this object have been usefully extended.

The prosperity of our country is also farther evinced by the increased revenue arising from the sale of public lands, as will appear from the report of the commissioner of the general land office, and the documents accompanying it, which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

Your attention is again invited to the subjects connected with that portion of the public interests entrusted to the war department. Some of them were referred to in my former message, and they are presented in detail in the report of the secretary of war, herewith submitted. I refer you, also, to the report of that officer, for a knowledge of the state of the army, fortifications, arsenals, and Indian affairs; all of which it will be perceived, have been guarded with zealous attention and care. It is worthy of your consideration whether the armaments necessary for the fortifications on our maritime frontier, which are now, or shortly will be completed, should not be in readiness sooner than the customary appropriations will enable the department to provide them. This precaution seems to be due to the general system of fortification which has been sanctioned by Congress, and is recommended by that maxim of wisdom which tells us in peace to prepare for war.

I refer you to the report of the secretary of the navy, for a highly satisfactory account of the manner in which the concerns of that department have been conducted during the present year. Our position in relation to the most powerful nations of the earth, and the present condition of Europe, admonish us to cherish this arm of our national defence with peculiar care. Separated by wide seas from all those governments whose power we might have reason to dread, we have nothing to apprehend from attempts at conquest. It is chiefly attacks upon our commerce, and harassing inroads upon our coast, against which we have to guard. A naval force adequate to the protection of our commerce, always afloat, with an accumulation of the means to give it a rapid extension in case of need, furnishes the power by which all such aggressions may be prevented or repelled. The attention of the government has, therefore, been recently directed more to preserving the public vessels already built, and providing materials to be placed in depôt for future use, than to increasing their number. With the aid of Congress, in a few years, the government will be prepared, in case of emergency, to put afloat a powerful navy of new ships almost as soon as old ones could be repaired.

The modifications in this part of the service, suggested in my last annual message, which are noticed more in detail in the report of the secretary of the navy, are again recommended to your serious attention.

The report of the postmaster-general, in like manner, exhibits a satisfactory view of the important branch of the government under his charge. In addition to the benefits already secured by the operations of the post-office department, considerable improvements within the present year have been made by an increase in the accommodation afforded by stage-coaches, and in the frequency and celerity of the mail between some of the most important points of the Union.

Under the late contracts, improvements have been provided for the south-

ern section of the country, and at the same time an annual saving made of upwards of seventy-two thousand dollars. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfilment of existing contracts, and in the additional expenses, between the periods of contracting, to meet the demands created by the rapid growth and extension of our flourishing country; yet the satisfactory assurance is given that the future revenue of the department will be sufficient to meet its extensive engagements. The system recently introduced, that subjects its receipts and disbursements to strict regulation, has entirely fulfilled its design. It gives full assurance of the punctual transmission, as well as the security of the funds of the department. The efficiency and industry of its officers, and the ability and energy of contractors, justify an increased confidence in its continued prosperity.

The attention of Congress was called, on a former occasion, to the necessity of such a modification of the office of attorney-general of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of solicitor of the treasury, and the earliest measures were taken to give effect to the provisions of the law which authorized the appointment of that officer, and defined his duties. But it is not believed that this provision, however useful in itself, is calculated to supersede the necessity of extending the duties and powers of the attorney-general's office. On the contrary, I am convinced that the public interest would be greatly promoted by giving to that officer the general superintendence of the various law agents of the government, and of all law proceedings, whether civil or criminal, in which the United States may be interested, allowing to him at the same time such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

Occasions of reference from the different executive departments to the attorney-general are of frequent occurrence; and the prompt decision of the questions so referred tends much to facilitate the despatch of business in those departments. The report of the secretary of the treasury, hereto appended, shows also a branch of the public service not specifically entrusted to any officer which might be advantageously committed to the attorney-general.

But, independently of those considerations, this office is now one of daily duty. It was originally organized, and its compensation fixed, with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the seat of government, in professional attendance upon the courts, injurious to the public service; and the interests of the government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the justice of these suggestions, I recommend it to Congress to make the necessary provisions for giving effect to them, and to place the attorney-general, in regard to compensation, on the same footing with the heads of the several executive departments. To this officer might also be intrusted a cognizance of the cases of insolvency in public debtors, especially if the views which I submitted on this subject last year should meet the approbation of Congress—to which I again solicit your attention.

Your attention is respectfully invited to the situation of the District of Columbia. Placed by the constitution under the exclusive jurisdiction and control of Congress, this district is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly those of a penal character, which increases the expense of their administration, and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On different sides of the Potomac, the same offence is punishable in unequal degrees; and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance, in some cases, to the improvements which have superseded them in those states.

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a delegate to represent the wants of the citizens of this district on the floor of Congress, is not due to them, and to the character of our government. No portion of our citizens should be without a practical enjoyment of the principles of freedom; and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress, with the same privileges that are allowed to that of the other territories of the United States.

The penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation; as one object of which, I beg leave to recall your attention to the propriety of providing suitable compensation for the officers charged with its inspection.

The importance of the principle involved in the inquiry whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank, through the agency of a Bank of the United States so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank with the necessary officers, as a branch of the treasury department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the government, and the expenses of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable. The states would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the bank of the United States, though issuing no paper, would check the issues of the state banks, by taking their notes in deposit, and for exchange only, so long as they continue to be re-

deemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made, not so much as a recommendation, as with a view of calling the attention of Congress to the possible modifications of a system which cannot continue to exist in its present form without occasional collisions with the local authorities, and perpetual apprehensions and discontent on the part of the states and the people.

In conclusion, fellow citizens, allow me to invoke in behalf of your deliberations, that spirit of reconciliation and disinterestedness which is the gift of patriotism. Under an overruling and merciful Providence, the agency of this spirit has thus far been signalized in the prosperity and glory of our beloved country. May its influence be eternal.

THIRD ANNUAL MESSAGE.

DECEMBER 6, 1831.

Fellow Citizens of the Senate and House of Representatives :

THE representation of the people has been renewed for the twenty-second time since the constitution they formed has been in force. For near half a century, the chief magistrates who have been successively chosen have made their annual communications of the state of the nation to its representatives. Generally, these communications have been of the most gratifying nature, testifying an advance in all the improvements of social, and all the securities of political life. But, frequently and justly as you have been called on to be grateful for the bounties of Providence, at few periods have they been more abundantly or extensively bestowed, than at the present; rarely, if ever, have we had greater reason to congratulate each other on the continued and increasing prosperity of our beloved country.

Agriculture, the first and most important occupation of man, has compensated the labors of the husbandman with plentiful crops of all the varied products of our extensive country. Manufactures have been established in which the funds of the capitalist find a profitable investment, and which give employment and subsistence to a numerous and increasing body of industrious and dexterous mechanics. The laborer is rewarded by high wages in the construction of works of internal improvement, which are extending with unprecedented rapidity. Science is steadily penetrating the recesses of nature, and disclosing her secrets, while the ingenuity of free minds is subjecting the elements to the power of man, and making each new conquest auxiliary to his comfort. By our mails, whose speed is regularly increased and whose routes are every year extended, the communication of public intelligence and private business is rendered frequent and safe; the intercourse between distant cities, which it formerly required weeks to accomplish, is now effected in a few days; and in the construction of railroads, and the application of steam power, we have a reasonable prospect that the extreme parts of our country will be so much approximated, and those most isolated by the obstacles of nature rendered so accessible, as to remove an apprehension sometimes entertained, that the great extent of the Union would endanger its permanent existence.

If, from the satisfactory view of our agriculture, manufactures, and internal improvements, we turn to the state of our navigation and trade with

foreign nations and between the states, we shall scarcely find less cause for gratulation. A beneficent Providence has provided for their exercise and encouragement an extensive coast, indented by capacious bays, noble rivers, inland seas; with a country productive of every material for ship-building, and every commodity for gainful commerce, and filled with a population, active, intelligent, well-informed, and fearless of danger. These advantages are not neglected; and an impulse has lately been given to commercial enterprise, which fills our ship-yards with new constructions, encourages all the arts and branches of industry connected with them, crowds the wharves of our cities with vessels, and covers the most distant seas with our canvas.

Let us be grateful for these blessings to the beneficent Being who has conferred them, and who suffers us to indulge a reasonable hope of their continuance and extension, while we neglect not the means by which they may be preserved. If we may dare to judge of His future designs by the manner in which his past favors have been bestowed, he has made our national prosperity to depend on the preservation of our liberties—our national force on our federal Union—and our individual happiness on the maintenance of our state rights and wise institutions. If we are prosperous at home, and respected abroad, it is because we are free, united, industrious, and obedient to the laws. While we continue so, we shall, by the blessing of Heaven, go on in the happy career we have begun, and which has brought us, in the short period of our political existence, from a population of three to thirteen millions—from thirteen separate colonies to twenty-four United States—from weakness to strength—from a rank scarcely marked in the scale of nations to a high place in their respect.

This last advantage is one that has resulted, in a great degree, from the principles which have guided our intercourse with foreign powers, since we have assumed an equal station among them: and hence the annual account which the executive renders to the country of the manner in which that branch of his duties has been fulfilled, proves instructive and salutary.

The pacific and wise policy of our government kept us in a state of neutrality during the wars that have, at different periods since our political existence, been carried on by other powers; but this policy, while it gave activity and extent to our commerce, exposed it in the same proportion to injuries from the belligerent nations. Hence have arisen claims of indemnity for those injuries. England, France, Spain, Holland, Sweden, Denmark, Naples, and lately Portugal, had all, in a greater or less degree, infringed our neutral rights. Demands for reparation were made upon all. They have had in all, and continue to have, in some cases, a leading influence on the nature of our relations with the powers on whom they were made.

Of the claims upon England, it is unnecessary to speak, farther than to say, that the state of things to which their prosecution and denial gave rise has been succeeded by arrangements productive of mutual good feeling and amicable relations between the two countries, which it is hoped will not be interrupted. One of these arrangements is that relating to the colonial trade, which was communicated to Congress at the last session; and although the short period during which it has been in force will not enable me to form an accurate judgment of its operation, there is every reason to believe that it will prove highly beneficial. The trade thereby authorized has employed, to the 30th September last, upwards of thirty thousand tons of American, and fifteen thousand tons of foreign shipping in the outward voyages; and in the inward, nearly an equal amount of American, and

deemed with specie. In times of public calamities, too, have resulted an institution might be enlarged by the trade between Canada

These suggestions are made a view of calling the attention system which cannot continue collisions with the local authorities content on the part of the

In conclusion, fellow liberations, that spirit of patriotism. Under the influence of this spirit has the beloved country.

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of colonies to that of an independent necessary to be settled between us and the demarcation of boundaries, not determined in the treaty of peace. Some of the lines of the United States from the British territories were definitively fixed. That, however, which separates us from the provinces of Canada and New Brunswick to the north and the west was still in dispute when I came into office. But I found arrangements made for its settlement under the provisions of the treaty of Ghent having been unable to agree, a convention was made with Great Britain by my immediate predecessor in office, with the advice and consent of the Senate, by which it was agreed "that the points of difference which have arisen in the settlement of the boundary line between the American and British dominions, as therein provided, to some friendly sovereign or state, who shall be invited to investigate and make a decision upon such points of difference," and the king of the Netherlands having, by the late president and his Britannic majesty, been designated as such friendly sovereign, it became my duty to carry, with good faith, the agreement so made into full effect. To this end, I caused all the measures to be taken which were necessary to a full exposition of our case to the sovereign arbiter; and nominated as minister plenipotentiary to his court, a distinguished citizen of the state most interested in the question, and who had been one of the agents previously employed for settling the controversy. On the tenth day of January last, his majesty, the king of the Netherlands, delivered to the plenipotentiaries of the United States and of Great Britain, his written opinion on the case referred to him. The papers in relation to the subject will be communicated, by a special message, to the proper branch of the government, with the perfect confidence that its wisdom will adopt such measures as will secure an amicable settlement of the controversy, without infringing any constitutional right of the states immediately interested.

It affords me satisfaction to inform you that suggestions made by my direction to the chargé d'affaires of his Britannic majesty to this government, have had their desired effect in producing the release of certain American citizens, who were imprisoned for setting up the authority of the state of Maine at a place in the disputed territory under the actual jurisdiction of his Britannic majesty. From this, and the assurances I have received of the desire of the local authorities to avoid any cause of collision, I have the best hopes that a good understanding will be kept up until it is confirmed by the final disposition of the subject.

The amicable relations which now subsist between the United States and Great Britain, the increasing intercourse between their citizens, and the rapid obliteration of unfriendly prejudices to which former events very naturally gave rise—concur to present this as a fit period for renewing our endeavors to provide against the recurrence of causes of irritation

of war between Great Britain and any other power, danger our peace. Animated by the sincerest desire to of things, and peacefully to secure, under all possible the rights and honor of the country, I have given such the minister lately sent to the court of London, as will evince and if met by a correspondent disposition, which we cannot all put an end to the causes of collision which, without advantage er, tend to estrange from each other two nations who have every alive to preserve not only peace, but an intercourse of the most amicable nature.

In my message at the opening of the last session of Congress, I expressed a confident hope that the justice of our claims upon France, urged as they were, with perseverance and signal ability by our minister there, would finally be acknowledged. This hope has been realized. A treaty has been signed which will immediately be laid before the Senate for its approbation; and which, containing stipulations that require legislative acts, must have the concurrence of both houses before it can be carried into effect. By it, the French government engaged to pay a sum, which, if not quite equal to that which may be found due to our citizens, will yet, it is believed, under all circumstances, be deemed satisfactory by those interested. The offer of a gross sum instead of the satisfaction of each individual claim, was accepted, because the only alternatives were a rigorous exaction of the whole amount stated to be due on each claim, which might in some instances, be exaggerated by design, in others overrated through error, and which, therefore, it would have been both ungracious and unjust to have insisted on; or a settlement by a mixed commission, to which the French negotiators were very averse, and which experience in other cases had shown to be dilatory and often wholly inadequate to the end. A comparatively small sum is stipulated on our part, to go to the extinction of all claims by French citizens on our government; and a reduction of duties on our cotton, and their wines, has been agreed on, as a consideration for the renunciation of an important claim for commercial privileges, under the construction they gave to the treaty for the cession of Louisiana.

Should this treaty receive the proper sanction, a source of irritation will be stopped, that has, for so many years, in some degree alienated from each other, two nations who, from interest as well as the remembrance of early associations, ought to cherish the most friendly relations; an encouragement will be given for perseverance in the demands of justice, by this new proof, that if steadily pursued, they will be listened to; and admonition will be offered to those powers, if any, which may be inclined to evade them, that they will never be abandoned. Above all, a just confidence will be inspired in our fellow citizens, that their government will exert all the powers with which they have invested it, in support of their just claims upon foreign nations; at the same time that the frank acknowledgment and provision for the payment of those which are addressed to our equity, although unsupported by legal proof, affords a practical illustration of our submission to the divine rule of doing to others what we desire they should do unto us.

Sweden and Denmark, having made compensation for the irregularities committed by their vessels, or in their ports, to the perfect satisfaction of the parties concerned, and having renewed the treaties of commerce entered into with them, our political and commercial relations with those powers continue to be on the most friendly footing.

twenty thousand only of foreign tonnage. Advantages, too, have resulted to our agricultural interests from the state of the trade between Canada and our territories and states bordering on the St. Lawrence and the lakes, which may prove more than equivalent to the loss sustained by the discrimination made to favor the trade of the northern colonies with the West Indies.

After our transition from the state of colonies to that of an independent nation, many points were found necessary to be settled between us and Great Britain. Among them was the demarcation of boundaries, not described with sufficient precision in the treaty of peace. Some of the lines that divide the states and territories of the United States from the British provinces have been definitively fixed. That, however, which separates us from the provinces of Canada and New Brunswick to the north and the east, was still in dispute when I came into office. But I found arrangements made for its settlement over which I had no control. The commissioners who had been appointed under the provisions of the treaty of Ghent having been unable to agree, a convention was made with Great Britain by my immediate predecessor in office, with the advice and consent of the Senate, by which it was agreed "that the points of difference which have arisen in the settlement of the boundary line between the American and British dominions, as described in the fifth article of the treaty of Ghent, shall be referred, as therein provided, to some friendly sovereign or state, who shall be invited to investigate and make a decision upon such points of difference," and the king of the Netherlands having, by the late president and his Britannic majesty, been designated as such friendly sovereign, it became my duty to carry, with good faith, the agreement so made into full effect. To this end, I caused all the measures to be taken which were necessary to a full exposition of our case to the sovereign arbiter; and nominated as minister plenipotentiary to his court, a distinguished citizen of the state most interested in the question, and who had been one of the agents previously employed for settling the controversy. On the tenth day of January last, his majesty, the king of the Netherlands, delivered to the plenipotentiaries of the United States and of Great Britain, his written opinion on the case referred to him. The papers in relation to the subject will be communicated, by a special message, to the proper branch of the government, with the perfect confidence that its wisdom will adopt such measures as will secure an amicable settlement of the controversy, without infringing any constitutional right of the states immediately interested.

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which, in the event of war between Great Britain and any other power, would inevitably endanger our peace. Animated by the sincerest desire to avoid such a state of things, and peacefully to secure, under all possible circumstances, the rights and honor of the country, I have given such instructions to the minister lately sent to the court of London, as will evince that desire: and if met by a correspondent disposition, which we cannot doubt, will put an end to the causes of collision which, without advantage to either, tend to estrange from each other two nations who have every motive to preserve not only peace, but an intercourse of the most amicable nature.

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Sweden and Denmark, having made compensation for the irregularities committed by their vessels, or in their ports, to the perfect satisfaction of the parties concerned, and having renewed the treaties of commerce entered into with them, our political and commercial relations with those powers continue to be on the most friendly footing.

With Spain our differences, up to the 22d February, 1819, were settled by the treaty of Washington of that date; but at a subsequent period our commerce with the states, formerly colonies of Spain on the continent of America, was annoyed and frequently interrupted by her public and private armed ships; they captured many of our vessels prosecuting a lawful commerce, and sold them and their cargoes; and at one time, to our demands for restoration and indemnity, opposed the allegation, that they were taken in the violation of a blockade of all the ports of those states. This blockade was declaratory only, and the inadequacy of the force to maintain it was so manifest that this allegation was varied to a charge of trade in contraband of war. This, in its turn, was also found untenable, and the minister whom I sent with instructions to press for the reparation that was due to our injured fellow citizens, has transmitted an answer to his demand, by which the captures are declared to have been legal, and are justified, because the independence of the states of America never having been acknowledged by Spain, she had a right to prohibit trade with them under her old colonial laws. This ground of defence was contradictory, not only to those which had been formerly alleged, but to the uniform practice and established laws of nations, and had been abandoned by Spain herself in the convention which granted indemnity to British subjects, for captures made at the same time, under the same circumstances, and for the same allegations with those of which we complain.

I, however, indulge the hope that farther reflection will lead to other views, and feel confident that when his catholic majesty shall be convinced of the justice of the claim, his desire to preserve friendly relations between the two countries, which it is my earnest endeavor to maintain, will induce him to accede to our demand. I have, therefore, despatched a special messenger with instructions to our minister to bring the case once more to his consideration; to the end that if, which I cannot bring myself to believe, the same decision, that cannot but be deemed an unfriendly denial of justice, should be persisted in, the matter may, before your adjournment, be laid before you, the constitutional judges of what is proper to be done when negotiation for redress of injury fails.

The conclusion of a treaty for indemnity with France, seemed to present a favorable opportunity to renew our claims of a similar nature on other powers; and particularly in the case of those upon Naples, more especially as in the course of former negotiations with that power, our failure to induce France to render us justice was used as an argument against us. The desires of the merchants, who were the principal sufferers, have therefore been acceded to, and a mission has been instituted for the special purpose of obtaining for them a reparation already too long delayed. This measure having been resolved on, it was put in execution without waiting for the meeting of Congress, because the state of Europe created an apprehension of events that might have rendered our application ineffectual.

Our demands upon the government of the two Sicilies are of a peculiar nature. The injuries on which they are founded are not denied, nor are the atrocity and perfidy under which those injuries were perpetrated, attempted to be extenuated. The sole ground on which indemnity has been refused is the alleged illegality of the tenure by which the monarch who made the seizures held his crown. This defence, always unfounded in any

principle of the law of nations—now universally abandoned even by those powers upon whom the responsibility for acts of past rulers bore the most heavily—will unquestionably be given up by his Sicilian majesty, whose councils will receive an impulse from that high sense of honor and regard to justice, which are said to characterize him; and I feel the fullest confidence that the talents of the citizens commissioned for that purpose, will place before him the just claims of our injured citizens in such a light as will enable me, before your adjournment, to announce that they have been adjusted and secured. Precise instructions to the effect of bringing the negotiation to a speedy issue, have been given and will be obeyed.

In the late blockade of Terceira, some of the Portuguese fleet captured several of our vessels and committed other excesses, for which reparation was demanded, and I was on the point of despatching an armed force to prevent any recurrence of a similar violence, and protect our citizens in the prosecution of their lawful commerce, when official assurances, on which I relied, made the sailing of the ships unnecessary. Since that period frequent promises have been made, that full indemnity shall be given for the injuries inflicted and the losses sustained. In the performance there has been some, perhaps unavoidable, delay; but I have the fullest confidence that my earnest desire that this business may at once be closed, which our minister has been instructed strongly to express, will very soon be gratified. I have the better ground for this hope, from the evidence of a friendly disposition which that government has shown by an actual reduction in the duty on rice, the produce of our southern states, authorizing the anticipation that this important article of our export will soon be admitted on the same footing with that produced by the most favored nation.

With the other powers of Europe, we have fortunately had no cause of discussions for the redress of injuries. With the empire of the Russias, our political connection is of the most friendly, and our commercial of the most liberal kind. We enjoy the advantages of navigation and trade, given to the most favored nation; but it has not yet suited their policy, or perhaps has not been found convenient from other considerations, to give stability and reciprocity to those privileges by a commercial treaty. The ill health of the minister last year, charged with making a proposition for that arrangement, did not permit him to remain at St. Petersburg; and the attention of that government during the whole of the period since his departure having been occupied by the war in which it was engaged, we have been assured that nothing could have been effected by his presence. A minister will soon be nominated, as well to effect this important object, as to keep up the relations of amity and good understanding, of which we have received so many assurances and proofs from his imperial majesty, and the emperor his predecessor.

The treaty with Austria is opening to us an important trade with the hereditary dominions of the emperor, the value of which has been hitherto little known, and of course not sufficiently appreciated. While our commerce finds an entrance into the south of Germany by means of this treaty, those we have formed with the Hanseatic towns and Prussia, and others now in negotiation, will open that vast country to the enterprising spirit of our merchants on the north; a country abounding in all the materials for a mutually beneficial commerce, filled with enlightened and industrious inhabitants, holding an important place in the politics of Europe, and to which we owe so many valuable citizens. The ratification of the treaty with the

Porte was sent to be exchanged, by the gentleman appointed our chargé d'affaires to that court. Some difficulties occurred on his arrival; but at the date of his last official despatch, he supposed they had been obviated, and that there was every prospect of the exchange being speedily effected.

This finishes the connected view I have thought proper to give of our political and commercial relations in Europe. Every effort in my power will be continued to strengthen and extend them by treaties founded on principles of the most perfect reciprocity of interest, neither asking nor conceding any exclusive advantage, but liberating, as far as it lies in my power, the activity and industry of our fellow citizens from the shackles which foreign restrictions may impose.

To China and the East Indies, our commerce continues in its usual extent, and with increased facilities, which the credit and capital of our merchants afford, by substituting bills for payments in specie. A daring outrage having been committed in those seas by the plunder of one of our merchantmen engaged in the pepper trade, at a port in Sumatra, and the piratical perpetrators belonging to tribes in such a state of society that the usual course of proceedings between civilized nations could not be pursued, I forthwith despatched a frigate with orders to require immediate satisfaction for the injury, and indemnity to the sufferers.

Few changes have taken place in our connections with the independent states of America, since my last communication to Congress. The ratification of a commercial treaty with the United Republics of Mexico, has been for some time under deliberation in their Congress, but was still undecided at the date of our last despatches. The unhappy civil commotions that have prevailed there were undoubtedly the cause of the delay; but as the government is now said to be tranquillized, we may hope soon to receive the ratification of the treaty, and an arrangement for the demarcation of the boundaries between us. In the mean time an important trade has been opened, with mutual benefit, from St. Louis, in the state of Missouri, by caravans, to the interior provinces of Mexico. This commerce is protected in its progress through the Indian countries by the troops of the United States, which have been permitted to escort the caravans beyond our boundaries to the settled part of the Mexican territory.

From Central America I have received assurances of the most friendly kind, and a gratifying application for our good offices to remove a supposed indisposition toward that government in a neighboring state; this application was immediately and successfully complied with. They gave us also the pleasing intelligence that differences which had prevailed in their internal affairs, had been peaceably adjusted. Our treaty with this republic continues to be faithfully observed, and promises a great and beneficial commerce between the two countries; a commerce of the greatest importance, if the magnificent project of a ship canal through the dominions of that state, from the Atlantic to the Pacific ocean, now in serious contemplation, shall be executed.

I have great satisfaction in communicating the success which has attended the exertions of our minister in Colombia, to procure a very considerable reduction in the duties on our flour in that republic. Indemnity, also, has been stipulated for injuries received by our merchants from illegal seizures; and renewed assurances are given that the treaty between the two countries shall be faithfully observed.

Chili and Peru seem to be still threatened with civil commotions; and

until they shall be settled, disorders may naturally be apprehended, requiring the constant presence of a naval force in the Pacific ocean, to protect our fisheries and guard our commerce.

The disturbances that took place in the empire of Brazil, previously to and immediately consequent upon the abdication of the late emperor, necessarily suspended any effectual application for the redress of some past injuries suffered by our citizens from that government, while they have been the cause of others, in which all foreigners seem to have participated. Instructions have been given to our minister there, to press for indemnity due for losses occasioned by these irregularities: and to take care that our fellow citizens shall enjoy all the privileges stipulated in their favor by the treaty lately made between the two powers, all which the good intelligence that prevails between our minister at Rio Janeiro and the Regency, gives us the best reason to expect.

I should have placed Buenos Ayres in the list of South American powers in respect to which nothing of importance affecting us was to be communicated, but for occurrences which have lately taken place at the Falkland Islands, in which the name of that republic has been used to cover, with a show of authority, acts injurious to our commerce, and to the property and liberty of our fellow citizens. In the course of the present year, one of our vessels engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the government of Buenos Ayres. I have, therefore, given orders for the despatch of an armed vessel to join our squadron in those seas, and aid in affording all lawful protection to our trade which shall be necessary; and shall without delay send a minister to inquire into the nature of the circumstances, and also of the claim, if any, that is set up by that government to those islands. In the mean time, I submit the case to the consideration of Congress, to the end that they may clothe the executive with such authority and means as they may deem necessary, for providing a force adequate to the complete protection of our fellow citizens fishing and trading in those seas.

This rapid sketch of our foreign relations, it is hoped, fellow citizens, may be of some use in so much of your legislation as may bear on that important subject; while it affords to the country at large a source of high gratification in the contemplation of our political and commercial connexion with the rest of the world. At peace with all—having subjects of future difference with few, and those susceptible of easy adjustment—extending our commerce gradually on all sides, and on none by any but the most liberal and mutually beneficial means—we may, by the blessing of Providence, hope for all that national prosperity which can be derived from an intercourse with foreign nations, guided by those eternal principles of justice and reciprocal good will, which are binding as well upon states, as the individuals of whom they are composed.

I have great satisfaction in making this statement of our affairs, because the course of our national policy enables me to do it without any indiscreet exposure of what in other governments is usually concealed from the people. Having none but a straightforward open course to pursue—guided by a single principle that will bear the strongest light—we have happily no political combinations to form, no alliances to entangle us, no complicated interests to consult; and in subjecting all we have done to the considera-

tion of our citizens, and to the inspection of the world, we give no advantage to other nations, and lay ourselves open to no injury.

It may not be improper to add, that to preserve this state of things and give confidence to the world in the integrity of our designs, all our consular and diplomatic agents are strictly enjoined to examine well every cause of complaint preferred by our citizens; and while they urge with proper earnestness those that are well founded, to countenance none that are unreasonable or unjust, and to enjoin on our merchants and navigators the strictest obedience to the laws of the countries to which they resort, and a course of conduct in their dealings that may support the character of our nation, and render us respected abroad.

Connected with this subject, I must recommend a revival of our consular laws. Defects and omissions have been discovered in their operation that ought to be remedied and supplied. For your farther information on this subject I have directed a report to be made by the secretary of state, which I shall hereafter submit to your consideration.

The internal peace and security of our confederated states is the next principal object of the general government. Time and experience have proved that the abode of the native Indian within their limits is dangerous to their peace and injurious to himself. In accordance with my recommendation at a former session of Congress, an appropriation of half a million of dollars was made to aid the voluntary removal of the various tribes beyond the limits of the states. At the last session, I had the happiness to announce that the Chickasaws and Choctaws had accepted the generous offer of the government, and agreed to remove beyond the Mississippi river, by which the whole of the state of Mississippi and the western part of Alabama will be freed from Indian occupancy, and opened to a civilized population. The treaties with these tribes are in course of execution, and their removal, it is hoped, will be completed in the course of 1832.

At the request of the authorities of Georgia, the registration of Cherokee Indians for emigration has been resumed, and it is confidently expected that one half, if not two thirds of that tribe, will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes, will hereafter be governed by the laws of Georgia, as all her citizens are, and cease to be the objects of peculiar care on the part of the general government.

During the present year the attention of the government has been particularly directed to those tribes in the powerful and growing state of Ohio, where considerable tracts of the finest lands were still occupied by the aboriginal proprietors. Treaties, either absolute or conditional, have been made, extinguishing the whole Indian title to the reservations in that state; and the time is not distant, it is hoped, when Ohio will be no longer embarrassed by the Indian population. The same measure will be extended to Indiana, as soon as there is reason to anticipate success. It is confidently believed that perseverance for a few years in the present policy of the government will extinguish the Indian title to all lands lying within the states composing our federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws. Thus will all conflicting claims to jurisdiction between the states and the Indian tribes be put to rest. It is pleasing to reflect that results so beneficial, not only to the states immediately concerned, but to the harmony of the Union, will have been accomplished by measures equally advantageous to the Indians.

What the native savages become when surrounded by a dense population and by mixing with the whites, may be seen in the miserable remnants of a few eastern tribes, deprived of political and civil rights, forbidden to make contracts, and subjected to guardians, dragging out a wretched existence, without excitement, without hope, and almost without thought.

But the removal of the Indians beyond the limits and jurisdiction of the states, does not place them beyond the reach of philanthropic aid and Christian instruction. On the contrary, those whom philanthropy or religion may induce to live among them in their new abode, will be more free in the exercise of their benevolent functions than if they had remained within the limits of the states, embarrassed by their internal regulations. Now subject to no control but the superintending agency of the general government, exercised with the sole view of preserving peace, they may proceed unmolested in the interesting experiment of gradually advancing a community of American Indians from barbarism to the habits and enjoyments of civilized life.

Among the happiest effects of the improved relations of our republic, has been an increase of trade, producing a corresponding increase of revenue, beyond the most sanguine anticipations of the treasury department.

The state of the public finances will be fully shown by the secretary of the treasury, in the report which he will presently lay before you. I will here, however, congratulate you upon their prosperous condition. The revenue received in the present year will not fall short of twenty-seven millions seven hundred thousand dollars, and the expenditures for all objects other than the public debt, will not exceed fourteen millions seven hundred thousand dollars. The payment on account of the principal and interest of the debt during the year, will exceed sixteen millions five hundred thousand dollars; a greater sum than has been applied to that object out of the revenue in any year since the enlargement of the sinking fund, except the two years following immediately thereafter. The amount which will have been applied to the public debt from the fourth of March, 1829, to the first of January next, which is less than three years since the administration has been placed in my hands, will exceed forty millions of dollars.

From the large importations of the present year, it may be safely estimated that the revenue which will be received into the treasury from that source during the next year, with the aid of that received from the public lands, will considerably exceed the amount of the receipts of the present year; and it is believed that, with the means which the government will have at its disposal from various sources, which will be fully stated by the proper department, the whole of the public debt may be extinguished, either by redemption or purchase, within the four years of my administration. We shall then exhibit the rare example of a great nation, abounding in all the means of happiness and security, altogether free from debt.

The confidence with which the extinguishment of the public debt may be anticipated, presents an opportunity for carrying into effect more fully the policy in relation to import duties, which has been recommended in my former messages. A modification of the tariff, which shall produce a reduction of our revenue to the wants of the government, and an adjustment of the duties on imports with a view to equal justice in relation to all our national interests, and to the counteraction of foreign policy, so far as it may be injurious to those interests, is deemed to be one of the principal

objects which demand the consideration of the present Congress. Justice to the interests of the merchant as well as the manufacturer, requires that material reductions in the import duties be prospective; and unless the present Congress shall dispose of the subject, the proposed reductions cannot properly be made to take effect at the period when the necessity for the revenue arising from present rates shall cease. It is, therefore, desirable that arrangements be adopted at your present session to relieve the people from unnecessary taxation, after the extinguishment of the public debt. In the exercise of that spirit of concession and conciliation which has distinguished the friends of our union in all great emergencies, it is believed that this object may be effected without injury to any national interest.

In my annual message of December, 1829, I had the honor to recommend the adoption of a more liberal policy than that which then prevailed toward unfortunate debtors to the government, and I deem it my duty again to invite your attention to this subject.

Actuated by similar views, Congress, at their last session, passed an act for the relief of certain insolvent debtors of the United States; but the provisions of that law have not been deemed such as were adequate to that relief to this unfortunate class of our fellow citizens, which may be safely extended to them. The points in which the law appears to be defective will be particularly communicated by the secretary of the treasury; and I take pleasure in recommending such an extension of its provisions as will unfetter the enterprise of a valuable portion of our citizens, and restore to them the means of usefulness to themselves and the community. While deliberating upon this subject, I would also recommend to your consideration the propriety of so modifying the laws for enforcing the payment of debts due either to the public or to individuals suing in the courts of the United States, as to restrict the imprisonment of the person to cases of fraudulent concealment of property. The personal liberty of the citizen seems too sacred to be held, as in many cases it now is, at the will of a creditor to whom he is willing to surrender all the means he has of discharging his debt.

The reports from the secretaries of the war and navy departments, and from the postmaster-general, which accompany this message, present satisfactory views of the operations of the departments respectively under their charge; and suggest improvements which are worthy of, and to which I invite, the serious attention of Congress. Certain defects and omissions having been discovered in the operation of the laws respecting patents, they are pointed out in the accompanying report from the secretary of state.

I have heretofore recommended amendments of the federal constitution giving the election of president and vice-president to the people, and limiting the service of the former to a single term. So important do I consider these changes in our fundamental law, that I cannot, in accordance with my sense of duty, omit to press them upon the consideration of a new Congress. For my views more at large, as well in relation to these points as to the disqualification of members of Congress to receive an office from a president in whose election they have had an official agency, which I proposed as a substitute, I refer you to my former messages.

Our system of public accounts is extremely complicated, and, it is believed, may be much improved. Much of the present machinery, and a

considerable portion of the expenditure of public money may be dispensed with, while greater facilities can be afforded to the liquidation of claims upon the government, and an examination into their justice and legality, quite as efficient as the present, secured. With a view to a general reform in the system, I recommend the subject to the attention of Congress.

I deem it my duty again to call your attention to the condition of the District of Columbia. It was doubtless wise in the framers of our constitution to place the people of this district under the jurisdiction of the general government; but, to accomplish the objects they had in view, it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the representatives of distant states to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually nor in Congress collectively, well qualified to legislate over the local concerns of this district. Consequently, its interests are much neglected, and the people are almost afraid to present their grievances, lest a body in which they are not represented, and which feels little sympathy in their local relations, should, in its attempt to make laws for them, do more harm than good. Governed by the laws of the states whence they were severed, the two shores of the Potomac, within the ten miles square, have different penal codes: not the present codes of Virginia and Maryland, but such as existed in those states at the time of the cession to the United States. As Congress will not form a new code, and as the people of the district cannot make one for themselves, they are virtually under two governments. Is it not just to allow them at least a delegate in Congress, if not a local legislature to make laws for the district, subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require, and which may be compatible with the constitution.

The extension of the judiciary system of the United States, is deemed to be one of the duties of government. One fourth of the states in the Union do not participate in the benefits of a circuit court. To the states of Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, admitted into the Union since the present judicial system was organised, only a district court has been allowed. If this be sufficient, then the circuit courts, already existing in eighteen states, ought to be abolished: if it be not sufficient, the defect ought to be remedied, and these states placed on the same footing with the other members of the Union. It was on this condition, and on this footing, that they entered the Union; and they may demand circuit courts as a matter, not of concession, but of right. I trust that Congress will not adjourn, leaving this anomaly in our system.

Entertaining the opinions heretofore expressed in relation to the bank of the United States, as at present organised, I felt it my duty, in my former messages, frankly to disclose them, in order that the attention of the legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the constitution, and subserve the public interests. Having thus conscientiously discharged a constitutional duty, I deem it proper, on this occasion, without a more particular reference to the views of the subject then expressed, to leave it for the present to the investigation of an enlightened people and their representatives.

In conclusion, permit me to invoke that Power which superintends all

governments, to infuse into your deliberations, at this important crisis of our history, a spirit of mutual forbearance and conciliation. In that spirit was our Union formed, and in that spirit must it be preserved.

BANK VETO.

JULY 10, 1832.

To the Senate :

THE bill "to modify and continue" the act entitled "An act to incorporate the subscribers to the Bank of the United States," was presented to me on the 4th of July instant. Having considered it with that solemn regard to the principles of the constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A Bank of the United States is in many respects convenient for the government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the constitution, subversive of the rights of the states, and dangerous to the liberties of the people, I felt it my duty, at an early period of my administration, to call the attention of Congress to the practicability of organizing an institution combining all its advantages, and obviating these objections. I sincerely regret that, in the act before me, I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the constitution of our country.

The present corporate body, denominated the President, Directors, and Company of the Bank of the United States, will have existed, at the time this act is intended to take effect, twenty years. It enjoys an exclusive privilege of banking, under the authority of the general government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

An apology may be found for the failure to guard against this result, in the consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another gratuity to the holders of the same stock, and in many cases, to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase, at least twenty or thirty per cent. more, the market price of the stock, subject to the payment of the annuity of two hundred thousand dollars per year secured by the act; thus adding, in a moment, one fourth to its par value. It is not our own citizens only who are to receive the bounty of our government. More than eight millions of the stock of this bank are held by foreigners. By this act, the American republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners, and to some of our own opulent citizens, the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly, and all exclusive privileges, are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow upon the stockholders of the existing bank must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if their government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of fifty per cent., and command in market at least forty-two millions of dollars, subject to the payment of the present bonus. The present value of the monopoly, therefore, is seventeen millions of dollars, and this the act proposes to sell for three millions, payable in fifteen annual instalments of two hundred thousand dollars each.

It is not conceivable how the present stockholders can have any claim to the special favor of the government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the government sell out the whole stock, and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock, incorporating the purchasers with all the powers and privileges secured in this act, and putting the premium upon the sales into the treasury.

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea that the present stockholders have a prescriptive right not only to the favor, but to the bounty of government. It appears that more than a fourth part of the stock is held by foreigners, and the residue is held by a few hundred of our own citizens, chiefly of the richest class. For their benefit does this act exclude the whole American people from competition in the purchase of this monopoly, and dispose of it for many millions less than it is worth. This seems the less excusable, because some of our citizens, not now stockholders, petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock, and at this moment wield the power of the existing institution. I cannot perceive the justice or policy of this course. If our government must sell monopolies, it would seem to be its duty to take nothing less than their full value; and if gratuities must be made once in fifteen or twenty years, let them not be bestowed on the subjects of a foreign government, nor upon a designated and favored class of men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow citizens, and let each in his turn enjoy an opportunity to profit by our bounty. In the bearings of the act before me, upon these points, I find ample reasons why it should not become a law.

It has been urged as an argument in favor of rechartering the present bank, that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample; and if it has been well managed, its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault

will be its own: and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force, is to admit that the bank ought to be perpetual; and, as a consequence, the present stockholders, and those inheriting their rights as successors, be established a privileged order, clothed both with great political power, and enjoying immense pecuniary advantages from their connection with the government.

The modifications of the existing charter, proposed by this act, are not such, in my view, as make it consistent with the rights of the states or the liberties of the people. The qualification of the right of the bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes, are restrictions comparatively of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation.

The fourth section provides "that the notes or bills of the said corporation, although the same be, on the faces thereof, respectively made payable at one place only, shall, nevertheless, be received by the said corporation at the bank, or at any of the offices of discount and deposit thereof, if tendered in liquidation or payment of any balance or balances due to said corporation or to such office of discount and deposit from any other incorporated bank." This provision secures to the state banks a legal privilege in the bank of the United States, which is withheld from all private citizens. If a state bank in Philadelphia owe the bank of the United States, and have notes issued by the St. Louis branch, it can pay the debt with those notes; but if a merchant, mechanic, or other private citizen, be in like circumstances, he cannot by law pay his debt with those notes, but must sell them at a discount, or send them to St. Louis to be cashed. This boon, conceded to the state banks, though not unjust in itself, is most odious, because it does not measure out equal justice to the high and the low, the rich and the poor.

To the extent of its practical effect, it is a bond of union among the banking establishments of the nation, erecting them into an interest separate from that of the people, and its necessary tendency is to unite the bank of the United States and the state banks in any measure which may be thought conducive to their common interest.

The ninth section of the act recognises principles of worse tendency than any provision of the present charter.

It enacts that "the cashier of the bank shall annually report to the secretary of the treasury the names of all stockholders who are not resident citizens of the United States; and on the application of the treasurer of any state, shall make out and transmit to such treasurer a list of stockholders residing in, or citizens of such state, with the amount of stock owned by each." Although this provision, taken in connection with a decision of the Supreme Court, surrenders, by its silence, the right of the states to tax the banking institutions created by this corporation, under the name of branches throughout the Union, it is evidently intended to be construed as a concession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be understood by the states, who will probably proceed to levy a tax equal to that paid upon the stock of banks incorporated by themselves. In some states that tax is now one per cent., either on the capital or on the shares, and that may be assumed as the amount which all citizens or resi-

dent stockholders would be taxed under the operation of this act. As it is only the stock held in the states, and not that employed within them, which would be subject to taxation, and as the names of foreign stockholders are not to be reported to the treasurers of the states, it is obvious that the stock held by them will be exempt from this burden. Their annual profits will, therefore, be one per cent. more than the citizen stockholders; and, as the annual dividends of the bank may be safely estimated at seven per cent., the stock will be worth ten or fifteen per cent. more to foreigners than to citizens of the United States. To appreciate the effects which this state of things will produce, we must take a brief review of the operations and present condition of the bank of the United States.

By documents submitted to Congress at the present session, it appears that on the 1st of January, 1832, of the twenty-eight millions of private stock in the corporation, eight millions four hundred and five thousand five hundred dollars were held by foreigners, mostly of Great Britain. The amount of stock held in the nine western and southwestern states, is one hundred and forty thousand two hundred dollars, and in the four southern states, is five millions six hundred and twenty-three thousand one hundred dollars, and in the middle and eastern states, is about thirteen millions five hundred and twenty-two thousand dollars. The profits of the bank in 1831, as shown in a statement to Congress, were about three millions four hundred and fifty-five thousand five hundred and ninety-eight dollars; of this there accrued in the nine western states, about one million six hundred and forty thousand and forty-eight dollars; in the four southern states, about three hundred and fifty-two thousand five hundred and seven dollars; and in the middle and eastern states, about one million four hundred and sixty-three thousand and forty-one dollars. As little stock is held in the west, it is obvious that the debt of the people in that section, to the bank, is principally a debt to the eastern and foreign stockholders; that the interest they pay upon it is carried into the eastern states, and into Europe; and that it is a burden upon their industry, and a drain of their currency, which no country can bear without inconvenience and occasional distress. To meet this burden, and equalize the exchange operations of the bank, the amount of specie drawn from those states, through its branches, within the last two years, as shown by its official reports, was about six millions of dollars. More than half a million of this amount does not stop in the eastern states, but passes on to Europe, to pay the dividends of the foreign stockholders. In the principle of taxation recognised by this act, the western states find no adequate compensation for this perpetual burden on their industry, and drain of their currency. The branch bank at Mobile made, last year, ninety-five thousand one hundred and forty dollars; yet, under the provisions of this act, the state of Alabama can raise no revenue from these profitable operations, because not a share of the stock is held by any of her citizens. Mississippi and Missouri are in the same condition, in relation to the branches at Natchez and St. Louis; and such, in a greater or less degree, is the condition of every western state. The tendency of the plan of taxation which this act proposes, will be to place the whole United States in the same relation to foreign countries which the western states now bear to the eastern. When, by a tax on resident stockholders, the stock of this bank is made worth ten or fifteen per cent. more to foreigners than to residents, most of it will inevitably leave the country.

Thus will this provision, in its practical effect, deprive the eastern as well

as the southern and western states, of the means of raising a revenue from the extension of business and great profits of the institution. It will make the American people debtors to aliens, in nearly the whole amount due to this bank, and send across the Atlantic from two to five millions of specie every year to pay the bank dividends.

In another of its bearings, this provision is fraught with danger. Of the twenty-five directors of this bank, five are chosen by the government, and twenty by the citizen stockholders. From all voice in these elections, the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders, the extent of suffrage in the choice of directors is curtailed.

Already is almost a third of the stock in foreign hands, and not represented in elections. It is constantly passing out of the country, and this act will accelerate its departure. The entire control of the institution would necessarily fall into the hands of a few citizen stockholders; and the ease with which the object would be accomplished, would be a temptation to designing men to secure that control in their own hands, by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, and without responsibility or control, manage the whole concerns of the bank during the existence of its charter. It is easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men, irresponsible to the people.

Is there no danger to our liberty and independence in a bank, that in its nature has so little to bind it to our country? The president of the bank has told us that most of the state banks exist by its forbearance. Should its influence become concentrated, as it may under the operation of such an act as this, in the hands of a self-elected directory, whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace, and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years, on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers, or prevent a renewal of its privileges, it cannot be doubted that he would be made to feel its influence.

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction, there can be no doubt. All its operations within, would be in aid of the hostile fleets and armies without. Controlling our currency, receiving our public moneys, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than the naval and military power of the enemy.

If we must have a bank with private stockholders, every consideration of sound policy, and every impulse of American feeling, admonishes that it should be purely *American*. Its stockholders should be composed exclusively of our own citizens, who, at least, ought to be friendly to our government, and willing to support it in times of difficulty and danger. So

abundant is domestic capital, that competition, in subscribing for the stock of local banks, has recently led almost to riots. To a bank, exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for two hundred millions of dollars could be readily obtained. Instead of sending abroad the stock of the bank, in which the government must deposit its funds, and on which it must rely to sustain its credit in times of emergency, it would rather seem to be expedient to prohibit its sale to aliens under penalty of absolute forfeiture.

It is maintained by the advocates of the bank, that its constitutionality, in all its features, ought to be considered as settled by precedent, and by the decision of the supreme court. To this conclusion I cannot assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power, except where the acquiescence of the people and the states can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. One Congress, in 1791, decided in favor of a bank; another, in 1811, decided against it. One Congress, in 1815, decided against a bank; another, in 1816, decided in its favor. Prior to the present Congress, therefore, the precedents drawn from that source were equal. If we resort to the states, the expressions of legislative, judicial, and executive opinions against the bank have been probably to those in its favor as four to one. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me.

If the opinion of the supreme court covered the whole ground of this act, it ought not to control the co-ordinate authorities of this government. The congress, the executive, and the court, must each for itself be guided by its own opinion of the constitution. Each public officer, who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and, on that point, the president is independent of both. The authority of the supreme court must not, therefore, be permitted to control the congress or the executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

But in the case relied upon, the supreme court have not decided that all the features of this corporation are compatible with the constitution. It is true that the court have said that the law incorporating the bank is a constitutional exercise of power by Congress. But, taking into view the whole opinion of the court, and the reasoning by which they have come to that conclusion, I understand them to have decided that, inasmuch as a bank is an appropriate means of carrying into effect the enumerated powers of the general government, therefore the law incorporating it is in accordance with that provision of the constitution which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying those powers into execution." Having satisfied themselves that the word "necessary," in the constitution, means "needful," "requisite," "essential," "conducive to," and that "a bank" is a convenient, a useful,

and essential instrument in the prosecution of the government's "fiscal operations," they conclude that "to use one must be within the discretion of Congress," and that "the act to incorporate the Bank of the United States is a law made in pursuance of the constitution; "but," say they, "where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the government, to undertake here to inquire into the degree of its necessity, would be to pass the line which circumscribes the judicial department, and to tread on legislative ground."

The principle here affirmed is, that the "degree of its necessity," involving all the details of a banking institution, is a question exclusively for legislative consideration. A bank is constitutional; but it is the province of the legislature to determine whether this or that particular power, privilege, or exemption, "is necessary and proper" to enable the bank to discharge its duties to the government; and from their decision there is no appeal to the courts of justice. Under the decision of the supreme court, therefore, it is the exclusive province of Congress and the president to decide whether the particular features of this act are *necessary* and *proper*, in order to enable the bank to perform conveniently and efficiently the public duties assigned to it as a fiscal agent, and therefore constitutional; or *unnecessary* and *improper*, and therefore unconstitutional.

Without commenting on the general principle affirmed by the supreme court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it, cannot be supposed necessary for the purpose for which it is proposed to be created, and are not, therefore, means necessary to attain the end in view, and consequently not justified by the constitution.

The original act of corporation, section twenty-first, enacts "that no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged, *Provided*, Congress may renew existing charters for banks within the District of Columbia, not increasing the capital thereof, and may also establish any other bank or banks in said district, with capitals not exceeding, in the whole, six millions of dollars, if they shall deem it expedient." This provision is continued in force by the act before me, fifteen years from the third of March, 1836.

If Congress possessed the power to establish one bank, they had power to establish more than one, if in their opinion, two or more banks had been "necessary" to facilitate the execution of the powers delegated to them in the constitution. If they possess the power to establish a second bank, it was a power derived from the constitution, to be exercised from time to time, and at any time when the interests of the country, or the emergencies of the government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 have taken it away from their successors for twenty years, and the Congress of 1832 proposed to abolish it for fifteen years more. It cannot be "*necessary*" or "*proper*" for Congress to barter away, or divest themselves of any of the powers vested in them by the constitution to be exercised for the public good. It is not "*necessary*" to the efficiency of the bank, nor is it "*proper*" in relation to themselves and their successors. They may "*properly*" use the discretion vested in them; but they may not limit the discretion of their successors.

This restriction on themselves, and grant of a monopoly to the bank, is therefore unconstitutional.

In another point of view, this provision is a palpable attempt to amend the constitution by an act of legislation. The constitution declares that "the Congress shall have power to exercise exclusive legislation, in all cases whatsoever," over the District of Columbia. Its constitutional power, therefore, to establish banks in the District of Columbia, and increase their capital at will, is unlimited and uncontrollable by any other power than that which gave authority to the constitution. Yet this act declares that Congress shall *not* increase the capital of existing banks, nor create other banks with capitals exceeding in the whole six millions of dollars. The constitution declares that Congress shall have power to exercise exclusive legislation over this district "*in all cases whatsoever*;" and this act declares they shall not. Which is the supreme law of the land? This provision cannot be "*necessary*," or "*proper*," or "*constitutional*," unless the absurdity be admitted, that, whenever it be "*necessary and proper*," in the opinion of Congress, they have a right to barter away one portion of the powers vested in them by the constitution, as a means of executing the rest.

On two subjects only does the constitution recognise in Congress the power to grant exclusive privileges or monopolies. It declares that "Congress shall have power to promote the progress of science and useful arts by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."

Out of this express delegation of power, have grown our laws of patents and copy rights. As the constitution expressly delegates to Congress the power to grant exclusive privileges, in these cases, as the means of executing the substantive power "to promote the progress of science and useful arts," it is consistent with the fair rules of construction, to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of Congressional power, there is an ever-living discretion in the use of proper means, which cannot be restricted or abolished without an amendment of the constitution. Every act of Congress, therefore, which attempts by grants of monopolies, or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers, is equivalent to a legislative amendment of the constitution, and palpably unconstitutional.

This act authorizes and encourages transfers of its stock to foreigners, and grants them an exemption from all state and national taxation. So far from being "*necessary and proper*" that the bank should possess this power to make it a safe and efficient agent of the government in its fiscal operations, it is calculated to convert the bank of the United States into a foreign bank, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the republic, and, in war, to endanger our independence.

The several states reserved the power, at the formation of the constitution, to regulate and control titles and transfers of real property; and most, if not all of them, have laws disqualifying aliens from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the states to prescribe such qualifications, gives to aliens, stockholders in this bank, an interest and title as members of the corporation, to all the real property it may acquire within any of the states of this Union. This pri-

privilege granted to aliens is not "*necessary*" to enable the bank to perform its public duties, nor in any sense "*proper*," because it is virtually subversive of the rights of the states.

The government of the United States have no constitutional power to purchase lands within the states, except "for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;" and even for these objects, only "by the consent of the legislature of the state in which the same shall be." By making themselves stockholders in the bank, and granting to the corporation the power to purchase lands for other purposes, they assume a power not granted in the constitution, and grant to others what they do not themselves possess. It is not *necessary* to the receiving, safe keeping, or transmission of the funds of the government, that the bank should possess this power; and it is not *proper* that Congress should thus enlarge the powers delegated to them in the constitution.

The old bank of the United States possessed a capital of only eleven millions of dollars, which was found fully sufficient to enable it, with despatch and safety, to perform all the functions required of it by the government. The capital of the present bank is thirty-five millions of dollars, at least twenty-four more than experience has proved to be *necessary* to enable a bank to perform its public functions. The public debt which existed during the period of the old bank, and on the establishment of the new, has been nearly paid off, and our revenue will soon be reduced. This increase of capital is, therefore, not for public but for private purposes.

The government is the only "*proper*" judge where its agents should reside and keep their offices, because it best knows where their presence will be "*necessary*." It cannot, therefore, be "*necessary*" or "*proper*" to authorize the bank to locate branches where it pleases, to perform the public service, without consulting the government, and contrary to its will. The principle laid down by the Supreme Court concedes that Congress cannot establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the general government. By the same principle, a branch bank cannot constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any state, without the injunction or request of the government, and for other than public purposes, is not "*necessary*" to the due execution of the powers delegated to Congress.

The bonus which is exacted from the bank is a confession, upon the face of the act, that the powers granted by it are greater than are "*necessary*" to its character of a fiscal agent. The government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half required by the original charter, and that of three millions proposed by this act, are not exacted for the privilege of giving "the necessary facilities for transferring the public funds from place to place, within the United States or the territories thereof, and for distributing the same in payment of the public creditors, without charging commission or claiming allowance on account of the difference of exchange," as required by the act of incorporation, but for something more beneficial to the stockholders. The original act declares, that it (the bonus) is granted "in consideration of the exclusive privileges and benefits conferred by this act upon the said bank," and the act before me declares it to be "in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years as aforesaid." It is, therefore, for "exclusive privileges and benefits," confer-

red for their own use and emolument, and not for the advantage of the government, that a bonus is exacted. These surplus powers, for which the bank is required to pay, cannot surely be "*necessary*" to make it the fiscal agent of the treasury. If they were, the exaction of a bonus for them would not be "*proper*."

It is maintained by some that the bank is a means of executing the constitutional power "to coin money, and regulate the value thereof." Congress have established a mint to coin money, and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt, are the only currency known to the constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a term of years, during which the constitution is a dead letter. It is neither necessary nor proper to transfer its legislative powers to such a bank, and therefore unconstitutional.

By its silence, considered in connection with the decision of the Supreme Court, in the case of *McCulloch* against the state of Maryland, this act takes from the states the power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers which secured them against federal encroachments. Banking, like farming, manufacturing, or any other occupation or profession, is a *business*, the right to follow which is not originally derived from the laws. Every citizen, and every company of citizens, in all of our states, possessed the right, until the state legislatures deemed it good policy to prohibit private banking by law. If the prohibitory state laws were now repealed, every citizen would again possess the right. The state banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations as in the opinion of the state legislatures the public interest requires. These corporations, unless there be an exemption in their charter, are, like private bankers and banking companies, subject to state taxation. The manner in which these taxes shall be laid, depends wholly on legislative discretion. It may be upon the bank, upon the stock, upon the profits, or in any other mode which the sovereign power shall will.

Upon the formation of the constitution the states guarded their taxing power with peculiar jealousy. They surrendered it only as it regards imports and exports. In relation to every other subject within their jurisdiction, whether persons, property, business, or professions, it was secured in as ample a manner as it was before possessed. All persons, though United States' officers, are liable to a poll tax by the states within which they reside. The lands of the United States are liable to the usual land tax, except in the new states, from whom agreements, that they will not tax unsold lands, are exacted when they are admitted into the Union: horses, waggons, any beasts or vehicles, tools or property belonging to private citizens, though employed in the service of the United States, are subject to state taxation. Every private business whether carried on by an officer of the general government or not, whether it be mixed with public concerns or not, even if it be carried on by the government of the United States itself, separately or in partnership, falls within the scope of the taxing power of the state. Nothing comes more fully within it than banks, and the business of banking,

by whomsoever instituted and carried on. Over this whole subject matter, it is just as absolute, unlimited and uncontrollable, as if the constitution had never been adopted, because, in the formation of that instrument, it was reserved without qualification.

The principle is conceded that the states cannot rightfully tax the operations of the general government. They cannot tax the money of the government deposited in the state banks, nor the agency of those banks in remitting it; but will any man maintain that their mere selection to perform this public service for the general government, would exempt the state banks and their ordinary business from state taxation? Had the United States, instead of establishing a bank at Philadelphia, employed a private banker to keep and transmit their funds, would it have deprived Pennsylvania of the right to tax his bank and his usual banking operations? It will not be pretended. Upon what principle, then, are the banking establishments of the bank of the United States, and their usual banking operations, to be exempted from taxation? It is not their public agency or the deposits of the government which the states claim a right to tax, but their banks and their banking powers, instituted and exercised within state jurisdiction for their private emolument, those powers and privileges for which they pay a bonus, and which the states tax in their own banks. The exercise of these powers within a state, no matter by whom or under what authority, whether by private citizens in their original right, by corporate bodies created by the states, by foreigners or the agents of foreign governments located within their limits, forms a legitimate object of state taxation. From this and like sources, from the persons, property, and business that are found residing, located, or carried on under their jurisdiction, must the states, since the surrender of their right to raise a revenue from imports and exports, draw all the money necessary for the support of their governments and the maintenance of their independence. There is no more appropriate subject of taxation than banks, banking, and bank stocks, and none to which the states ought more pertinaciously to cling.

It cannot be *necessary* to the character of the bank as a fiscal agent of the government, that its private business should be exempted from that taxation to which all the state banks are liable; nor can I conceive it "*proper*" that the substantive and most essential powers reserved by the states shall be thus attacked and annihilated as a means of executing the powers delegated to the general government. It may be safely assumed that none of those sages who had an agency in forming or adopting our constitution, ever imagined that any portion of the taxing power of the states, not prohibited to them nor delegated to Congress, was to be swept away and annihilated as a means of executing certain powers delegated to Congress.

If our power over means is so absolute that the supreme court will not call in question the constitutionality of an act of Congress, the subject of which "is not prohibited, and is really calculated to effect any of the objects entrusted to the government," although, as in the case before me, it takes away powers expressly granted to Congress, and rights scrupulously reserved to the states, it becomes us to proceed in our legislation with the utmost caution. Though not directly, our own powers and the rights of the states may be indirectly legislated away in the use of means to execute substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the District of Columbia, but we may pledge the faith of the United States, that, as a means of executing other

powers, it shall not be exercised for twenty years or for ever. We may not pass an act prohibiting the states to tax the banking business carried on within their limits; but we may, as a means of executing our powers over other objects, place that business in the hands of our agents, and then declare it exempt from state taxation in their hands. Thus may our own powers and the rights of the states, which we cannot directly curtail or invade, be frittered away and extinguished in the use of means employed by us to execute other powers. That a bank of the United States, competent to all the duties which may be required by the government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the states, I do not entertain a doubt. Had the executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call, it was obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with the constitution and sound policy. A general discussion will now take place, eliciting new light, and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the capitol the verdict of public opinion, and, I doubt not, bring this important question to a satisfactory result.

Under such circumstances, the bank comes forward and asks a renewal of its charter for a term of fifteen years, upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses and legalize any encroachments.

Suspicious are entertained, and charges are made, of gross abuse and violation of its charter. An investigation unwillingly conceded, and so restricted in time as necessarily to make it incomplete and unsatisfactory, disclosed enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence of important witnesses, and in numerous charges confidently made, and as yet wholly uninvestigated, there was enough to induce a majority of the committee of investigation, a committee which was selected from the most able and honorable members of the House of Representatives, to recommend a suspension of farther action upon the bill, and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity, and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so, there seems to be an additional reason why the functionaries of the government should proceed with less haste and more caution in the renewal of their monopoly.

The bank is professedly established as an agent of the executive branches of the government, and its constitutionality is maintained on that ground. Neither upon the propriety of present action, nor upon the provisions of this act, was the executive consulted. It has had no opportunity to say that it neither needs nor wants an agent clothed with such powers, and favored by such exemptions. There is nothing in its legitimate functions which makes it necessary or proper. Whatever interest or influence whether public or private, has given birth to this act, it cannot be found either in the wishes or necessities of the executive department, by which

present action is deemed premature, and the powers conferred upon its agent not only unnecessary, but dangerous to the government and country.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth cannot be produced by human institutions. In the full enjoyment of the gifts of Heaven, and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages, artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer, and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me, there seems to be a wide and unnecessary departure from these just principles.

Nor is our government to be maintained, or our Union preserved, by invasions of the rights and powers of the several states. In thus attempting to make our general government strong, we make it weak. Its true strength consists in leaving individuals and states as much as possible to themselves; in making itself felt, not in its power, but in its beneficence, not in its control, but in its protection, not in binding the states more closely to the centre, but leaving each to move unobstructed, in its proper orbit.

Experience should teach us wisdom. Most of the difficulties our government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by acts of Congress. By attempting to gratify their desires, we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a fearful commotion, which threatens to shake the foundations of our Union. It is time to pause in our career, to review our principles, and if possible revive that devoted patriotism and spirit of compromise which distinguished the sages of the revolution and the fathers of our Union. If we cannot at once, in justice to interests vested under improvident legislation, make our government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

I have now done my duty to my country. If sustained by my fellow citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me, ample grounds for contentment and peace. In the difficulties which surround us, and the dangers which threaten our institutions, there is cause for neither dismay nor alarm. For relief and deliverance, let us firmly rely on that kind Providence which, I am sure, watches with

peculiar care over the destinies of our republic, and on the intelligence and wisdom of our countrymen. Through *His* abundant goodness, and *their* patriotic devotion, our liberty and union will be preserved.

FOURTH ANNUAL MESSAGE.

DECEMBER 4, 1832.

Fellow Citizens of the Senate and House of Representatives :

It gives me pleasure to congratulate you upon your return to the seat of government, for the purpose of discharging your duties to the people of the United States. Although the pestilence which had traversed the Old World has entered our limits, and extended its ravages over much of our land, it has pleased Almighty God to mitigate its severity, and lessen the number of victims, compared with those who have fallen in most other countries over which it has spread its terrors. Notwithstanding this visitation, our country presents on every side marks of prosperity and happiness, unequalled, perhaps, in any other portion of the world. If we fully appreciate our comparative condition, existing causes of discontent will appear unworthy of attention, and with hearts of thankfulness to that Divine Being who has filled our cup of prosperity, we shall feel our resolution strengthened to preserve and hand down to posterity that liberty and that union which we have received from our fathers, and which constitute the sources and the shield of our blessings.

The relations of our country continue to present the same picture of amicable intercourse that I had the satisfaction to hold up to your view at the opening of your last session. The same friendly professions, the same desire to participate in our flourishing commerce, the same disposition to refrain from injuries unintentionally offered, are, with few exceptions, evinced by all nations with whom we have any intercourse. This desirable state of things may be mainly ascribed to our undeviating practice of the rule which has long guided our national policy, to require no exclusive privileges in commerce, and to grant none. It is daily producing its beneficial effect in the respect shown to our flag, the protection of our citizens and their property abroad, and in the increase of our navigation, and the extension of our mercantile operations. The returns which have been made out since we last met, will show an increase, during the last preceding year, of more than 80,000 tons in our shipping, and of near forty millions of dollars in the aggregate of our imports and exports.

Nor have we less reason to felicitate ourselves on the position of our political than of our commercial concerns. They remain in the state in which they were when I last addressed you — a state of prosperity and peace, the effect of a wise attention to the parting advice of the revered father of his country on this subject, condensed into a maxim for the use of posterity, by one of his most distinguished successors, to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none. A strict adherence to this policy has kept us aloof from the perplexing questions that now agitate the European world, and have more than once deluged those countries with blood. Should those scenes unfortunately recur, the parties to the contest may count on a faithful per-

formance of the duties incumbent on us as a neutral nation, and our own citizens may equally rely on the firm assertion of their neutral rights.

With the nation that was our earliest friend and ally in the infancy of our political existence, the most friendly relations have subsisted through the late revolutions of its government; and from the events of the last, promise a permanent duration. It has made an approximation in some of its political institutions to our own, and raised a monarch to the throne who preserves, it is said, a friendly recollection of the period during which he acquired among our citizens the high consideration that could then have been produced by his personal qualifications alone.

Our commerce with that nation is gradually assuming a mutually beneficial character, and the adjustment of the claims of our citizens has removed the only obstacle there was to an intercourse not only lucrative, but productive of literary and scientific improvement.

From Great Britain, I have the satisfaction to inform you that I continue to receive assurances of the most amicable disposition, which have on my part on all proper occasions been promptly and sincerely reciprocated. The attention of that government has latterly been so much engrossed by matters of a deeply interesting domestic character, that we could not press upon it the renewal of negotiations which had been unfortunately broken off by the unexpected recall of our minister, who had commenced them with some hopes of success. My great object was the settlement of questions which, though now dormant, might hereafter be revived under circumstances that would not endanger the good understanding which it is the interest of both parties to preserve inviolate, cemented as it is by a community of language, manners, and social habits, and by the high obligations we owe to our British ancestors for many of our most valuable institutions, and for that system of representative government which has enabled us to preserve and improve them.

The question of our northeastern boundary still remains unsettled. In my last annual message, I explained to you the situation in which I found that business on my coming into office, and the measures I thought it my duty to pursue for asserting the rights of the United States, before the sovereign who had been chosen by my predecessor to determine the question; and also the manner in which he disposed of it. A special message to the senate, in their executive capacity afterwards brought before them the question, whether they would advise a submission to the opinion of the sovereign arbiter. That body having considered the award as not obligatory, and advised me to open a further negotiation, the proposition was immediately made to the British government; but the circumstances to which I have alluded have hitherto prevented any answer being given to the overture. Early attention, however, has been promised to the subject, and every effort on my part will be made for a satisfactory settlement of this question, interesting to the Union generally, and particularly so to one of its members.

The claims of our citizens on Spain are not yet acknowledged. On a closer investigation of them than appears to have heretofore taken place it was discovered that some of these demands, however strong they might be upon the equity of that government, were not such as could be made the subject of national interference. And, faithful to the principle of asking nothing but what was clearly right, additional instructions have been sent to modify our demands so as to embrace those only on which, according to the laws

of nations, we had a strict right to insist. An inevitable delay in procuring the documents necessary for this review of the merits of these claims, retarded this operation, until an unfortunate malady which has afflicted his Catholic majesty, prevented an examination of them. Being now for the first time presented in an unexceptionable form, it is confidently hoped the application will be successful.

I have the satisfaction to inform you that the application I directed to be made for the delivery of a part of the archives of Florida, which had been carried to the Havanna, has produced a royal order for their delivery, and that measures have been taken to procure its execution.

By the report of the secretary of state, communicated to you on the 25th of June last, you were informed of the conditional reduction obtained by the minister of the United States, at Madrid, of the duties on tonnage levied on American shipping in the ports of Spain. The condition of that reduction having been complied with on our part, by the act passed the 13th of July last, I have the satisfaction to inform you that our ships now pay no higher nor other duties, in the continental ports of Spain, than are levied on their national vessels.

The demands against Portugal for illegal captures in the blockade of Terceira, have been allowed to the full amount of the accounts presented by the claimants, and payment was promised to be made in three instalments. The first of these has been paid; the second, although due, had not, at the date of our last advices, been received, owing, it was alleged, to embarrassments in the finances, consequent on the civil war in which the nation is engaged.

The payments stipulated by the convention with Denmark have been punctually made, and the amount is ready for distribution among the claimants as soon as the board, now sitting, shall have performed their functions.

I regret that, by the last advices from our chargé d'affaires at Naples, that government had still delayed the satisfaction due to our citizens; but, at that date, the effect of the last instructions was not known. Despatches from thence are hourly expected and the result will be communicated to you without delay.

With the rest of Europe our relations, political and commercial, remain unchanged. Negotiations are going on, to put on a permanent basis the liberal system of commerce now carried on between us and the empire of Russia. The treaty concluded with Austria is executed by his imperial majesty with the most perfect good faith; and as we have no diplomatic agent at his court, he personally inquired into, and corrected a proceeding of some of his subaltern officers, to the injury of our consul in one of his ports.

Our treaty with the Sublime Porte is producing its expected effects on our commerce. New markets are opening for our commodities, and a more extensive range for the employment of our ships. A slight augmentation of the duties on our commerce, inconsistent with the spirit of the treaty, had been imposed; but, on the representation of our chargé d'affaires, it has been promptly withdrawn, and we now enjoy the trade and navigation of the Black Sea, and of all the ports belonging to the Turkish Empire and Asia, on the most perfect equality with all foreign nations.

I wish earnestly that, in announcing to you the continuance of friendship, and the increase of a profitable commercial intercourse with Mexico, with Central America, and the States of the south, I could accompany it with

the assurance that they all are blessed with that internal tranquillity, and foreign peace, which their heroic devotion to the cause of their independence merits. In Mexico, a sanguinary struggle is now carried on, which has caused some embarrassment to our commerce; but both parties profess the most friendly disposition towards us. To the termination of this contest, we look for the establishment of that secure intercourse, so necessary to nations whose territories are contiguous. How important it will be to us, we may calculate from the fact that, even in this unfavorable state of things, our maritime commerce has increased, and an internal trade, by caravans, from St. Louis to Santa Fé, under the protection of escorts furnished by the government, is carried on to great advantage, and is daily increasing. The agents provided for by the treaty with this power, to designate the boundaries which it established, have been named on our part; but one of the evils of the civil war now raging there, has been, that the appointment of those with whom they were to co-operate has not yet been announced to us.

The government of Central America has expelled from its territory the party which some time since disturbed its peace. Desirous of fostering a favorable disposition towards us, which has on more than one occasion been evinced by this interesting country, I made a second attempt in this year to establish a diplomatic intercourse with them; but the death of the distinguished citizen whom I had appointed for that purpose, has retarded the execution of measures from which I hoped much advantage to our commerce. The union of the three states which formed the republic of Colombia has been dissolved, but they all, it is believed, consider themselves as separately bound by the treaty which was made in their federal capacity. The minister accredited to the federation, continues in that character near the government of New Granada; and hopes were entertained that a new union would be formed between the separate states, at least for the purposes of foreign intercourse. Our minister has been instructed to use his good offices, whenever they shall be desired, to produce the re-union so much to be wished for the domestic tranquillity of the parties, and the security and facility of foreign commerce.

Some agitations, naturally attendant on an infant reign, have prevailed in the empire of Brazil, which have had the usual effect upon commercial operations; and while they suspended the consideration of claims created on similar occasions, they have given rise to new complaints on the part of our citizens. A proper consideration for calamities and difficulties of this nature has made us less urgent and peremptory in our demands for justice, than duty to our fellow citizens would, under other circumstances, have required. But their claims are not neglected, and will, on all proper occasions, be urged, and, it is hoped, with effect.

I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message, was, at the date of our last advices, still pending, and in a state that would render a publication of the details inexpedient.

A treaty of amity and commerce has been formed with the republic of Chili, which, if approved by the Senate, will be laid before you. That government seems to be established, and at peace with its neighbors; and its ports being the resorts of our ships, which are employed in the highly important trade of the fisheries, this commercial convention cannot but be of great advantage to our fellow citizens engaged in that perilous but profitable business.

Our commerce with the neighboring state of Peru, owing to the onerous duties levied on our principal articles of export, has been on the decline, and all endeavors to procure an alteration have hitherto proved fruitless. With Bolivia, we have yet no diplomatic intercourse, and the continual contests carried on between it and Peru have made me defer, until a more favorable period, the appointment of any agent for that purpose.

An act of atrocious piracy having been committed on one of our trading ships by the inhabitants of a settlement on the west coast of Sumatra, a frigate was despatched with orders to demand satisfaction for the injury, if those who committed it should be found members of a regular government, capable of maintaining the usual relations with foreign nations; but if, as it was supposed, and as they proved to be, they were a band of lawless pirates, to inflict such a chastisement as would deter them and others from like aggressions. This last was done, and the effect has been an increased respect for our flag in those distant seas, and additional security for our commerce.

In the view I have given of our connection with foreign powers, allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe, that this is done solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Farther than this, it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded, to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs farther than this, even by the expression of an official opinion, is contrary to our principles of international policy, and will always be avoided.

The report which the secretary of the treasury will in due time lay before you, will exhibit the national finances in a highly prosperous state. Owing to the continued success of our commercial enterprise, which has enabled the merchants to fulfil their engagements with the government, the receipts from customs during the year will exceed the estimate presented at the last session; and with the other means of the treasury, will prove fully adequate, not only to meet the increased expenditures resulting from the large appropriations made by Congress, but to provide for the payment of all the public debt which is at present redeemable. It is now estimated that the customs will yield to the treasury, during the present year, upwards of twenty-eight millions of dollars. The public lands, however, have proved less productive than was anticipated; and according to present information will fall short of two millions. The expenditures for all objects other than the public debt, are estimated to amount, during the year, to about sixteen millions of dollars, while a still larger sum, viz. eighteen millions of dollars, will have been applied to the principal and interest of the public debt.

It is expected, however, that in consequence of the reduced rates of duty, which will take effect after the 3d of March next, there will be a considerable falling off in the revenue from the customs in the year 1833. It will, nevertheless, be amply sufficient to provide for all the wants of the public service, estimated even upon a liberal scale, and for the redemption and purchase of the remainder of the public debt. On the first of January next, the entire public debt of the United States, funded and unfunded, will be reduced to within a fraction of seven millions of dollars; of which two

millions two hundred and twenty-seven thousand three hundred and sixty-three dollars are not of right redeemable until the first of January, 1834, and four millions seven hundred and thirty-five thousand two hundred and ninety-six dollars, not until the second of January, 1835. The commissioners of the sinking fund, however, being invested with full authority to purchase the debt at the market price, and the means of the treasury being ample, it may be hoped that the whole will be extinguished within the year 1833.

I cannot too cordially congratulate Congress and my fellow citizens on the near approach of that memorable and happy event, the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present administration has devoted to it all the means which a flourishing commerce has supplied, and a prudent economy preserved for the public treasury. Within the four years for which the people have confided the executive power to my charge, fifty-eight millions of dollars will have been applied to the payment of the public debt. That this has been accomplished without stinting the expenditures for all other proper objects, will be seen by referring to the liberal provision made, during the same period, for the support and increase of our means of maritime and military defence, for internal improvements of a national character, for the removal and preservation of the Indians, and lastly, for the gallant veterans of the revolution.

The final removal of this great burthen from our resources affords the means of farther provision for all the objects of general welfare and public defence, which the constitution authorizes, and presents the occasion for such farther reduction in the revenue as may not be required for them. From the report of the secretary of the treasury, it will be seen that, after the present year, such a reduction may be made to a considerable extent; and the subject is earnestly recommended to the consideration of Congress in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object, as may remove those burthens which shall be found to fall unequally upon any, and as may promote all the great interests of the community.

Long and patient reflection has strengthened the opinions I have heretofore expressed to Congress on this subject; and I deem it my duty, on the present occasion, again to urge them upon the attention of the legislature. The soundest maxims of public policy, and the principles upon which our republican institutions are founded, recommend a proper adaptation of the revenue to the expenditure, and they also require that the expenditure shall be limited to what, by an economical administration, shall be consistent with the simplicity of the government, and necessary to an efficient public service. In effecting this adjustment, it is due in justice to the interests of the different states, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry, should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture, essential to the national independence and safety in time of war. If, upon investigation, it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that, as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard as soon as a just

regard to the faith of the government, and to the preservation of the large capital invested in establishments of domestic industry, will permit.

That manufactures adequate to the supply of our domestic consumption would, in the abstract, be beneficial to our country, there is no reason to doubt; and to effect their establishment, there is, perhaps, no American citizen who would not, for a while, be willing to pay a higher price for them. But for this purpose, it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary, and generally, incidental protection, which they maintain has the effect to reduce the price by domestic competition below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget, in the minds of a large portion of our countrymen, a spirit of discontent and jealousy dangerous to the stability of the union.

What then shall be done? Large interests have grown up under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments cannot expect that the people will continue permanently to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?

Those who take an enlarged view of the condition of our country, must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture, which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is recommended by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support. But beyond this object, we have already seen the operation of the system productive of discontent. In some sections of the republic, its influence is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependence and vice, which in other countries have characterized the existence of monopolies, and proved so destructive of liberty and the general good. A large portion of the people, in one section of the republic, declares it not only inexpedient on these grounds, but as disturbing the equal relations of property by legislation, and therefore unconstitutional and unjust.

Doubtless these effects are, in a great degree, exaggerated, and may be ascribed to a mistaken view of the considerations which led to the adoption of the tariff system; but they are, nevertheless, important in enabling us to review the subject with a more thorough knowledge of all its bearings upon the great interests of the republic, and with a determination to dispose of it so that none can with justice complain.

It is my painful duty to state, that in one quarter of the United States, opposition to the revenue laws has arisen to a height which threatens to thwart their execution, if not to endanger the integrity of the Union. Whatever obstructions may be thrown in the way of the judicial authorities of the general government, it is hoped they will be able peaceably to overcome them by the prudence of their own officers, and the patriotism of the peo-

ple. But should this reasonable reliance on the moderation and good sense of all portions of our fellow citizens be disappointed, it is believed that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise, rendering the execution of the existing laws impracticable, from any cause whatever, prompt notice of it will be given to Congress, with a suggestion of such views and measures as may be deemed necessary to meet it.

In conformity with principles heretofore explained, and with the hope of reducing the general government to that simple machine which the constitution created, and of withdrawing from the states all other influence than that of its universal beneficence in preserving peace, affording an uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging unfelt its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the general or state governments, and placing the proceeds in the treasury. As a source of profit, these stocks are of little or no value; as a means of influence among the states, they are adverse to the purity of our institutions. The whole principle on which they are based, is deemed by many unconstitutional, and to persist in the policy which they indicate is considered wholly inexpedient.

It is my duty to acquaint you with an arrangement made by the bank of the United States with a portion of the holders of the three per cent. stock, by which the government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the secretary of the treasury, a surrender of the certificates of this stock may be postponed until October, 1833; and thus the liability of the government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

Such measures as are within the reach of the secretary of the treasury have been taken to enable him to judge whether the public deposits in that institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people.

Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present constitution, it was recommended by Congress that a portion of the waste lands owned by the states should be ceded to the United States for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and, at different periods of time, the states of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet harmony, and general interest of the American people. In examining this

question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of their common country.

It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society, and true friends of liberty.

In addition to these considerations, questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new states, and the powers of the general government; and unless a liberal policy be now adopted, there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full action, will be found more dangerous to the harmony and union of the states than any other cause of discontent; and it is the part of wisdom and sound policy to foresee its approaches, and endeavor, if possible, to counteract them.

Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the national legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty on this occasion to urge it upon your consideration, and, to the propositions which have been heretofore suggested by others, to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the states, and that the right of soil and the future disposition of it, be surrendered to the states, respectively, in which it lies.

The adventurous and hardy population of the west, besides contributing their equal share of taxation under our impost system, have, in the progress of our government, for the lands they occupy, paid into the treasury a large proportion of forty millions of dollars, and, of the revenue received therefrom, but a small part has been expended among them. When, to the disadvantage of their situation in this respect, we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among states which had not originally any claim to them, and which had enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new states will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this course, to put an end for ever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise, the opportunity of securing an independent freehold, it

seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands.

In former messages, I have expressed my conviction that the constitution does not warrant the application of the funds of the general government to objects of internal improvement which are not national in their character, and both as a means of doing justice to all interests, and putting an end to a course of legislation calculated to destroy the purity of the government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious than the present to the accomplishment of this object, I beg leave to press the subject again upon your attention.

Without some general and well-defined principles ascertaining those objects of internal improvement to which the means of the nation may be constitutionally applied, it is obvious that the exercise of the power can never be satisfactory. Besides the danger to which it exposes Congress, of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections, by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men.

If a system compatible with the constitution cannot be devised, which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment: and that there is, therefore, no excuse for the assumption of doubtful powers by the general government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused. If the propriety of the proposed grant be not sufficiently apparent to command the assent of three fourths of the states, the best possible reason why the power should not be assumed on doubtful authority is afforded; for if more than one fourth of the states are unwilling to make the grant, its exercise will be productive of discontents which will far overbalance any advantages that could be derived from it. All must admit that there is nothing so worthy of the constant solicitude of this government as the harmony and union of the people.

Being solemnly impressed with the conviction that the extension of the power to make internal improvements beyond the limit I have suggested, even if it be deemed constitutional, is subversive of the best interests of our country, I earnestly recommend to Congress to refrain from its exercise in doubtful cases, except in relation to improvements already begun, unless they shall first procure from the states such an amendment of the constitution as will define its character, and prescribe its bounds. If the states feel themselves competent to these objects, why should this government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both governments are the governments of the people: improvements must be made with the money of the people; and if the money can be collected and applied by those more simple and economical political machines, the state governments, it will unquestionably be safer and better for the people, then to add to the splendor, the patronage, and the power of

the general government. But if the people of the several states think otherwise, they will amend the constitution, and in their decision all ought cheerfully to acquiesce.

For a detailed and highly satisfactory view of the operations of the war department, I refer you to the accompanying report of the secretary of war.

The hostile incursions of the Sac and Fox Indians necessarily led to the interposition of the government. A portion of the troops, under Generals Scott and Atkinson, and of the militia of the state of Illinois, were called into the field. After a harassing warfare, prolonged by the nature of the country, and by the difficulty of procuring subsistence, the Indians were entirely defeated, and the disaffected band dispersed or destroyed. The result has been creditable to the troops engaged in the service. Severe as is the lesson to the Indians, it was rendered necessary by their unprovoked aggressions; and it is to be hoped that its impression will be permanent and salutary.

This campaign has evinced the efficient organization of the army, and its capacity for prompt and active service. Its several departments have performed their functions with energy and despatch, and the general movement was satisfactory.

Our fellow citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger. But a more efficient organization of our militia is essential to that security which is one of the principal objects of all governments. Neither our situation nor our institutions require or permit the maintenance of a large regular force. History offers too many lessons of the fatal results of such a measure, not to warn us against its adoption here. The expense which attends it, the obvious tendency to employ it because it exists, and thus to engage in unnecessary wars, and its ultimate danger to public liberty, will lead us, I trust, to place our principal dependence for protection upon the great body of the citizens of the republic. If, in asserting rights or in repelling wrongs, war should come upon us, our regular force should be increased to an extent proportioned to the emergency, and our present small army is a nucleus around which such force could be formed and embodied. But for the purposes of defence under ordinary circumstances, we must rely upon the electors of the country. Those by whom, and for whom the government was instituted and is supported, will constitute its protection in the hour of danger, as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification remedying these defects and providing for a system of instruction, might not be adopted, is submitted to the consideration of Congress. The constitution has vested in the general government an independent authority upon the subject of the militia, which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration in the conviction that the state of this important arm of the public defence requires your attention.

I am happy to inform you that the wise and humane policy of transferring from the eastern to the western side of the Mississippi, the remnants of our

aboriginal tribes, with their own consent, and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation. By reference to the report of the secretary of war, and to the documents submitted with it, you will see the progress which has been made since your last session in the arrangement of the various matters connected with our Indian relations. With one exception, every subject involving any question of conflicting jurisdiction, or of peculiar difficulty, has been happily disposed of, and the conviction evidently gains ground among the Indians, that their removal to the country assigned by the United States for their permanent residence, furnishes the only hope of their ultimate prosperity.

With that portion of the Cherokees, however, living within the state of Georgia, it has been found impracticable as yet to make a satisfactory adjustment. Such was my anxiety to remove all the grounds of complaint, and to bring to a termination the difficulties in which they are involved, that I directed the very liberal propositions to be made to them which accompany the documents herewith submitted. They cannot but have seen in these offers, the evidence of the strongest disposition on the part of the government to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their future support and improvement, and full security for their private and political rights. Whatever difference of opinion may have prevailed respecting the just claims of these people, there will probably be none respecting the liberality of the propositions, and very little respecting the expediency of their immediate acceptance. They were, however, rejected, and thus the position of these Indians remains unchanged, as do the views communicated in my message to the Senate, in February, 1830.

I refer you to the annual report of the secretary of the navy, which accompanies this message, for a detail of the operations of that branch of the service during the present year.

Besides the general remarks on some of the transactions of our navy, presented in the view which has been taken of our foreign relations, I seize this occasion to invite to your notice the increased protection which it has afforded to our commerce and citizens on distant seas, without any augmentation of the force in commission. In the gradual improvement of its pecuniary concerns, in the constant progress in the collection of materials suitable for use during future emergencies, and in the construction of vessels, and the buildings necessary to their preservation and repair, the present state of this branch of the service exhibits the fruits of that vigilance and care which are so indispensable to its efficiency. Various new suggestions contained in the annexed report, as well as others heretofore submitted to Congress, are worthy of your attention; but none more so than that urging the renewal, for another term of six years, of the general appropriation for the gradual improvement of the navy.

From the accompanying report of the postmaster-general, you will also perceive that that department continues to extend its usefulness without impairing its resources, or lessening the accommodations which it affords in the secure and rapid transportation of the mail.

I beg leave to call the attention of Congress to the views heretofore expressed in relation to the mode of choosing the president and vice-president of the United States, and to those respecting the tenure of office generally. Still impressed with the justness of those views, and with the belief that the modifications suggested on those subjects, if adopted, will contribute

to the prosperity and harmony of the country, I earnestly recommend them to your consideration at this time.

I have heretofore pointed out defects in the law for punishing official frauds, especially within the district of Columbia. It has been found almost impossible to bring notorious culprits to punishment, and according to the decision of the court for this District, the prosecution is barred by the lapse of two years after the fraud has been committed. It may happen again, as it has already happened, that during the whole two years, all the evidences of the fraud may be in the possession of the culprit himself. However proper the limitation may be in relation to private citizens, it would seem that it ought not to commence running in favor of public officers until they go out of office.

The judiciary system of the United States remains imperfect. Of the nine western and southwestern states, three only enjoy the benefits of a circuit court. Ohio, Kentucky, and Tennessee, are embraced in the general system; but Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, have only district courts. If the existing system be a good one, why should it not be extended? If it be a bad one, why is it suffered to exist? The new states were promised equal rights and privileges when they came into the Union, and such are the guarantees of the constitution. Nothing can be more obvious than the obligation of the general government to place all the states on the same footing in relation to the administration of justice, and I trust this duty will be neglected no longer.

On many of the subjects to which your attention is invited in this communication, it is a source of gratification to reflect that the steps to be now adopted are uninfluenced by the embarrassments entailed upon the country by the wars through which it has passed. In regard to most of our great interests, we may consider ourselves as just starting in our career, and, after a salutary experience, about to fix upon a permanent basis the policy best calculated to promote the happiness of the people and facilitate their progress towards the most complete enjoyment of civil liberty. On an occasion so interesting and important in our history, and of such anxious concern to the friends of freedom throughout the world, it is our imperious duty to lay aside all selfish and local considerations, and be guided by a lofty spirit of devotion to the great principles on which our institutions are founded.

That this government may be so administered as to preserve its efficiency in promoting and securing these general objects should be the only aim of our ambition, and we cannot, therefore, too carefully examine its structure, in order that we may not mistake its powers, or assume those which the people have reserved to themselves, or have preferred to assign to other agents. We should bear constantly in mind the fact that the considerations which induced the framers of the constitution to withhold from the general government the power to regulate the great mass of the business and concerns of the people, have been fully justified by experience; and that it cannot now be doubted that the genius of all our institutions prescribes simplicity and economy as the characteristics of the reform which is yet to be effected in the present and future execution of the functions bestowed on us by the constitution.

Limited to a general superintending power to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest, not calculated to restrict human liberty, but to enforce human rights, this government will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the

fear of war and the apprehension of oppression, the free enterprise of our citizens, aided by the state sovereignties, will work out improvements and ameliorations which cannot fail to demonstrate that the great truth, that the people can govern themselves, is not only realized in our example, but that it is done by a machinery in government so simple and economical as scarcely to be felt. That the Almighty Ruler of the universe may so direct our deliberations and overrule our acts, as to make us instrumental in securing a result so dear to mankind, is my most earnest and sincere prayer.

PROCLAMATION.

DECEMBER 11, 1832.

WHEREAS, a convention assembled in the state of South Carolina, have passed an ordinance by which they declare, "That the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially," two acts for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that state or its officers: and by the said ordinance, it is further declared to be unlawful for any of the constituted authorities of the state or of the United States to enforce the payment of the duties imposed by the said acts within the same state, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance:

And whereas, by the said ordinance, it is further ordained, that in no case of law or equity, decided in the courts of said state, wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the supreme court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for a contempt of court:

And finally, the said ordinance declares, that the people of South Carolina will maintain the said ordinance at every hazard; and that they will consider the passage of any act by Congress abolishing or closing the ports of the said state, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said state will thenceforth hold themselves absolved from all farther obligation to maintain or preserve their political connection with the people of the other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do:

And whereas the said ordinance prescribes to the people of South Carolina a course of conduct, in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its con-

situation, and having for its object the destruction of the Union—that Union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence—that sacred Union, hitherto inviolate, which, perfected by our happy constitution, has brought us by the favor of Heaven to a state of prosperity at home, and high consideration abroad, rarely, if ever, equalled in the history of nations: To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow citizens have reposed in me, I, **ANDREW JACKSON**, *President of the United States*, have thought proper to issue this my **PROCLAMATION**, stating my views of the constitution and laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be, invested, for preserving the peace of the Union and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with state authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that anything will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify, a full exposition, to South Carolina and the nation, of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured; but on the strange position that any one state may not only declare an act of Congress void, but prohibit its execution; that they may do this consistently with the constitution; that the true construction of that instrument permits a state to retain its place in the Union, and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add that, to justify this abrogation of a law, it must be palpably contrary to the constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For, as by the theory, there is no appeal, the reasons alleged by the state, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a state more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the judiciary, the other to the people and the states. There is no appeal from the state decision in theory, and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous when our social compact in express terms declares, that the laws of the United States, its constitution and treaties made under it, are the

supreme law of the land — and for greater caution adds, “that the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.” And it may be asserted without fear of refutation, that no federative government could exist without a similar provision. Look for a moment to the consequences. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected anywhere; for all impost must be equal. It is no answer to repeat, that an unconstitutional law is no law, so long as the question of its legality is to be decided by the state itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the eastern states, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but fortunately none of those states discovered that they had the right now claimed by South Carolina. The war into which we were forced, to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace, instead of victory and honor, if the states who supposed it a ruinous and unconstitutional measure had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our constitution was reserved for the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that state will unfortunately fall the evils of reducing it to practice.

If the doctrine of a state veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence, and before the Declaration of Independence we were known, in our aggregate character, as **THE UNITED COLONIES OF AMERICA**. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts, and when the terms of our confederation were reduced to form, it was in that of a solemn league of several states, by which they agreed that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that union is found an article which declares that “every state shall abide by the determination of Congress, on all questions which by that confederation should be submitted to them.”

Under the confederation, then, no state could legally annul a decision of the Congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were

not complied with. The government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy constitution was formed, but formed in vain if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble, made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all the others rest, is "*to form a more perfect union.*" Now, is it possible that even if there were no express provisions giving supremacy to the constitution and laws of the United States over those of the states — can it be conceived that an instrument made for the purpose of "*forming a more perfect union*" than that of the confederation, could be so constructed by the assembled wisdom of our country as to substitute for that confederation a form of government dependent for its existence on the local interest, the party spirit of a state, or of a prevailing faction in a state? Every man of plain unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider, then, the power to annul a law of the United States, assumed by one state, *incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.*

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds: It assumes as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; — that the operation of these laws is unequal; — that the amount raised by them is greater than is required by the wants of the government; — and, finally, that the proceeds are to be applied to objects unauthorized by the constitution. These are the only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the Union, if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the constitution, to lay and collect inposts; but its constitutionality is drawn in question from the motives of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void; for how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed? in how many cases are they concealed by false professions? in how many is no declaration of motive made? Admit this doctrine, and you give to the states an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that

a state may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is, that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any state for that cause, then indeed is the federal constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our union. We have received it as the work of the assembled wisdom of the nation. We have trusted to it as to the sheet-anchor of our safety in the stormy times of conflict with a foreign or domestic foe. We have looked to it with sacred awe as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defence and support. Were we mistaken, my countrymen, in attaching this importance to the constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing, a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory, the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was intrusted? Did the name of Washington sanction, did the states deliberately ratify such an anomaly in the history of fundamental legislation? No. We were not mistaken. The letter of this great instrument is free from this radical fault; its language directly contradicts the imputation; its spirit—its evident intent contradicts it. No, we do not err! Our constitution does not contain the absurdity of giving power to make laws, and another power to resist them. The sages whose memory will always be revered have given us a practical, and, as they hoped, a permanent constitutional compact. The father of his country did not affix his revered name to so palpable an absurdity. Nor did the states, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them, or that they could exercise it by application. Search the debates in all their conventions—examine the speeches of the most zealous opposers of federal authority—look at the amendments that were proposed; they are all silent—not a syllable uttered, not a vote given, not a motion made to correct the explicit supremacy given to the laws of the Union over those of the states, or to show that implication, as is now contended, could defeat it. No, we have not erred! The constitution is still the object of our reverence, the bond of our Union, our defence in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interest, of state prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws are, that the sums intended to be raised by them are greater than are required, and that the proceeds will be unconstitutionally employed.

The constitution has given expressly to Congress the right of raising revenue and of determining the sum the public exigencies will require. The states have no control over the exercise of this right, other than that

which results from the power of changing the representatives who abuse it; and thus procure redress. Congress may undoubtedly abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The constitution has given it to the representatives of all the people, checked by the representatives of the states and by the executive power. The South Carolina constitution gives it to the legislature or the convention of a single state, where neither the people of the different states, nor the states in their separate capacity, nor the chief magistrate elected by the people, have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow citizens, which is the constitutional disposition—that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the states, or would you sanction the wise provisions already made by your constitution? If this should be the result of your deliberations when providing for the future, are you—can you—be ready to risk all that we hold dear, to establish, for a temporary and local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested in the different states, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the states, and that we should soon cease to be a nation.

The ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the laws so applying the proceeds, but surely cannot be urged against the laws levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow citizens,—judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness; and even if you should come to this conclusion, how far they justify the reckless, destructive course, which you are directed to pursue. Review these objections, and the conclusions drawn from them, once more. What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue, and each state has a right to oppose their execution—two rights directly opposed to each other—and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the states and general government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises; in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution; that those laws and that constitution shall be the “supreme law of the land, and that the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.” In vain have the people of the several states solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were

called on to execute any office. Vain provision! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! if a bare majority of the voters in any one state may, on a real or supposed knowledge of the intent in which a law has been passed, declare themselves free from its operations; say here it gives too little, there too much, and operates unequally — here it suffers articles to be free that ought to be taxed — there it taxes those that ought to be free — in this case, the proceeds are intended to be applied to purposes which we do not approve — in that, the amount raised is more than is wanted.

Congress, it is true, are invested by the constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the states, and of all the people of all the states; but **WE**, part of the people of one state, to whom the constitution has given no power on the subject, from whom it is expressly taken away — **WE**, who have solemnly agreed that this constitution shall be our law — **WE**, most of whom have sworn to support it — **WE** now abrogate this law and swear, and force others to swear, that it shall not be obeyed. And we do this, not because Congress have no right to pass such laws — this we do not allege — but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know — from their unequal operation, although it is impossible, from the nature of things, that they should be equal — and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals, in express terms, an important part of the constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the constitution and treaties, shall be paramount to the state constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States, by appeal, when a state tribunal shall decide against this provision of the constitution. The ordinance declares there shall be no appeal, makes the state law paramount to the constitution and laws of the United States, forces judges and jurors to swear that they will disregard their provisions, and even makes it penal in a suitor to attempt relief by appeal. It farther declares that it shall not be lawful for the authorities of the United States or of that state, to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single state. Here is a provision of the constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings, the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the union if any attempt is made to execute them.

This right to secede is deduced from the nature of the constitution, which they say is a compact between sovereign states who have preserved their whole sovereignty, and therefore are subject to no superior; that because they made the compact, they can break it, when in their opinion it

has been departed from by the other states. Fallacious as this course of reasoning is, it enlists state pride, and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests.

The people of the United States formed the constitution acting through the state legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction, show it to be a government in which the people of all the states collectively are represented. We are **ONE PEOPLE** in the choice of the president and vice-president. Here the states have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of the states may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the states, are represented in the executive branch.

In the House of Representatives there is this difference, that the people of one state do not, as in the case of president and vice-president, all vote for the same officers. The people of all the states do not vote for all the members, each state electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular state from which they come. They are paid by the United States, not by the state, nor are they accountable to it for any act done in the performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents, when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The constitution of the United States, then, forms a government, not a league, and whether it be formed by compact between the states, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the states—they retained all the power they did not grant. But each state having expressly parted with so many powers, as to constitute, jointly with the other states, a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation, and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any state may at pleasure secede from the Union, is to say that the United States are not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may by its terms have a sanction or

penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior, it cannot be enforced. A government, on the contrary, always has a sanction express or implied, and in our case it is both necessarily implied and expressly given. An attempt by force of arms to destroy a government is an offence, by whatever means the constitutional compact may have been formed; and such government has the right, by the law of self-defence, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add anything to show the nature of that union which connects us; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some farther development to my views on this subject. No one, fellow citizens, has a higher reverence for the reserved rights of the states than the magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from violation; but equal care must be taken to prevent on their part an improper interference with, or resumption of the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the states, and on their having formed in this sovereign capacity a compact which is called the constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The states severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The states, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred in the first instance to the government of the United States; they became American citizens, and owed obedience to the Constitution of the United States, and to laws made in conformity with the powers it vested in Congress. This last position has not been, and cannot be denied. How then can that state be said to be sovereign and independent whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another? What shows conclusively that the states cannot be said to have reserved an undivided sovereignty, is that they expressly ceded the right to punish treason, not treason against their separate power, but treason against the United States. Treason is an

offence against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the states are not less sacred because they have for their common interest made the general government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal government we had no separate character; our opposition to its oppressions began as *United Colonies*. We were the *United States* under the confederation, and the name was perpetuated and the union rendered more perfect by the federal constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, that under all changes of our position we had, for designated purposes, and with defined powers, created national governments; how is it that the most perfect of those several modes of union, should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our constitution was only a league, but, it is labored to prove it a compact, (which in one sense it is,) and then to argue that as a league is a compact, every compact between nations must of course be a league, and that from such an engagement every sovereign power has a right to recede. But it has been shown, that in this sense the states are not sovereign, and that even if they were, and the national constitution had been formed by compact, there would be no right in any one state to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the states who magnanimously surrendered their title to the territories of the west, recall the grant? Will the inhabitants of the inland states agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefit? Shall there be a free port in one state and onerous duties in another? No one believes that any right exists in a single state to involve all the others in these and countless other evils contrary to engagements solemnly made. Every one must see that the other states, in self-defence, must oppose it at all hazards.

These are the alternatives that are presented by the convention: a repeal of all the acts for raising revenue, leaving the government without the means of support; or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known if force was applied to oppose the execution of the laws that it must be repelled by force—that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition: and yet if this is not done in a given day, or if any attempt is made to execute the laws, the state is, by the ordinance, declared to be out of the Union. The majority of a convention assembled for the purpose, have dictated these terms, or rather its rejection of all terms, in the name of the people of South Carolina. It is true that the governor of the state speaks of the submission of their grievances to a convention of all the states; which

he says they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other states on the construction of the federal compact, and amending it if necessary, has never been attempted by those who have urged the state on to this destructive measure. The state might have proposed the call for a general convention to the other states: and Congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that, "on a review by Congress and the functionaries of the general government of the merits of the controversy," such a convention will be accorded to them, must have known that neither Congress nor any functionary of the general government has authority to call such a convention, unless it be demanded by two-thirds of the states. This suggestion, then, is another instance of the reckless inattention to the provision of the constitution with which this crisis has been madly hurried on; or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina "anxiously desire" a general convention to consider their complaints, why have they not made application for it in the way the constitution points out? The assertion that they "earnestly seek" it is completely negated by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one state in the Union have elected delegates to a state convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of that state has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the state. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended; and it is the intent of this instrument to **PROCLAIM** not only that the duty imposed on me by the constitution "to take care that the laws be faithfully executed," shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and entrust to me for that purpose; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention—to exhort those who have refused to support it to persevere in their determination to uphold the constitution and the laws of their country—and to point out to all, the perilous situation into which the good people of that state have been led,—and that the course they are urged to pursue is one of ruin and disgrace to the very state whose rights they affect to support.

Fellow citizens of my native state!—let me not only admonish you, as the first magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection and treason, on which you stand! First a diminution of the value of your staple commodity, lowered by over-production in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the tariff laws. The effect of those laws was confessedly injurious, but the evil was greatly

exaggerated by the unfounded theory you were taught to believe, that its burdens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made—that you might enjoy all the advantages of the Union, and bear none of its burthens. Eloquent appeals to your passions, to your state pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous features of DISUNION should be taken off. It fell, and you were made to look with complacency on objects which not long since you would have regarded with horror. Look back at the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive—it was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it, made you receive with too much confidence the assertions that were made of the unconstitutionality of the law and its oppressive effects. Mark, my fellow citizens, that by the admission of your leaders the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification! What is the meaning of the word *palpable* in the sense in which it is here used?—that which is apparent to every one, that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence and endeavoring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty emulating the fame of our Revolutionary fathers, nor are you an oppressed people contending, as they repeat to you, against worse than colonial vassalage.

You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed, but that inequality must necessarily be removed. At the very moment when you were madly urged on the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that too on some articles of general consumption in your state. The importance of this change was understood, and you were authoritatively told that no further alleviation of your burthens was to be expected at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change, in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part!—consider its government uniting in one bond of common interest and general protection so many different states—giving to all their inhabitants the proud title of American citizens—protecting their commerce—securing their literature and their arts—facilitating their intercommunication—defending their frontiers—and making their names respected in the remotest parts of the earth! Consider the extent of its territory, its increasing and happy population, its advance in arts, which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, humanity, and general information into every cottage in this wide extent of our territories and states! Behold it as the asylum where the wretched and the oppressed find a refuge and support! Look on this picture of happiness and honor, and say, **WE, TOO, ARE CITIZENS OF AMERICA**—Carolina is one of these proud states; her arms have defended—her best blood has cemented this happy union! And then add, if you can, without horror and remorse, this happy Union we will dissolve—this picture of peace and prosperity we will deface—this free intercourse we will interrupt—these fertile fields we will deluge with blood—the protection of that glorious flag we renounce—the very name of Americans we discard. And for what, mistaken men! for what do you throw away these inestimable blessings—for what would you exchange your share in the advantages and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors, and a vile dependence on foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home—are you free from the apprehension of civil discord, with all its fearful consequences? Do our neighboring republics, every day suffering some new revolution or contending with some new insurrection—do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you cannot succeed. The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the constitution. Those who told you that you might peaceably prevent their execution, deceived you—they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion: but be not deceived by names: disunion, by armed force, is *treason*. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences—on their heads be the dishonor, but on yours may fall the punishment—on your unhappy state will inevitably fall all the evils of the conflict you force upon the government of your country. It cannot accede to the mad project of disunion, of which you would be the first victims—its first magistrate cannot, if he would, avoid the performance of his duty—the consequence must be fearful for you, distressing to your fellow citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal—it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinck-

neys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your revolutionary history, will not abandon that Union, to support which so many of them fought and bled and died. I adjure you, as you honor their memory—as you love the cause of freedom, to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your state the disorganizing edict of its convention—bid its members to re-assemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor—tell them that, compared to disunion, all other evils are light, because that brings with it an accumulation of all—declare that you will never take the field unless the star-spangled banner of your country shall float over you—that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the constitution of your country! Its destroyers you cannot be. You may disturb its peace—you may interrupt the course of its prosperity—you may cloud its reputation for stability—but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot on the memory of those who caused the disorder.

Fellow citizens of the United States! The threat of unhallowed disunion, the names of those, once respected, by whom it was uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjuncture demanded a free, a full and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a state to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws—to preserve the union by all constitutional means—to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force: and if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow citizens! The momentous case is before you. On your undivided support of your government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom and the courage which it will bring to their defence, will transmit them unimpaired and invigorated to our children.

May the great Ruler of nations grant that the signal blessings with which He has favored ours, may not by the madness of party or personal ambition be disregarded and lost: and may His wise Providence bring those who have produced this crisis, to see the folly before they feel the misery of civil strife: and inspire a returning veneration for that Union which, if we may dare to penetrate His designs, he has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

NULLIFICATION MESSAGE.

JANUARY 16, 1833.

Fellow Citizens of the Senate and House of Representatives :

IN my annual message, at the commencement of your present session, I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened not merely to thwart their execution, but to endanger the integrity of the Union. And, although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States, and the patriotism of the people, I stated that, should the emergency arise rendering the execution of the existing laws impracticable from any cause whatever, prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Although unknown to me at the date of the annual message, the convention which assembled at Columbia, in the state of South Carolina, passed, on the 24th of November last, an ordinance declaring certain acts of Congress therein mentioned within the limits of that state to be absolutely null and void, and making it the duty of the legislature to pass such laws as would be necessary to carry the same into effect, from and after the 1st of February next. A copy of that ordinance has been officially transmitted to me by the governor of South Carolina, and is now communicated to Congress.

The consequences to which this extraordinary defiance of the just authority of the government might too surely lead were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency. The ordinance had been passed, however, without any certain knowledge of the recommendation, which, from a view of the interests of the nation at large, the executive had determined to submit to Congress, and a hope was indulged that by frankly explaining his sentiments and the nature of those duties which the crisis would devolve upon him, the authorities of South Carolina might be induced to retrace their steps. In this hope I determined to issue my proclamation of the 11th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the legislature of South Carolina, which I now lay before you, and which have all and each of them finally passed, after a knowledge of the desire of the administration to modify the laws complained of, are too well calculated, both in their positive enactments and in the spirit of opposition which they obviously encourage, wholly to obstruct the collection of the revenue within the limits of that state.

Up to this period, neither the recommendation of the executive in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union, appears to have produced any relaxation in the measures of opposition adopted by the state of South Carolina; nor is there any reason to hope that the ordinance and laws will be abandoned.

I have no knowledge that an attempt has been made, or that it is in contemplation, to re-assemble either the convention or the legislature; and it will be perceived that the interval before the first of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the state authorities are actively organizing their military resources, and providing the means, and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws.

A recent proclamation of the present governor of South Carolina, has openly defied the authority of the executive of the Union, and general orders from the head quarters of the state announced his determination to accept the services of volunteers, and his belief that should their country need their services they will be found at the post of honor and duty, ready to lay down their lives in her defence. Under these orders, the forces referred to are directed to "hold themselves in readiness to take the field at a moment's warning;" and in the city of Charleston, within a collection district and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus, South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence, if need be, to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from measures of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection, and the influence of public opinion, from the commission of actual outrage. In the present instance, aggression may be regarded as committed when it is officially authorized, and the means of enforcing it fully provided.

Under these circumstances, there can be no doubt that it is the determination of the authorities of South Carolina, fully to carry into effect their ordinance and laws after the first of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they in their wisdom may deem fit, shall be seasonably provided; and that it may be thereby understood that, while the government is disposed to remove all just cause of complaint, as far as may be practicable consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication, it appears to me to be proper, not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the constitution requires me to make in regard to your future legislation, may be better understood.

This subject having early attracted the anxious attention of the executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws, it was deemed advisable that the secretary of the treasury should particularly instruct the officers of the United States in that part of the Union, as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the collectors in that state, pointing out their respective duties, and enjoining upon

each a firm and vigilant, but discreet performance of them in the emergency then apprehended. I herewith transmit copies of these instructions and of the letter addressed to the district-attorney, requesting his co-operation.

These instructions were dictated in the hope that as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued substantially according to the forms of the constitution, and without resorting, in any event, to force or violence, the measures of its advocates would be taken in conformity with that profession; and, on such supposition, the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead; but, it certainly was not foreseen that the meditated obstruction to the laws would soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the convention was passed, which, if complied with by the people of that state, must effectually render inoperative the present revenue laws within her limits.

That ordinance declares and ordains "that the several acts, and parts of acts, of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States;" and more especially, "An act in alteration of the several acts imposing duties on imports," approved on the 19th of May, 1828; and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the 14th of July, 1832, are unauthorized by the constitution of the United States, and violate the true intent and meaning thereof, and are null and void, and no law, nor binding upon the state of South Carolina, its officers, and citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void."

It also ordains, "that it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina, or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the state, but that it shall be the duty of the legislature to adopt such measures, and pass such acts, as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts, and parts of acts of the Congress of the United States, within the limits of the state, from and after the first of February next; and it shall be the duty of all other constituted authorities, and of all persons residing or being within the limits of the state, that they are hereby required and enjoined to obey and give effect to this ordinance, and such acts and measures of the legislature as may be passed or adopted in obedience thereto."

It farther ordains, "that in no case of law or equity, decided in the courts of the state, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal may be dealt with as for a contempt of court."

It likewise ordains, "that all persons holding any office of honor, profit, or trust, civil or military, under the states, shall, within such time, and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute, and enforce this ordinance, and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead, or had resigned; and no person hereafter elected to any office of honor, profit, or trust, civil or military, shall, until the legislature shall otherwise provide and direct, enter on the execution of his office, or be, in any respect, competent to discharge the duties thereof, until he shall in like manner have taken a similar oath; and no juror shall be empanelled in any of the courts of the state, on any cause in which shall be in question this ordinance, or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to his usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof."

The ordinance concludes: "And we, the people of South Carolina, to the end that it may be fully understood by the government of the United States, and the people of the co-states, that we are determined to maintain this ordinance and declaration at every hazard, do farther declare that we will not submit to the application of force on the part of the federal government to reduce this state to obedience; but that we will consider the passage by Congress, of any act authorizing the employment of a military or naval force against the state of South Carolina, her constituted authorities, or citizens, or any act abolishing or closing the ports of this state, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports; or any other act on the part of the federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this state will thenceforth hold themselves absolved from all farther obligation to maintain or preserve their political connection with the people of the other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do."

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that state, which manifest a determination to render inevitable a resort to those measures of self-defence which the paramount duty of the federal government requires; but upon the adoption of which that state will proceed to execute the purpose it has avowed in this ordinance, of withdrawing from the Union.

On the 27th of November, the legislature assembled at Columbia; and, on their meeting, the governor laid before them the ordinance of the convention. In his message on that occasion, he acquaints them that "this ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this confederacy, and

has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the general government, within the authorized grants of power, to be drawn in question, when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest, is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that, within the limits of this state, their will shall be obeyed." "The measure of legislation," he says, "which you have to employ at this crisis, is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed by the protective tariffs thus nullified." He proceeds: "that you should arm every citizen with a civil process by which he may claim, if he pleases, a restitution of his goods, seized under existing imposts, on his giving security to abide the issue of a suit at law, and, at the same time, define what shall constitute treason against the state, and, by a bill of pains and penalties, compel obedience and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits, your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States."

The governor also asks for power to grant clearances, in violation of the laws of the Union; and to prepare for the alternative which must happen unless the United States shall passively surrender their authority, and the executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the governor "be authorized to accept, for the defence of Charleston and its dependencies, the services of two thousand volunteers, either by companies or files;" and that they be formed into a legionary brigade, consisting of infantry, riflemen, cavalry, field and heavy artillery; and that they be "armed and equipped, from the public arsenals, completely for the field; and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer drafts, he recommends that the governor be authorized to accept "the services of ten thousand volunteers from the other divisions of the state, to be organized and arranged in regiments and brigades; the officers to be selected by the commander-in-chief; and that his whole force be called the State Guard."

A request has been regularly made of the secretary of state of South Carolina, for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance; but, up to the date of the latest advices, that request had not been complied with; and, on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of that state.

The acts to which it is deemed proper to invite the particular attention of Congress, are,

1st. "An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying du-

ties on the importation of foreign commodities," passed in convention of this state, at Columbia, on the 24th of November, 1832.

This act provides, that any goods seized or detained, under pretence of securing the duties, or for the non-payment of duties, or under any process, order, or decree, or other pretext, contrary to the intent and meaning of the ordinance, may be recovered by the owner or consignee, by "an act of replevin." That in case of refusing to deliver them, or removing them so that the replevin cannot be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods; and if any attempt shall be made to retake or seize them, it is the duty of the sheriff to recapture them. And that any person who shall disobey the process, or remove the goods, or any one who shall attempt to retake or seize the goods under pretence of securing the duties, or for non-payment of duties, or under any process or decree, contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offence involved in the act.

It also provides that any person arrested or imprisoned on any judgment or decree obtained in any federal court for duties, shall be entitled to the benefit secured by the habeas corpus act of the state in cases of unlawful arrest, and maintain an action for damages; and that, if any estate shall be sold under such judgment or decree, the sale shall be held illegal. It also provides, that any jailer who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and any one who hires his house as a jail, to receive such persons, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the state of South Carolina."

This act provides, that if the government of the United States, or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the state of South Carolina into submission to the acts of Congress declared by the ordinance null and void, or to resist the enforcement of the ordinance, or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the governor is authorized to resist the same, and to order into service the whole or so much of the military force of the state as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the state, or the occurrence of any circumstances indicating that armed force is about to be employed against the state or in resistance to its laws, the governor is authorized to accept the services of such volunteers, and call into service such portions of the militia, as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers, and organizing the militia, embracing all free white males between the ages of sixteen and sixty, and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the state shall be opposed, and the execution thereof forcibly resisted, by combinations too powerful to be suppressed by the power vested in sheriffs and other civil officers; and declares it to be the duty of the governor, in every such case, to call forth such portions of the militia and volunteers as may be necessary promptly to suppress such combinations, and cause the laws of the said state to be executed.

3d, Is "an act concerning the oath required by the ordinance passed in convention at Columbia, on the 24th of November, 1832."

This act prescribes the form of the oath, which is, to obey and execute the ordinance and all acts passed by the legislature in pursuance thereof; and directs the time and manner of taking it by the officers of the state, civil, judicial, and military.

It is believed that other acts have been passed, embracing provisions for enforcing the ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the legislature of South Carolina; of Governor Hayne's inaugural address to the same body, as also of his proclamation, and a general order of the governor and commander-in-chief, dated the 20th of December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures cannot be defeated and overcome by the powers conferred by the constitution on the federal government, the constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the government of the Union. They not only abrogate the acts of Congress, commonly called the tariff acts of 1828 and 1832, but they prostrate and sweep away, at once, and without exception, every act, and every part of every act, imposing any amount whatever of duty on any foreign merchandise; and, virtually, every existing act which has ever been passed, authorizing the collection of the revenue, including the act of 1816, and also the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are hereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the United States in South Carolina is obstructed and overthrown; and the government is absolutely prohibited from collecting any part of the public revenue within the limits of that state. Henceforth, not only the citizens of South Carolina, and of the United States, but the subjects of foreign states, may import any description or quantity of merchandise into the ports of South Carolina, without the payment of any duty whatsoever. That state is thus relieved from the payment of any part of the public burdens, and duties and imposts are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that state over those of all the other states of the Union, in manifest violation of the positive provisions of the constitution.

In point of duration, also, those aggressions upon the authority of Congress, which, by the ordinance, are made part of the fundamental law of South Carolina, are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease, nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws are to retrace their steps and rescind their measures. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of revenue laws, and by abstaining from the collection of any duties and imposts whatsoever.

It is true, that in the address to the people of the United States, by the convention of South Carolina, after announcing the "fixed and final determina-

tion of the state in relation to the protecting system," they say, "that it remains for us to submit a plan of taxation, in which we would be willing to acquiesce, in a liberal spirit of concession, provided we are met in due time, and in a becoming spirit, by the states interested in manufactures." In the opinion of the convention, an equitable plan would be, that "the whole list of protective articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States." The address proceeds to state, however, that "they are willing to make a large offering to preserve the Union, and with a distinct declaration that, as a concession on our part, we will consent that the same rate of duties may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue shall be raised than is necessary to meet the demands of the government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports."

It is also true, that, in his message to the legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the governor of South Carolina observes, that he "cannot but think that, on a calm and dispassionate review by Congress, and the functionaries of the general government, of the true merits of this controversy, the arbitration by a call of a convention of all the states, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of the terms indicated in these two important documents, taken in connection with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the convention, nor those alluded to in the message of the governor, would appease the excitement which had led to the present excesses. It is obvious, however, that should the latter be insisted on, they present an alternative which the general government, of itself, can by no possibility grant, since, by an express provision of the constitution, Congress can call a convention for the purpose of proposing amendments only "on the application of the legislatures of two thirds of the states." And it is not perceived that the terms presented in the address are more practicable than those referred to in the message.

It will not escape attention, that the conditions on which it is said, in the address of the convention, they "would be willing to acquiesce," form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the convention in no binding or practical form; one is the act of the state, the other only the expression of the opinions of the members of the convention. To limit the effect of that solemn act by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive enactments of the ordinance, the execution of the laws of the Union is absolutely prohibited; and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency, that amid changing events and increasing

excitement, the sentiments of the present members of the convention, and of their successors, will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, are so directly opposed to the known opinions and interests of the great body of the American people, as to be almost hopeless of attainment. The majority of the states, and of the people, will certainly not consent that the protecting duties shall be wholly abrogated never to be re-enacted at any future time, or in any possible contingency. As little practicable is it to provide that "the same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected;" which, moreover, would be severely oppressive to the poor, and in time of war, would add greatly to its rigors. And though there can be no objection to the principle, properly understood, that no more revenue shall be raised than is necessary for the constitutional purposes of the government, which principle has been already recommended by the executive as the true basis of taxation; yet it is very certain that South Carolina alone cannot be permitted to decide what those constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted, would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them, and the judicial proceedings for carrying them into effect, yet, as the full action and operation of the ordinance are to be suspended until the first of February, the interval may be assumed as the time within which it is expected that the most complicated portion of the national legislation, a system of long standing, and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, which exists as to the duration of the ordinance, and of the enactments for enforcing it, it becomes imperiously the duty of the executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so, as far as his agency is concerned. He cannot either embrace or lead to the performance of the conditions. He has already discharged the only part in his power, by the recommendation in his annual message. The rest is with Congress and the people; and until they have acted, his duty will require him to look to the existing state of things, and act under them according to his high obligations.

By these various proceedings, therefore, the state of South Carolina has forced the general government, unavoidably, to decide the new and dangerous alternative of permitting a state to obstruct the execution of the laws within its limits, or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the state solemnly assert their right to do either, and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same; since a state in which, by an usurpation of power, the constitutional authority of the federal government is openly defied and set aside, wants only the form to be independent of the Union.

The right of the people of a single state to absolve themselves at will, and without the consent of the other states, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the general government is constituted, and to the objects which it was expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of government, or which may be inconvenient or oppressive in their operation, the constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions that, under them, the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made, consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time, and to their decisions, when constitutionally pronounced, it becomes the duty, no less of the public authorities than of the people, in every case to yield a patriotic submission.

That a state, or any other great portion of the people, suffering under long and intolerable oppression, and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the government, and appeal to the last resort, need not, on the present occasion, be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the state, but of the individual, and of all the individuals in the state. It is the right of mankind generally to secure, by all means in their power, the blessings of liberty and happiness; but when, for these purposes, any body of men have voluntarily associated themselves under a particular form of government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view, it is a right dependent upon the power to enforce it. Such a right, though it may be admitted to pre-exist, and cannot be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds, freely and voluntarily entered into, and in which the interest and welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil governments, involving the liberty and happiness of millions of mankind, the obligation cannot be less.

Without adverting to the particular theories to which the federal compact has given rise, both as to its formation and the parties to it, and without inquiring whether it be merely federal, or social, or national, it is sufficient that it must be admitted to be a compact, and to possess the obligations incident to a compact; to be "a compact by which power is created on the one hand, and obedience exacted on the other; a compact freely, voluntarily, and solemnly entered into by the several states, and ratified by the people thereof, respectively; a compact by which the several states, and the people

thereof, respectively, have bound themselves to each other, and to the federal government, and by which the federal government is bound to the several states, and to every citizen of the United States." To this compact, in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent; and to the whole and every part of it they are, upon every principle of good faith, inviolably bound. Under this obligation they are bound, and should be required, to contribute their portion of the public expense, and to submit to all laws made by the common consent, in pursuance of the constitution, for the common defence and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the government and of the Union. Nothing less than causes which would justify revolutionary remedy can absolve the people from this obligation; and for nothing less can the government permit it to be done without violating its own obligations, by which, under the compact, it is bound to the other states, and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the government, and every department thereof. It will be freely conceded that by the principles of our system, all power is vested in the people; but to be exercised in the mode, and subject to the checks, which the people themselves have prescribed. These checks are, undoubtedly, only different modifications of the same great popular principle which lies at the foundation of the whole, but are not, on that account, to be less regarded or less obligatory.

Upon the power of Congress, the veto of the executive, and the authority of the judiciary, which is to extend to all cases in law and equity arising under the constitution and laws of the United States made in pursuance thereof, are the obvious checks; and the sound action of public opinion, with the ultimate power of amendment, are the salutary and only limitation upon the powers of the whole.

However it may be alleged that a violation of the compact, by the measures of the government, can affect the obligations of the parties, it cannot even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully tried. If the federal government exercise powers not warranted by the constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such, undoubtedly, is the remedy for those who deem the acts of Congress laying duties on imports and providing for their collection, to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise. A state is absolutely prohibited from laying imposts or duties on imports or exports, without the consent of Congress, and cannot become a party, under those laws, without importing in her own name, or wrongfully interposing her authority against them. By thus interposing, however, she cannot rightfully obstruct the operation of the laws upon individuals. For their disobedience to, or violation of, the laws, the ordinary remedies through the judicial tribunals would remain. And in a case where an individual should be prosecuted for any offence against the laws, he could not set up, in justification of his act, a law of the state, which, being unconstitutional, would therefore be regarded as null and void. The law of a state cannot authorize the commission of a crime against the United States, or any other act

which, according to the supreme law of the Union, would be otherwise unlawful. And it is equally clear, that, if there be any case in which a state, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people, either to effect a change in the representation, or to procure relief by an amendment of the constitution. But the measures of the government are to be recognised as valid, and, consequently, supreme, until these remedies shall have been effectually tried; and any attempt to subvert those measures, or to render the laws subordinate to state authority, and afterwards to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to a "*government of unlimited powers*" as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the government, and all its parts, absolutely depends. South Carolina has appealed to none of these remedies, but, in effect, has defied them all. While threatening to separate from the Union if any attempt be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the constitution has provided for all cases in law or equity arising under the constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens, by drawing the cognizance of the cases under the revenue laws to her own tribunals, specially prepared and fitted for the purpose of enforcing the acts passed by the state to obstruct those laws, and both judges and jurors of which will be bound, by the import of oaths previously taken, to treat the constitution and laws of the United States in this respect as a nullity. Nor has the state made the proper appeal to public opinion, and to the remedy of amendment. For, without waiting to learn whether the other states will consent to a convention, or, if they do, will construe or amend the constitution to suit her views, she has, of her own authority, altered the import of that instrument, and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own case, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the Union, in this emergency, it cannot be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the Union of these states, should be great and lasting, defying all other remedy. For causes of minor character, the government could not submit to such a catastrophe, without a violation of its most sacred obligations to the other states of the Union, who have submitted their destiny to its hands.

There is, in the present instance, no such cause, either in the degree of misrule or oppression complained of, or in the hopelessness of redress by constitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify or even palliate such a resort, can be justly imputed either to the present policy or past measures of the federal government.

The same mode of collecting duties, and for the same general objects

which began with the foundation of the government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American revolution, have continually gone hand in hand; and at all times, and in every instance, no tax of any kind has been imposed without their participation; and, in some instances which have been complained of, with the express assent of the representatives of South Carolina in the councils of the government. Up to the present period, no revenue has been raised beyond the necessary wants of the country, and the authorized expenditures of the government. And as soon as the burden of the public debt is removed, those charged with the administration have promptly recommended a correspondent reduction of revenue.

That this system thus pursued, has resulted in no such oppression upon South Carolina, needs no other proof than the solemn and official declaration of the late chief magistrate of that state in his address to the legislature. In that he says, that "the occurrences of the past year, in connection with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of human events; that tributes of grateful acknowledgment are due for the various and multiplied blessings he has been pleased to bestow on our people; that abundant harvests in every quarter of the state have crowned the exertions of agricultural labor; that health, almost beyond former precedent, has blessed our homes; and that there is not less reason for thankfulness in surveying our social condition." It would, indeed, be difficult to imagine oppression where, in the social condition of a people, there was equal cause of thankfulness, as for abundant harvests, and various and multiplied blessings with which a kind Providence had favored them.

Independently of these considerations, it will not escape observation, that South Carolina still claims to be a component part in the Union, to participate in the national councils, and to share in the public benefits, without contributing to the public burdens—thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs, the duty of the government seems to be plain. It inculcates a recognition of that state as a member of the Union, and subject to its authority; a vindication of the just power of the constitution; the preservation of the integrity of the Union; and the execution of the laws by all constitutional means.

The constitution, which his oath of office obliges him to support, declares that the executive "*shall take care that the laws be faithfully executed*;" and providing that he shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provisions for executing the laws, as may from time to time be found requisite.

The same instrument confers on Congress the power not merely to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare, but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by the constitution in the government of the United States, or in any department or office thereof;" and also, to provide

for calling forth the militia for executing the laws of the Union. In all cases similar to the present, the duties of the government become the measure of its powers; and whenever it fails to exert a power necessary and proper to the discharge of the duties prescribed by the constitution, it violates the public trusts not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the government to be contemned, and its laws obstructed by a single state, would neither comport with its own safety, nor the rights of the great body of the American people.

It being thus shown to be the duty of the executive to execute the laws by all constitutional means, it remains to consider the extent of those already at his disposal, and what it may be proper farther to provide.

In the instructions of the secretary of the treasury to the collectors in South Carolina, the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures, for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition, as is to be commenced after the first of February next.

Subsequently to the date of those instructions, and to the passage of the ordinance, information has been received, from sources entitled to be relied on, that owing to the popular excitement of the state, and the effect of the ordinance declaring the execution of the revenue laws unlawful, a sufficient number of persons, in whom confidence might be placed, could not be induced to accept the office of inspector, to oppose, with any probability of success, the force which will, no doubt, be used when an attempt is made to remove vessels and their cargoes from the custody of the officers of the customs; and, indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against such an attempt.

The removal of the custom-house from Charleston to Castle Pinckney, was deemed a measure of necessary precaution; and though the authority to give that direction is not questioned, it is nevertheless apparent that a similar precaution cannot be observed in regard to the ports of Georgetown and Beaufort, each of which, under the present laws, remains a port of entry, and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or of preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary to enable the officers of the customs to preserve the custody of vessels and their cargoes, which, by the existing laws, they are required to take, until the duties to which they are liable shall be paid or secured. The mode by which it is contemplated to deprive them of that custody, is the process of replevin, and that of *capias ad withernam*, in the nature of a distress from the state tribunals organized by the ordinance.

Against the proceeding in the nature of a distress, it is not perceived that the collector can interpose any resistance whatever; and against the process of replevin authorized by the law of the state, he, having no common law power, can only oppose such inspectors as he is by statute authorized, and may find it practicable to employ; and these, from the information already adverted to, are shown to be wholly inadequate.

The respect which that process deserves must, therefore, be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the state tribunals to administer the law according to their oath under the constitution and the regulations of the laws of the Union, the general government might have been content to look to them for maintaining the custody, and to encounter the other inconveniences arising out of the recent proceedings. Even in that case, however, the process of replevin from the courts of the state would be irregular and unauthorized. It has been decided by the supreme court of the United States, that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a state authority, which, by taking the thing seized out of the hands of the United States' officers, might obstruct the exercise of this jurisdiction, is unlawful; that in such case, the court of the United States having cognizance of the seizure, may enforce a redelivery of the thing by attachment, or any other summary process; that the question under such a seizure, whether a forfeiture has been actually incurred, belongs exclusively to the courts of the United States, and it depends on the final decree, whether the seizure is to be deemed rightful or tortuous; and that not until the seizure be finally judged wrongful, and without probable cause, by the courts of the United States, can the party proceed at common law for damages in the state courts.

But by making it "unlawful for any of the constituted authorities, whether of the United States or of the state, to enforce the laws for the payment of duties, declaring that all judicial proceedings which shall be hereafter had in affirmance of the contracts made with purpose to secure the duties imposed by the said acts, are, and shall be held utterly null and void," she has, in effect, abrogated the judicial tribunals within her limits in this respect; has virtually denied the United States access to the courts established by their own laws; and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these, she has substituted those state tribunals already adverted to, the judges whereof are not merely forbidden to allow an appeal or permit a copy of their record, but are previously sworn to disregard the laws of the Union, and enforce those only of South Carolina; and, thus deprived of the function essential to the judicial character, of inquiring into the validity of the law and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the Union.

Neither the process nor authority of these tribunals, thus constituted, can be respected, consistently with the supremacy of the laws or the rights and security of the citizen. If they be submitted to, the protection due from the government to its officers and citizens is withheld, and there is at once an end not only to the laws but to the Union itself.

Against such a force as the sheriff may, and which, by the replevin law of South Carolina, it is his duty to exercise, it cannot be expected that a collector can retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States' courts against those engaged in the unlawful proceedings; or the property might be seized for a violation of the revenue laws, and, being libelled in the proper courts, an order might be made for its redelivery, which would be committed to the marshal for execution. But, in that case, the fourth section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such recapture or seizure, or to redeliver the goods, as the

case may be," "even under any process, order, or decrees, or other pretext, contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States, and for that purpose, if need be, to employ the whole power of the country. And the act expressly reserves to him all power which independently of its provisions he could have used. In this reservation it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ, is nothing less than the *posse comitatus*, in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is in its character forcible, and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population, under the command of a single individual, to accomplish by their forcible aid what could not be effected peaceably and by the ordinary means. It may properly be said to be a relic of those ages in which the laws could be defended rather by physical than moral force, and in its origin was conferred upon the sheriffs of England, to enable them to defend their country against any of the king's enemies when they came into the land, as well as for the purpose of executing process. In early and less civilized times, it was intended to include "the aid and attendance of all knights and others who were bound to have harness." It includes the right of going with arms and military equipments, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the states to perform militia duty. If the principles of the common law are recognised in South Carolina, (and from this act it would seem they are,) the power of summoning the *posse comitatus* will compel, under the penalty of fine and imprisonment, every man over the age of fifteen, and able to travel, to turn out at the call of the sheriff, and with such weapons as shall be necessary; and it may justify beating, and even killing such as may resist. The use of the *posse comitatus* is, therefore, a direct application of force, and cannot be otherwise regarded than as the employment of the whole militia force of the country, and in any equally efficient form, under a different name. No proceeding which resorts to this power to the extent contemplated by the act, can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey, though by the aid only of the ordinary officers of the customs, the process of replevin, the collector and all concerned, are subjected to a farther proceeding in the nature of a distress of their personal effects; and are, moreover, made guilty of a misdemeanor, and liable to be punished by a fine of not less than one thousand, nor more than five thousand dollars, and to imprisonment not exceeding two years, nor less than six months; and for even attempting to execute the orders of the court for retaking the property, the marshal and all assisting would be guilty of a misdemeanor, and liable to a fine of not less than three thousand dollars, and to imprisonment not exceeding two years, nor less than one, and in case the goods should be retaken under such process, it is made the absolute duty of the sheriff to retake them.

It is not to be supposed that, in the face of these penalties, aided by the powerful force of the country, which would doubtless be brought to sustain the state officers, either the collector could retain the custody in the first

instance, or that the marshal could summon sufficient aid to retake the property pursuant to the order or other process of the court.

It is, moreover, obvious that in this conflict between the powers of the officers of the United States and the state, (unless the latter be passively submitted to,) the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives, would be scarcely avoidable.

Under these circumstances, and the provisions of the acts of South Carolina, the execution of the laws is rendered impracticable even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of the state, and the collection of the revenue would be more effectually secured — if, indeed, it can be done in any other way — by placing the custom-house beyond the immediate power of the county.

For this purpose, it might be proper to provide that whenever, by any unlawful combination or obstruction in any state, or in any port, it should become impracticable faithfully to collect the duties, the president of the United States should be authorized to alter and abolish such of the districts and ports of entry as should be necessary, and to establish the custom-house at some secure place within the same port or harbor of such state; and, in such cases, it should be the duty of the collector to reside at such place, and to detain all vessels and cargoes until the duties imposed by law be properly secured or paid in cash, deducting interest; that, in such cases, it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs, unless by process from the ordinary judicial tribunals of the United States; and that, in case of an attempt otherwise to take the property by force too great to be overcome by the officers of the customs, it should be lawful to protect the possession of the officers by the employment of the land and naval forces, and militia, under provisions similar to those authorized by the eleventh section of the act of the nineteenth of January, 1809.

This provision, however, will not shield the officers and citizens of the United States, acting under the laws, from suits and prosecutions in the tribunals of the state, which might thereafter be brought against them; nor would it protect their property from the proceeding by distress; and it may well be apprehended that it would be inefficient to insure a proper respect to the process of the constitutional tribunals, in prosecutions for offences against the United States, and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duties. It would, moreover, be inadequate to extend the protection due from the government to that portion of the people of South Carolina, against outrage and oppression of any kind, who may manifest their attachment, and yield obedience to the laws of the Union.

It may, therefore, be desirable to revive with some modifications better adapted to the occasion, the sixth section of the act of the third of March, 1815, which expired on the fourth of March, 1817, by the limitation of that of twenty-seventh of April, 1816, and to provide that in any case where suit shall be brought against any individual in the courts of the state, for any act done under the laws of the United States, he should be authorized to remove the said cause, by petition into the circuit court of the United States, without any copy of the record, and that that court should proceed to hear

and determine the same as if it had been originally instituted therein. And that in all cases of injuries to the persons or property of individuals, acting under the laws of the United States, for disobedience to the ordinance and laws of South Carolina, in performance thereof, redress may be sought in the courts of the United States. It may be expedient also, by modifying the resolution of the third of March, 1791, to authorize the marshals to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting as they do, for the most part, rather of a revival of the policy of former acts called for by the existing emergency, than of the introduction of any unusual or rigorous enactments, would not cause the laws of the Union to be properly respected and enforced. It is believed these would prove adequate, unless the military forces of the state of South Carolina, authorized by the act of the legislature, should be actually embodied and called out in aid of their proceedings, and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms to adapt the act of 1795 to the present emergency, as by that act the provisions of the law of 1792 were accommodated to the crisis then existing; and by conferring authority upon the president to give it operation during the session of Congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any state, or by the courts of the United States, that within the limits of such state the laws of the United States will be openly opposed and their execution obstructed by the actual employment of military force, or by any unlawful means whatsoever, too great to be otherwise overcome.

In closing this communication I should do injustice to my own feelings not to express my confident reliance upon the disposition of each department of the government to perform its duty, and co-operate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the patriot and the sagacity of the statesman, not more in removing such portion of the public burden as may be necessary, than in preserving the good order of society, and in the maintenance of well-regulated liberty.

While a forbearing spirit may, and I trust will, be exercised toward the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed by our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the revolution, and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a government of laws, and a federal union founded upon the great principle of popular representation. After a successful experiment of forty-four years, at a moment when the government and the Union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, we are called upon to decide whether these laws possess any force, and that Union the means of self-preservation. The decision of this question by an enlightened and patriotic people cannot be doubtful. For myself, fellow citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those

institutions I have so much cause to love, and for the American people, whose partiality honored me with their highest trust, I have determined to spare no effort to discharge the duty which in this conjuncture is devolved upon me. That a similar spirit will actuate the representatives of the American people is not to be questioned; and I fervently pray that the Great Ruler of nations may so guide your deliberations, and our joint measures, as that they may prove salutary examples, not only to the present but to future times; and solemnly proclaim that the constitution and the laws are supreme, and the *Union indissoluble*.

INAUGURAL ADDRESS.

MARCH 4, 1833.

Fellow Citizens :

THE will of the American people, expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of president of the United States for another term. For their approbation of my public conduct, through a period which has not been without its difficulties, and for this renewed expression of their confidence in my good intentions, I am at a loss for terms adequate to the expression of my gratitude. It shall be displayed, to the extent of my humble abilities, in continued efforts so to administer the government, as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years, which have necessarily called forth, sometimes under circumstances the most delicate and painful, my views of the principles and policy which ought to be pursued by the general government, that I need, on this occasion, but allude to a few leading considerations connected with some of them.

The foreign policy adopted by our government soon after the formation of our present constitution, and very generally pursued by successive administrations, has been crowned with almost complete success, and has elevated our character among the nations of the earth. To do justice to all, and to submit to wrong from none, has been, during my administration, its governing maxim; and so happy have been its results, that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted.

In the domestic policy of this government, there are two objects which especially deserve the attention of the people and their representatives, and which have been, and will continue to be, the subjects of my unceasing solicitude. They are, the preservation of the rights of the several states, and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere, in conformity to the public will constitutionally expressed. To this end, it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several states and of the United States, which the people themselves have ordained for their own government.

My experience in public concerns, and the observation of a life somewhat advanced, confirm the opinions long since imbibed by me, that the destruction of our state governments, or the annihilation of their control over the local concerns of the people, would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the general government encroaches upon the rights of the states, in the same proportion does it impair its own power and detract from its ability to fulfil the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional powers in arresting measures which may directly or indirectly encroach upon the rights of the states, or tend to consolidate all political power in the general government. But, of equal, and indeed of

incalculable importance, is the union of these states, and the sacred duty of all to contribute to its preservation by a liberal support of the general government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved,—without union they never can be maintained. Divided into twenty-four, or even a smaller number of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed, or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies; and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest. The eyes of all nations are fixed on our republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it, and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the constitution, and to transmit unimpaired to posterity the blessings of our federal union. At the same time, it will be my aim to inculcate, by my official acts, the necessity of exercising, by the general government, those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community, and of all portions of the Union. Constantly bearing in mind that, in entering into society, "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster, with our brethren in all parts of the country, a spirit of liberal concession and compromise; and, by reconciling our fellow citizens to those partial sacrifices which they must unavoidably make, for the preservation of a greater good, to recommend our invaluable government and union to the confidence and affections of the American people.

Finally, it is my most fervent prayer, to that Almighty Being before whom I now stand, and who has kept us in his hands from the infancy of our republic to the present day, that he will so overrule all my intentions and actions, and inspire the hearts of my fellow citizens, that we may be

preserved from dangers of all kinds, and continue for ever a UNITED AND HAPPY PEOPLE.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1833.

Fellow Citizens of the Senate and House of Representatives :

ON your assembling to perform the high trusts which the people of the United States have confided to you, of legislating for their common welfare, it gives me pleasure to congratulate you upon the happy condition of our beloved country. By the favor of Divine Providence, health is again restored to us; peace reigns within our borders; abundance crowns the labors of our fields; commerce and domestic industry flourish and increase; and individual happiness rewards the private virtue and enterprize of our citizens.

Our condition abroad is no less honorable than it is prosperous at home. Seeking nothing that is not right, and determined to submit to nothing that is wrong, but desiring honest friendships and liberal intercourse with all nations, the United States have gained throughout the world the confidence and respect which are due to the character of the American people, and to a policy so just, and so congenial to the spirit of their institutions.

In bringing to your notice the particular state of our foreign affairs, it affords me high gratification to inform you, that they are in a condition which promises the continuance of friendship with all nations.

With Great Britain, the interesting question of our northeastern boundary remains still undecided. A negotiation, however, upon that subject, has been renewed since the close of the last Congress, and a proposition has been submitted to the British government, with the view of establishing, in conformity with the resolution of the Senate, the line designated by the treaty of 1783. Though no definitive answer has been received, it may be daily looked for, and I entertain a hope that the overture may ultimately lead to a satisfactory adjustment of this important matter.

I have the satisfaction to inform you that a negotiation which, by desire of the House of Representatives, was opened some years ago with the British government, for the erection of light-houses on the Bahamas, has been successful. Those works, when completed, together with those which the United States have constructed on the western side of the gulf of Florida, will contribute essentially to the safety of navigation in that sea. This joint participation in establishments, interesting to humanity and beneficial to commerce, is worthy of two enlightened nations, and indicates feelings which cannot fail to have a happy influence upon their political relations. It is gratifying to the friends of both to perceive that the intercourse between the two people is becoming daily more extensive, and that sentiments of mutual good-will have grown up, befitting their common origin, justifying the hope that, by wise counsels on each side, not only unsettled questions may be satisfactorily terminated, but new causes of misunderstanding prevented.

Notwithstanding that I continue to receive the most amicable assurances from the government of France, and that in all other respects the most friendly relations exist between the United States and that government, it

incalculable importance, is the union of these states, and the sacred duty of all to contribute to its preservation by a liberal support of the general government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved,—without union they never can be maintained. Divided into twenty-four, or even a smaller number of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed, or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies; and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest. The eyes of all nations are fixed on our republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it, and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the constitution, and to transmit unimpaired to posterity the blessings of our federal union. At the same time, it will be my aim to inculcate, by my official acts, the necessity of exercising, by the general government, those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community, and of all portions of the Union. Constantly bearing in mind that, in entering into society, "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster, with our brethren in all parts of the country, a spirit of liberal concession and compromise; and, by reconciling our fellow citizens to those partial sacrifices which they must unavoidably make, for the preservation of a greater good, to recommend our invaluable government and union to the confidence and affections of the American people.

Finally, it is my most fervent prayer, to that Almighty Being before whom I now stand, and who has kept us in his hands from the infancy of our republic to the present day, that he will so overrule all my intentions and actions, and inspire the hearts of my fellow citizens, that we may be

ation of the reclamations comprised in the stipulations which, by the sixth article, France engaged to communicate to the United States by the intermediary of the legation, though the documents for the American chargé d'affaires, under instructions from the government, have not yet been communicated; and this delay, it is believed, will necessarily prevent the completion of the duties assigned to the commissioners within the time at present prescribed by law. The reasons for delaying to communicate these documents have not been fully stated, and this is the more to be regretted, as it is not understood whether the interposition of the Chambers is in any manner required for the delivery of those papers.

Under these circumstances, in a case so important to the interests of our citizens and to the character of our country, and under disappointments so unexpected, I deem it my duty, however I might respect the general assurances to which I have adverted, no longer to delay the appointment of a minister plenipotentiary to Paris, but to despatch him in season to communicate the result of his application to the French government at an early period of your session. I accordingly appointed a distinguished citizen for this purpose, who proceeded on his mission in August last, and was presented to the king early in the month of October. He is particularly instructed as to all matters connected with the present posture of affairs; and I indulge the hope that, with the representations he is instructed to make, and from the disposition manifested by the king and his ministers in their recent assurances to our minister at Paris, the subject will be early considered and satisfactorily disposed of at the next meeting of the Chambers.

As this subject involves important interests, and has attracted a considerable share of the public attention, I have deemed it proper to make this explicit statement of its actual condition; and should I be disappointed in the hope now entertained, the subject will be again brought to the notice of Congress in such a manner as the occasion may require.

The friendly relations which have always been maintained between the United States and Russia, have been farther extended and strengthened by the treaty of navigation and commerce, concluded on the 6th of December last, and sanctioned by the Senate before the close of its last session. The ratifications having been since exchanged, the liberal provisions of the treaty are now in full force; and, under the encouragement which they have received, a flourishing and increasing commerce, yielding its benefits to the enterprise of both nations, affords to each the just recompense of wise measures, and adds new motives for that mutual friendship which the two countries have hitherto cherished toward each other.

It affords me peculiar satisfaction to state, that the government of Spain has at length yielded to the justice of the claims which have been so long urged in behalf of our citizens, and has expressed a willingness to provide an indemnification as soon as the proper amount can be agreed upon. Upon this latter point, it is probable an understanding had taken place between the minister of the United States and the Spanish government before the decease of the late king of Spain; and unless that event may have delayed its completion, there is reason to hope that it may be in my power to announce to you early in your present session, the conclusion of a convention upon terms not less favorable than those entered into for similar objects with other nations. That act of justice would well accord with the character of Spain, and is due to the United States from their ancient friend. It

is to be regretted that the stipulations of the convention, concluded on the 4th of July, 1831, remain in some important parts unfulfilled.

By the second article of that convention, it was stipulated that the sum payable to the United States should be paid at Paris, in six annual instalments, into the hands of such person or persons as should be authorised by the Government of the United States to receive it; and by the same article the first instalment was payable on the second day of February, 1833. By the act of Congress of the 13th of July, 1832, it was made the duty of the secretary of the treasury to cause the several instalments, with the interest thereon, to be received from the French government, and transferred to the United States, in such manner as he may deem best; and by the same act of Congress, the stipulations on the part of the United States, in the convention, were in all respects fulfilled. Not doubting that a treaty thus made and ratified by the two governments, and faithfully executed by the United States, would be promptly complied with by the other party, and desiring to avoid the risk and expense of intermediate agencies, the secretary of the treasury deemed it advisable to receive and transfer the first instalment by means of a draft upon the French minister of finance. A draft for this purpose was accordingly drawn in favor of the cashier of the bank of the United States, for the amount accruing to the United States out of the first instalment, and the interest payable with it. This bill was not drawn at Washington until five days after the instalment was payable at Paris, and was accompanied by a special authority from the president, authorising the cashier, or his assigns, to receive the amount. The mode thus adopted of receiving the instalment, was officially made known to the French government by the American chargé d'affaires at Paris, pursuant to instructions from the department of state. The bill, however, though not presented for payment until the 23d day of March, was not paid, and for the reasons assigned by the French minister of finance, that no appropriation had been made by the French Chambers. It is not known to me, that, up to that period, any appropriation had been required of the Chambers; and although a communication was subsequently made to the Chambers by direction of the king, recommending that the necessary provision should be made for carrying the convention into effect, it was at an advanced period of the session, and the subject was finally postponed until the next meeting of the Chambers.

Notwithstanding it has been supposed by the French ministry that the financial stipulation of the treaty cannot be carried into effect without an appropriation by the Chambers, it appears to me to be not only consistent with the character of France, but due to the character of both governments, as well as to the rights of our citizens, to treat the convention, made and ratified in proper form, as pledging the good faith of the French government for its execution, and as imposing upon each department an obligation to fulfil it; and I have received assurances through our chargé d'affaires at Paris, and the French minister plenipotentiary at Washington, and more recently through the minister of the United States at Paris, that the delay has not proceeded from any indisposition on the part of the king and his ministers to fulfil the treaty, and that measures will be presented at the next meeting of the Chambers, and with a reasonable hope of success, to obtain the necessary appropriation.

It is necessary to state, however, that the documents, except certain lists of vessels captured, condemned, or burnt at sea, proper to facilitate the ex-

amination and liquidation of the reclamations comprised in the stipulations of the convention, and which, by the sixth article, France engaged to communicate to the United States by the intermediary of the legation, though repeatedly applied for by the American chargé d'affaires, under instructions from this government, have not yet been communicated; and this delay, it is apprehended, will necessarily prevent the completion of the duties assigned to the commissioners within the time at present prescribed by law.

The reasons for delaying to communicate these documents have not been explicitly stated, and this is the more to be regretted, as it is not understood that the interposition of the Chambers is in any manner required for the delivery of those papers.

Under these circumstances, in a case so important to the interests of our citizens and to the character of our country, and under disappointments so unexpected, I deem it my duty, however I might respect the general assurances to which I have adverted, no longer to delay the appointment of a minister plenipotentiary to Paris, but to despatch him in season to communicate the result of his application to the French government at an early period of your session. I accordingly appointed a distinguished citizen for this purpose, who proceeded on his mission in August last, and was presented to the king early in the month of October. He is particularly instructed as to all matters connected with the present posture of affairs; and I indulge the hope that, with the representations he is instructed to make, and from the disposition manifested by the king and his ministers in their recent assurances to our minister at Paris, the subject will be early considered and satisfactorily disposed of at the next meeting of the Chambers.

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could not fail to strengthen the sentiments of amity and good-will between the two nations which it is so much the wish of the United States to cherish, and so truly the interest of both to maintain.

By the first section of an act of Congress passed on the 13th of July, 1832, the tonnage duty on Spanish ships arriving from the ports of Spain, was limited to the duty payable on American vessels in the ports of Spain, previous to the 20th of October, 1817, being five cents per ton. The act was intended to give effect, on our side, to an arrangement made with the Spanish government, by which discriminating duties of tonnage were to be abolished in the ports of the United States and Spain, on the vessels of the two nations. Pursuant to that arrangement, which was carried into effect on the part of Spain, on the 20th of May, 1832, by a royal order dated the 20th of April, 1832, American vessels in the ports of Spain have paid five cents per ton, which rate of duty is also paid in those ports by Spanish ships; but, as American vessels pay no tonnage duty in the ports of the United States, the duty of five cents payable in our ports by Spanish vessels under the act above mentioned, is really a discriminating duty operating to the disadvantage of Spain. Though no complaint has yet been made on the part of Spain, we are not the less bound by the obligations of good faith to remove the discrimination; and I recommend that the act be amended accordingly. As the royal order above alluded to includes the ports of the Balearic and Canary Islands, as well as those of Spain, it would seem that the provisions of the act of Congress should be equally extensive; and that, for the repayment of such duties as may have been improperly received, an addition should be made to the sum appropriated at the last session of Congress for refunding discriminating duties.

As the arrangement referred to, however, did not embrace the islands of Cuba and Porto Rico, discriminating duties, to the prejudice of American shipping, continue to be levied there. From the extent of the commerce carried on between the United States and those islands, particularly the former, this discrimination causes serious injury to one of those great national interests which it has been considered an essential part of our policy to cherish, and has given rise to complaints on the part of our merchants. Under instructions given to our minister at Madrid, earnest representations have been made by him to the Spanish government upon this subject, and there is reason to expect, from the friendly disposition which is entertained toward this country, that a beneficial change will be produced. The disadvantage, however, to which our shipping is subjected by the operation of these discriminating duties, requires that they be met by suitable countervailing duties during your present session,—power being at the same time vested in the President to modify or discontinue them as the discriminating duties on American vessels or their cargoes may be modified or discontinued at those islands. Intimations have been given to the Spanish government, that the United States may be obliged to resort to such measures as are of necessary self-defence, and there is no reason to apprehend that it would be unfavorably received. The proposed proceedings, if adopted, would not be permitted, however, in any degree to induce a relaxation in the efforts of our minister to effect a repeal of this irregularity by friendly negotiation, and it might serve to give force to his representations by showing the dangers to which that valuable trade is exposed by the obstructions and burdens which a system of discriminating and countervailing duties necessarily produces.

The selection and preparation of the Florida archives for the purpose of

being delivered over to the United States, in conformity with the royal order, as mentioned in my last annual message, though in progress, has not yet been completed. This delay has been produced, partly by causes which were unavoidable, particularly the prevalence of cholera at Havanna; but measures have been taken which it is believed will expedite the delivery of those important records.

Congress were informed at the opening of the last session, that, "owing, as was alleged, to embarrassments in the finances of Portugal consequent upon the civil war in which that nation was engaged," payment had been made of only one instalment of the amount which the Portuguese government had stipulated to pay for indemnifying our citizens for property illegally captured in the blockade of Terceira. Since that time, a postponement for two years, with interest, of the two remaining instalments, was requested by the Portuguese government; and as a consideration, it offered to stipulate that rice of the United States should be admitted into Portugal at the same duties as Brazilian rice. Being satisfied that no better arrangement could be made, my consent was given; and a royal order of the King of Portugal was accordingly issued on the 4th of February last, for the reduction of the duty on rice of the United States. It would give me great pleasure, if, in speaking of that country, in whose prosperity the United States are so much interested, and with whom a long-subsisting, extensive, and mutually advantageous commercial intercourse has strengthened the relations of friendship, I could announce to you the restoration of its internal tranquillity.

Subsequently to the commencement of the last session of Congress, the final instalment payable by Denmark under the convention of the 28th day of March, 1830, was received. The commissioners for examining the claims have since terminated their labors, and their awards have been paid at the treasury as they have been called for. The justice rendered to our citizens by that government is thus completed, and a pledge is thereby afforded for the maintenance of that friendly intercourse becoming the relations that the two nations mutually bear to each other.

It is satisfactory to inform you that the Danish government have recently issued an ordinance by which the commerce with the Island of St. Croix is placed on a more liberal footing than heretofore. This change cannot fail to prove beneficial to the trade between the United States and that colony; and the advantages likely to flow from it may lead to greater relaxations in the colonial systems of other nations.

The ratifications of the convention with the king of the two Sicilies have been duly exchanged, and the commissioners appointed for examining the claims under it have entered upon the duties assigned to them by law. The friendship that the interests of the two nations require of them being now established, it may be hoped that each will enjoy the benefits which a liberal commerce should yield to both.

A treaty of amity and commerce between the United States and Belgium was concluded during the last winter, and received the sanction of the Senate; but the exchange of the ratifications has been hitherto delayed, in consequence, in the first instance, of some delay in the reception of the treaty at Brussels, and subsequently, of the absence of the Belgian minister of foreign affairs, at the important conferences in which his government is engaged at London. That treaty does but embody those enlarged principles of friendly policy which, it is sincerely hoped, will always regulate the

conduct of the two nations, having such motives to maintain amicable relations toward each other, and so sincerely desirous to cherish them.

With all the other European powers with whom the United States have formed diplomatic relations, and with the Sublime Porte, the best understanding prevails. From all, I continue to receive assurances of good-will toward the United States,—assurances which it gives me no less pleasure to reciprocate than to receive. With all, the engagements which have been entered into are fulfilled with good faith on both sides. Measures have also been taken to enlarge our friendly relations and extend our commercial intercourse with other states. The system we have pursued of aiming at no exclusive advantages, of dealing with all on terms of fair and equal reciprocity, and of adhering scrupulously to all our engagements, is well calculated to give success to efforts intended to be mutually beneficial.

The wars of which the southern part of this continent was so long the theatre, and which were carried on either by the mother country against the states which had formerly been her colonies, or by the states against each other, having terminated, and their civil dissensions having so far subsided as, with few exceptions, no longer to disturb the public tranquillity, it is earnestly hoped that those states will be able to employ themselves without interruption in perfecting their institutions, cultivating the arts of peace, and promoting, by wise councils and able exertions, the public and private prosperity which their patriotic struggles so well entitle them to enjoy.

With those states our relations have undergone but little change during the present year. No re-union having yet taken place between the states which compose the republic of Colombia, our chargé d'affaires at Bogota has been accredited to the government of New Grenada, and we have therefore no diplomatic relations with Venezuela and Equator, except as they may be included in those heretofore formed with the Colombian republic.

It is understood that representatives from three states were about to assemble at Bogota, to confer on the subject of their mutual interest, particularly that of their union; and if the result should render it necessary, measures will be taken on our part to preserve with each that friendship and those liberal commercial connections which it has been the constant desire of the United States to cultivate with their sister republics of this hemisphere. Until the important question of re-union shall be settled, however, the different matters which have been under discussion between the United States and the republic of Colombia, or either of the states which composed it, are not likely to be brought to a satisfactory issue.

In consequence of the illness of the chargé d'affaires appointed to Central America at the last session of Congress, he was prevented from proceeding on his mission until the month of October. It is hoped, however, that he is by this time at his post, and that the official intercourse, unfortunately so long interrupted, has been thus renewed on the part of the two nations, so amicably and advantageously connected by engagements founded on the most enlarged principles of commercial reciprocity.

It is gratifying to state that, since my last annual message, some of the most important claims of our fellow citizens upon the government of Brazil have been satisfactorily adjusted, and a reliance is placed on the friendly dispositions manifested by it that justice will also be done in others. No new causes of complaint have arisen; and the trade between the two countries flourishes under the encouragement secured to it by the liberal provisions of the treaty.

It is cause of regret that, owing probably to the civil dissensions which have occupied the attention of the Mexican government, the time fixed by the treaty of limits with the United States for the meeting of the commissioners to define the boundaries between the two nations, has been suffered to expire without the appointment of any commissioners on the part of that government. While the true boundary remains in doubt by either party, it is difficult to give effect to those measures which are necessary to the protection and quiet of our numerous citizens residing near that frontier. The subject is one of great solicitude to the United States, and will not fail to receive my earnest attention.

The treaty concluded with Chili, and approved by the Senate at its last session, was also ratified by the Chilian government, but with certain additional and explanatory articles of a nature to have required it to be again submitted to the Senate. The time limited for the exchange of the ratifications, however, having since expired, the action of both governments on the treaty will again become necessary.

The negotiations commenced with the Argentine Republic, relative to the outrages committed on our vessels engaged in the fisheries at the Falkland Islands, by persons acting under the color of its authority, as well as the other matters in controversy between the two governments, have been suspended by the departure of the chargé d'affaires of the United States from Buenos Ayres. It is understood, however, that a minister was subsequently appointed by that government to renew the negotiation in the United States, but, though daily expected, he has not yet arrived in this country.

With Peru no treaty has been yet formed, and with Bolivia no diplomatic intercourse has yet been established. It will be my endeavor to encourage those sentiments of amity, and that liberal commerce, which belong to the relations in which all the independent states of this continent stand toward each other.

I deem it proper to recommend to your notice the revision of our consular system. This has become an important branch of the public service, inasmuch as it is intimately connected with the preservation of our national character abroad, with the interest of our citizens in foreign countries, with the regulation and care of our commerce, and with the protection of our seamen. At the close of the last session of Congress I communicated a report from the secretary of state upon the subject, to which I now refer, as containing information which may be useful in any inquiries that Congress may see fit to institute with a view to a salutary reform of the system.

It gives me great pleasure to congratulate you upon the prosperous condition of the finances of the country, as will appear from the report the secretary of the treasury will in due time lay before you. The receipts into the treasury during the present year will amount to more than thirty-two millions of dollars. The revenue derived from customs will, it is believed, be more than twenty-eight millions, and the public land will yield about three millions of dollars. The expenditures within the year, for all objects, including two millions five hundred and seventy-two thousand two hundred and forty dollars ninety-nine cents, on account of the public debt, will not amount to twenty-five millions of dollars, and a large balance will remain in the treasury after satisfying all the appropriations chargeable on the revenue for the present year.

The measures taken by the secretary of the treasury will probably

enable him to pay off, in the course of the present year, the residue of the exchanged four and a half per cent. stock, redeemable on the first day of January next; it has, therefore, been included in the estimated expenditures of this year, and forms a part of the sum above stated to have been paid on account of the public debt; the payment of this stock will reduce the whole debt of the United States, funded and unfunded, to the sum of four millions seven hundred and sixty thousand and eighty-two dollars eight cents; and, as provision has already been made for the four and a half per cent. above mentioned, and charged in the expenses of the present year, the sum last stated is all that now remains of the national debt; and the revenue of the coming year, together with the balance now in the treasury, will be sufficient to discharge it, after meeting the current expenses of the government. Under the power given to the commissioners of the sinking fund, it will, I have no doubt, be purchased on favorable terms within the year.

From this view of the state of the finances, and the public engagements yet to be fulfilled, you will perceive that, if Providence permits me to meet you at another session, I shall have the high gratification of announcing to you that the national debt is extinguished. I cannot refrain from expressing the pleasure I feel at the near approach of that desirable event. The short period of time within which the public debt will have been discharged, is strong evidence of the abundant resources of the country, and of the prudence and economy with which the government has heretofore been administered. We have waged two wars since we became a nation, with one of the most powerful kingdoms in the world; both of them undertaken in defence of our dearest rights, — both successfully prosecuted and honorably terminated; and many of those who partook in the first struggle, as well as the second, will have lived to see the last item of the debt incurred in these necessary but expensive conflicts, faithfully and honestly discharged; and we shall have the proud satisfaction of bequeathing to the public servants who follow us in the administration of the government, the rare blessings of a revenue sufficiently abundant, raised without injustice or oppression to our citizens, and unincumbered with any burdens but what they themselves shall think proper to impose upon it.

The flourishing state of the finances ought not, however, to encourage us to indulge in a lavish expenditure of the public treasure. The receipts of the present year do not furnish the test by which we are to estimate the income of the next. The changes made in our revenue system by the acts of Congress of 1832 and 1833, and more especially by the former, have swelled the receipts of the present year far beyond the amount to be expected in future years upon the reduced tariff of duties. The shortened credits on revenue bonds, and the cash duties on woollens, which were introduced by the act of 1832, and took effect on the 4th of March last, have brought large sums into the treasury in 1833, which, according to the credits formerly given, would not have been payable until 1834, and would have formed a part of the income of that year. These causes would of themselves produce a great diminution of the receipts in the year 1834, as compared with the present one, and they will be still more diminished by the reduced rates of duties which take place on the 1st of January next, on some of the most important and productive articles. Upon the best estimates that can be made, the receipts of the next year, with the aid of the unappropriated amount now in the treasury, will not be much more than sufficient to meet the expenses of the year, and pay the small remnant of

the national debt which yet remains unsatisfied. I cannot, therefore, recommend to you any alteration in the present tariff of duties. The rate as now fixed by law, on the various articles, was adopted at the last session of Congress as a matter of compromise, with unusual unanimity; and unless it is found to produce more than the necessities of the government call for, there would seem to be no reason at this time to justify a change.

But, while I forbear to recommend any farther reductions of the duties, beyond that already provided for by the existing laws, I must earnestly and respectfully press upon Congress the importance of abstaining from all appropriations which are not absolutely required for the public interests, and authorized by the powers clearly delegated to the United States. We are beginning a new era in our government. The national debt, which has so long been a burden on the treasury, will be finally discharged in the course of the ensuing year. No more money will afterwards be needed than what may be necessary to meet the ordinary expenses of the government. Now, then, is the proper moment to fix our system of expenditure on firm and durable principles; and I cannot too strongly urge the necessity of a rigid economy, and an inflexible determination not to enlarge the income beyond the real necessities of the government, and not to increase the wants of the government by unnecessary and profuse expenditures. If a contrary course should be pursued, it may happen that the revenue of 1834 will fall short of the demands upon it, and after reducing the tariff in order to lighten the burdens of the people, and providing for a still farther reduction to take effect hereafter, it would be much to be deplored if, at the end of another year, we should find ourselves obliged to retrace our steps, and impose additional taxes to meet unnecessary expenditures.

It is my duty, on this occasion, to call your attention to the destruction of the public building occupied by the treasury department, which happened since the last adjournment of Congress. A thorough inquiry into the causes of this loss was directed and made at the time, the result of which will be duly communicated to you. I take pleasure, however, in stating here, that by the laudable exertions of the officers of the department, and many of the citizens of the district, but few papers were lost, and none that will materially affect the public interest.

The public convenience requires that another building should be erected as soon as practicable; and in providing for it, it will be advisable to enlarge in some manner the accommodations for the public officers of the several departments, and to authorize the erection of suitable depositories for the safe-keeping of the public documents and records.

Since the last adjournment of Congress, the secretary of the treasury has directed the money of the United States to be deposited in certain state banks, designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken of the subject; and some months before the removal, I urged upon the department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the bank, appeared to me to call for this measure, upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at the time fully developed by proof. It was not until late in the month of August, that I received from the government directors an official report, establishing beyond question that this great and powerful institution had been actively engaged in attempting

to influence the elections of the public officers by means of its money; and that, in violation of the express provisions of its charter, it had by a formal resolution placed its funds at the disposition of its president, to be employed in sustaining the political power of the bank. A copy of this resolution is contained in the report of the government directors before referred to; and however the objects may be disguised by cautious language, no one can doubt that this money was in truth intended for electioneering purposes, and the particular uses to which it was proved to have been applied, abundantly show that it was so understood. Not only was the evidence complete, as to the past application of the money and power of the bank to electioneering purposes, but that the resolution of the board of directors authorized the same course to be pursued in future.

It being thus established by unquestionable proof that the bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the government ought to pursue was not doubtful. As by the terms of the bank charter, no officer but the secretary of the treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the government, in such a use of its funds and such an exertion of its power. In this point of the case the question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unbiassed suffrages, or whether the power and money of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means.

At this time the efforts of the bank to control public opinion through the distresses of some and the fears of others, are equally apparent, and if possible more objectionable. By a curtailment of its accommodations, more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults, it is attempting to produce great embarrassment in one portion of the community, while through presses known to have been sustained by its money, it attempts by unfounded alarms to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposits, and, as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed, and that through the increased accommodations which the state banks have been enabled to afford, no public distress has followed the exertions of the bank; and it cannot be doubted that the exercise of its power and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty, I should feel myself called on by the facts disclosed, to order a *scire facias* against the bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

I called the attention of Congress to this subject in my last annual message, and informed them that such measures as were within the reach of the

secretary of the treasury had been taken to enable him to judge whether the public deposits in the bank of the United States were entirely safe; but that, as his single powers might be inadequate to the object, I recommended the subject to Congress, as worthy of their serious investigation; declaring it as my opinion that an inquiry into the transactions of that institution, embracing the branches as well as the principal bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which, if true, might justly excite the apprehension that they were no longer a safe depository for the public money. The extent to which the examination, thus recommended, was gone into, is spread upon your journals, and is too well known to require to be stated. Such as was made resulted in a report from a majority of the committee of ways and means, touching certain specified points only, concluding with a resolution that the government deposits might safely be continued in the Bank of the United States. This resolution was adopted at the close of the session, by the vote of a majority of the House of Representatives.

Although I may not always be able to concur in the views of the public interest or the duties of its agents, which may be taken by the other departments of the government, or either of its branches, I am, notwithstanding, wholly incapable of receiving, otherwise than with the most sincere respect, all opinions or suggestions proceeding from such a source; and in respect to none am I more inclined to do so, than to the House of Representatives. But it will be seen, from the brief views at this time taken of the subject by myself, as well as the more ample ones presented by the secretary of the treasury, that the change in the deposits which has been ordered, has been deemed to be called for by considerations which are not affected by the proceedings referred to, and which, if correctly viewed by that department, rendered its act a matter of imperious duty.

Coming, as you do, for the most part, immediately from the people and the states, by election, and possessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all act, to decide whether the executive department of the government, in the steps which it has taken on this subject, has been found in the line of its duty.

The accompanying report of the secretary of war, with the documents annexed to it, exhibits the operations of the war department for the past year, and the condition of the various subjects entrusted to its administration.

It will be seen from them that the army maintains the character it has heretofore acquired for efficiency and military knowledge. Nothing has occurred since your last session to require its services beyond the ordinary routine of duties, which upon the seaboard and the inland frontier devolve upon it in a time of peace. The system, so wisely adopted and so long pursued, of constructing fortifications at exposed points, and of preparing and collecting the supplies necessary for the military defence of the country, and thus providently furnishing in peace the means of defence in war, has been continued with the usual results. I recommend to your consideration the various subjects suggested in the report of the secretary of war. Their adoption would promote the public service, and meliorate the condition of the army.

Our relations with the various Indian tribes have been undisturbed since the termination of the difficulties growing out of the hostile aggressions of the Sacs and Fox Indians. Several treaties have been formed for the relinquishment of territory to the United States, and for the migration of the occupants to the regions assigned for their residence west of the Mississippi. Should these treaties be ratified by the Senate, provision will have been made for the removal of almost all the tribes now remaining east of that river, and for the termination of many difficult and embarrassing questions arising out of their anomalous political condition. It is to be hoped that those portions of two of the southern tribes, which in that event will present the only remaining difficulties, will realize the necessity of emigration, and will speedily resort to it. My original convictions upon this subject have been confirmed by the course of events for several years, and experience is every day adding to their strength. That those tribes cannot exist, surrounded by our settlements, and in continual contact with our citizens, is certain. They have neither the intelligence, the industry, the moral habits, nor the desire of improvement, which are essential to any favorable change in their condition. Established in the midst of another and a superior race, and without appreciating the causes of their inferiority, or seeking to control them, they must necessarily yield to the force of circumstances, and ere long disappear. Such has been their fate heretofore, and if it is to be averted—and it is—it can only be done by a general removal beyond our boundary, and by the re-organization of their political system upon principles adapted to the new relations in which they will be placed. The experiment which has been recently made, has so far proved successful. The emigrants generally are represented to be prosperous and contented, the country suitable to their wants and habits, and the essential articles of subsistence easily procured. When the report of the commissioners now engaged in investigating the condition and prospects of these Indians, and in devising a plan for their intercourse and government, is received, I trust ample means of information will be in possession of the government for adjusting all the unsettled questions connected with this interesting subject.

The operations of the navy during the year, and its present condition, are fully exhibited in the annual report from the navy department.

Suggestions are made by the secretary, of various improvements, which deserve careful consideration, and most of which, if adopted, bid fair to promote the efficiency of this important branch of the public service. Among these are the new organization of the navy board, the revision of the pay to officers, and a change in the period of time, or in the manner of making the annual appropriations, to which I beg leave to call your particular attention.

The views which are presented on almost every portion of our naval concerns, and especially on the amount of force and the number of officers, and the general course of policy appropriate in the present state of our country, for securing the great and useful purposes of naval protection in peace, and due preparation for the contingencies of war, meet with my entire approbation.

It will be perceived, from the report referred to, that the fiscal concerns of the establishment are in an excellent condition; and it is hoped that Congress may feel disposed to make promptly every suitable provision desired, either for preserving or improving the system.

The general-post-office department has continued, upon the strength of its own resources, to facilitate the means of communication between the various portions of the Union with increased activity. The method, however, in which the accounts of the transportation of the mail have always been kept, appears to have presented an imperfect view of its expenses. It has recently been discovered that, from the earliest records of the department, the annual statements have been calculated to exhibit an amount considerably short of the actual expenses incurred for that service. These illusory statements, together with the expense of carrying into effect the law of the last session of Congress, establishing new mail routes, and a disposition on the part of the head of the department to gratify the wishes of the public in the extension of mail facilities, have induced him to incur responsibilities for their improvement, beyond what the current resources of the department would sustain. As soon as he had discovered the imperfection of the method, he caused an investigation to be made of its results, and applied the proper remedy to correct the evil. It became necessary for him to withdraw some of the improvements which he had made, to bring the expenses of the department within its own resources. These expenses were incurred for the public good, and the public have enjoyed their benefit. They are now but partially suspended, and that where they may be discontinued with the least inconvenience to the country.

The progressive increase in the income from postages has equalled the highest expectations, and it affords demonstrative evidence of the growing importance and great utility of this department. The details are exhibited in the accompanying report of the postmaster-general.

The many distressing accidents which have of late occurred in that portion of our navigation carried on by the use of steam power, deserve the immediate and unremitting attention of the constituted authorities of the country. The fact that the number of those fatal disasters is constantly increasing, notwithstanding the great improvements which are everywhere made in the machinery employed, and in the rapid advances which have been made in that branch of science, show very clearly that they are in a great degree the result of criminal negligence on the part of those by whom the vessels are navigated, and to whose care and attention the lives and property of our citizens are so extensively entrusted.

That these evils may be greatly lessened, if not substantially removed, by means of precautionary and penal legislation, seems to be highly probable; so far, therefore, as the subject can be regarded as within the constitutional purview of Congress, I earnestly recommend it to your prompt and serious consideration.

I would also call your attention to the views I have heretofore expressed of the propriety of amending the constitution, in relation to the mode of electing the President and Vice-President of the United States. Regarding it as all important to the future quiet and harmony of the people, that every intermediate agency in the election of these officers should be removed, and that their eligibility should be limited to one term of either four or six years, I cannot too earnestly invite your consideration of the subject.

Trusting that your deliberations on all the topics of general interest to which I have adverted, and such others as your more extensive knowledge of the wants of our beloved country may suggest, may be crowned with success, I tender you, in conclusion, the co-operation which it may be in my power to afford them.

PROTEST.

APRIL 15, 1834.

To the Senate of the United States:

It appears by the published journal of the Senate, that on the 26th of December last, a resolution was offered by a member of the Senate, which, after a protracted debate, was on the twenty-eighth day of March last modified by the mover, and passed by the votes of twenty-six Senators out of forty-six, who were present and voted, in the following words, viz.

Resolved, That the President, in the late executive proceeding in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Having had the honor, through the voluntary suffrages of the American people, to fill the office of President of the United States, during the period which may be presumed to have been referred to in this resolution, it is sufficiently evident that the censure it inflicts was intended for myself. Without notice, unheard and untried, I thus find myself charged on the records of the Senate, and in a form hitherto unknown in our history, with the high crime of violating the laws and constitution of my country.

It can seldom be necessary for any department of the government when assailed in conversation, or debate, or by the strictures of the press or of popular assemblies, to step out of its ordinary path for the purpose of vindicating its conduct, or of pointing out any irregularity or injustice in the manner of the attack. But when the chief executive magistrate is, by one of the most important branches of the government, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of the breach of the laws and constitution, it is due to his station, to public opinion, and to proper self-respect, that the officer thus denounced should promptly expose the wrong which has been done.

In the present case, moreover, there is even a stronger necessity for such a vindication. By an express provision of the constitution, before the President of the United States can enter on the execution of his office, he is required to take an oath or affirmation in the following words:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect, and defend, the constitution of the United States."

The duty of defending, so far as in him lies, the integrity of the constitution would indeed have resulted from the very nature of his office; but by thus expressing it in the official oath or affirmation, which, in this respect, differs from that of every other functionary, the founders of our republic have attested their sense of its importance, and have given to it a peculiar solemnity and force. Bound to the performance of this duty by the oath I have taken, by the strongest obligations of gratitude to the American people, and by the ties which unite my every earthly interest with the welfare and glory of my country; and perfectly convinced that the discussion and passage of the above mentioned resolution were not only unauthorised by the constitution, but in many respects repugnant to its provisions and subversive of the rights secured by it to other co-ordinate departments, I deem it an imperative duty to maintain the supremacy of that sacred instrument, and the immunities of the department intrusted to my care, by all

means consistent with my own lawful powers, with the rights of others, and with the genius of our civil institutions. To this end, I have caused this, my solemn protest against the aforesaid proceedings, to be placed on the files of the executive department, and to be transmitted to the Senate.

It is alike due to the subject, the Senate, and the people, that the views which I have taken of the proceedings referred to, and which compel me to regard them in the light that has been mentioned, should be exhibited at length, and with the freedom and firmness which are required by an occasion so unprecedented and peculiar.

Under the constitution of the United States, the powers and functions of the various departments of the federal government, and their responsibilities for violation or neglect of duty, are clearly defined or result by necessary inference. The legislative power, subject to the qualified negative of the President, is vested in the Congress of the United States, composed of the Senate and House of Representatives. The executive power is vested exclusively in the President, except that in the conclusion of treaties and in certain appointments to office, he is to act with the advice and consent of the Senate. The judicial power is vested exclusively in the Supreme and other courts of the United States, except in cases of impeachment, for which purpose the accusatory power is vested in the House of Representatives, and that of hearing and determining in the Senate. But although for the special purposes which have been mentioned, there is an occasional intermixture of the powers of the different departments, yet, with these exceptions, each of the three great departments is independent of the others in its sphere of action; and when it deviates from that sphere, is not responsible to the others, further than it is expressly made so in the constitution. In every other respect, each of them is the co-equal of the other two, and all are the servants of the American people, without power or right to control or censure each other in the service of their common superior, save only in the manner and to the degree which that superior has prescribed.

The responsibilities of the President are numerous and weighty. He is liable to impeachment for high crimes and misdemeanors, and, on due conviction, to removal from office, and perpetual disqualification; and notwithstanding such conviction, he may also be indicted and punished according to law. He is also liable to the private action of any party, who may have been injured by his illegal mandates or instructions, in the same manner and to the same extent as the humblest functionary. In addition to the responsibilities which may thus be enforced by impeachment, criminal prosecution, or suit at law, he is also accountable at the bar of public opinion, for every act of his administration. Subject only to the restraints of truth and justice, the free people of the United States have the undoubted right, as individuals or collectively, orally or in writing, at such times, and in such language and form as they may think proper, to discuss his official conduct, and to express and promulgate their opinions concerning it. Indirectly, also, his conduct may come under review in either branch of the legislature, or in the Senate when acting in its executive capacity, and so far as the executive or legislative proceedings of these bodies may require it, it may be examined by them. These are believed to be the proper and only modes in which the President of the United States is to be held accountable for his official conduct.

Tested by these principles, the resolution of the Senate is wholly unauthorized by the constitution, and in derogation of its entire spirit. It assumes

that a single branch of the legislative department may, for the purposes of a public censure, and without any view to legislation or impeachment, take up, consider, and decide upon the official acts of the executive. But in no part of the constitution is the President subjected to any such responsibility; and in no part of that instrument is any such power conferred on either branch of the legislature.

The justice of these conclusions will be illustrated and confirmed by a brief analysis of the powers of the Senate, and a comparison of their recent proceedings with those powers.

The high functions assigned by the constitution to the Senate, are in their nature either legislative, executive, or judicial. It is only in the exercise of its judicial powers, when sitting as a court for the trial of impeachments, that the Senate is expressly authorized and necessarily required to consider and decide upon the conduct of the President or any other public officer. Indirectly, however, as has already been suggested, it may frequently be called on to perform that office. Cases may occur in the course of its legislative or executive proceedings, in which it may be indispensable to the proper exercise of its powers, that it should inquire into, and decide upon, the conduct of the President or other public officers: and in every such case, its constitutional right to do so is cheerfully conceded. But to authorize the Senate to enter on such a task in its legislative or executive capacity, the inquiry must actually grow out of and tend to some legislative or executive action; and the decision when expressed, must take the form of some appropriate legislative or executive act.

The resolution in question was introduced, discussed, and passed, not as a joint, but as a separate resolution. It asserts no legislative power; proposes no legislative action; and neither possesses the form nor any of the attributes of a legislative measure. It does not appear to have been entertained or passed with any view or expectation of its issuing in a law or joint resolution, or in the repeal of any law or joint resolution, or in any other legislative action.

While wanting both the form and substance of a legislative measure, it is equally manifest that the resolution was not justified by any of the executive powers conferred on the Senate. These powers relate exclusively to the consideration of treaties and nominations to office, and they are exercised in secret session, and with closed doors. This resolution does not apply to any treaty or nomination, and was passed in a public session.

Nor does this proceeding in any way belong to that class of incidental resolutions which relate to the officers of the Senate, to their chamber, and other appurtenances, or to subjects of order, and other matters of the like nature—in all which either House may lawfully proceed, without any co-operation with the other, or with the President.

On the contrary, the whole phraseology and sense of the resolution seem to be judicial. Its essence, true character, and only practical effect, are to be found in the conduct which it charges upon the President, and in the judgment which it pronounces on that conduct. The resolution, therefore, though discussed and adopted by the Senate in its legislative capacity, is in its office, and in all its characteristics, essentially judicial.

That the Senate possesses a high judicial power, and that instances may occur in which the President of the United States will be amenable to it, is undeniable. But under the provisions of the constitution, it would seem to be equally plain that neither the President nor any other officer can be

rightfully subjected to the operation of the judicial power of the Senate, except in the cases and under the forms prescribed by the constitution.

The constitution declares that "the President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment and conviction of treason, bribery, or other high crimes and misdemeanors;" that the House of Representatives "shall have the sole power of impeachment;" that the Senate "shall have the sole power to try all impeachments; that "when sitting for that purpose, they shall be on oath or affirmation"—that "when the President of the United States is tried, the chief-justice shall preside;" that "no person shall be convicted without the concurrence of two-thirds of the members present;" and that judgment shall not extend farther than "to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States."

The resolution above quoted, charges, in substance, that in certain proceedings, relating to the public revenue, the President has usurped authority and power not conferred upon him by the constitution and laws, and that in doing so he violated both. Any such act constitutes a high crime—one of the highest, indeed, which the President can commit—a crime which justly exposes him to impeachment by the House of Representatives, and, upon due conviction, to removal from office, and to the complete and immutable disfranchisement prescribed by the constitution.

The resolution, then, was in substance an impeachment of the President; and in its passage, amounts to a declaration by a majority of the Senate, that he is guilty of an impeachable offence. As such, it is spread upon the journals of the Senate—published to the nation and to the world—made part of our enduring archives—and incorporated in the history of the age. The punishment of removal from office and future disqualification, does not, it is true, follow this decision: nor would it have followed the like decision, if the regular forms of proceeding had been pursued, because the requisite number did not concur in the result. But the moral influence of a solemn declaration, by a majority of the Senate, that the accused is guilty of the offence charged upon him, has been as effectually secured, as if the like declaration had been made upon an impeachment expressed in the same terms. Indeed, a greater practical effect has been gained, because the votes given for the resolution, though not sufficient to authorize a judgment of guilty on an impeachment, were numerous enough to carry that resolution.

That the resolution does not expressly allege that the assumption of power and authority, which it condemns, was intentional and corrupt, is no answer to the preceding view of its character and effect.

The act thus condemned, necessarily implies violation and design in the individual to whom it is imputed, and being unlawful in its character, the legal conclusion is that it was prompted by improper motives, and committed with an unlawful intent. The charge is not of a mistake in the exercise of supposed powers, but of the assumption of powers not conferred by the constitution and laws, and in derogation of both, and nothing is suggested to excuse or palliate the turpitude of the act. In the absence of any such excuse or palliation there is only room for one inference; and that is, that the intent was unlawful and corrupt. Besides, the resolution not only contains no mitigating suggestion, but, on the contrary, it holds up the act complained of as justly obnoxious to censure and reprobation; and thus as distinctly stamps it with impurity of motive, as if the strongest epithets had been used.

The President of the United States, therefore, has been, by a majority of his constitutional triers, accused and found guilty of an impeachable offence; but in no part of this proceeding have the directions of the constitution been observed.

The impeachment, instead of being preferred and prosecuted by the House of Representatives, originated in the Senate, and was prosecuted without the aid or concurrence of the other house. The oath or affirmation prescribed by the constitution, was not taken by the Senators; the chief justice did not preside; no notice of the charge was given to the accused; and no opportunity afforded him to respond to the accusation, to meet his accusers face to face, to cross-examine the witnesses, to procure counteracting testimony, or to be heard in his defence. The safeguards and formalities which the constitution has connected with the power of impeachment, were doubtless supposed, by the framers of that instrument, to be essential to the protection of the public servant, to the attainment of justice, and to the order, impartiality, and dignity of the procedure. These safeguards and formalities were not only practically disregarded, in the commencement and conduct of these proceedings, but, in their result, I find myself convicted by less than two thirds of the members present, of an impeachable offence.

In vain it may be alleged in defence of this proceeding, that the form of the resolution is not that of an impeachment or a judgment thereupon—that the punishment prescribed in the constitution does not follow its adoption, or that in this case no impeachment is to be expected from the House of Representatives. It is because it did not assume the form of an impeachment, that it is more palpably repugnant to the constitution; for it is through that form only that the President is judicially responsible to the Senate; and though neither removal from office, nor future disqualification ensues, yet it is not to be presumed that the framers of the constitution considered either or both of those results as constituting the whole of the punishment they prescribed. The judgment of guilty by the highest tribunal in the Union; the stigma it would inflict on the offender, his family and fame; and the perpetual record on the journal, handing down to future generations the story of his disgrace, were doubtless regarded by them as the bitterest portions, if not the very essence of that punishment. So far, therefore, as some of its most material parts are concerned, the passage recording and promulgation of the resolution, are an attempt to bring them on the President, in a manner unauthorized by the constitution. To shield him and other officers who are liable to impeachment, from consequences so momentous, except when really merited by official delinquencies, the constitution has most carefully guarded the whole process of impeachment. A majority of the House of Representatives must think the officer guilty before he can be charged. Two thirds of the Senate must pronounce him guilty, or he is deemed to be innocent. Forty-six Senators appear by the journal to have been present when the vote on the resolution was taken. If after all the solemnities of an impeachment, thirty of those Senators had voted that the President was guilty, yet would he have been acquitted; but by the mode of proceeding adopted in the present case, a lasting record of conviction has been entered up by the votes of twenty-six Senators, without an impeachment or trial; whilst the constitution expressly declares that to the entry of such a judgment on accusation by the House of Representatives, a trial by the Senate, and a concurrence of two thirds in the vote of guilty, shall be indispensable pre-requisites.

Whether or not an impeachment was to be expected from the House of Representatives, was a point on which the Senate had no constitutional right to speculate, and in respect to which, even had it possessed the spirit of prophecy, its anticipations would have furnished no just grounds for this procedure. Admitting that there was reason to believe that a violation of the constitution and laws had been actually committed by the President, still it was the duty of the Senate, as his sole constitutional judges, to wait for an impeachment until the other house should think proper to prefer it. The members of the Senate could have no right to infer that no impeachment was intended. On the contrary, every legal and rational presumption on their part ought to have been, that if there was good reason to believe him guilty of an impeachable offence, the House of Representatives would perform its constitutional duty by arraigning the offender before the justice of his country. The contrary presumption would involve an implication derogatory to the integrity and honor of the representatives of the people. But suppose the suspicion thus implied were actually entertained, and for good cause, how can it justify the assumption by the Senate of powers not conferred by the constitution?

It is only necessary to look at the condition in which the Senate and the President have been placed by this proceeding, to perceive its utter incompatibility with the provisions and spirit of the constitution, and with the plainest dictates of humanity and justice.

If the House of Representatives shall be of opinion that there is just ground for the censure pronounced upon the President, then will it be the solemn duty of that House to prefer the proper accusation, and to cause him to be brought to trial by the constitutional tribunal. But in what condition would he find that tribunal? A majority of its members have already considered the case, and have not only formed but expressed a deliberate judgment upon its merits. It is the policy of our benign system of jurisprudence, to secure in all criminal proceedings, and even in the most trivial litigations, a fair, unprejudiced, and impartial trial. And surely it cannot be less important that such a trial should be secured to the highest officer of the government.

The constitution makes the House of Representatives the exclusive judges, in the first instance, of the question, whether the President has committed an impeachable offence. A majority of the Senate, whose interference with this preliminary question has for the best of all reasons been studiously excluded, anticipate the action of the House of Representatives, assume not only the function which belongs exclusively to that body, but convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case. Thus presenting the appalling spectacle in a free state, of judges going through a labored preparation for an impartial hearing and decision, by a previous *ex parte* investigation and sentence against the supposed offender.

There is no more settled axiom in that government whence we derive the model of this part of our constitution, than "that the lords cannot impeach any to themselves, nor join in the accusation, *because they are judges.*" Independently of the general reason on which this rule is founded, its propriety and importance are greatly increased by the nature of the impeaching power. The power of arraigning the high officers of government, before a tribunal whose sentence may expel them from their seats, and brand them as infamous, is eminently a popular remedy—a remedy designed to be

employed for the protection of private right and public liberty, against the abuses of injustice, and the encroachments of arbitrary power. But the framers of the constitution were also undoubtedly aware that this formidable instrument had been and might be abused; and that from its very nature, an impeachment for high crimes and misdemeanors, whatever might be its result, would in most cases be accompanied by so much of dishonor and reproach, solicitude and suffering, as to make the power of preferring it, one of the highest solemnity and importance. It was due to both these considerations that the impeaching power should be lodged in the hands of those who, from the mode of their election and the tenure of their offices, would most accurately express the popular will, and at the same time be most directly and speedily amenable to the people. The theory of these wise and benignant intentions is, in the present case, effectually defeated by the proceedings of the Senate. The members of that body represent not the people but the states; and though they are undoubtedly responsible to the states, yet, from their extended term of service, the effect of that responsibility, during the whole period of that term, must very much depend upon their own impressions of its obligatory force. When a body, thus constituted, expresses beforehand its opinion in a particular case, and thus indirectly invites a prosecution, it not only assumes a power intended for wise reasons to be confined to others, but it shields the latter from that exclusive and personal responsibility under which it was intended to be exercised, and reverses the whole scheme of this part of the constitution.

Such would be some of the objections to this procedure, even if it were admitted that there is just ground for imputing to the President the offences charged in the resolution. But if, on the other hand, the House of Representatives shall be of opinion that there is no reason for charging them upon him, and shall therefore deem it improper to prefer an impeachment, then will the violation of privilege as it respects that House, of justice as it regards the President, and of the constitution as it relates to both, be only the more conspicuous and impressive.

The constitutional mode of procedure on an impeachment has not only been wholly disregarded, but some of the first principles of natural right and enlightened jurisprudence, have been violated in the very form of the resolution. It carefully abstains from averring in *which* of "the late proceedings in relation to the public revenue, the President has assumed to himself authority and power not conferred by the constitution and laws." It carefully abstains from specifying what laws or what parts of the constitution have been violated. Why was not the certainty of the offence — "the nature and cause of the accusation" — set out in the manner required in the constitution, before even the humblest individual, for the smallest crime, can be exposed to condemnation? Such a specification was due to the accused, that he might direct his defence to the real points of attack; to the people, that they might clearly understand in what particulars their institutions had been violated; and to the truth and certainty of our public annals. As the record now stands, whilst the resolution plainly charges upon the President at least one act of usurpation in the "late executive proceedings in relation to the public revenue," and is so framed that those Senators who believed that one such act, and only one, had been committed, could assent to it, its language is yet broad enough to include several such acts; and so it may have been regarded by some of those who voted for it. But though the accusation is thus comprehensive in the censures it implies, there is no such

certainty of time, place, or circumstance, as to exhibit the particular conclusion of fact or law which induced any one Senator to vote for it. And it may well have happened, that whilst one Senator believed that some particular act embraced in the resolution, was an arbitrary and unconstitutional assumption of power, others of the majority may have deemed that very act both constitutional and expedient, or if not expedient, yet still within the pale of the constitution. And thus a majority of the Senators may have been enabled to concur in a vague and undefined accusation that the President, in the course of the "late executive proceedings in relation to the public revenue," had violated the constitution and laws, whilst, if a separate vote had been taken in respect to each particular act included within the general terms, the accusers of the President might, on any such vote, have been found in the minority.

Still farther to exemplify this feature of the proceeding, it is important to be remarked, that the resolution, as originally offered to the Senate, specified with adequate precision certain acts of the President, which it denounced as a violation of the constitution and laws; and that it was not until the very close of the debate, and when perhaps it was apprehended that a majority might not sustain the specific accusations contained in it, that the resolution was so modified as to assume its present form. A more striking illustration of the soundness and necessity of the rules which forbid vague and indefinite generalities, and require a reasonable certainty in all judicial allegations, and a more glaring instance of the violation of those rules, has seldom been exhibited.

In this view of the resolution it must certainly be regarded not as a vindication of any particular provision of the law or the constitution, but simply as an official rebuke or condemnatory sentence, too general and indefinite to be easily repelled, but yet sufficiently precise to bring into discredit the conduct and motives of the executive.

But whatever it may have been intended to accomplish, it is obvious that the vague, general, and abstract form of the resolution is in perfect keeping with those other departures from first principles and settled improvements in jurisprudence so properly the boast of free countries in modern times. And it is not too much to say of the whole of these proceedings, that if they shall be approved and sustained by an intelligent people, then will that great contest with arbitrary power, which had established, in statutes, in bills of rights, in sacred charters, and in constitutions of government, the right of every citizen to a notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge, have been waged in vain.

If the resolution had been left in its original form, it is not to be presumed that it could ever have received the assent of a majority of the Senate, for the acts therein specified as violations of the constitution and laws, were clearly within the limits of the executive authority. They are the "dismissing the late secretary of the treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the Bank of the United States and its branches in conformity with the President's opinion; and appointing his successor to effect such removal, which has been done." But as no other specification has been substituted, and as these were the "executive proceedings in relation to the public revenue," principally referred to in the course of the discussion, they will doubtless be generally regarded as the acts intended to be

denounced as "an assumption of authority and power, not conferred by the constitution or laws, but in derogation of both." It is, therefore, due to the occasion, that a condensed summary of the views of the executive in respect to them, should be here exhibited.

By the constitution the "executive power is vested in the President of the United States." Among the duties imposed upon him, and which he is sworn to perform, is that of "taking care that the laws be faithfully executed." Being thus made responsible for the entire action of the executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature executive—should remain in his hands. It is therefore not only his right, but the constitution makes it his duty to "nominate, and by and with the advice and consent of the Senate, appoint" all "officers of the United States, whose appointments are not in the constitution otherwise provided for," with the proviso that the appointment of inferior officers may be vested in the President alone, in the courts of justice, or in the heads of departments.

The executive power vested in the Senate is neither that of "nominating" nor "appointing." It is merely a check upon the executive power of appointment. If individuals are proposed for appointment by the President, by them deemed incompetent or unworthy, they may withhold their consent and the appointment cannot be made. They check the action of the executive, but cannot in relation to these very subjects act themselves nor direct him. Selections are still made by the President; and the negative given to the Senate, without diminishing his responsibility, furnishes an additional guarantee to the country that the subordinate executive, as well as the judicial offices, shall be filled with worthy and competent men.

The whole executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts. In strict accordance with this principle, the power of removal, which, like that of appointment, is an original executive power, is left unchecked by the constitution in relation to all executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the government from which many of the fundamental principles of our system are derived, the head of the executive department originally had power to appoint and remove at will all officers, executive and judicial. It was to take the judges out of this general power of removal, and thus make them independent of the executive, that the tenure of their offices was changed to good behavior. Nor is it conceivable why they are placed in our constitution upon a tenure different from that of all other officers appointed by the executive, unless it be for the same purpose.

But if there were any just ground for doubt on the face of the constitution, whether all executive officers are removable at the will of the President, it is obviated by the contemporaneous construction of the instrument and the uniform practice under it.

The power of removal was a topic of solemn debate in the Congress of 1789, while organizing the administrative departments of the government,

and it was finally decided, that the President derived from the constitution, the power of removal, so far as it regards that department for whose acts he is responsible. Although the debate covered the whole ground, embracing the treasury as well as all the other executive departments, it arose on a motion to strike out of the bill to establish a department of foreign affairs, since called the department of state, a clause declaring the secretary "to be removable from office by the President of the United States." After that motion had been decided in the negative, it was perceived that these words did not convey the sense of the House of Representatives in relation to the true source of the power of removal. With the avowed object of preventing any future inference, that this power was exercised by the President in virtue of a grant from Congress, when in fact that body considered it as derived from the constitution, the words which had been the subject of debate were struck out, and in lieu thereof a clause was inserted in a provision concerning the chief clerk of the department, which declared that "whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy," the chief clerk should during such vacancy have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of Congress, that the President derived the power of removal from the constitution, the act as it passed has always been considered as a full expression of the sense of the legislature on this important part of the American constitution.

Here then we have the concurrent authority of President Washington, of the Senate and House of Representatives, numbers of whom had taken an active part in the convention which framed the constitution, and in the state convention which adopted it, that the President derived an unqualified power of removal from that instrument itself, which is "beyond the reach of legislative authority." Upon this principle the government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the President or by his direction, embracing every grade of executive officers, from the heads of departments to the messengers of bureaus.

The treasury department, in the discussions of 1789, was considered on the same footing as the other executive departments, and in the act establishing it, the precise words incorporated indicative of the sense of Congress, that the President derives his power to remove the secretary from the constitution, which appear in the act establishing the department of foreign affairs. An assistant secretary of the treasury was created, and it was provided that he should take charge of the books and papers of the department, "whenever the secretary shall be removed from office by the President of the United States." The secretary of the treasury being appointed by the President, and being considered as constitutionally removable by him, it appears never to have occurred to any one in the Congress of 1789, or since, until very recently, that he was other than an executive officer, the mere instrument of the chief magistrate in the execution of the laws, subject, like all other heads of departments, to his supervision and control. No such idea as an officer of the Congress can be found in the constitution, or appears to have suggested itself to those who organized the government. There are officers of each House, the appointment of whom is authorized by the constitution, but all officers referred to in that instrument, as coming within the appointing power of the President, whether established thereby

or created by law, are "officers of the United States." No joint power of appointment is given to the two Houses of Congress, nor is there any accountability to them as one body; but as soon as any office is created by law, of whatever name or character, the appointment of the person or persons to fill it devolves by the constitution upon the President, with the advice and consent of the Senate, unless it be an inferior office, and the appointment be vested by the law itself "in the President alone, in the courts of law, or in the heads of the departments."

But at the time of the organization of the treasury department, an incident occurred which distinctly evinces the unanimous concurrence of the first Congress in the principle that the treasury department is wholly executive in its character and responsibilities. A motion was made to strike out the provision of the bill making it the duty of the secretary "to digest and report plans for the improvement and management of the revenue, and for the support of public credit," on the ground that it would give the executive department of the government too much influence and power in Congress. The motion was not opposed on the ground that the secretary was the officer of Congress, and responsible to that body, which would have been conclusive, if admitted, but on other grounds, which conceded his executive character throughout. The whole discussion evinces an unanimous concurrence in the principle that the secretary of the treasury is wholly an executive officer, and the struggle of the minority was to restrict his power as such. From that time down to the present, the secretary of the treasury, the treasurer, register, comptrollers, auditors, and clerks, who fill the offices of that department, have, in the practice of the government, been considered and treated as on the same footing with the corresponding grades of officers in all the other executive departments.

The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the executive department in this and all other governments. In accordance with this principle, every species of property belonging to the United States (excepting that which is in the use of the several co-ordinate departments of the government, as means to aid them in performing their appropriate functions,) is in charge of officers appointed by the President, whether it be lands, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war. The superintendents and keepers of the whole are appointed by the President, responsible to him, and removable at his will.

Public money is but a species of public property. It cannot be raised by taxations or customs, nor brought into the treasury in any other way, except by law; but whenever or howsoever obtained, its custody always has been, and always must be, unless the constitution be changed, intrusted to the executive department. No officer can be created by Congress for the purpose of taking charge of it, whose appointment would not, by the constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties. The legislative power may undoubtedly bind him and the President, by any laws they may think proper to enact; they may prescribe in what place particular portions of the public money shall be kept, and for what reasons it shall be removed, as they may direct that supplies for the army or navy shall be kept in particular stores; and it will be the duty of the President to see that the law is faithfully executed — yet will the custody remain in the executive depart-

ment of the government. Were the Congress to assume, with or without a legislative act, the power of appointing officers independently of the President, to take charge and custody of the public property contained in the military and naval arsenals, magazines, and storehouses, it is believed that such an act would be regarded by all as a palpable usurpation of executive power, subversive of the form as well as the fundamental principles of our government. But where is the difference in principle, whether the public property be in the form of arms, munitions of war, and supplies, or in gold and silver, or bank notes? None can be perceived — none is believed to exist. Congress cannot, therefore, take out of the hands of the executive department the custody of the public property or money without an assumption of executive power, and subversion of the first principles of the constitution.

The Congress of the United States have never passed an act imperatively directing that the public moneys shall be kept in any particular place or places. From the origin of the government to the year 1816, the statute book was wholly silent on the subject. In 1789, a treasurer was created, subordinate to the secretary of the treasury, and through him to the President. He was required to give bond safely to keep and faithfully to disburse the public moneys, without any direction as to the manner or places in which they should be kept. By reference to the practice of the government it is found that, from its first organization, the secretary of the treasury, acting under the supervision of the President, designated the places in which the public moneys should be kept, and specially directed all transfers from place to place. This practice was continued, with the silent acquiescence of Congress, from 1789 down to 1816; and although many banks were selected and discharged, and although a portion of the moneys were first placed in the state banks, and then in the former Bank of the United States, and upon the dissolution of that, were again transferred to the state banks, no legislation was thought necessary by Congress, and all the operations were originated and perfected by executive authority. The secretary of the treasury, responsible to the President, and with his approbation, made contracts and arrangements in relation to the whole subject matter, which was thus entirely committed to the direction of the President, under his responsibilities to the American people, and to those who were authorized to impeach and punish him for any breach of this important trust.

The act of 1816, establishing the Bank of the United States, directed the deposits of public money to be made in that bank and its branches, in places in which the said bank and branches thereof may be established, "unless the secretary of the treasury should otherwise order and direct," in which event, he was required to give his reasons to Congress." This was but a continuation of his pre-existing powers as the head of the executive department, to direct where the deposits should be made, with the superadded obligation of giving his reasons to Congress for making them elsewhere than in the Bank of the United States and its branches. It is not to be considered that this provision in any degree altered the relation between the secretary of the treasury and the President, as the responsible head of the executive department, or released the latter from his constitutional obligation to "take care that the laws be faithfully executed." On the contrary, it increased his responsibilities, by adding another to the long list of laws which it was his duty to carry into effect.

It would be an extraordinary result if, because the person charged by the law with a public duty, is one of the secretaries, it were less the duty of the President to see that law faithfully executed, than other laws enjoining duties upon subordinate officers or private citizens. If there be any difference, it would seem that the obligation is the stronger in relation to the former, because the neglect is in his presence, and the remedy at hand.

It cannot be doubted that it was the legal duty of the secretary of the treasury to order and direct the deposits of the public money to be made elsewhere than in the Bank of the United States, *whenever sufficient reasons existed for making the change*. If, in such case, he neglected or refused to act, he would neglect or refuse to execute the law. What would then be the sworn duty of the President? Could he say that the constitution did not bind him to see the law faithfully executed, because it was one of his secretaries, and not himself, upon whom the service was specially imposed? Might he not be asked whether there was any such limitation to his obligations prescribed in the constitution? Whether he is not equally bound to take care that the laws be faithfully executed, whether they impose duties on the highest officer of state, or the lowest subordinate in any of the departments? Might he not be told, that it was for the sole purpose of causing all executive officers, from the highest to the lowest, faithfully to perform the services required of them by law, that the people of the United States have made him their chief magistrate, and the constitution has clothed him with the entire executive power of this government? The principles implied in these questions appear too plain to need elucidation.

But here, also, we have a contemporaneous construction of the act, which shows that it was not understood as in any way changing the relations between the President and secretary of the treasury, or as placing the latter out of executive control, even in relation to the deposits of the public money. Nor on this point are we left to any equivocal testimony. The documents of the treasury department show that the secretary of the treasury did apply to the President, and obtained his approbation and sanction to the original transfer of the public deposits to the present Bank of the United States, and did carry the measure into effect in obedience to his decision. They also show that transfers of the public deposits to the branches of the Bank of the United States to state banks, at Chillicothe, Cincinnati, and Louisville, in 1819, were made with the approbation of the President, and by his authority. They show that upon all important questions appertaining to his department, whether they related to the public deposits or other matters, it was the constant practice of the secretary of the treasury to obtain for his acts the approval and sanction of the President. These acts, and the principles on which they were founded, were known to all the departments of the government, to Congress, and the country; and, until very recently, appear never to have been called in question.

Thus it was settled by the constitution, the laws, and the whole practice of the government, that the entire executive power is vested in the President of the United States; that as, incident to that power, the right of appointing and removing those officers who are to aid him in the execution of the laws, with such restrictions only as the constitution prescribes, is vested in the President; that the secretary of the treasury is one of those officers; that the custody of the public property and money is an executive function which, in relation to the money, has always been exercised through the secretary of the treasury, and his subordinates; that in the performance of

these duties, he is subject to the supervision and control of the President, and in all important measures having relation to them, consults the chief magistrate, and obtains his approval and sanction; that the law establishing the bank did not, as it could not, change the relation between the President and secretary—did not release the former from his obligation to see the law faithfully executed, nor the latter from the President's supervision and control; that afterwards, and before, the secretary did in fact consult, and obtain the sanction of the President, to transfers and removals of the public deposits; and that all departments of the government, and the nation itself, approved or acquiesced in these acts and principles, as in strict conformity with our constitution and laws.

During the last year, the approaching termination, according to the provisions of its charter and the solemn decision of the American people, of the Bank of the United States, made it expedient, and its exposed abuses and corruptions made it, in my opinion, the duty of the secretary of the treasury, to place the moneys of the United States in other depositories. The secretary did not concur in that opinion, and declined giving the necessary order and direction. So glaring were the abuses and corruption of the bank, so evident its fixed purpose to persevere in them, and so palpable its design, by its money and power, to control the government and change its character, that I deemed it the imperative duty of the executive authority, by the exertion of every power confided to it by the constitution and laws, to check its career, and lessen its ability to do mischief, even in the painful alternative of dismissing the head of one of the departments. At the time the removal was made, other causes sufficient to justify it existed; but if they had not, the secretary would have been dismissed for this cause only.

His place I supplied by one whose opinions were well known to me, and whose frank expression of them, in another situation, and whose generous sacrifices of interest and feeling, when unexpectedly called to the station he now occupies, ought for ever to have shielded his motives from suspicion, and his character from reproach. In accordance with the opinions long before expressed by him, he proceeded, with my sanction, to make arrangements for depositing the moneys of the United States in other safe institutions.

The resolution of the Senate, as originally framed and as passed, if it refers to these acts, presupposes a right in that body to interfere with this exercise of executive power. If the principle be once admitted, it is not difficult to perceive where it may end. If, by a mere denunciation like this resolution, the President should ever be induced to act, in a matter of official duty, contrary to the honest convictions of his own mind, in compliance with the wishes of the Senate, the constitutional independence of the executive department would be as effectually destroyed, and its power as effectually transferred to the Senate, as if that end had been accomplished by an amendment of the constitution. But if the Senate have a right to interfere with the executive powers, they have also the right to make that interference effective; and if the assertion of the power implied in the resolution be silently acquiesced in, we may reasonably apprehend that it will be followed, at some future day, by an attempt at actual enforcement. The Senate may refuse, except on the condition that he will surrender his opinions to theirs and obey their will, to perform their own constitutional functions; to pass the necessary laws; to sanction appropriations proposed by the House of Representatives, and to confirm proper nominations made by the Presi-

dent. It has already been maintained (and it is not conceivable that the resolution of the Senate can be based on any other principle) that the secretary of the treasury is the officer of Congress, and independent of the President; that the President has no right to control him, and consequently none to remove him. With the same propriety, and on similar grounds, may the secretary of state, the secretaries of war and the navy, and the postmaster-general, each in succession, be declared independent of the President, and subordinates of Congress, and removable only with the concurrence of the Senate. Followed to its consequences, this principle will be found effectually to destroy one co-ordinate department of the government, to concentrate in the hands of the Senate the whole executive power, and to leave the President as powerless as he would be useless, the shadow of authority after the substance had departed.

The time and the occasion which have called forth the resolution of the Senate, seem to impose upon me an additional obligation not to pass it over in silence. Nearly forty-five years had the President exercised, without a question as to his rightful authority, those powers for the recent resumption of which he is now denounced. The vicissitudes of peace and war had attended our government, violent parties, watchful to take advantage of any seeming usurpation on the part of the executive, had distracted our counsels; frequent removals, or forced resignations in every sense tantamount to removals, had been made by the secretary and other officers of the treasury; and yet in no one instance is it known that any man, whether patriot or partisan, had raised his voice against it as a violation of the constitution. The expediency and justice of such changes, in reference to public officers of all grades, have frequently been the topics of discussion; but the constitutional right of the President to appoint, control, and remove the head of the treasury, as well as all other departments, seems to have been universally conceded. And what is the occasion upon which other principles have been first officially asserted? The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter, by controlling the elections of the people, and the action of the government. The use of its corporate funds and power in that attempt, was fully disclosed; and it was made known to the President that the corporation was putting in train the same course of measures, with the view of making another vigorous effort, through an interference in the election of the people, to control public opinion, and force the government to yield to its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the government directors from its proceedings, its neglect of duty, and arrogant pretensions, made it, in the opinion of the President, incompatible with the public interest and the safety of our institutions, that it should be longer employed as the fiscal agent of the treasury. A secretary of the treasury, appointed in the recess of the Senate, who had not been confirmed by that body, and whom the President might or might not at his pleasure nominate to them, refused to do what his superior in the executive department considered the most imperative of his duties, and became in fact, however innocent his motives, the protector of the bank. And on this occasion it is discovered, for the first time, that those who framed the constitution misunderstood it; that the first Congress and all its successors have been under a delusion; that the practice of nearly forty-five years is but a continued usurpation; that the secretary of the treasury is not responsible to the President, and that to remove him is a violation of the constitution and laws,

for which the President deserves to stand for ever dishonored on the journals of the Senate.

There are also some other circumstances connected with the discussion and passage of the resolution, to which I feel it to be not only my right but my duty to refer. It appears by the journal of the Senate, that among the twenty-six senators who voted for the resolution on its final passage, and who had supported it in debate in its original form, were, one of the senators from the state of Maine, the two senators from New Jersey, and one of the senators from Ohio. It also appears by the same journal, and by the files of the Senate, that the legislatures of those states had severally expressed their opinions in respect to the executive proceedings drawn in question before the Senate.

The two branches of the legislature of the state of Maine, on the 25th January, 1834, passed a preamble and series of resolutions in the following words:

“Whereas, at an early period after the election of Andrew Jackson to the presidency, in accordance with the sentiments which he had uniformly expressed, the attention of Congress was called to the constitutionality and expediency of the renewal of the charter of the United States Bank; and whereas the bank has transcended its chartered limits in the management of its business transactions, and has abandoned the object of its creation, by engaging in political controversies, by wielding its power and influence to embarrass the administration of the general government, and by bringing insolvency and distress upon the commercial community; and whereas, the public security from such an institution consists less in its present pecuniary capacity to discharge its liabilities than in the fidelity with which the trusts reposed in it have been executed; and whereas, the abuse and misapplication of the powers conferred have destroyed the confidence of the public in the officers of the bank, and demonstrated that such powers endangered the stability of republican institutions: therefore,

“Resolved, That in the removal of the public deposits from the Bank of the United States, as well as in the manner of their removal, we recognise in the administration an adherence to constitutional rights, and the performance of a public duty.

“Resolved, That this legislature entertain the same opinion as heretofore expressed by preceding legislatures of this state, that the Bank of the United States ought not to be rechartered.

“Resolved, That the senators of this state in the Congress of the United States be instructed, and the representatives be requested to oppose the restoration of the deposits and the renewal of the charter of the United States Bank.”

On the 11th of January, 1834, the House of Assembly and Council composing the legislature of the state of New Jersey, passed a preamble and a series of resolutions, in the following words:

“Whereas the present crisis in our public affairs calls for a decided expression of the voice of the people of this state; and whereas we consider it the undoubted right of the legislatures of the several states to instruct those who represent their interests in the councils of the nation, in all matters which intimately concern the public weal, and may affect the happiness or well-being of the people; therefore

“1. Be it resolved by the Council and General Assembly of this state, That while we acknowledge with feelings of devout gratitude our obligations to the great Ruler of nations for his mercies to us as a people, that we

have been preserved alike from foreign war, from the evils of internal commotions, and the machinations of designing and ambitious men, who would prostrate the fair fabric of our Union; that we ought, nevertheless, to humble ourselves in his presence and implore his aid for the perpetuation of our republican institutions, and for a continuance of that unexampled prosperity which our country has hitherto enjoyed.

"2. *Resolved*, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of chief magistrate of this nation, and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large majority of his fellow citizens.

"3. *Resolved*, That we view with agitation and alarm the existence of a great moneyed incorporation, which threatens to embarrass the operations of the government, and by means of its unbounded influence upon the currency of the country, to scatter distress and ruin throughout the community; and that we, therefore, solemnly believe the present Bank of the United States ought not to be rechartered.

"4. *Resolved*, That our senators in Congress be instructed, and our members of the House of Representatives be requested, to sustain, by their votes and influence, the course adopted by the secretary of the treasury, Mr. Taney, in relation to the Bank of the United States and the deposits of the government moneys, believing as we do the course of the secretary to have been constitutional, and that the public good required its adoption.

"5. *Resolved*, That the governor be requested to forward a copy of the above resolutions to each of our senators and representatives from this state, in the Congress of the United States."

On the 21st of February last, the legislature of the same state reiterated the opinions and instructions before given, by joint resolutions, in the following words:

"*Resolved by the Council and General Assembly of the state of New Jersey*, That they do adhere to the resolutions passed by them on the 11th day of January last, relative to the President of the United States, the Bank of the United States, and the course of Mr. Taney in removing the government deposits.

"*Resolved*, That the legislature of New Jersey have not seen any reason to depart from such resolutions since the passage thereof; and it is their wish that they should receive from our senators and representatives of this state in the Congress of the United States, that attention and obedience which are due to the opinion of a sovereign state, openly expressed in its legislative capacity."

On the 2d of January, 1834, the Senate and House of Representatives composing the legislature of Ohio passed a preamble and resolution in the following words:

"*Whereas* there is reason to believe that the Bank of the United States will attempt to obtain a renewal of its charter at the present session of Congress: And whereas, it is abundantly evident that the said bank has exercised powers defogatory to the spirit of our free institutions and dangerous to the liberties of these United States. And whereas, there is just reason to doubt the constitutional power of Congress to grant acts of incorporation for banking purposes out of the District of Columbia. And whereas, we believe the proper disposal of the public lands to be of the utmost importance to the people of these United States, and that honor and good faith require their equitable distribution: Therefore,

Resolved by the General Assembly of the state of Ohio, That we consider the removal of the public deposits from the Bank of the United States as required by the best interests of our country, and that a proper sense of public duty imperiously demanded that that institution should be no longer used as a depository of the public funds.

Resolved, also, That we view, with decided disapprobation, the renewed attempts in Congress to secure the passage of the bill provided for the disposal of the public domain upon the principle proposed by Mr. Clay, inasmuch as we believe that such a law would be unequal in its operations, and unjust in its results.

Resolved, also, That we heartily approve of the principles set forth in the late veto message upon that subject, and

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their influence to prevent the rechartering of the Bank of the United States; to sustain the administration in its removal of the public deposits; and to oppose the passage of a land bill containing the principles adopted in the act upon that subject passed at the last session of Congress.

Resolved, That the governor be requested to transmit copies of the foregoing preamble and resolutions to each of our senators and representatives."

It is thus seen that four senators have declared by their votes that the President, in the late executive proceedings in relation to the revenue, had been guilty of the impeachable offence of "assuming upon himself authority and power not conferred by the constitution and laws, but in derogation of both," whilst the legislatures of their respective states had deliberately approved those very proceedings, as consistent with the constitution and demanded by the public good. If these four votes had been given in accordance with the sentiments of the legislatures, as above expressed, there would have been but twenty-four votes out of forty-six for censuring the President, and the unprecedented record of his conviction could not have been placed upon the journals of the Senate.

In thus referring to the resolutions and instructions of the state legislatures, I disclaim and repudiate all authority or design to interfere with the responsibility due from members of the Senate to their own consciences, their constituents, and their country. The facts now stated belong to the history of these proceedings, and are important to the just development of the principles and interests involved in them, as well as to the proper vindication of the executive department; and with that view, and that view only, are they here made the topic of remark.

The dangerous tendency of the doctrine which denies to the President the power of supervising, directing, and removing the secretary of the treasury in like manner with other executive officers, would soon be manifested in practice, were the doctrine to be established. The President is the direct representative of the American people, but the secretaries are not. If the secretary of the treasury be independent of the President in the execution of the laws, then is there no direct responsibility to the people in that important branch of this government, to which is committed the care of the national finances. And it is in the power of the bank of the United States, or any other corporation, body of men, or individuals, if a secretary shall be found to accord with them in opinion, or can be induced in practice to promote their views, to control through him the whole action of gov-

ernment (so far as it is exercised by his department,) in defiance of the chief magistrate elected by the people and responsible to them.

But the evil tendency of the particular doctrine adverted to, though superficially serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from the high approbation and allowance by the people, and the practice by the Senate, of the unconstitutional power of arraigning and censuring the official conduct of the executive, in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the government; to disturb the harmonious action of its different departments; and to break down the checks and balances by which the wisdom of its framers sought to ensure its stability and usefulness.

The honest differences of opinion which occasionally exist between the Senate and the President, in regard to matters in which both are obliged to participate, are sufficiently embarrassing. But if the course recently adopted by the Senate shall hereafter be frequently pursued, it is not only obvious that the harmony of the relations between the President and the Senate will be destroyed, but that other and graver effects will ultimately ensue. If the censures of the Senate be submitted to by the President, the confidence of the people in his ability and virtue, and the character and usefulness of his administration will soon be at an end, and the real power of the government will fall into the hands of a body, holding their offices for long terms, not elected by the people, and not to them directly responsible. If, on the other hand, the illegal censures of the Senate should be resisted by the President, collisions and angry controversies might ensue, discreditable in their progress, and in the end compelling the people to adopt the conclusion, either that their chief magistrate was unworthy of their respect, or that the Senate was chargeable with calumny and injustice. Either of these results would impair public confidence in the perfection of the system, and lead to serious alterations of its framework, or to the practical abandonment of some of its provisions.

The influence of such proceedings on the other departments of the government, and more especially on the states, could not fail to be extensively pernicious. When the judges, in the last resort of official misconduct, themselves overleaped the bounds of their authority, as prescribed by the constitution, what general disregard of its provisions might not their example be expected to produce? And who does not perceive that such contempt of the federal constitution, by one of its most important departments, would hold out the strongest temptations to resistance on the part of the state sovereignties, whenever they shall suppose their just rights to have been invaded? Thus all the independent departments of the government, and the states which compose our confederated union, instead of attending to their appropriate duties, and leaving those who may offend to be reclaimed or punished in the manner pointed out in the constitution, would fall to mutual crimination and recrimination, and give to the people confusion and anarchy, instead of order and law; until at length some form of aristocratic power would be established on the ruins of the constitution, or the states be broken into separate communities.

Far be it from me to charge, or to insinuate, that the present Senate of the United States intended, in the most distant way, to encourage such a result. It is not of their motives or designs, but only of the tendency of their acts, that it is my duty to speak. It is, if possible, to make Senators themselves

sensible of the danger which lurks under the precedent set in their resolution; and at any rate to perform my duty, as the responsible head of one of the co-equal departments of the government, that I have been compelled to point out the consequences to which the discussion and passage of the resolutions may lead, if the tendency of the measure be not checked in its inception. It is due to the high trust with which I have been charged; to those who may be called to succeed me in it; to the representatives of the people, whose constitutional prerogative has been unlawfully assumed; to the people of the states; and to the constitution they have established; that I shall not permit its provisions to be broken down by such an attack on the executive department, without at least some effort "to preserve, protect, and defend them." With this view, and for the reasons which have been stated, I do hereby **SOLEMNLY PROTEST** against the aforementioned proceedings of the Senate, as unauthorized by the constitution; contrary to its spirit and to several of its express provisions; subversive of that distribution of the powers of government which it has ordained and established; destructive of the checks and safeguards by which those powers were intended, on the one hand to be controlled, and on the other to be protected; and calculated by their immediate and collateral effects, by their character and tendency, to concentrate in the hands of a body not directly amenable to the people, a degree of influence and power dangerous to their liberties, and fatal to the constitution of their choice.

The resolution of the Senate contains an imputation upon my private as well as upon my public character; and as it must stand for ever on their journals, I cannot close this substitute for that defence which I have not been allowed to present in the ordinary form, without remarking, that I have lived in vain, if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person, enduring memorials of that contest in which American liberty was purchased—in vain have I since perilled property, fame, and life, in defence of the rights and privileges so dearly bought—in vain am I now, without a personal aspiration, or the hope of individual advantage, encountering responsibilities and dangers, from which, by mere inactivity in relation to a single point, I might have been exempt—if any serious doubts can be entertained as to the purity of my purposes and motives. If I had been ambitious, I should have sought an alliance with that powerful institution, which even now aspires to no divided empire. If I had been venal, I should have sold myself to its designs. Had I preferred personal comfort and official ease to the performance of my arduous duty, I should cease to molest it. In the history of conquerors and usurpers, never, in the fire of youth, nor in the vigor of manhood, could I find an attraction to lure me from the path of duty; and now, I shall scarcely find an inducement to commence their career of ambition, when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored, and usurpers expiate their crimes. The only ambition I can feel is, to acquit myself to Him to whom I must soon render an account of my stewardship, to serve my fellow men, and live respected and honored in the history of my country. No! the ambition which leads me on is an anxious desire and a fixed determination to return to the people unimpaired, the sacred trust they have confided to my charge; to heal the wounds of the constitution and preserve it from farther violation; to persuade my countrymen, so far as I may, that it is not in a splendid govern-

ment, supported by powerful monopolies and aristocratical establishments, that they will find happiness, or their liberties protection ; but in a plain system, void of pomp—protecting all, and granting favors to none—dispensing its blessings like the dews of Heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires—such an one only under which our states may remain for ages to come, united, prosperous, and free. If the Almighty Being who has hitherto sustained and protected me, will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure the place to be assigned me in the history of my country, and die contented with the belief that I have contributed, in some small degree, to increase the value and prolong the duration of American liberty.

To the end that the resolution of the Senate may not be hereafter drawn into precedent, with the authority of silent acquiescence on the part of the executive department, and to the end, also, that my motives and views in the executive proceedings denounced in that resolution, may be known to my fellow citizens, to the world, and to all posterity, I respectfully request that this message and protest may be entered at length on the journals of the Senate.

SIXTH ANNUAL MESSAGE.

DECEMBER 2, 1834.

Fellow Citizens of the Senate and House of Representatives :

IN performing my duty at the opening of your present session, it gives me pleasure to congratulate you again upon the prosperous condition of our beloved country. Divine Providence has favored us with general health, with rich rewards in the fields of agriculture and in every branch of labor, and with peace to cultivate and extend the various resources which employ the virtue and enterprise of our citizens. Let us trust that in surveying a scene so flattering to our free institutions, our joint deliberations to preserve them may be crowned with success.

Our foreign relations continue, with but few exceptions, to maintain the favorable aspect which they bore in my last annual message, and promise to extend those advantages which the principles that regulate our intercourse with other nations are so well calculated to secure.

The question of the northeastern boundary is still pending with Great Britain, and the proposition made in accordance with the resolution of the Senate for the establishment of a line according to the treaty of 1783, has not been accepted by that government. Believing that every disposition is felt on both sides to adjust this perplexing question to the satisfaction of all the parties interested in it, the hope is yet indulged that it may be effected on the basis of that proposition.

With the governments of Austria, Russia, Prussia, Holland, Sweden, and Denmark, the best understanding exists. Commerce with all is fostered and protected by reciprocal good-will, under the sanction of liberal conventional or legal provisions.

In the midst of her internal difficulties, the queen of Spain has ratified the convention for the payment of the claims of our citizens arising since 1819. It is in the course of execution on her part, and a copy of it is now

laid before you for such legislation as may be found necessary to enable those interested to derive the benefits of it.

Yielding to the force of circumstances, and to the wise councils of time and experience, that power has finally resolved no longer to occupy the unnatural position in which she stood to the new governments established in this hemisphere. I have the great satisfaction of stating to you that, in preparing the way for the restoration of harmony between those who have sprung from the same ancestors, who are allied by common interests, profess the same religion, and speak the same language, the United States have been actively instrumental. Our efforts to effect this good work will be persevered in while they are deemed useful to the parties, and our entire disinterestedness continues to be felt and understood. The act of Congress to countervail the discriminating duties levied to the prejudice of our navigation, in Cuba and Porto Rico, has been transmitted to the minister of the United States at Madrid, to be communicated to the government of the queen. No intelligence of its receipt has yet reached the department of state. If the present condition of the country permits the government to make a careful and enlarged examination of the true interests of these important portions of its dominions, no doubt is entertained that their future intercourse with the United States will be placed upon a more just and liberal basis.

The Florida archives have not yet been selected and delivered. Recent orders have been sent to the agent of the United States at Havana, to return with all that he can obtain, so that they may be in Washington before the session of the Supreme Court, to be used in the legal questions there pending, to which the government is a party.

Internal tranquillity is happily restored to Portugal. The distracted state of the country rendered unavoidable the postponement of a final payment of the just claims of our citizens. Our diplomatic relations will be soon resumed, and the long subsisting friendship with that power affords the strongest guarantee that the balance due will receive prompt attention.

The first instalment due under the convention of indemnity with the king of the Two Sicilies has been duly received, and an offer has been made to extinguish the whole by a prompt payment; an offer I did not consider myself authorized to accept, as the indemnification provided is the exclusive property of individual citizens of the United States. The original adjustment of our claims, and the anxiety displayed to fulfil at once the stipulations made for the payment of them, are highly honorable to the government of the Two Sicilies. When it is recollected that they were the result of the injustice of an intrusive power, temporarily dominant in its territory, a repugnance to acknowledge and to pay which would have been neither unnatural nor unexpected, the circumstances cannot fail to exalt its character for justice and good faith in the eyes of all nations.

The treaty of amity and commerce between the United States and Belgium, brought to your notice in my last annual message, as sanctioned by the Senate, but the ratifications of which had not been exchanged, owing to a delay in its reception at Brussels, and a subsequent absence of the Belgian minister of foreign affairs, has been, after mature deliberation, finally disavowed by that government as inconsistent with the powers and instructions given to their minister who negotiated it. This disavowal was entirely unexpected, as the liberal principles embodied in the convention, and which form the groundwork of the objections to it, were perfectly satisfactory

to the Belgian representative, and were supposed to be not only within the powers granted, but expressly conformable to the instructions given to him. An offer, not yet accepted, has been made by Belgium to renew negotiations for a treaty less liberal in its provisions, on questions of general maritime law.

Our newly established relations with the Sublime Porte promise to be useful to our commerce, and satisfactory in every respect to this government. Our intercourse with the Barbary Powers continues without important change, except that the present political state of Algiers has induced me to terminate the residence there of a salaried consul, and to substitute an ordinary consulate, to remain so long as the place continues in the possession of France. Our first treaty with one of these powers, the emperor of Morocco, was formed in 1786, and was limited to fifty years. That period has almost expired. I shall take measures to renew it with the greater satisfaction, as its stipulations are just and liberal, and have been with mutual fidelity and reciprocal advantage scrupulously fulfilled.

Intestine dissensions have too frequently occurred to mar the prosperity, interrupt the commerce, and distract the governments of most of the nations of this hemisphere, which have separated themselves from Spain. When a firm and permanent understanding with the parent country shall have produced a formal acknowledgment of their independence, and the idea of danger from that quarter can be no longer entertained, the friends of freedom expect that those countries, so favored by nature, will be distinguished for their love of justice, and their devotion to those peaceful arts, the assiduous cultivation of which confers honor upon nations, and gives value to human life. In the mean time, I confidently hope that the apprehensions entertained that some of the people of these luxuriant regions may be tempted, in a moment of unworthy distrust of their own capacity for enjoyment of liberty, to commit the too common error of purchasing present repose by bestowing on some favorite leaders the fatal gift of irresponsible power, will not be realized. With all these governments, and with that of Brazil, no unexpected changes in our relations have occurred during the present year. Frequent causes of just complaint have arisen upon the part of the citizens of the United States — sometimes from the irregular action of the constituted subordinate authorities of the maritime regions, and sometimes from the leaders or partizans of those in arms against the established governments. In all cases, representations have been or will be made; and as soon as their political affairs are in a settled position, it is expected that our friendly remonstrances will be followed by adequate redress.

The government of Mexico made known in December last, the appointment of commissioners and surveyors on its part, to run, in conjunction with ours, the boundary line between its territories and the United States, and excused the delay for the reasons anticipated — the prevalence of civil war. The commissioners and surveyors not having met within the time stipulated by the treaty, a new arrangement became necessary, and our chargé d'affaires was instructed in January last, to negotiate in Mexico an article additional to the pre-existing treaty. This instruction was acknowledged, and no difficulty was apprehended in the accomplishment of that object. By information just received, that additional article to the treaty will be obtained and transmitted to this country, as soon as it can receive the ratification of the Mexican Congress.

The re-union of the three states of New Grenada, Venezuela, and Ecuador, forming the republic of Colombia, seems every day to become more improbable. The commissioners of the two first are understood to be now negotiating a just division of the obligations contracted by them when united under one government. The civil war in Equador, it is believed, has prevented even the appointment of a commissioner on its part.

I propose, at an early day, to submit, in the proper form, the appointment of a diplomatic agent to Venezuela; the importance of the commerce of that country to the United States, and the large claims of our citizens upon the government, arising before and since the division of Colombia, rendering it, in my judgment, improper longer to delay the step.

Our representatives to Central America, Peru, and Brazil, are either at, or on their way to their respective posts.

From the Argentine Republic, from which a minister was expected to this government, nothing farther has been heard. Occasion has been taken, on the departure of a new consul to Buenos Ayres, to remind that government that its long-delayed minister, whose appointment has been made known to us, had not arrived.

It becomes my unpleasant duty to inform you that this specific and highly gratifying picture of our foreign relations does not include those with France at this time. It is not possible that any government and people could be more sincerely desirous of conciliating a just and friendly intercourse with another nation, than are those of the United States with their ancient ally and friend. This disposition is founded, as well on the most grateful and honorable recollections associated with our struggle for independence, as upon a well-grounded conviction that it is consonant with the true policy of both. The people of the United States, could not, therefore, see, without the deepest regret, even a temporary interruption of the friendly relations between the two countries — a regret, which would, I am sure, be greatly aggravated, if there should turn out to be any reasonable ground for attributing such a result to any act of omission or commission on our part. I derive, therefore, the highest satisfaction from being able to assure you that the whole course of this government has been characterized by a spirit so conciliatory and forbearing, as to make it impossible that our justice and moderation should be questioned, whatever may be the consequences of a longer perseverance, on the part of the French government, in her omission to satisfy the conceded claims of our citizens.

The history of the accumulated and unprovoked aggressions upon our commerce, committed by authority of the existing governments of France, between the years 1800 and 1817, has been rendered too painfully familiar to Americans to make its repetition either necessary or desirable. It will be sufficient here to remark that there has, for many years, been scarcely a single administration of the French government by whom the justice and legality of the claims of our citizens to indemnity were not, to a very considerable extent, admitted; and yet, near a quarter of a century has been wasted in ineffectual negotiations to secure it.

Deeply sensible of the injurious effects resulting from this state of things upon the interests and character of both nations, I regarded it as among my first duties to cause one more effort to be made to satisfy France that a just and liberal settlement of our claims was as well due to her own honor as to their incontestible validity. The negotiation for this purpose was commenced with the late government of France, and was prosecuted with such

success as to leave no reasonable ground to doubt that a settlement of a character quite as liberal as that which was subsequently made, would have been effected, had not the revolution, by which the negotiation was cut off, taken place. The discussions were resumed with the present government, and the result showed that we were not wrong in supposing that an event by which the two governments were made to approach each other so much nearer in their political principles, and by which the motives for the most liberal and friendly intercourse were so greatly multiplied, could exercise no other than a salutary influence upon the negotiation. After the most deliberate and thorough examination of the whole subject, a treaty between the two governments was concluded and signed at Paris on the 4th of July, 1831, by which it was stipulated that "the French government, in order to liberate itself from all the reclamations preferred against it by citizens of the United States for unlawful seizures, captures, sequestrations, confiscations, or destruction of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the United States, who shall distribute it among those entitled, in the manner and according to the rules it shall determine;" and it was also stipulated, on the part of the French government, that this twenty-five millions of francs, should "be paid at Paris in six annual instalments of four millions one hundred and sixty-six thousand six hundred and sixty-six francs and sixty-six centimes each, into the hands of such person or persons as shall be authorized by the government of the United States to receive it." The first instalment to be paid "at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid. To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid, the said interest to be computed from the day of the exchange of the present convention."

It was also stipulated, on the part of the United States, for the purpose of being completely liberated from all the reclamations presented by France on behalf of its citizens, that the sum of one million five hundred thousand francs should be paid to the government of France, in six annual instalments, to be deducted out of the annual sums which France had agreed to pay, interest thereupon being in like manner computed from the day of the exchange of the ratifications. In addition to this stipulation, important advantages were secured to France by the following articles, viz.: "The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the states of the Union, at duties which shall not exceed the following rates by the gallon, (such as is used at present for wines in the United States,) to wit: six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportions existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the first of January, 1829, shall be maintained in case the government of the United States should think proper to diminish those general rates in a new tariff.

"In consideration of this stipulation, which shall be binding on the United States for ten years, the French government abandons the reclamations which it had formed in relation to the eighth article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long staple cottons*

of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on *short staple* cottons."

This treaty was duly ratified in the manner prescribed by the constitutions of both countries, and the ratifications were exchanged at the city of Washington on the 2d of February, 1832. On account of its commercial stipulations, it was, within five days thereafter, laid before the Congress of the United States, which proceeded to enact such laws favorable to the commerce of France as were necessary to carry it into full execution; and France has, from that period to the present, been in the unrestricted enjoyment of the valuable privileges that were thus secured to her. The faith of the French nation having been thus solemnly pledged, through its constitutional organ, for the liquidation and ultimate payment of the long-deferred claims of our citizens, as also for the adjustment of other points of great and reciprocal benefits to both countries, and the United States having, with a fidelity and promptitude by which their conduct will, I trust, be always characterized, done everything that was necessary to carry the treaty into full and fair effect on their part, counted, with the most perfect confidence, on equal fidelity and promptitude on the part of the French government. In this reasonable expectation we have been, I regret to inform you, wholly disappointed. No legislative provision has been made by France for the execution of the treaty, either as it respects the indemnities to be paid, or the commercial benefits to be secured to the United States, and the relations between the United States and that power, in consequence thereof, are placed in a situation threatening to interrupt the good understanding which has so long and so happily existed between the two nations.

Not only has the French government been thus wanting in the performance of the stipulations it has so solemnly entered into with the United States, but its omissions have been marked by circumstances which would seem to leave us without satisfactory evidences that such performance will certainly take place at a future period. Advice of the exchange of ratifications reached Paris prior to the 8th of April, 1832. The French Chambers were then sitting, and continued in session until the 21st of that month; and although one instalment of the indemnity was payable on the 2d of February, 1833, one year after the exchange of ratifications, no application was made to the Chambers for the required appropriation, and, in consequence of no appropriation having then been made, the draft of the United States government for that instalment was dishonored by the minister of finance, and the United States thereby involved in much controversy. The next session of the Chambers commenced on the 19th of November, 1832, and continued until the 25th of April, 1833. Notwithstanding the omission to pay the first instalment had been made the subject of earnest remonstrance on our part, the treaty with the United States, and a bill making the necessary appropriations to execute it, were not laid before the Chamber of Deputies until the 6th of April, nearly five months after its meeting, and only nineteen days before the close of the session. The bill was read and referred to a committee, but there was no farther action upon it. The next session of the Chambers commenced on the 26th of April, 1833, and continued until the 25th of June following. A new bill was introduced on the 11th of June, but nothing important was done in relation to it during the session. In the month of April, 1834, nearly three years after the signa-

ture of the treaty, the final action of the French Chambers upon the bill to carry the treaty into effect was obtained, and resulted in a refusal of the necessary appropriations. The avowed grounds upon which the bill was rejected, are to be found in the published debates of that body, and no observations of mine can be necessary to satisfy Congress of their utter insufficiency. Although the gross amount of the claims of our citizens, is probably greater than will be ultimately allowed by the commissioners, sufficient is, nevertheless, shown, to render it absolutely certain that the indemnity falls far short of the actual amount of our just claims, independently of the question of damages and interest for the detention. That the settlement involved a sacrifice in this respect, was well known at the time — a sacrifice which was cheerfully acquiesced in by the different branches of the federal government, whose action upon the treaty was required, from a sincere desire to avoid farther collision upon this old and disturbed subject, and in the confident expectation that the general relations between the two countries would be improved thereby.

The refusal to vote the appropriation, the news of which was received from our minister in Paris, about the 15th day of May last, might have been considered the final determination of the French government not to execute the stipulations of the treaty, and would have justified an immediate communication of the facts to Congress, with a recommendation of such ultimate measures as the interest and honor of the United States might seem to require. But with the news of the refusal of the Chambers to make the appropriation, were conveyed the regrets of the king, and a declaration that a national vessel should be forthwith sent out, with instructions to the French minister to give the most ample explanations of the past, and the strongest assurances for the future. After a long passage, the promised despatch vessel arrived. The pledges given by the French minister, upon receipt of his instructions, were, that as soon after the election of the new members as the charter would permit, the legislative Chambers of France should be called together, and the proposition for an appropriation laid before them; that all the constitutional powers of the king and his cabinet should be exerted to accomplish the object; and that the result should be made known early enough to be communicated to Congress at the commencement of the present session. Relying upon these pledges, and not doubting that the acknowledged justice of our claims, the promised exertions of the king and his cabinet, and above all, that sacred regard for the national faith and honor for which the French character has been so distinguished, would secure an early execution of the treaty in all its parts, I did not deem it necessary to call the attention of Congress to the subject at the last session.

I regret to say that the pledges made through the minister of France have not been redeemed. The new Chambers met on the 31st of July last, and although the subject of fulfilling treaties was alluded to in the speech from the throne, no attempt was made by the king or his cabinet to procure an appropriation to carry it into execution. The reasons given for this omission, although they might be considered sufficient in an ordinary case, are not consistent with the expectations founded upon the assurances given here, for there is no constitutional obstacle to entering into legislative business at the first meeting of the Chambers. This point, however, might have been overlooked, had not the Chambers, instead of being called to meet at so early a day that the result of their deliberations might be communicated to me before the meeting of Congress, been prorogued to the 29th of the pre-

sent month—a period so late that their decision can scarcely be made known to the present Congress prior to its dissolution. To avoid this delay, our minister in Paris, in virtue of the assurance given by the French minister in the United States, strongly urged the convocation of the Chambers at an earlier day, but without success. It is proper to remark, however, that this refusal has been accompanied with the most positive assurances, on the part of the executive government of France, of their intention to press the appropriation at the ensuing session of the Chambers.

The executive branch of this government has, as matters stand, exhausted all the authority upon the subject with which it is invested, and which it had any reason to believe could be beneficially employed.

The idea of acquiescing in the refusal to execute the treaty will not, I am confident, be for a moment entertained by any branch of this government; and farther negotiation upon the subject is equally out of the question.

If it shall be the pleasure of Congress to await the farther action of the French Chamber, no farther consideration of the subject will, at this session, probably be required at your hands. But if, from the original delay in asking for an appropriation; from the refusal of the Chambers to grant it when asked; from the omission to bring the subject before the Chambers at their last session; from the fact that, including that session, there have been five different occasions when the appropriation might have been made; and from the delay in convoking the Chambers until some weeks after the meeting of Congress, when it was well known that a communication of the whole subject to Congress at the last session was prevented by assurances that it should be disposed of before its present meeting, you should feel yourselves constrained to doubt whether it be the intention of the French government in all its branches to carry the treaty into effect, and think that such measures as the occasion may be deemed to call for should be now adopted, the important question arises, what those measures shall be.

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our government as they are the interest of our people. But these objects are not to be permanently secured, by surrendering the rights of our citizens, or permitting solemn treaties for their indemnity, in cases of flagrant wrong, to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France, by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage, may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful, and to my mind conclusive objections to this mode of proceeding. We cannot embarrass or cut off the trade of France, without at the same time, in some degree, embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the government, and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom. Nor is it impossible that such a course of legislation would introduce once more into our national councils those disturbing questions in relation to the tariff of duties which have been so recently put to rest. Besides, by every measure adopted by the government of the United States, with the view of injuring France, the clear perception of right which will induce our own people, and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just, will be obscured, and the support ren-

dered to us, in a final resort to more decisive measures, will be more limited and equivocal. There is but one point in the controversy, and upon that the whole civilized world must pronounce France to be in the wrong.—We insist that she shall pay us a sum of money, which she has acknowledged to be due; and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus disencumbered, and that not the slightest pretence should be given to France to persist in her refusal to make payment, by any act on our part affecting the interests of her people. The question should be left as it is now, in such an attitude that when France fulfils her treaty stipulations, all controversy will be at an end.

It is my conviction that the United States ought to insist on a prompt execution of the treaty, and in case it be refused, or longer delayed, take redress into their own hands. After the delay on the part of France, of a quarter of a century, in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code, that where one nation owes another a liquidated debt, which it refuses or neglects to pay, the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt, without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself towards Portugal, under circumstances less unquestionable.

The time at which resort should be had to this, or any other mode of redress, is a point to be decided by Congress. If an appropriation shall not be made by the French Chambers at their next session, it may justly be concluded that the government of France has finally determined to disregard its own solemn undertaking, and refuse to pay an acknowledged debt. In that event, every day's delay on our part will be a stain upon our national honor, as well as a denial of justice to our injured citizens. Prompt measures, when the refusal of France shall be complete, will not only be most honorable and just, but will have the best effect upon our national character.

Since France in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers. Such a measure ought not to be considered by France as a menace. Her pride and power are too well known to expect anything from her fears, and preclude the necessity of a declaration that nothing partaking of the character of intimidation is intended by us. She ought to look upon it only as the evidence of an inflexible determination on the part of the United States to insist on their rights. That government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the necessity of taking redress into their own hands, and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice, and in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations, and to the retributive judgments of Heaven.

Collision with France is the more to be regretted, on account of the position she occupies in Europe in relation to liberal institutions. But, in maintaining our national rights and honor, all governments are alike to us. If, by a collision with France, in a case where she is clearly in the wrong, the march of liberal principles shall be impeded, the responsibility for that result, as well as every other, will rest on her own head.

Having submitted these considerations, it belongs to Congress to decide whether, after what has taken place, it will still await the farther action of the French Chambers, or now adopt such provisional measures as it may deem necessary, and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the executive, as far as he is authorized so to do.

According to the estimates of the treasury department, the revenue accruing from all sources, during the present year, will amount to twenty millions six hundred and twenty-four thousand seven hundred and seventeen dollars, which, with the balance remaining in the treasury on the 1st of January last, eleven millions seven hundred and two thousand nine hundred and five dollars, produces an aggregate of thirty-two millions three hundred and twenty-seven thousand six hundred and twenty-three dollars. The total expenditure during the year for all objects, including the public debt, is estimated at twenty-five millions five hundred and ninety-one thousand three hundred and ninety dollars, which will leave a balance in the treasury on the 1st of January, 1835, of six millions seven hundred and thirty-six thousand two hundred and thirty-two dollars. In this balance, however, will be included about one million one hundred and fifty thousand dollars of what was heretofore reported by the department as not effective.

Of former appropriations it is estimated that there will remain unexpended at the close of the year, eight millions and two thousand nine hundred and twenty-five dollars, and that of this sum there will not be required more than five millions one hundred and forty-one thousand nine hundred and sixty-four dollars, to accomplish the objects of all the current appropriations. Thus it appears that, after satisfying all those appropriations, and after discharging the last item of our public debt, which will be done on the 1st of January next, there will remain unexpended in the treasury an effective balance of about four hundred and forty thousand dollars. That such should be the aspect of our finances, is highly flattering to the industry and enterprise of our population, and auspicious of the wealth and prosperity which await the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested to guide us in determining the precise amount of revenue which they will produce.

Free from public debt, at peace with all the world, and with no complicated interest to consult in our intercourse with foreign powers, the present may be hailed as that epoch in our history the most favorable for the settlement of those principles in our domestic policy which shall be best calculated to give stability to our republic, and secure the blessings of freedom to our citizens. Among these principles, from our past experience it cannot be doubted that simplicity in the character of the federal government, and a rigid economy in its administration, should be regarded as fundamental and sacred. All must be sensible that the existence of the public debt, by rendering taxation necessary for its extinguishment, has increased the diffi-

culties which are inseparable from every exercise of the taxing power; and that it was, in this respect, a remote agent in producing those disturbing questions which grew out of the discussions relating to the tariff. If such has been the tendency of a debt incurred in the acquisition and maintenance of our national rights and liberties, the obligations of which all portions of the Union cheerfully acknowledged, it must be obvious that whatever is calculated to increase the burdens of government without necessity, must be fatal to all our hopes of preserving its true character. While we are felicitating ourselves, therefore, upon the extinguishment of the national debt, and the prosperous state of our finances, let us not be tempted to depart from those sound maxims of public policy, which enjoin a just adaptation of the revenue to the expenditures that are consistent with a rigid economy, and an entire abstinence from all topics of legislation that are not clearly within the constitutional powers of the government, and suggested by the wants of the country. Properly regarded under such a policy, every diminution of the public burdens, arising from taxation, gives to individual enterprise increased power, and furnishes to all the members of our happy confederacy new motives for patriotic affection and support. But, above all, its most important effect will be found in its influence upon the character of the government, by confining its action to those objects which will be sure to secure to it the attachment and support of our fellow citizens.

Circumstances make it my duty to call the attention of Congress to the Bank of the United States. Created for the convenience of the government, that institution has become the scourge of the people. Its interference to postpone the payment of a portion of the national debt, that it might retain the public money appropriated for that purpose, to strengthen it in a political contest; the extraordinary extension and contraction of its accommodations to the community; its corrupt and partizan loans; its exclusion of the public directors from a knowledge of its most important proceedings; the unlimited authority conferred on the president to expend its funds in hiring writers, and procuring the execution of printing, and the use made of that authority; the retention of the pension money and books after the selection of new agents; the groundless claim to heavy damages, in consequence of the protest of the bill drawn on the French government have, through various channels, been laid before Congress. Immediately after the close of the last session, the bank, through its president, announced its ability and readiness to abandon the system of unparalleled curtailment, and the interruption of domestic exchanges, which it had practised upon from the 1st of August, 1833, to the 30th of June, 1834, and to extend its accommodations to the community. The grounds assumed in this renunciation amounted to an acknowledgment that the curtailment, in the extent to which it had been carried, was not necessary to the safety of the bank, and had been persisted in merely to induce Congress to grant the prayer of the bank in its memorial relative to the removal of the deposits, and to give it a new charter. They were substantially a confession that all the real distresses which individuals and the country had endured for the preceding six or eight months had been needlessly produced by it, with the view of affecting, through the sufferings of the people, the legislative action of Congress. It is a subject of congratulation that Congress and the country had the virtue and firmness to bear the affliction; that the energies of our people soon found relief from this wanton tyranny, in vast importations

of the precious metals from almost every part of the world; and that, at the close of this tremendous effort to control our government, the bank found itself powerless, and no longer able to loan out its surplus means. The community had learned to manage its affairs without its assistance, and trade had already found new auxiliaries; so that, on the 1st of October last, the extraordinary spectacle was presented of a national bank, more than one half of whose capital was either lying unproductive in its vaults, or in the hands of foreign bankers.

To the needless distresses brought on the country during the last session of Congress has since been added the open seizure of the dividends on the public stock, to the amount of one hundred and seventy thousand and forty-one dollars, under pretence of paying damages, cost, and interest upon the protested French bill. This sum constituted a portion of the estimated revenues for the year 1834, upon which the appropriations made by Congress were based. It would as soon have been expected that our collectors would seize on the customs, or the receivers of our land offices on the moneys arising from the sale of public lands, under pretences of claims against the United States, as that the bank would have retained the dividends. Indeed, if the principle be established that any one who chooses to set up a claim against the United States may, without authority of law, seize on the public property or money wherever he can find it, to pay the claim, there will remain no assurance that our revenue will reach the treasury, or that it will be applied after the appropriation to the purposes designated in the law. The paymasters of our army, and the pursers of our navy, may, under like pretences, apply to their own use moneys appropriated to set in motion the public force, and in time of war leave the country without defence. This measure resorted to by the bank is disorganizing and revolutionary, and, if generally resorted to by private citizens in like cases, would fill the land with anarchy and violence.

It is a constitutional provision, that "no money shall be drawn from the treasury but in consequence of appropriations made by law." The palpable object of this provision is to prevent the expenditure of the public money for any purpose whatsoever, which shall not have been first approved by the representatives of the people and the states in Congress assembled. It vests the power of declaring for what purpose the public money shall be expended in the legislative department of the government, to the exclusion of the executive and judicial, and it is not within the constitutional authority of either of those departments to pay it away without law, or to sanction its payment. According to this plain constitutional provision, the claim of the bank can never be paid without an appropriation by act of Congress. But the bank has never asked for an appropriation. It attempts to defeat the provisions of the constitution, and obtain payment without an act of Congress. Instead of awaiting an appropriation passed by both Houses, and approved by the President, it makes an appropriation for itself, and invites an appeal to the judiciary to sanction it. That the money has not technically been paid into the treasury, does not affect the principle intended to be established by the constitution. The executive and judiciary have as little right to appropriate and expend the public money without authority of law, before it is placed to the credit of the treasurer, as to take it from the treasury. In the annual report of the secretary of the treasury, and in his correspondence with the president of the bank, and the opinion of the attorney-general accompanying it, you will find a farther examination of the claims of the bank, and the course it has pursued.

It seems due to the safety of the public funds remaining in that bank, and to the honor of the American people, that measures be taken to separate the government entirely from an institution so mischievous to the public prosperity, and so regardless of the constitution and laws. By transferring the public deposits, by appointing other pension agents, as far as it had the power, by ordering the discontinuance of the receipt of bank checks in payment of the public dues after the first day of January next, the executive has exerted all its lawful authority to sever the connection between the government and this faithless corporation.

The high-handed career of this institution imposes upon the constitutional functionaries of this government, duties of the gravest and most imperative character,—duties which they cannot avoid, and from which I trust there will be no inclination on the part of any of them to shrink. My own sense of them is most clear, as is also my readiness to discharge those which may rightfully fall on me. To continue any business relations with the Bank of the United States, that may be avoided without a violation of the national faith, after that institution has set at open defiance the conceded right of the government to examine its affairs; after it has done all in its power to deride the public authority in other respects, and to bring it into disrepute at home and abroad; after it has attempted to defeat the clearly expressed will of the people, by turning against them the immense power entrusted to its hands, and by involving a country otherwise peaceful, flourishing, and happy, in dissension, embarrassment, and distress; would make the nation itself a party to the degradation so sedulously prepared for its public agents, and do much to destroy the confidence of mankind in popular governments, and to bring into contempt their authority and efficiency. In guarding against an evil of such magnitude, considerations of temporary convenience should be thrown out of the question, and we should be influenced by such motives only as look to the honor and preservation of the republican system. Deeply and solemnly impressed with the justice of these views, I feel it to be my duty to recommend to you that a law be passed authorizing the sale of the public stock; that the provisions of the charter requiring the receipt of notes of the bank in payment of public dues, shall, in accordance with the power reserved to Congress in the 14th section of the charter, be suspended until the bank pays to the treasury the dividends withheld; and that all laws, connecting the government or its officers with the bank, directly or indirectly, be repealed; and that the institution be left hereafter to its own resources and means.

Events have satisfied my mind, and I think the minds of the American people, that the mischiefs and dangers which flow from a national bank far overbalance all its advantages. The bold effort the present bank has made to control the government, the distresses it has wantonly produced, the violence of which it has been the occasion in one of our cities famed for its observance of law and order, are but premonitions of the fate which awaits the American people should they be deluded into a perpetuation of this institution, or the establishment of another like it. It is fervently hoped that, thus admonished, those who have heretofore favored the establishment of a substitute for the present bank, will be induced to abandon it, as it is evidently better to incur any inconvenience that may be reasonably expected, than to concentrate the whole moneyed power of the republic, in any form whatsoever, under any restrictions.

Happily it is already illustrated that the agency of such an institution

is not necessary to the fiscal operations of the government. The state banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly and with the same cheapness. They have maintained themselves, and discharged all these duties, while the Bank of the United States was still powerful, and in the field as an open enemy; and it is not possible to conceive that they will find greater difficulties in their operations when that enemy shall cease to exist.

The attention of Congress is earnestly invited to the regulation of the deposits in the state banks by law. Although the power now exercised by the executive department in this behalf, is only such as was uniformly exerted through every administration, from the origin of the government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law, and therefore ought so to be regulated. The power of Congress to direct in what places the treasurer shall keep the moneys in the treasury, and to impose restrictions upon the executive authority in relation to their custody and removal, is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or secretary of the treasury over those institutions which, being thus freed from executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections which have led the Bank of the United States to agitate and convulse the country for upwards of two years.

The progress of our gold coinage is creditable to the officers of the mint, and promises in a short period to furnish the country with a sound and portable currency, which will much diminish the inconvenience to travellers of the want of a general paper currency, should the state banks be incapable of furnishing it. Those institutions have already shown themselves competent to purchase and furnish domestic exchange for the convenience of trade, at reasonable rates, and not a doubt is entertained that in a short period, all the wants of the country, in bank accommodations and in exchange, will be supplied as promptly and cheaply as they have heretofore been by the Bank of the United States. If the several states shall be induced gradually to reform their banking systems, and prohibit the issue of all small notes, we shall, in a few years, have a currency as sound, and as little liable to fluctuations, as any other commercial country.

The report of the secretary of war, together with accompanying documents from the several bureaus of that department, will exhibit the situation of the various objects committed to its administration.

No event has occurred since your last session, rendering necessary any movements of the army, with the exception of the expedition of the regiment of dragoons into the territory of the wandering and predatory tribes inhabiting the western frontier, and living adjacent to the Mexican boundary. These tribes have been heretofore known to us principally by their attacks upon our own citizens, and upon other Indians entitled to the protection of the United States. It became necessary for the peace of the frontiers to check these habitual inroads, and I am happy to inform you that the object has been effected without the commission of any act of hostility.

Colonel Dodge, and the troops under his command, have acted with equal firmness and humanity, and an arrangement has been made with those Indians, which it is hoped will insure their permanent pacific relations with the United States, and the other tribes of Indians upon that border.

It is to be regretted that the prevalence of sickness in that quarter has deprived the country of a number of valuable lives, and particularly that of General Leavenworth, an officer well known and esteemed for his gallant services during the late war, and for subsequent good conduct, who has fallen a victim to his zeal and exertions in the discharge of his duty.

The army is in a high state of discipline. Its moral condition, so far as that is known here, is good, and the various branches of the public service are carefully attended to. It is amply sufficient, under its present organization, for providing the necessary garrisons for the seaboard, and for the defence of the internal frontier, and also for preserving the elements of military knowledge, and for keeping pace with those improvements which modern experience is continually making. And these objects appear to me to embrace all the legitimate purposes for which a permanent military force should be maintained in our country. The lessons of history teach us its danger, and the tendency which exists to an increase. This can be best met and averted by a just caution on the part of the public itself, and of those who represent them in Congress.

From the duties which devolve on the engineer department, and upon the topographical engineers, a different organization seems to be demanded by the public interest, and I recommend the subject to your consideration.

No important change has, during this season, taken place in the condition of the Indians. Arrangements are in progress for the removal of the Creeks, and will soon be for the removal of the Seminoles. I regret that the Cherokees east of the Mississippi have not yet determined as a community to remove. How long the personal causes which have hitherto retarded that ultimately inevitable measure will continue to operate, I am unable to conjecture. It is certain, however, that delay will bring with it accumulated evils, which will render their condition more and more unpleasant. The experience of every year adds to the conviction that emigration, and that alone, can preserve from destruction the remnant of tribes yet living among us. The facility with which the necessaries of life are procured, and the treaty stipulations providing aid for the emigrant Indians in their agricultural pursuits and in the important concern of education, and their removal from those causes which have heretofore depressed all, and destroyed many of the tribes, cannot fail to stimulate their exertions, and to reward their industry.

The two laws passed at the last session of Congress on the subject of Indian affairs, have been carried into effect, and detailed instructions for their administration have been given. It will be seen by the estimates for the present session, that a great reduction will take place in the expenditures of the department in consequence of these laws. And there is reason to believe that their operation will be salutary, and that the colonization of the Indian on the western frontier, together with a judicious system of administration, will still farther reduce the expenses of this branch of the public service, and at the same time promote its usefulness and efficiency.

Circumstances have been recently developed, showing the existence of extensive frauds under the various laws granting pensions and gratuities for revolutionary services. It is impossible to estimate the amount which may

have been thus fraudulently obtained from the national treasury. I am satisfied, however, that it has been such as to justify a re-examination of the system, and the adoption of the necessary checks in its administration. All will agree that the services and sufferings of the remnant of our revolutionary band should be fully compensated; but while this is done, every proper precaution should be taken to prevent the admission of fabricated and fraudulent claims. In the present mode of proceeding, the attestations and certificates of judicial officers of the various states form a considerable portion of the checks which are interposed against the commission of frauds. These, however, have been and may be fabricated, and in such a way as to elude detection at the examining offices; and independently of this practical difficulty, it is ascertained that these documents are often loosely granted; sometimes even blank certificates have been issued; sometimes prepared papers have been signed without inquiry; and in one instance, at least, the seal of the court has been within reach of a person most interested in its improper application. It is obvious that under such circumstances, no severity of administration can check the abuse of the law; and information has from time to time been communicated to the pension office, questioning or denying the right of persons placed upon the pension list to the bounty of the country. Such cautions are always attended to, and examined but a far more general investigation is called for; and I therefore recommend, in conformity with the suggestion of the secretary of war, that an actual inspection should be made in each state, into the circumstances and claims of every person now drawing a pension. The honest veteran has nothing to fear from such a scrutiny, while the fraudulent claimant will be detected, and the public treasury relieved to an amount, I have reason to believe, far greater than has heretofore been suspected. The details of such a plan could be so regulated as to interpose the necessary checks without any burdensome operation upon the pensioners. The object should be twofold.

1. To look into the original justice of the claims, so far as this can be done under a proper system of regulations, by an examination of the claimants themselves, and by inquiring in the vicinity of their residence into their history, and into the opinion entertained of their revolutionary services.

2. To ascertain, in all cases, whether the original claimant is living, and this by actual personal inspection.

This measure will, if adopted, be productive, I think, of the desired results, and I therefore recommend it to your consideration, with the farther suggestion, that all payments should be suspended till the necessary reports are received.

It will be seen by a tabular statement annexed to the documents transmitted to Congress, that the appropriations for objects connected with the war department, made at the last session, for the service of the year 1834, excluding the permanent appropriation for the payment of military gratuities under the act of June 7, 1832, the appropriation of two hundred thousand dollars for arming and equipping the militia, and the appropriation of ten thousand dollars for the civilization of the Indians, which are not annually renewed, amounted to the sum of nine millions three thousand two hundred and sixty-one dollars, and that the estimates of appropriations necessary for the same branches of service for the year 1835, amount to the sum of five millions seven hundred and seventy-eight thousand nine

hundred and sixty-four dollars, making a difference in the appropriations of the current year over the estimates of the appropriations for the next, of three millions two hundred and twenty-four thousand two hundred and ninety-seven dollars.

The principal causes which have operated at this time to produce this great difference, are shown in the reports and documents, and in the detailed estimates. Some of these causes are accidental and temporary, while others are permanent, and, aided by a just course of administration, may continue to operate beneficially upon the public expenditures.

A just economy, expending where the public service requires, and withholding where it does not, is among the indispensable duties of the government.

I refer you to the accompanying report of the secretary of the navy, and to the documents with it, for a full view of the operations of that important branch of our service during the present year. It will be seen that the wisdom and liberality with which Congress have provided for the gradual increase of our navy material, have been seconded by a corresponding zeal and fidelity on the part of those to whom has been confided the execution of the laws on the subject; and that but a short period would be now required to put in commission a force large enough for any exigency into which the country may be thrown.

When we reflect upon our position in relation to other nations, it must be apparent that, in the event of conflicts with them, we must look chiefly to our navy for the protection of our national rights. The wide seas which separate us from other governments, must of necessity be the theatre on which an enemy will aim to assail us, and, unless we are prepared to meet him on this element, we cannot be said to possess the power requisite to repel or prevent aggressions. We cannot, therefore, watch with too much attention this arm of our defence, or cherish with too much care the means by which it can possess the necessary efficiency and extension. To this end our policy has been heretofore wisely directed to the constant employment of a force sufficient to guard our commerce, and to the rapid accumulation of the materials which are necessary to repair our vessels, and construct with ease such new ones as may be required in a state of war.

In accordance with this policy, I recommend to your consideration the erection of the additional dry-dock described by the secretary of the navy, and also the construction of the steam batteries to which he has referred, for the purpose of testing their efficiency as auxiliaries to the system of defence now in use.

The report of the postmaster general, herewith submitted, exhibits the condition and prospects of that department. From that document it appears that there was a deficit in the funds of the department, at the commencement of the present year, beyond its available means, of three hundred and fifteen thousand five hundred and ninety-nine dollars and ninety-eight cents, which, on the first of July last, had been reduced to two hundred and sixty-eight thousand and ninety-two dollars and seventy-four cents. It appears, also, that the revenues for the coming year will exceed the expenditures about two hundred and seventy-thousand dollars, which, with the excess of the revenue which will result from the operations of the current half-year, may be expected, independently of any increase in the gross amount of postages, to supply the entire deficit before the end of 1835. But as this calculation is based on the gross amount of postages which have accrued

within the period embraced by the times of striking the balances, it is obvious that, without a progressive increase in the amount of postages, the existing retrenchments must be persevered in through the year 1836, that the department may accumulate a surplus fund sufficient to place it in a condition of perfect ease.

It will be observed that the revenues of the post-office department, though they have increased, and their amount is above that of any former year, have yet fallen short of the estimates more than a hundred thousand dollars. This is attributed, in a great degree, to the increase of free letters growing out of the extension and abuse of the franking privilege. There has been a gradual increase in the number of executive officers to which it has been granted; and by an act passed in March, 1833, it was extended to members of Congress throughout the whole year. It is believed that a revision of the laws relative to the franking privilege, with some enactments to enforce more rigidly the restrictions under which it is granted, would operate beneficially to the country, by enabling the department at an early period to restore the mail facilities have been withdrawn, and to extend them more widely, as the growing settlement of the country may require.

To a measure so important to the government, and so just to our constituents, who ask no exclusive privileges for themselves, and are not willing to concede them to others, I earnestly recommend the serious attention of Congress.

The importance of the post-office department, and the magnitude to which it has grown, both in its revenues and in its operations, seem to demand its re-organization by law. The whole of its receipts and disbursements have hitherto been left entirely to executive control and individual discretion. The principle is as sound in relation to this as to any other department of the government, that as little discretion should be confided to the executive officer who controls it, as is compatible with its efficiency. It is, therefore, earnestly recommended that it be organized with an auditor and treasury of its own, appointed by the President and Senate, who shall be branches of the treasury department.

Your attention is again respectfully invited to the defect which exists in the judicial system of the United States. Nothing can be more desirable than the uniform operation of the federal judiciary throughout the several states, all of which, standing on the same footing as members of the Union, have equal rights to the advantages and benefits resulting from its laws. This object is not attained by the judicial acts now in force, because they leave one fourth of the states without circuit courts.

It is undoubtedly the duty of Congress to place all the states on the same footing in this respect, either by the creation of an additional number of associate judges, or by an enlargement of the circuits assigned to those already appointed, so as to include the new states. Whatever may be the difficulty in a proper organization of the judicial system, so as to secure its efficiency and uniformity in all parts of the Union, and at the same time to avoid such an increase of judges as would encumber the supreme appellate tribunal, it should not be allowed to weigh against the great injustice which the present operation of the system produces.

I trust that I may be also pardoned for renewing the recommendations I have so often submitted to your attention, in regard to the mode of electing the President and Vice-President of the United States. All the reflection I have been able to bestow upon the subject increases my conviction

that the best interests of the country will be promoted by the adoption of some plan which will secure, in all contingencies, that important right of sovereignty to the direct control of the people. Could this be attained, and the terms of those officers be limited to a single period of either four or six years, I think our liberties would possess an additional safeguard.

At your last session I called the attention of Congress to the destruction of the public building occupied by the treasury department. As the public interest requires that another building should be erected with as little delay as possible, it is hoped that the means will be seasonably provided, and that they will be ample enough to authorize such an enlargement and improvement in the plan of the building as will more effectually accommodate the public officers, and secure the public documents deposited in it from the casualties of fire.

I have not been able to satisfy myself that the bill entitled "An act to improve the navigation of the Wabash river," which was sent to me at the close of your last session, ought to pass, and I have therefore withheld from it my approval, and now return it to the Senate, the body in which it originated.

There can be no question connected with the administration of public affairs, more important, or more difficult to be satisfactorily dealt with, than that which relates to the rightful authority and proper action of the federal government upon the subject of internal improvements. To inherent embarrassments have been added others resulting from the course of our legislation concerning it.

I have heretofore communicated freely with Congress upon this subject, and, in adverting to it again, I cannot refrain from expressing my increased conviction of its extreme importance, as well in regard to its bearing upon the maintenance of the constitution, and the prudent management of the public revenue, as on account of its disturbing effect upon the harmony of the Union.

We are in no danger from violations of the constitution, by which encroachments are made upon the personal rights of the citizens. The sentence of condemnation long since pronounced by the American people upon acts of that character, will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the dangers of unconstitutional acts which, instead of menacing the vengeance of offended authority, proffer local advantages, and bring in their train the patronage of the government, we are, I fear, not so safe. To suppose that, because our government has been instituted for the benefit of the people, it must therefore have the power to do whatever may seem to conduce to the public good, is an error into which even honest minds are too apt to fall. In yielding themselves to this fallacy, they overlook the great considerations in which the federal constitution was founded. They forget that, in consequence of the conceded diversities in the interest and condition of the different states, it was foreseen, at the period of its adoption, that although a particular measure of the government might be beneficial and proper in one state, it might be the reverse in another—that it was for this reason the states would not consent to make a grant to the federal government of the general and usual powers of government, but of such only as were specifically enumerated, and the probable effects of which they could, as they thought, safely anticipate; and they forget also the paramount obligation upon all to abide by the compact, then so solemnly, and as it was hoped, so firmly established. In

addition to the dangers to the constitution springing from the sources I have stated, there has been one which was perhaps greater than all. I allude to the materials which this subject has afforded for sinister appeals to selfish feelings, and the opinion heretofore so extensively entertained of its adaptation to the purposes of personal ambition. With such stimulants, it is not surprising that the acts and pretensions of the federal government, in this behalf, should sometimes have been carried to an alarming extent. The questions which have arisen upon this subject have related—

1st. To the power of making internal improvements within the limits of a state, with the right of territorial jurisdiction, sufficient at least for their preservation and use.

2d. To the right of appropriating money in aid of such works when carried on by a state, or by a company in virtue of state authority, surrendering the claim of jurisdiction; and,

3d. To the propriety of appropriations for improvements of a particular class, viz., for light-houses, beacons, buoys, public piers, and for the removal of sand-bars, sawyers, and other temporary and partial impediments in our navigable rivers and harbors.

The claims of power for the general government upon each of these points certainly present matter of the deepest interest. The first is, however, of much the greatest importance, inasmuch as, in addition to the dangers of unequal and improvident expenditures of public moneys, common to all, there is superadded to that the conflicting jurisdictions of the respective governments. Federal jurisdiction, at least to the extent I have stated, has been justly regarded by its advocates as necessarily appurtenant to the power in question, if that exists by the constitution. That the most injurious conflicts would unavoidably arise between the respective jurisdictions of the state and federal governments, in the absence of a constitutional provision marking out their respective boundaries, cannot be doubted. The local advantages to be obtained would induce the states to overlook in the beginning the dangers and difficulties to which they might ultimately be exposed. The powers exercised by the federal government would soon be regarded with jealousy by the state authorities, and originating, as they must, from implication or assumption, it would be impossible to affix to them certain and safe limits. Opportunities and temptations to the assumption of power incompatible with state sovereignty, would be increased, and those barriers which resist the tendency of our system toward consolidation, greatly weakened. The officers and agents of the general government might not always have the discretion to abstain from intermeddling with state concerns; and if they did, they would not always escape the suspicion of having done so. Collisions and consequent irritations would spring up; that harmony which should ever exist between the general government and each member of the confederacy, would be frequently interrupted; a spirit of contention would be engendered; and the dangers of division greatly multiplied.

Yet we all know that, notwithstanding these grave objections, this dangerous doctrine was at one time, apparently, proceeding to its final establishment with fearful rapidity. The desire to embark the federal government in works of internal improvement, prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Com-

pany, passed the two Houses, there had been reported by the committees on internal improvements, bills containing appropriations for such objects, exclusive of those for the Cumberland road, and for harbors and lighthouses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the secretary of the treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this government. In addition to these projects, which have been presented to the two houses under the sanction and recommendation of their respective committees on internal improvements, there were then still pending before the committees, and in memorials to Congress, presented, but not referred, different projects for works of a similar character, the expense of which cannot be estimated with certainty, but must have exceeded one hundred millions of dollars.

Regarding the bill authorizing a subscription to the stock of the Mayville and Lexington Turnpike Company as the entering wedge of a system which, however weak at first, might soon become strong enough to rivet the bands of the Union asunder; and believing that, if its passage was acquiesced in by the executive and the people, there would no longer be any limitation upon the authority of the general government in respect to the appropriation of money for such objects, I deemed it an imperative duty to withhold from it the executive approval. Although, from the obviously local character of that work, I might well have contented myself with a refusal to approve the bill upon that ground, yet, sensible of the vital importance of the subject, and anxious that my views and opinions in regard to the whole matter should be fully understood by Congress, and by my constituents, I felt it my duty to go farther. I therefore embraced that early occasion to apprise Congress that, in my opinion, the constitution did not confer upon it the power to authorize the construction of ordinary roads and canals within the limits of a state, and to say, respectfully, that no bill admitting such a power, could receive my official sanction. I did so in the confident expectation that the speedy settlement of the public mind upon the whole subject would be greatly facilitated by the difference between the two Houses and myself, and that the harmonious action of the several departments of the federal government in regard to it would be ultimately secured.

So far, at least, as it regards this branch of the subject, my best hopes have been realized. Nearly four years have elapsed, and several sessions of Congress have intervened, and no attempt within my recollection has been made to induce Congress to exercise this power. The applications for the construction of roads and canals, which were formerly multiplied upon your files, are no longer presented; and we have good reason to infer that the current of public sentiment has become so decided against the pretension as effectually to discourage its re-assertion. So thinking, I derive the greatest satisfaction from the conviction that thus much at least has been secured upon this important and embarrassing subject.

From attempts to appropriate the national funds to objects which are confessedly of a local character, we cannot, I trust, have anything farther to apprehend. My views in regard to the expediency of making appropriations for works which are claimed to be of a national character, and prosecuted under state authority, assuming that Congress have the right to do

so, were stated in my annual message to Congress in 1830, and also in that containing my objections to the Maysville road bill.

So thoroughly convinced am I that no such appropriations ought to be made by Congress, until a suitable constitutional provision is made upon the subject, and so essential do I regard the point to the highest interests of our country, that I could not consider myself as discharging my duty to my constituents in giving the executive sanction to any bill containing such an appropriation. If the people of the United States desire that the public treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the constitution, prescribing a rule by which the national character of the works is to be tested, and by which the greatest practicable equality of benefits may be secured to each member of the confederacy. The effects of such a regulation would be most salutary in preventing unprofitable expenditures, in securing our legislation from the pernicious consequences of a scramble for the favors of government, and in repressing the spirit of discontent which must inevitably arise from an unequal distribution of treasures which belong alike to all.

There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others have already been stated to Congress. I will now only add that, at the first session of Congress under the new constitution, it was provided by law, that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance and repairs of all light houses, beacons, buoys and public piers, erected, placed or sunk, before the passage of the act, within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the treasury of the United States; and farther, that it be the duty of the secretary of the treasury to provide by contracts, with the approbation of the President, for rebuilding when necessary and keeping in good repair the light houses, beacons, buoys, and public piers, in the several states, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our seaboard, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light houses, the placing, planting and sinking of buoys, beacons and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and the harbors upon our great lakes, as well as on the seaboard. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors. Sensible, however, from experience and observation, of the great abuses to which the unrestricted exercise of this authority by Congress was exposed, I have

prescribed a limitation for the government of my own conduct, by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution, by appropriations for remote and not well-understood objects. But as neither my own reflections, nor the lights which I may properly derive from other sources, have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded. I sincerely regret that I could not give my assent to the bill entitled "an act to improve the navigation of the Wabash river;" but I could not have done so without receding from the ground which I have, upon the fullest consideration, taken upon this subject, and of which Congress has been heretofore apprized, and without throwing the subject again open to abuses which no good citizen, entertaining my opinions, could desire.

I rely upon the intelligence and candor of my fellow citizens, in whose liberal indulgence I have already so largely participated, for a correct appreciation of my motives in interposing, as I have done, on this, and other occasions, checks to a course of legislation which, without, in the slightest degree, calling in question the motives of others, I consider as sanctioning improper and unconstitutional expenditures of public treasure.

I am not hostile to internal improvements, and wish to see them extended to every part of the country. But I am fully persuaded, if they are not commenced in a proper manner, confined to proper objects, and conducted under an authority generally conceded to be rightful, that a successful prosecution of them cannot be reasonably expected. The attempt will meet with resistance where it might otherwise receive support; and instead of strengthening the bonds of our confederacy, it will only multiply and aggravate the causes of disunion.

SEVENTH ANNUAL MESSAGE.

DECEMBER 2, 1835.

Fellow Citizens of the Senate and House of Representatives :

IN discharge of my official duty, the task again devolves upon me of communicating with a new Congress. The reflection that the representation of the Union has been recently renewed, and that the constitutional term of its service will expire with my own, heightens the solicitude with which I shall attempt to lay before it the state of our national concerns, and the devout hope which I cherish that its labors to improve them may be crowned with success.

You are assembled at a period of profound interest to the American patriot. The unexampled growth and prosperity of our country having given us a rank in the scale of nations which removes all apprehension of danger to our integrity and independence from external foes, the career of freedom is before us, with an earnest of the past that, if true to ourselves, there can be no formidable obstacle in the future to its peaceful and uninterrupted pursuit. Yet, in proportion to the disappearance of those apprehensions which attended our weakness, as once contrasted with the power

of some of the states of the old world, should we now be solicitous as to those which belong to the conviction that it is to our own conduct we must look for the preservation of those causes on which depend the excellence and the duration of our happy system of government.

In the example of other systems founded on the will of the people, we trace to internal dissension the influences which have so often blasted the hopes of the friends of freedom. The social elements, which were strong and successful when united against external danger, failed in the more difficult task of properly adjusting their own internal organization, and thus gave way the great principle of self-government. Let us trust that this admonition will never be forgotten by the government or the people of the United States; and that the testimony which our experience thus far holds out to the great human family, of the practicability and the blessings of free government, will be confirmed in all time to come.

We have but to look at the state of our agriculture, manufactures, and commerce, and the unexampled increase of our population, to feel the magnitude of the trust committed to us. Never, in any former period of our history, have we had greater reason than we now have, to be thankful to Divine Providence for the blessings of health and general prosperity. Every branch of labor we see crowned with the most abundant rewards; in every element of national resources and wealth, and of individual comfort, we witness the most rapid and solid improvements. With no interruptions of this pleasing prospect at home, which will not yield to the spirit of harmony and good-will that so strikingly pervades the mass of the people in every quarter, amidst all the diversity of interest and pursuits to which they are attached; and with no cause of solicitude in regard to our external affairs, which will not, it is hoped, disappear before the principles of simple justice and forbearance that mark our intercourse with foreign powers, we have every reason to feel proud of our beloved country.

The general state of our foreign relations has not materially changed since my last annual message.

In the settlement of the question of the northeastern boundary, little progress has been made. Great Britain has declined acceding to the proposition of the United States, presented in accordance with the resolution of the Senate, unless certain preliminary conditions were admitted, which I deemed incompatible with a satisfactory and rightful adjustment of the controversy. Waiting for some distinct proposal from the government of Great Britain, which has been invited, I can only repeat the expression of my confidence, that with the strong mutual disposition which I believe exists, to make a just arrangement, this perplexing question can be settled with a due regard to the well-founded pretensions and pacific policy of all the parties to it. Events are frequently occurring on the northeastern frontier, of a character to impress upon all the necessity of a speedy and definitive termination of the dispute. This consideration, added to the desire common to both, to relieve the liberal and friendly relations so happily existing between the two countries from all embarrassment, will, no doubt, have its just influence upon both.

Our diplomatic intercourse with Portugal has been renewed, and it is expected that the claims of our citizens, partially paid, will be fully satisfied as soon as the condition of the queen's government will permit the proper attention to the subject of them. That government has, I am happy to inform you, manifested a determination to act upon the liberal principles

which have marked our commercial policy; the happiest effects upon the future trade between the United States and Portugal are anticipated from it, and the time is not thought to be remote when a system of perfect reciprocity will be established.

The instalments due under the convention with the king of the Two Sicilies, have been paid with that scrupulous fidelity by which his whole conduct has been characterized, and the hope is indulged that the adjustment of the vexed question of our claims will be followed by a more extended and mutually beneficial intercourse between the two countries.

The internal contest still continues in Spain. Distinguished as this struggle has unhappily been, by incidents of the most sanguinary character, the obligations of the late treaty of indemnification with us have been, nevertheless, faithfully executed by the Spanish government.

No provision having been made at the last session of Congress for the ascertainment of the claims to be paid, and the apportionment of the funds, under the convention made with Spain, I invite your early attention to the subject. The public evidences of the debt have, according to the terms of the convention, and in the forms prescribed by it, been placed in the possession of the United States, and the interest, as it fell due, has been regularly paid upon them. Our commercial intercourse with Cuba stands as regulated by the act of Congress. No recent information has been received as to the disposition of the government of Madrid on this subject, and the lamented death of our recently appointed minister, on his way to Spain, with the pressure of their affairs at home, render it scarcely probable that any change is to be looked for during the coming year. Farther portions of the Florida archives have been sent to the United States, although the death of one of the commissioners, at a critical moment, embarrassed the progress of the delivery of them. The higher officers of the local government have recently shown an anxious desire, in compliance with the orders from the parent government, to facilitate the selection and delivery of all we have a right to claim.

Negotiations have been opened at Madrid, for the establishment of a lasting peace between Spain and such of the Spanish American governments of this hemisphere as have availed themselves of the intimation given to all of them, of the disposition of Spain to treat upon the basis of their entire independence. It is to be regretted, that simultaneous appointments, by all, of ministers to negotiate with Spain, had not been made; the negotiation itself would have been simplified, and this long-standing dispute, spreading over a large portion of the world, would have been brought to a more speedy conclusion.

Our political and commercial relations with Austria, Prussia, Sweden, and Denmark, stand on the usual favorable basis. One of the articles of our treaty with Russia, in relation to the trade on the northwest coast of America having expired, instructions have been given to our minister at St. Petersburg to negotiate a renewal of it. The long unbroken amity between the two governments gives every reason for supposing the article will be renewed, if stronger motives do not exist to prevent it than, with our view of the subject, can be anticipated here.

I ask your attention to the message of my predecessor at the opening of the second session of the 19th Congress, relative to our commercial intercourse with Holland, and to the documents connected with that subject, communicated to the House of Representatives on the 10th of January.

1825, and 18th January, 1827. Coinciding in the opinion of my predecessor, that Holland is not, under the regulations of her present system, entitled to have her vessels and their cargoes received into the United States on the footing of American vessels and cargoes, as regards duties of tonnage and impost, a respect for his reference of it to the legislature has long prevented me from acting on the subject. I should still have waited, without comment, for the action of Congress, but recently a claim has been made by Belgian subjects to admission into our ports for their ships and cargoes, on the same footing as American, with the allegation we could not dispute, that our vessels received in their ports the identical treatment shown to them in the ports of Holland, upon whose vessels no discrimination is made in the ports of the United States. Giving the same privileges, the Belgians expect the same benefits,—benefits that were in fact enjoyed when Belgium and Holland were united under one government. Satisfied with the justice of their pretension to be placed on the same footing with Holland, I could not, nevertheless, without disregard to the principle of our laws, admit their claim to be treated as Americans; and at the same time a respect for Congress, to whom the subject had long since been referred, has prevented me from producing a just equality, by taking from the vessels of Holland privileges conditionally granted by acts of Congress, although the condition upon which the grant was made, has in my judgment failed since 1822. I recommend, therefore, a review of the act of 1824, and such a modification of it as will produce an equality, on such terms as Congress shall think best comports with our settled policy, and the obligations of justice to two friendly powers.

With the Sublime Porte, and all the governments on the coast of Barbary, our relations continue to be friendly. The proper steps have been taken to renew our treaty with Morocco.

The Argentine republic has again promised to send, within the current year, a minister to the United States.

A convention with Mexico for extending the time for the appointment of commissioners to run the boundary line has been concluded, and will be submitted to the Senate. Recent events in that country have awakened the liveliest solicitude in the United States. Aware of the strong temptations existing, and powerful inducements held out to the citizens of the United States, to mingle in the dissensions of our immediate neighbors, instructions have been given to the district attorney of the United States where indications warranted, to prosecute, without respect to persons, all who might attempt to violate the obligation of our neutrality; while at the same time it has been thought necessary to apprise the government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties.

From our diplomatic agents in Brazil, Chili, Peru, Central America, Venezuela, and New Grenada, constant assurances are received of the continued good understanding with the governments to which they are severally accredited. With those governments upon which our citizens have valid and accumulating claims, scarcely an advance toward the settlement of them is made, owing mainly to their distracted state, or to the pressure of imperative domestic questions. Our patience has been, and will probably be still farther, severely tried; but our fellow citizens whose interests are involved, may confide in the determination of the government to obtain for them eventually, ample retribution.

Unfortunately, many of the nations of this hemisphere are still self-tormented by domestic dissensions. Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, much time elapses before a government sufficiently stable is erected to justify expectation of redress — ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continue much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and make satisfaction for them.

Since the last session of Congress, the validity of our claims upon France, as liquidated by the treaty of 1831, has been acknowledged by both branches of her legislature, and the money has been appropriated for their discharge; but the payment is, I regret to inform you, still withheld.

A brief recapitulation of the most important incidents in this protracted controversy, will show how utterly untenable are the grounds upon which this course is attempted to be justified.

On entering upon the duties of my station, I found the United States an unsuccessful applicant to the justice of France, for the satisfaction of claims, the validity of which was never questionable, and has now been most solemnly admitted by France herself. The antiquity of these claims, their high justice, and the aggravating circumstances out of which they arose, are too familiar to the American people to require description. It is sufficient to say, that for a period of ten years and upwards, our commerce was, with but little interruption, the subject of constant aggression on the part of France, — aggressions, the ordinary features of which were condemnation of vessels and cargoes, under arbitrary decrees, adopted in contravention as well of the laws of nations as of treaty stipulations; burnings on the high seas; and seizures and confiscations, under special imperial rescripts, in the ports of other nations occupied by the armies or under the control of France. Such, it is now conceded, is the character of the wrongs we suffered, — wrongs in many cases so flagrant that even their authors never denied our right to reparation. Of the extent of these injuries, some conception may be formed from the fact that, after the burning of a large amount at sea, and the necessary deterioration in other cases by long detention, the American property so seized and sacrificed at forced sales, excluding what was adjudged to privateers, before or without condemnation, brought into the French treasury upwards of twenty-four millions of francs, besides large custom-house duties.

The subject has already been an affair of twenty years' uninterrupted negotiation, except for a short time when France was overwhelmed by the military power of united Europe. During this period, when other nations were extorting from her payment of their claims, at the point of the bayonet, the United States intermitted their demand for justice, out of respect to the oppressed condition of a gallant people, to whom they felt under obligations for fraternal assistance in their own days of suffering and of peril. The bad effects of these protracted and unavailing discussions, as well upon our relations with France as upon our national character, were obvious;

and the line of duty was to my mind equally so. This was either to insist upon the adjustment of our claims within a reasonable period, or to abandon them altogether. I could not doubt that by this course the interests and honor of both countries would be best consulted. Instructions were therefore given in this spirit to the minister who was sent out once more to demand reparation. Upon the meeting of Congress, in December, 1829, I felt it my duty to speak of these claims, and the delays of France, in terms calculated to call the serious attention of both countries to the subject. The then French ministry took exception to the message, on the ground of its containing a menace, under which it was not agreeable to the French government to negotiate. The American minister, of his own accord, refuted the construction which was attempted to be put upon the message, and at the same time called to the recollection of the French ministry, that the President's message was a communication addressed, not to foreign governments, but to the Congress of the United States, in which it was enjoined upon him by the constitution, to lay before that body information of the state of the Union, comprehending its foreign as well as domestic relations; and, that if, in the discharge of this duty, he felt it incumbent upon him to summon the attention of Congress, in due time, to what might be the possible consequences of existing difficulties with any foreign government, he might fairly be supposed to do so under a sense of what was due from him, in a frank communication with another branch of his own government, and not from any intention of holding a menace over a foreign power.

The views taken by him received my approbation, the French government was satisfied, and the negotiation was continued. It terminated in the treaty of July 4th, 1831, recognizing the justness of our claims, in part, and promising payment to the amount of twenty-five millions of francs, in six annual instalments.

The ratifications of this treaty were exchanged in Washington on the 2d of February, 1832; and in five days thereafter it was laid before Congress, who immediately passed the acts necessary, on our part, to secure to France the commercial advantages conceded to her in the compact. The treaty had previously been solemnly ratified by the king of the French, in terms which are certainly not mere matters of form, and of which the translation is as follows: "We, approving the above convention, in all and each of the dispositions which are contained in it, do declare, by ourselves, as well as by our heirs and successors, that it is accepted, approved, ratified, and confirmed; and by these presents, signed by our hand, we do accept, approve, ratify, and confirm it; promising, on the faith and word of a king, to observe it, and to cause it to be observed inviolably, without ever contravening it, or suffering it to be contravened, directly or indirectly, for any cause or under any pretence whatsoever."

Official information of the exchange of ratifications in the United States reached Paris whilst the Chambers were in session. The extraordinary, and to us injurious, delays of the French government, in their action upon the subject of its fulfilment, have been heretofore stated to Congress, and I have no disposition to enlarge upon them here. It is sufficient to observe that the then pending session was allowed to expire without even an effort to obtain the necessary appropriations; that the two succeeding ones were also suffered to pass away without any thing like a serious attempt to obtain a decision upon the subject; and that it was not until the fourth session,

almost three years after the conclusion of the treaty, and more than two years after the exchange of ratifications, that the bill for the execution of the treaty was pressed to a vote and rejected.

In the mean time, the government of the United States having full confidence that a treaty entered into and so solemnly ratified by the French king, would be executed in good faith, and not doubting that provision would be made for the payment of the first instalment, which was to become due on the second day of February, 1833, negotiated a draft for the amount through the Bank of the United States. When this draft was presented by the holder, with the credentials required by the treaty to authorize him to receive the money, the government of France allowed it to be protested. In addition to the injury in the non-payment of the money by France, conformably to her agreement, the United States were exposed to a heavy claim on the part of the bank, under pretence of damages, in satisfaction of which that institution seized upon, and still retains an equal amount of the public moneys. Congress was in session when the decision of the Chambers reached Washington; and an immediate communication of this apparently final decision of France not to fulfil the stipulations of the treaty, was the course naturally to be expected from the President. The deep tone of dissatisfaction which pervaded the public mind, and the correspondent excitement produced in Congress by only a general knowledge of the result, rendered it more than probable that a resort to immediate measures of redress would be the consequence of calling the attention of that body to the subject. Sincerely desirous of preserving the pacific relations which had so long existed between the two countries, I was anxious to avoid this course if I could be satisfied that, by doing so, neither the interest nor the honor of my country would be compromised. Without the fullest assurances upon that point, I could not hope to acquit myself of the responsibility to be incurred in suffering Congress to adjourn without laying the subject before them. Those received by me were believed to be of that character.

That the feelings produced in the United States by the news of the rejection of the appropriation, would be such as I have described them to have been, was foreseen by the French government, and prompt measures were taken by it to prevent the consequences. The king in person expressed, through our minister in Paris, his profound regret at the decision of the Chambers, and promised to send, forthwith, a national ship with despatches to his minister here, authorizing him to give such assurances as would satisfy the government and people of the United States, that the treaty would yet be faithfully executed by France. The national ship arrived, and the minister received his instructions.

Claiming to act under the authority derived from them, he gave to this government, in the name of his, the most solemn assurances, that as soon after the new elections as the charter would permit, the French Chambers would be convened, and the attempt to procure the necessary appropriations renewed; that all the constitutional powers of the king and his ministers should be put in requisition to accomplish the object; and he was understood, and so expressly informed by this government at the time, to engage that the question should be pressed to a decision at a period sufficiently early to permit information of the result to be communicated to Congress at the commencement of their next session. Relying upon these assurances, I incurred the responsibility, great as I regarded it to be, of suffering Congress to separate without communicating with them upon the subject.

The expectations justly founded upon the promise thus solemnly made to this government by that of France, were not realized. The French Chambers met on the 31st of July, 1834, soon after the election; and although our minister in Paris urged the French ministry to bring the subject before them, they declined doing so. He next insisted that the Chambers, if prorogued without acting on the subject, should be re-assembled at a period so early that their action on the treaty might be known in Washington prior to the meeting of Congress. This reasonable request was not only declined, but the Chambers were prorogued to the 29th of December, a day so late, that their decision, however urgently pressed, could not, in all probability, be obtained in time to reach Washington before the necessary adjournment of Congress, by the constitution. The reasons given by the ministry for refusing to convoke the Chambers at an earlier period, were afterwards shown not to be insuperable, by their actual convocation on the 1st of December, under a special call, for domestic purposes; which fact, however, did not become known to this government until after the commencement of the last session of Congress.

Thus disappointed in our just expectations, it became my imperative duty to consult with Congress in regard to the expediency of a resort to retaliatory measures, in case the stipulations of the treaty should not be speedily complied with; and to recommend such as in my judgment the occasion called for. To this end an unreserved communication of the case, in all its aspects, became indispensable. To have shrunk in making it, from saying all that was necessary to its correct understanding, and that the truth would justify, for fear of giving offence to others, would have been unworthy of us. To have gone, on the other hand, a single step farther, for the purpose of wounding the pride of a government and people with whom we had so many motives for cultivating relations of amity and reciprocal advantage, would have been unwise and improper. Admonished by the past of the difficulty of making even the simplest statement of our wrongs without disturbing the sensibilities of those who had by their position become responsible for their redress, and earnestly desirous of preventing farther obstacles from that source, I went out of my way to preclude a construction of the message, by which the recommendation that was made to Congress might be regarded as a menace to France, in not only disavowing such a design, but in declaring that her pride and her power were too well known to expect anything from her fears. The message did not reach Paris until more than a month after the Chambers had been in session; and such was the insensibility of the ministry to our rightful claims and just expectations, that our minister had been informed that the matter, when introduced, would not be pressed as a cabinet measure.

Although the message was not officially communicated to the French government, and notwithstanding the declaration to the contrary which it contained, the French ministry decided to consider the conditional recommendation of reprisals, a menace and an insult which the honor of the nation made it incumbent on them to resent. The measures resorted to by them to evince their sense of the supposed indignity, were the immediate recall of their minister at Washington, the offer of passports to the American minister at Paris, and a public notice to the legislative Chambers that all diplomatic intercourse with the United States had been suspended. Having in this manner vindicated the dignity of France, they next proceeded to illustrate her justice. To this end, a bill was immediately introduced into

the Chamber of Deputies, proposing to make the appropriations necessary to carry into effect the treaty. As this bill subsequently passed into a law, the provisions of which now constitute the main subject of difficulty between the two nations, it becomes my duty, in order to place the subject before you in a clear light, to trace the history of its passage, and to refer with some particularity to the proceedings and discussions in regard to it.

The minister of finance, in his opening speech, alluded to the measures which had been adopted to resent the supposed indignity, and recommended the execution of the treaty as a measure required by the honor and justice of France. He, as the organ of the ministry, declared the message, so long as it had not received the sanction of Congress, a mere expression of the personal opinion of the President, for which neither the government nor people of the United States were responsible, and that an engagement had been entered into, for the fulfilment of which the honor of France was pledged. Entertaining these views, the single condition which the French ministry proposed to annex to the payment of the money was, that it should not be made until it was ascertained that the government of the United States had done nothing to injure the interests of France, or, in other words, that no steps had been authorized by Congress of a hostile character toward France.

What the disposition or action of Congress might be was then unknown to the French cabinet. But on the 14th of January, the Senate resolved that it was at that time inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France, and no action on the subject had occurred in the House of Representatives. These facts were known in Paris prior to the 28th of March, 1835, when the committee to whom the bill of indemnification had been referred reported it to the Chamber of Deputies. That committee substantially re-echoed the sentiments of the ministry, declared that Congress had set aside the proposition of the President, and recommended the passage of the bill without any other restriction than that originally proposed. Thus was it known to the French Ministry and Chambers, that if the position assumed by them, and which had been so frequently and solemnly announced as the only one compatible with the honor of France, was maintained, and the bill passed as originally proposed, the money would be paid and there would be an end of this unfortunate controversy.

But this cheering prospect was soon destroyed by an amendment introduced into the bill at the moment of its passage, providing that the money should not be paid until the French government had received satisfactory explanations of the President's message of the 2d December, 1834; and what is still more extraordinary, the President of the Council of Ministers adopted this amendment and consented to its incorporation in the bill. In regard to a supposed insult which had been formally resented by the recall of their minister, and the offer of passports to ours, they now for the first time proposed to ask explanations. Sentiments and propositions which they had declared could not justly be imputed to the government or people of the United States, are set up as obstacles to the performance of an act of conceded justice to that government and people. They had declared that the honor of France required the fulfilment of the engagement into which the king had entered, unless Congress adopted the recommendations of the message. They ascertained that Congress did not adopt them, and yet that

fulfilment is refused, unless they first obtain from the President explanations of an opinion characterized by themselves as personal and imperative.

The conception that it was my intention to menace or insult the government of France, is as unfounded as the attempt to extort from the fears of that nation what her sense of justice may deny, would be vain and ridiculous. But the constitution of the United States imposes on the President the duty of laying before Congress the condition of the country in its foreign and domestic relations, and of recommending such measures as may in his opinion be required by its interests. From the performance of this duty he cannot be deterred by the fear of wounding the sensibilities of the people or government of whom it may become necessary to speak — and the American people are incapable of submitting to an interference by any government on earth, however powerful, with the free performance of the domestic duties which the constitution has imposed on their public functionaries. The discussions which intervene between the several departments of our government belong to ourselves, and for anything said in them, our public servants are only responsible to their own constituents and to each other. If, in the course of their consultations, facts are erroneously stated, or unjust deductions are made, they require no other inducement to correct them, however informed of their error, than their love of justice, and what is due to their own character — but they can never submit to be interrogated upon the subject, as a matter of right, by a foreign power. When our discussions terminate in acts, our responsibility to foreign powers commences, not as individuals, but as a nation. The principle which calls in question the President for the language of his message, would equally justify a foreign power in demanding explanation of the language used in the report of a committee, or by a member in debate.

This is not the first time that the government of France has taken exception to the messages of American presidents. President Washington and the first President Adams, in the performance of their duties to the American people, fell under the animadversions of the French Directory. The objection taken by the ministry of Charles X. and removed by the explanations made by our minister upon the spot, has already been adverted to. When it was understood that the ministry of the present king took exception to my message of last year, putting a construction upon it which was disavowed on its face, our late minister at Paris, in answer to the note which first announced a dissatisfaction with the language used in the message, made a communication to the French government under date of the 29th of January, 1835, calculated to remove all impressions which an unreasonable susceptibility had created. He repeated and called the attention of the French government to the disavowal contained in the message itself, of any intention to intimidate by menace — he truly declared that it contained, and was intended to contain no charge of ill faith against the king of the French, and properly distinguished between the right to complain, in unexceptionable terms, of the omission to execute an agreement, and an accusation of bad motives in withholding such execution — and demonstrated that the necessary use of that right ought not to be considered as an offensive imputation. Although this communication was made without instructions, and entirely on the minister's own responsibility, yet it was afterwards made the act of this government by my full approbation, and that approbation was officially made known on the 25th of April, 1835, to the French government. It, however, failed to have any effect. The law, after this friendly

explanation, passed with the obnoxious amendment, supported by the king's ministers, and was finally approved by the king.

The people of the United States are justly attached to a pacific system in their intercourse with foreign nations. It is proper, therefore, that they should know whether their government has adhered to it. In the present instance it has been carried to the utmost extent that was consistent with a becoming self-respect. The note on the 29th of January, to which I have before alluded, was not the only one which our minister took upon himself the responsibility of presenting on the same subject, and in the same spirit. Finding that it was intended to make the payment of a just debt dependent on the performance of a condition which he knew could never be complied with, he thought it a duty to make another attempt to convince the French government, that whilst self-respect and regard to the dignity of other nations would always prevent us from using any language that ought to give offence, yet we could never admit a right in any foreign government to ask explanations of or interfere in any manner in the communications which one branch of our public councils made with another; that in the present case no such language had been used, and that this had, in a former note, been fully and voluntarily stated before it was contemplated to make the explanation a condition; and that there might be no misapprehension, he stated the terms used in that note, and he officially informed them that it had been approved by the President, and that therefore every explanation which could reasonably be asked, or honorably given, had been already made; that the contemplated measure had been anticipated by a voluntary and friendly declaration, and was, therefore, not only useless, but might be deemed offensive, and certainly would not be complied with, if annexed as a condition.

When this latter communication, to which I specially invite the attention of Congress, was laid before me, I entertained the hope that the means it was obviously intended to afford, of an honorable and speedy adjustment of the difficulties between the two nations, would have been accepted; and I therefore did not hesitate to give it my sanction and full approbation. This was due to the minister who had made himself responsible for the act; and it was published to the people of the United States, and is now laid before their representatives, to show how far their executive has gone in its endeavors to restore a good understanding between the two countries. It would have been at any time communicated to the government of France, had it been officially requested.

The French government having received all the explanation which honor and principle permitted, and which could in reason be asked, it was hoped it would no longer hesitate to pay the instalments now due. The agent authorized to receive the money was instructed to inform the French ministry of his readiness to do so. In reply to this notice, he was told that the money could not then be paid, because the formalities required by the act of the Chambers had not been arranged.

Not having received any official communication of the intentions of the French government, and anxious to bring, as far as practicable, this unpleasant affair to a close before the meeting of Congress, that you might have the whole subject before you, I caused our chargé d'affaires at Paris to be instructed to ask for the final determination of the French government; and, in the event of their refusal to pay the instalments now due, without farther explanations to return to the United States.

The result of this last application has not yet reached us, but is daily ex-

pected. That it may be favorable is my sincere wish. France having now, through all the branches of her government, acknowledged the validity of our claims, and the obligation of the treaty of 1831, and there really existing no adequate cause for farther delay, will at length, it may be hoped, adopt the course which the interests of both nations, not less than the principles of justice, so imperiously require. The treaty being once executed on her part, little will remain to disturb the friendly relations of the two countries; nothing indeed which will not yield to the suggestions of a pacific and enlightened policy, and to the influence of that mutual good-will and of those generous recollections which we may confidently expect will then be revived in all their ancient force. In any event, however, the principle involved in the new aspect which has been given to the controversy, is so vitally important to the independent administration of the government, that it can neither be surrendered nor compromised, without national degradation. I hope it is unnecessary for me to say that such a sacrifice will not be made through any agency of mine. The honor of my country shall never be stained by an apology from me, for the statement of truth and the performance of duty; nor can I give any explanation of my official acts, except such as is due to integrity and justice, and consistent with the principles on which our institutions have been framed. This determination will, I am confident, be approved by my constituents. I have, indeed, studied their character to but little purpose, if the sum of twenty-five millions of francs will have the weight of a feather, in the estimation of what appertains to their national independence, and if, unhappily, a different impression should at any time obtain in any quarter, they will, I am sure, rally around the government of their choice with alacrity and unanimity, and silence for ever the degrading imputation.

Having thus frankly presented to you the circumstances which, since the last session of Congress, have occurred in this interesting and important matter, with the views of the executive in regard to them, it is at this time only necessary to add, that whenever the advices now daily expected from our chargé d'affaires shall have been received, they will be made the subject of a special communication.

The condition of the public finances was never more flattering than at the present period.

Since my last annual communication, all the remains of the public debt have been redeemed, or money has been placed in deposit for this purpose, whenever the creditors choose to receive it. All the other pecuniary engagements of the government have been honorably and promptly fulfilled, and there will be a balance in the treasury at the close of the present year of about nineteen millions of dollars. It is believed that, after meeting all outstanding and unexpended appropriations, there will remain near eleven millions of dollars to be applied to any new objects which Congress may designate, or to the more rapid execution of the works already in progress. In aid of these objects and to satisfy the current expenditures of the ensuing year, it is estimated that there will be received, from various sources, twenty millions of dollars more, in 1836.

Should Congress make new appropriations, in conformity with the estimates which will be submitted from the proper departments, amounting to about twenty-four millions of dollars, still the available surplus, at the close of the next year, after deducting all unexpended appropriations, will probably be not less than six millions of dollars. This sum can, in my judgment,

be now usefully applied to proposed improvements in our navy-yards, and to new national works, which are not enumerated in the present estimates, or to the more rapid completion of those already begun. Either would be constitutional and useful, and would render unnecessary any attempt in our present and peculiar condition, to divide the surplus revenue, or to reduce it any faster than will be effected by the existing laws. In any event, as the annual report from the secretary of the treasury will enter into details, showing the probability of some decrease in the revenue during the next seven years, and a very considerable deduction in 1842, it is not recommended that Congress should undertake to modify the present tariff so as to disturb the principles on which the compromise act was passed. Taxation on some of the articles of general consumption, which are not in competition with our own productions, may be, no doubt, so diminished as to lessen to some extent the source of this revenue; and the same object can also be assisted by more liberal provisions for the subjects of public defence, which, in the present state of our prosperity and wealth, may be expected to engage your attention. If, however, after satisfying all the demands which can arise from these sources, the unexpended balance in the treasury should still continue to increase, it would be better to bear with the evil until the great changes contemplated in our tariff laws have occurred, and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject.

It is certainly our duty to diminish, as far as we can, the burdens of taxation, and to regard all the restrictions which are imposed on the trade and navigation of our citizens as evils which we shall mitigate whenever we are not prevented by the adverse legislation and policy of foreign nations, or those primary duties which the defence and independence of our country enjoin upon us. That we have accomplished much toward the relief of our citizens by the changes which have accompanied the payment of the public debt, and the adoption of the present revenue laws, is manifest from the fact that, compared with 1833, there is a diminution of near twenty-five millions of dollars in the last two years, and that our expenditures, independently of those for the public debt, have been reduced near nine millions of dollars during the same period. Let us trust that, by the continued observance of economy and by harmonizing the great interests of agriculture, manufactures, and commerce, much more may be accomplished to diminish the burdens of government, and to increase still farther the enterprise and patriotic affection of all classes of our citizens, and all the members of our happy confederacy. As the data which the secretary of the treasury will lay before you, in regard to our financial resources, are full and extended, and will afford a safe guide in our future calculations, I think it unnecessary to offer any farther observations on that subject here.

Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts from the sales of the public lands, which amount, in the present year, to the unexpected sum of eleven millions of dollars. This circumstance attests the rapidity with which agriculture, the first and most important occupation of man, advances, and contributes to the wealth and power of our extended territory. Being still of the opinion that it is our best policy, as far as we can, consistently with the obligations under which those lands were ceded to the United States, to promote their speedy settlement, I beg leave to call the attention of the present Congress to the suggestions I have offered respecting it, in my former messages.

The extraordinary receipts from the sales of public lands invite you to consider what improvements the land system, and particularly the condition of the general land office may require. At the time this institution was organized, near a quarter of a century ago, it would probably be thought extravagant to anticipate, for this period, such an addition to its business as has been produced by the vast increase of those sales during the past and present years. It may also be observed that, since the year 1812, the land offices and surveying districts have been greatly multiplied, and that numerous legislative enactments, from year to year since that time, have imposed a great amount of new and additional duties upon that office, while the want of a timely application of force, commensurate with the care and labor required, has caused the increasing embarrassment of accumulated arrears in the different branches of the establishment.

These impediments to the expedition of much duty in the general land office, induce me to submit to your judgment, whether some modification of the laws relating to its organization, or an organization of a new character be not called for at the present juncture, to enable the office to accomplish all the ends of its institution with a greater degree of facility and promptitude than experience has proved to be practicable under existing regulations. The variety of the concerns, and the magnitude and complexity of the details occupying and dividing the attention of the commissioners, appear to render it difficult, if not impracticable for that officer, by any possible assiduity, to bestow on all the multifarious subjects, upon which he is called to act, the ready and careful attention due to their respective importance, unless the legislature shall assist him by a law providing, or enabling him to provide, for a more regular and economical distribution of labor, with the incident responsibility among those employed under his direction. The mere manual operation of affixing his signature to the vast number of documents issuing from his office, subtracts so largely from the time and attention claimed by the weighty and complicated subjects daily accumulating in that branch of the public service, as to indicate the strong necessity of revising the organic law of the establishment. It will be easy for Congress, hereafter, to proportion the expenditure on account of this branch of the service to its real wants, by abolishing from time to time the offices which can be dispensed with.

The extinction of the public debt having taken place, there is no longer any use for the offices of commissioners of loans and of the sinking fund. I recommend, therefore, that they be abolished, and that proper measures be taken for the transfer to the treasury department of any funds, books and papers, connected with the operations of these officers; and that the proper power be given to that department for closing finally any portion of their business which may remain to be settled.

It is also incumbent on Congress, in guarding the pecuniary interests of the country, to discontinue, by such a law as was passed in 1812, the receipt of the bills of the Bank of the United States in payment of the public revenue; and to provide for the designation of an agent whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connection with it after the 3d of March, 1836, when its charter expires. In making provision in regard to the disposition of this stock, it will be essential to define clearly and strictly the duties and powers of the officer charged with that branch of the public service.

It will be seen from the correspondence which the secretary of the trea-

sury will lay before you, that notwithstanding the large amount of the stock which the United States hold in that institution, no information has yet been communicated which will enable the government to anticipate when it can receive any dividends, or derive any benefit from it.

Connected with the condition of the finances, and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have been already derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparent in the course of the next year, when the branch mints authorized to be established in North Carolina, Georgia, and Louisiana, shall have gone into operation. Aided, as it is hoped they will be, by farther reforms in the banking system of the states, and by judicious regulations on the part of Congress, in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver, as a circulating medium, will become general in the ordinary transactions connected with the labor of the country. The great desideratum, in modern times, is an efficient check upon the power of banks, preventing that excessive issue of paper, whence arise those fluctuations in the standard of value which render uncertain the rewards of labor. It was supposed by those who established the Bank of the United States, that from the credit given to it from the custody of the public moneys, and other privileges, and the precautions taken to guard against the evils which the country had suffered in the bankruptcy of many of the state institutions at that period, we should derive from that institution all the security and benefits of a sound currency, and every good end that was attainable under that provision of the constitution which authorizes Congress alone to coin money and regulate the value thereof. But it is scarcely necessary now to say that these anticipations have not been realized.

After the extensive embarrassment and distress recently produced by the Bank of the United States, from which the country is now recovering, aggravated as they were by pretensions to power which defied the public authority, and which, if acquiesced in by the people, would have changed the whole character of our government, every candid and intelligent individual must admit that, for the attainment of the great advantages of a sound currency, we must look to a course of legislation radically different from that which created such an institution.

In considering the means of obtaining so important an end, we must set aside all calculations of temporary convenience, and be influenced by those only which are in harmony with the true character and the permanent interests of the republic. We must recur to first principles, and see what it is that has prevented the legislation of Congress and the states, on the subject of currency, from satisfying the public expectation, and realizing results corresponding to those which have attended the action of our system when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance and mutual concession, and generous patriotism, which was originally, and must ever continue to be, the vital element of our Union.

On this subject, I am sure that I cannot be mistaken, in ascribing our want of success to the undue continuance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered, may be traced to the resort to implied powers, and the use of corporations clothed with privileges, the effect of which is to advance the interests of the few at the expense of the many. We have felt but one class

of these dangers exhibited in the contest waged by the Bank of the United States against the government, for the last four years. Happily they have been obviated for the present by the indignant resistance of the people; but we should recollect that the principle whence they sprung is an ever active one, which will not fail to renew its efforts in the same and in other forms, so long as there is a hope of success, founded either on the inattention of the people, or the treachery of their representatives, to the subtle progress of its influence.

The bank is, in fact, but one of the fruits of a system at war with the genius of all our institutions,—a system founded upon a political creed, the fundamental principle of which is a distrust of the popular will as a safe regulator of political power, and whose great ultimate object, and inevitable result, should it prevail, is the consolidation of all power in our system in one central government. Lavish public disbursements, and corporations with exclusive privileges, would be its substitutes for the original, and as yet sound checks and balances of the constitution—the means by whose silent and secret operation, a control would be exercised by a few over the political conduct of the many, by first acquiring that control over the labor and earnings of the great body of the people. Wherever this spirit has effected an alliance with political power, tyranny and despotism have been the fruit. If it is ever used for the ends of government, it has to be incessantly watched, or it corrupts the sources of the public virtue, and agitates the country with questions unfavorable to the harmonious and steady pursuit of its true interests.

We are now to see whether, in the present favorable condition of the country, we cannot take an effectual stand against this spirit of monopoly, and practically prove, in respect to the currency as well as other important interests, that there is no necessity for so extensive a resort to it as that which has been heretofore practised. The experience of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent of the government. Without its aid, as such, indeed in despite of all the embarrassments it was in its power to create, the revenue has been paid with punctuality by our citizens; the business of exchange, both foreign and domestic, has been conducted with convenience, and the circulating medium has been greatly improved. By the use of the state banks, which do not derive their charters from the general government, and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community, in relation to exchange and currency, are supplied as well as they have ever been before. If, under circumstances the most unfavorable to the steadiness of the money market, it has been found that the considerations on which the Bank of the United States rested its claims to the public favor, were imaginary and groundless, it cannot be doubted that the experience of the future will be more decisive against them.

It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the legislatures of several of the states have already commenced in regard to the suppression of small bills; and which has only to be fostered by pro-

per regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the government as political engines, and not susceptible of dangerous extension and combination, the state banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the states provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected.

Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposits in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with, and that we shall soon gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If by this policy we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country. The attainment of such a result will form an era in the history of our country which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans, than all the legislation which has yet been attempted.

To this subject I feel that I cannot too earnestly invite the special attention of Congress, without the exercise of whose authority the opportunity to accomplish so much public good must pass unimproved. Deeply impressed with its vital importance, the executive has taken all the steps within his constitutional power, to guard the public revenue, and defeat the expectations which the Bank of the United States indulged, of renewing and perpetuating its monopoly, on the ground of its necessity as a fiscal agent, and as affording a sounder currency than could be obtained without such an institution. In the performance of this duty, much responsibility was incurred which would have been gladly avoided, if the stake which the public had in the question could have been otherwise preserved. Although clothed with the legal authority, and supported by precedent, I was aware that there was in the act of the removal of the deposits a liability to excite that sensitiveness to executive power which it is the characteristic and the duty of freemen to indulge; but I relied on this feeling also, directed by patriotism and intelligence, to vindicate the conduct which in the end would appear to have been called for by the best interests of my country. The apprehensions natural to this feeling, that there may have been a desire, through the instrumentality of that measure to extend the executive influence, or that it may have been prompted by motives not sufficiently free from ambition, were not overlooked.

Under the operation of our institutions, the public servant who is called on to take a step of high responsibility, should feel in the freedom which gives rise to such apprehensions, his highest security. When unfounded, the attention which they arouse and the discussions they excite, deprive those who indulge them of the power to do harm; when just, they but

hasten the certainty with which the great body of our citizens never fail to repel an attempt to procure their sanction to any exercise of power inconsistent with the jealous maintenance of their rights. Under such convictions, and entertaining no doubt that my constitutional obligations demanded the steps which were taken in reference to the removal of the deposits, it was impossible for me to be deterred from the path of duty by a fear that my motives could be misjudged, or that political prejudices could defeat the just considerations of the merits of my conduct. The result has shown how safe is this reliance upon the patriotic temper and enlightened discernment of the people. That measure has now been before them, and has stood the test of all the severe analysis which its general importance, the interests it affected, and the apprehensions it excited, were calculated to produce; and it now remains for Congress to consider what legislation has become necessary in consequence.

I need only add to what I have, on former occasions said on this subject generally, that in the regulations which Congress may prescribe respecting the custody of the public moneys, it is desirable that as little discretion as may be deemed consistent with their safe-keeping should be given to the executive agents. No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, executive discretion, as far as it can be done consistently with the preservation of its constitutional character. In respect to the control over the public money, this doctrine is peculiarly applicable, and is in harmony with the great principle which I felt I was sustaining in the controversy with the Bank of the United States, which has resulted in severing, to some extent, a dangerous connection between a moneyed and political power. The duty of the legislature to define, by clear and positive enactment, the nature and extent of the action which it belongs to the executive to superintend, springs out of a policy analogous to that which enjoins upon all the branches of the federal government an abstinence from the exercise of powers not clearly granted.

In such a government, possessing only limited and specific powers, the spirit of its general administration cannot be wise or just, when it opposes the reference of all doubtful points to the great source of authority, the states and the people, whose number and diversified relations, securing them against the influences and excitements which may mislead their agents, make them the safest depository of power. In its application to the executive, with reference to the legislative branch of the government, the same rule of action should make the President ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the representatives of the people in that body.

In my former messages to Congress, I have repeatedly urged the propriety of lessening the discretionary authority lodged in the various departments, but it has produced no effect as yet, except the discontinuance of extra allowances in the army and navy, and the substitution of fixed salaries in the latter. It is believed that the same principle could be advantageously applied in all cases, and would promote the efficiency and economy of the public service, and at the same time that greater satisfaction and more equal justice would be secured to the public officers generally.

The accompanying report of the secretary of war will put you in possession of the operations of the department confided to his care, in all its diversified relations, during the past year.

I am gratified in being able to inform you that no occurrence has required any movement of the military force, except such as is common to a state of peace. The services of the army have been limited to their usual duties at the various garrisons upon the Atlantic and inland frontiers, with the exceptions stated by the secretary of war. Our small military establishment appears to be adequate to the purposes for which it is maintained, and it forms a nucleus around which any additional force may be collected, should the public exigencies unfortunately require any increase of our military means.

The various acts of Congress which have been recently passed in relation to the army, have improved its condition and have rendered its organization more useful and efficient. It is at all times in a state for prompt and vigorous action, and it contains within itself the power of extension to any useful limit, while at the same time it preserves that knowledge, both theoretical and practical, which education and experience alone can give, and which, if not acquired and preserved in time of peace, must be sought under great disadvantages in time of war.

The duties of the engineer corps press heavily upon that branch of the service; and the public interest requires an addition to its strength. The nature of the works in which the officers are engaged render necessary professional knowledge and experience, and there is no economy in committing to them more duties than they can perform, or in assigning these to other persons temporarily employed, and too often of necessity without all the qualifications which such service demands. I recommend this subject to your attention, and also the proposition submitted at the last session of Congress, and now renewed, for a re-organization of the topographical corps. This re-organization can be effected without any addition to the present expenditure, and with much advantage to the public service. The branch of duties which devolves upon these officers is at all times interesting to the community, and the information furnished by them is useful in peace and in war.

Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications which passed one branch of the national legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the executive in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the secretary of war, which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications, agreeably to the proposition submitted by him, and to place our whole Atlantic seaboard in a complete state of defence. A just regard to the permanent interests of the country evidently requires this measure; but there are also other reasons which at the present juncture give it peculiar force, and make it my duty to call to the subject your special consideration.

The present system of military education has been in operation sufficiently long to test its usefulness, and it has given to the army a valuable body of officers. It is not alone in the improvement, discipline, and

operation of the troops that these officers are employed. They are also extensively engaged in the administrative and fiscal concerns of the various matters confided to the war department; in the execution of the staff duties usually appertaining to the military organization; in the removal of the Indians, and in the disbursement of the various expenditures growing out of our Indian relations; in the formation of roads and in the improvement of harbors and rivers; in the construction of fortifications, in the fabrication of much of the material required for the public defence, and in the preservation, distribution, and accountability of the whole, and in other miscellaneous duties not admitting of classification.

These diversified functions embrace very heavy expenditures of public money, and require fidelity, science, and business habits in their execution; and a system which shall secure these qualifications is demanded by the public interest. That this object has been in a great measure obtained by the military academy is shown by the state of the service, and by the prompt accountability which has generally followed the necessary advances. Like all other political systems, the present mode of military education no doubt has its imperfections, both of principle and practice; but I trust these can be improved by rigid inspections and by legislative scrutiny, without destroying the institution itself.

Occurrences to which we as well as all other nations are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence, and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance upon the great body of the community, whose will has instituted, and whose power must support, the government.

A large standing military force is not consonant to the spirit of our institutions, nor to the feelings of our countrymen; and the lessons of former days, and those also of our own times, show the danger as well as the enormous expense of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand, and the danger and expense of a large force on the other, is what our constituents have a right to expect from their government. This object can be attained only by the maintenance of a small military force, and by such an organization of the physical strength of the country as may bring this power into operation, whenever its services are required.

A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all, by transferring each at a proper period of life from one class to another, and by calling first for the services of that class, whether for instruction or action, which, from age, is qualified for the duty, and may be called to perform it with least injury to themselves or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call. And if, in addition to this organization, voluntary associations were encouraged, and inducements held out for their formation, our militia would be in a state of efficient service.

Now, when we are at peace, is the proper time to digest and establish a practicable system. The object is certainly worth the experiment, and worth the expense. No one appreciating the blessings of a republican government can object to his share of the burden which such a plan may

impose. Indeed a moderate portion of the national funds could scarcely be better applied than carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so, and a fixed determination to give no just cause of offence to other nations, furnish, unfortunately, no certain grounds of expectation that this relation will be uninterrupted. With this determination to give no offence is associated a resolution, equally decided, tamely to submit to none. The armor and the attitude of defence afford the best security against those collisions which the ambition, or interest, or some other passion of nations, not more justifiable, is liable to produce. In many countries, it is considered unsafe to put arms into the hands of the people, and to instruct them in the elements of military knowledge. That fear can have no place here, when it is recollected that the people are the sovereign power. Our government was instituted and is supported, by the ballot-box, not by the musket. Whatever changes await us, still greater changes must be made in our social institutions, before our political system can yield to physical force. In every aspect, therefore, in which I can view the subject, I am impressed with the importance of a prompt and efficient organization of the militia.

The plan of removing the aboriginal people who yet remain within the settled portions of the United States, to the country west of the Mississippi river, approaches its consummation. It was adopted on the most mature consideration of the condition of this race, and ought to be persisted in till the object is accomplished, and prosecuted with as much vigor as a just regard to their circumstances will permit, and as fast as their consent can be obtained. All preceding experiments for the improvement of the Indians have failed. It seems now to be an established fact, that they cannot live in contact with a civilized community and prosper. Ages of fruitless endeavors have at length brought us to a knowledge of this principle of intercommunication with them. The past we cannot recall, but the future we can provide for. Independently of the treaty stipulations into which we have entered with the various tribes, for the usufructory rights they have ceded to us, no one can doubt the moral duty of the government of the United States to protect, and, if possible, to preserve and perpetuate the scattered remnants of this race which are left within our borders. In the discharge of this duty, an extensive region in the west has been assigned for their permanent residence. It has been divided into districts, and allotted among them. Many have already removed, and others are preparing to go; and with the exception of two small bands, living in Ohio and Indiana, not exceeding one thousand five hundred persons, and of the Cherokees, all the tribes on the east side of the Mississippi, and extending from Lake Michigan to Florida, have entered into engagements which will lead to their transplantation.

The plan for their removal and re-establishment is founded upon the knowledge we have gained of their character and habits, and has been dictated by a spirit of enlarged liberality. A territory exceeding in extent that relinquished, has been granted to each tribe. Of its climate, fertility, and capacity to support an Indian population, the representations are highly favorable. To these districts the Indians are removed at the expense of the United States, and with certain supplies of clothing, arms, ammunition, and other indispensable articles, they are also furnished gratuitously with provisions for the period of a year after their arrival at their new homes. In

that time, from the nature of the country, and of the products raised by them, they can subsist themselves by agricultural labor, if they choose to resort to that mode of life; if they do not, they are upon the skirts of the great prairies, where countless herds of buffalo roam, and a short time suffices to adapt their own habits to the changes which a change of the animals destined for their food may require.

Ample arrangements have also been made for the support of schools; in some instances council-houses and churches are to be erected, dwellings constructed for the chiefs, and mills for common use. Funds have been set apart for the maintenance of the poor; the most necessary mechanical arts have been introduced, and blacksmiths, gunsmiths, wheelwrights, millwrights, &c., are supported among them. Steel and iron, and sometimes salt, are purchased for them; and ploughs, and other farming utensils, domestic animals, looms, spinning-wheels, cards, &c., are presented to them. And besides these beneficial arrangements, annuities are, in all cases, paid, amounting, in some instances, to more than thirty dollars for each individual of the tribe, and in all cases sufficiently great, if justly divided, and prudently expended, to enable them, in addition to their own exertions, to live comfortably. And as a stimulus for exertions, it is now provided by law that "in all cases of the appointment of interpreters, or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the discharge of the duties."

Such are the arrangements for the physical comfort, and for the moral improvement of the Indians. The necessary measures for their political advancement, and for their separation from our citizens, have not been neglected. The pledge of the United States has been given by Congress, that the country destined for the residence of this people shall be for ever "secured and guaranteed to them."

A country west of Missouri and Arkansas, has been assigned to them, into which the white settlements are not to be pushed. No political communities can be formed in that extensive region, except those which are established by the Indians themselves, or by the United States for them, with their concurrence. A barrier has thus been raised for their protection against the encroachments of our citizens, and guarding the Indians, as far as possible, from those evils which have brought them to their present condition. Summary authority has been given by law, to destroy all ardent spirits found in their country, without waiting the doubtful result and slow process of a legal seizure. I consider the absolute and unconditional interdiction of this article among these people, as the first and great step in their melioration. Half-way measures will answer no purpose. These cannot successfully contend against the cupidity of the seller, and the overpowering appetite of the buyer. And the destructive effects of the traffic are marked in every page of the history of our Indian intercourse.

Some general legislation seems necessary for the regulation of the relations which will exist in this new state of things, between the government and people of the United States and these transplanted Indian tribes; and for the establishment among the latter, and with their own consent, of some principles of intercommunication, which their juxtaposition will call for; that moral may be substituted for physical force, the authority of a few and simple laws for the tomahawk, and that an end may be put to those

bloody wars, whose prosecution seems to have made part of their social system.

After the farther details of this arrangement are completed, with a very general supervision over them, they ought to be left to the progress of events. These, I indulge the hope, will secure their prosperity and improvement, and a large portion of the moral debt we owe them will be paid.

The report of the secretary of the navy, showing the condition of this branch of the public service, is recommended to your special attention. It appears from it, that our naval force at present in commission, with all the activity which can be given to it, is inadequate to the protection of our rapidly increasing commerce. This consideration, and the more general one which regards this arm of the national defence as our best security against foreign aggression, strongly urge the continuance of the measures which promote its gradual enlargement, and speedy increase of the force which has been hitherto employed abroad and at home. You will perceive from the estimates which appear in the report of the secretary of the navy, that the expenditures necessary to this increase of its force, though of considerable amount, are small compared with the benefits which they will secure to the country.

As a means of strengthening this national arm, I also recommend to your particular attention the propriety of the suggestion which attracted the consideration of Congress at its last session, respecting the enlistment of boys at a suitable age in the service. In this manner, a nursery of skilful and able-bodied seamen can be established, which will be of the greatest importance. Next to the capacity to put afloat and arm the requisite number of ships, is the possession of the means to man them efficiently; and nothing seems better calculated to aid this object than the measure proposed. As an auxiliary to the advantages derived from our extensive commercial marine, it would furnish us with a resource ample enough for all the exigencies which can be anticipated. Considering the state of our resources, it cannot be doubted that whatever provision the liberality and wisdom of Congress may now adopt, with a view to the perfect organization of this branch of our service, will meet the approbation of all classes of our citizens.

By the report of the postmaster-general, it appears that the revenue of that department during the year ending on the 30th day of June last, exceeded its accruing responsibilities, two hundred and thirty-six thousand two hundred and six dollars; and that the surplus of the present fiscal year is estimated at four hundred and seventy-six thousand two hundred and twenty-seven dollars. It farther appears that the debt of the department, on the 1st day of July last, including the amount due to contractors for the quarter then just expired, was about one million and sixty-four thousand three hundred and eighty-one dollars, exceeding the available means about twenty-three thousand and seven hundred dollars; and that on the 1st instant, about five hundred and ninety-seven thousand and seventy-seven dollars of this debt had been paid: four hundred and nine thousand nine hundred and ninety-one dollars of the postages accruing before July, and one hundred and eighty-seven thousand and eighty-six dollars out of postages accruing since. In these payments are included sixty-seven thousand dollars of the old debt due to banks. After making these payments, the department had seventy-three thousand dollars in bank on the 1st instant. The pleasing assurance is given that the department is entirely free from

embarrassment, and that by collections of outstanding balances, and using the current surplus, the remaining portion of the bank debt, and most of the other debt, will probably be paid in April next, leaving thereafter a heavy amount to be applied in extending the mail facilities of the country. Reserving a considerable sum for the improvement of existing mail routes, it is stated that the department will be able to sustain with perfect convenience an annual charge of three hundred thousand dollars for the support of new routes, to commence as soon as they can be established and put in operation.

The measures adopted by the postmaster-general to bring the means of the department into action, and to effect a speedy extinguishment of its debt, as well as to produce an efficient administration of its affairs, will be found detailed at length in his able and luminous report. Aided by a re-organization on the principles suggested, and such salutary provisions in the laws regulating its administrative duties as the wisdom of Congress may devise or approve, that important department will soon attain a degree of usefulness proportioned to the increase of our population and the extension of our settlements.

Particular attention is solicited to that portion of the report of the postmaster-general which relates to the carriage of mails of the United States upon railroads constructed by private corporations under the authority of the several states. The reliance which the general government can place on those roads as a means of carrying on its operations, and the principles on which the use of them is to be obtained, cannot too soon be considered and settled.

Already does the spirit of monopoly begin to exhibit its natural propensities in attempts to exact from the public, for services which it supposes cannot be obtained on other terms, the most extravagant compensation.

If these claims be persisted in, the question may arise whether a combination of citizens, acting under charters of incorporation from the states, can, by a direct refusal or the demand of an exorbitant price, exclude the United States from the use of the established channels of communication between the different sections of the country, and whether the United States cannot, without transcending their constitutional powers, secure to the post-office department the use of those roads, by an act of Congress which shall provide within itself some equitable mode of adjusting the amount of compensation.

To obviate, if possible, the necessity of considering this question, it is suggested whether it be not expedient to fix by law the amounts which shall be offered to railroad companies for the conveyance of the mails, graduated according to their average weight, to be ascertained and declared by the postmaster-general. It is probable that a liberal proposition of that sort would be accepted.

In connection with these provisions in relation to the post-office department, I must also invite your attention to the painful excitement produced in the south, by attempts to circulate, through the mails, inflammatory appeals addressed to the passions of the slaves, in prints, and in various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war.

There is, doubtless, no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so

repugnant to the principles of our national compact, and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders — and peace depends upon the maintenance, in good faith, of those compromises of the constitution upon which the Union is founded. It is fortunate for the country that the good sense, the generous feeling, and the deep-rooted attachment of the people of the non-slaveholding states to the Union, and to their fellow citizens of the same blood in the south, have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts who have dared to interfere in this matter, as to authorize the hope that those attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result, not a doubt can be entertained, that the non-slaveholding states, so far from countenancing the slightest interference with the constitutional rights of the south, will be prompt to exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil.

In leaving the care of other branches of this interesting subject to the state authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the post-office department, which was designed to foster an amicable intercourse and correspondence between all the members of the confederacy, from being used as an instrument of an opposite character. The general government, to which the great trust is confided of preserving inviolate the relations created among the states by the constitution, is especially bound to avoid in its own action, anything that may disturb them. I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the southern states, through the mail, of incendiary publications intended to instigate the slaves to insurrection.

I felt it to be my duty, in the first message which I communicated to Congress, to urge upon its attention the propriety of amending that part of the constitution which provides for the election of the President and Vice-President of the United States. The leading object which I had in view was the adoption of some new provisions which would secure to the people the performance of this high duty without any intermediate agency. In my annual communications since, I have enforced the same views, from a sincere conviction that the best interests of the country would be promoted by their adoption. If the subject were an ordinary one, I should have regarded the failure of Congress to act upon it, as an indication of their judgment that the disadvantages which belong to the present system were not so great as those which would result from any attainable substitute that had been submitted to their consideration. Recollecting, however, that propositions to introduce a new feature in our fundamental laws cannot be too patiently examined, and ought not to be received with favor until the great body of the people are thoroughly impressed with their necessity and value, as a remedy for real evils, I feel that in renewing the recommendation I have heretofore made on this subject, I am not transcending the bounds of a just deference to the sense of Congress, or to the disposition of the people. However much we may differ in the choice of the measures which should guide the administration of the government, there can be but little doubt in

the minds of those who are really friendly to the republican features of our system, that one of its most important securities consists in the separation of the legislative and the executive powers, at the same time that each is held responsible to the great source of authority, which is acknowledged to be supreme, in the will of the people constitutionally expressed. My reflection and experience satisfy me that the framers of the constitution, although they were anxious to mark this feature as a settled and fixed principle in the structure of the government, did not adopt all the precautions that were necessary to secure its practical observance, and that we cannot be said to have carried into complete effect their intentions until the evils which arise from this organic defect are remedied.

Considering the great extent of our confederacy, the rapid increase of its population, and the diversity of their interests and pursuits, it cannot be disguised that the contingency by which one branch of the legislature is to form itself into an electoral college, cannot become one of ordinary occurrence without producing incalculable mischief. What was intended as the medicine of the constitution in extreme cases, cannot be frequently used without changing its character, and sooner or later producing incurable disorder.

Every election by the House of Representatives is calculated to lessen the force of that security which is derived from the distinct and separate character of the legislative and executive function, and while it exposes each to temptations adverse to their efficiency as organs of the constitution and laws, its tendency will be to unite both in resisting the will of the people, and thus give a direction to the government anti-republican and dangerous. All history tells us that a free people should be watchful of delegated power, and should never acquiesce in a practice which shall diminish their control over it. This obligation, so universal in its application to all the principles of a republic, is peculiarly so in ours, where the formation of parties founded on sectional interests, is so much fostered by the extent of our territory. These interests, represented by candidates for the presidency, are constantly prone, in the zeal of party and selfish objects, to generate influences unmindful of the general good, and forgetful of the restraints which the great body of the people would enforce, if they were in no contingency to use the right of expressing their will. The experience of our country, from the formation of the government to the present day, demonstrates that the people cannot too soon adopt some stronger safeguard for their right to elect the highest officers known to the constitution, than is contained in that sacred instrument as it now stands.

It is my duty to call the particular attention of Congress to the present condition of the District of Columbia. From whatever cause the great depression has arisen which now exists in the pecuniary concerns of this district, it is proper that its situation should be fully understood, and such relief or remedies provided as are consistent with the powers of Congress. I earnestly recommend the extension of every political right to the citizens of the district which their true interests require, and which does not conflict with the provisions of the constitution. It is believed that the laws for the government of the district require revisal and amendment, and that much good may be done by modifying the penal code, so as to give uniformity to its provisions.

Your attention is also invited to the defects which exist in the judicial system of the United States. As at present organized, the states of the

Union derive unequal advantages from the federal judiciary, which have been so often pointed out, that I deem it unnecessary to repeat them here. It is hoped that the present Congress will extend to all the states that equality in respect to the benefits of the laws of the Union which can only be secured by the uniformity and efficiency of the judicial system.

With these observations on the topics of general interest which are deemed worthy of your consideration, I leave them to your care, trusting that the legislative measures they call for will be met as the wants and the best interests of our beloved country demand.

FRENCH MESSAGE.

JANUARY 15, 1836.

To the Senate and House of Representatives of the United States :

GENTLEMEN : In my message at the opening of your session, I informed you that our chargé d'affaires at Paris had been instructed to ask for the final determination of the French government, in relation to the payment of the indemnification secured by the treaty of the 4th of July, 1831, and that, when advices on the result should be received, it would be made the subject of a special communication.

In execution of this design, I now transmit to you the papers numbered from 1 to 13, inclusive, containing, among other things, the correspondence on this subject between our chargé d'affaires and the French minister of foreign affairs, from which it will be seen, that France requires as a condition precedent to the execution of a treaty unconditionally ratified, and to the payment of a debt acknowledged by all the branches of her government to be due, that certain explanations shall be made of which she dictates the terms. These terms are such as that government has already been officially informed cannot be complied with; and if persisted in, they must be considered as a deliberate refusal on the part of France to fulfil engagements, binding by the laws of nations, and held sacred by the whole civilized world. The nature of the act which France requires from this government, is clearly set forth in the letter of the French minister, marked No. 4. We will pay the money, says he, when "*the government of the United States is ready on its part to declare to us, by addressing its claim to us officially, in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call to question the good faith of the French government, nor to take a menacing attitude toward France;* and he adds, "*if the government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of error.*" In the letter marked No. 6, the French minister also remarks that, "*the government of the United States knows that upon itself depends henceforward the execution of the treaty of July 4, 1831.*"

Obliged, by the precise language thus used by the French minister, to view it as a peremptory refusal to execute the treaty, except on terms incompatible with the honor and independence of the United States, and persuaded that, on considering the correspondence now submitted to you,

you can regard it in no other light, it becomes my duty to call your attention to such measures as the exigency of the case demands, if the claim of interfering in the communications between the different branches of our government shall be persisted in. This pretension is rendered the more unreasonable by the fact that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition—a condition the more humiliating because it is demanded as the equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her tears rather than to her justice? She has already had it, frankly and explicitly given by our minister accredited to her government, his act ratified by me, and my confirmation of it officially communicated by him, in his letter to the French minister of foreign affairs, on the 25th of April, 1835, and repeated by my published approval of that letter after the passage of the bill of indemnification. Does France want a degrading, servile repetition of this act, in terms which she shall dictate, and which will involve an acknowledgment of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American people, the dignity of the legislature, and the firm resolve of their executive government, forbid it.

As the answer of the French minister to our chargé d'affaires at Paris, contains an allusion to a letter addressed by him to the representative of France at this place, it now becomes proper to lay before you the correspondence had between that functionary and the secretary of state relative to that letter, and to accompany the same with such explanations as will enable you to understand the course of the executive in regard to it. Recurring to the historical statement made at the commencement of your session, of the origin and progress of our difficulties with France, it will be recollected that, on the return of our minister to the United States, I caused my official approval of the explanations he had given to the French minister of foreign affairs, to be made public. As the French government had noticed the message without its being officially communicated, it was not doubted that, if they were disposed to pay the money due to us, they would notice any public explanation of the government of the United States in the same way. But, contrary to these well-founded expectations, the French ministry did not take this fair opportunity to relieve themselves from their unfortunate position, and to do justice to the United States.

Whilst, however, the government of the United States was awaiting the movements of the French government, in perfect confidence that the difficulty was at an end, the secretary of state received a call from the French chargé d'affaires in Washington, who desired to read to him a letter he had received from the French minister of foreign affairs. He was asked whether he was instructed or directed to make any official communication, and replied that he was only authorized to read the letter, and furnish a copy if requested. The substance of its contents, it is presumed, may be gathered from Nos. 4 and 6, herewith transmitted. It was an attempt to make known to the government of the United States, privately, in what manner it could make explanations, apparently voluntary, but really dictated by France, acceptable to her, and thus obtain payment of the twenty-five millions of francs. No exception was taken to this mode of communication, which is often used to prepare the way for official intercourse,

but the suggestions made in it were in their substance wholly inadmissible. Not being in the shape of an official communication to this government, it did not admit of reply or official notice, nor could it safely be made the basis of any action by the executive or the legislature, and the secretary of state did not think proper to ask a copy, because he could have no use for it. Copies of papers, marked Nos. 9, 10, and 11, show an attempt on the part of the French chargé d'affaires, many weeks afterwards, to place a copy of this paper among the archives of this government, which, for obvious reasons, was not allowed to be done; but the assurance before given was repeated, that any official communication which he might be authorized to make in the accustomed form, would receive a prompt and just consideration. The indiscretion of this attempt was made more manifest by the subsequent avowal of the French chargé d'affaires, that the object was to bring this letter before Congress and the American people. If foreign agents, on a subject of disagreement between their governments and this, wish to prefer an appeal to the American people, they will hereafter, it is hoped, better appreciate their own rights, and the respect due to others, than to attempt to use the executive as the passive organ of their communications. It is due to the character of our institutions, that the diplomatic intercourse of this government should be conducted with the utmost directness and simplicity, and that, in all cases of importance, the communications received or made by the executive should assume the accustomed official form. It is only by insisting on this form, that foreign powers can be held to full responsibility; that their communications can be officially replied to; or that the advice or interference of the legislature can, with propriety, be invited by the President. This course is also best calculated, on the one hand, to shield that officer from unjust suspicions, and on the other, to subject this portion of his acts to public scrutiny; and if occasion should require it, to constitutional animadversion. It was the more necessary to adhere to these principles in the instance in question, inasmuch as, in addition to other important interests, it very intimately concerns the national honor; a matter in my judgment much too sacred to be made the subject of private and unofficial negotiation.

It will be perceived that this letter of the French minister of foreign affairs was read to the secretary of state on the 11th of September last. This was the first authentic indication of the specific views of the French government, received by the government of the United States after the passage of the bill of indemnification. Inasmuch as the letter had been written before the official notice of my approval of Mr. Livingston's last explanation and remonstrance could have reached Paris, just ground of hope was left, as has been before stated, that the French government, on receiving that information, in the same manner as the alleged offensive message had reached them, would desist from their extraordinary demand, and pay the money at once. To give them an opportunity to do so, and, at all events, to elicit their final determination, and the ground they intended to occupy, the instructions were given to our chargé d'affaires, which were adverted to at the commencement of the present session of Congress. The result, as you have seen, is a demand of an official written expression of regrets, and a direct explanation addressed to France, with a distinct intimation that this is a *sine quâ non*.

Mr. Barton having, in pursuance of his instructions, returned to the United

States, and the chargé d'affaires of France having been recalled, all diplomatic intercourse between the two countries is suspended, — a state of things originating in an unreasonable susceptibility on the part of the French government, and rendered necessary on our part by their refusal to perform engagements contained in a treaty, from the faithful performance of which by us they are to this day enjoying many important commercial advantages.

It is time that this unequal position of affairs should cease, and that legislative action should be brought to sustain executive exertion in such measures as the case requires. While France persists in her refusal to comply with the terms of a treaty, the object of which was, by removing all causes of mutual complaint, to renew ancient feelings of friendship, and to unite the two nations in the bonds of amity and of a mutually beneficial commerce, she cannot justly complain if we adopt such peaceful remedies as the law of nations and the circumstances of the case may authorize and demand. Of the nature of these remedies I have heretofore had occasion to speak, and, in reference to a particular contingency, to express my conviction that reprisals would be best adapted to the emergency then contemplated. Since that period, France, by all the departments of her government, has acknowledged the validity of our claims, and the obligations of the treaty, and has appropriated the moneys which are necessary to its execution; and though payment is withheld on grounds vitally important to our existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the questions in controversy, under all existing circumstances, it appears to me, that until such a determination shall have become evident, it will be proper and sufficient to retaliate her present refusal to comply with her engagements, by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former in the present posture of our affairs, as being the least injurious to our commerce, and as attended with the least difficulty of returning to the usual state of friendly intercourse, if the government of France shall render us the justice that is due, and also as a proper preliminary step to stronger measures, should their adoption be rendered necessary by subsequent events.

The return of our chargé d'affaires is attended with public notices of naval preparations on the part of France, destined for our seas. Of the cause and intent of these armaments I have no authentic information, nor any other means of judging, except such as are common to yourselves and to the public; but whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part, and I therefore strongly urge large and speedy appropriations for the increase of the navy, and the completion of our coast defences.

If this array of military force be really designed to affect the action of the government and the people of the United States, on the questions now pending between the two nations, then indeed would it be dishonorable to pause a moment on the alternative which such a state of things would present to us. Come what may, the explanation which France demands

can never be accorded; and no armament, however powerful and imposing, at a distance or on our coast, will, I trust, deter us from discharging the high duties which we owe to our constituents, our national character, and to the world.

The House of Representatives, at the close of the last session of Congress, unanimously resolved that the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on by the United States. It is due to the welfare of the human race, not less than to our own interests and honor, that this resolution should at all hazards be adhered to. If, after so signal an example as that given by the American people, during their long-protracted difficulties with France, of forbearance under accumulated wrongs, and of generous confidence in her ultimate return to justice, she shall now be permitted to withhold from us the tardy and imperfect indemnification which, after years of remonstrance and discussion, had at length been solemnly agreed on by the treaty of 1831, and to set at naught the obligations it imposes, the United States will not be the only sufferers. The efforts of humanity and religion to substitute the appeals of justice and the arbitrament of reason, for the coercive remedies usually resorted to by injured nations, will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves, and so fatal to the hopes of the philanthropist, we shall therefore not only preserve the pecuniary interests of our citizens, the independence of our government, and the honor of our country, but do much, it may be hoped, to vindicate the faith of treaties, and to promote the general interests of peace, civilization, and improvement.

EIGHTH ANNUAL MESSAGE.

DECEMBER 6, 1836.

Fellow Citizens of the Senate and House of Representatives :

ADDRESSING to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained. With no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I cannot avoid congratulating you and my country, particularly on the success of the efforts made during my administration by the executive and legislature, in conformity with the sincere, constant, and earnest desire of the people, to maintain peace, and establish cordial relations with all foreign powers. Our gratitude is due to the Supreme Ruler of the Universe, and I invite you to unite with me in offering to him fervent supplications, that his providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war, consistently with a just and indispensable regard to the rights and honor of our country. But

although the present state of our foreign affairs, standing without important change as they did when you separated in July last, is flattering in the extreme, I regret to say, that many questions of an interesting nature, at issue with other powers, are yet unadjusted. Among the most prominent of these is that of the northeastern boundary. With an undiminished confidence in the sincere desire of his Britannic majesty's government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France, our diplomatic relations have been resumed, and under circumstances which attest the disposition of both governments to preserve a mutually beneficial intercourse, and foster those amicable feelings which are so strongly required by the true interests of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark, the best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that kingdom.

The blessings of peace have not been secured by Spain. Our connections with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp, have been presented to the governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil, and all our neighbors of this continent, we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their government will permit us. The just and long-standing claims of our citizens upon some of them are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, although tardily, acknowledged and paid by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbor, Mexico, an exception.

It is already known to you, by the correspondence between the two governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself, and I trust that it will be found, on the most severe scrutiny, that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party is not surprising. But this circumstance should, of itself, teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States, that our character requires that we should neither anticipate events nor attempt to control them. The known desire of the Texians to become a part of our system, although its gratification depends upon the reconciliation of various and conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent

to principle themselves, and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy.

You will perceive by the accompanying documents, that the extraordinary mission from Mexico has been terminated, on the sole grounds, that the obligations of this government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army to advance into territory claimed as part of Texas, if necessary to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to re-establish its dominion. The departure of this minister was the more singular, as he was apprized that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and that there was every reason to suppose that the troops of the United States—their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches—would be either there in perfect accordance with the principles admitted to be just in his conference with the secretary of state, by the Mexican minister himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the department of war. It is hoped and believed that his government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability, in execution of the stipulations of our treaty, to act upon the frontier, into an encroachment upon its rights or a stain upon its honor.

In the mean time the ancient complaints of injustice, made on behalf of our citizens, are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance, and ample immediate redress. I trust, however, by tempering firmness with courtesy, and acting with great forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico's being soon able to execute the treaty on its part, it is proper that we should be in anticipation prepared at all times to perform our obligations without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly-declared Texian government, will be communicated to you in the course of the session.

Commercial treaties, promising great advantages to our enterprising merchants and navigators, have been formed with the distant governments of Muscat and Siam. The ratifications have been exchanged, but have not reached the department of state. Copies of the treaties will be transmitted to you if received before, or published if arriving after the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary powers, nor to check the good will which is

gradually growing up in our intercourse with the dominions of the government of the distinguished chief of the Ottoman empire.

Information has been received at the department of state that a treaty with the Emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the Senate previous to the close of the session.

You will perceive, from the report of the secretary of the treasury, that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the treasury during the present year will amount to about forty-seven millions six hundred and ninety-one thousand eight hundred and ninety-eight dollars; those from customs being estimated at twenty-two millions five hundred and twenty-three thousand one hundred and fifty-one dollars; those from lands at about twenty-four millions of dollars; and the residue from miscellaneous sources. The expenditures for all objects, during the year, are estimated not to exceed twenty-three millions of dollars, which will leave a balance in the treasury for public purposes, on the 1st day of January next, of about forty-one millions seven hundred and twenty-three thousand nine hundred and fifty-nine dollars. This sum, with the exception of five millions, will be transferred to the several states, in accordance with the provisions of the act regulating the depositories of the public money.

The unexpended balances of appropriations on the 1st day of January next, are estimated at fourteen millions six hundred and thirty-six thousand and sixty-two dollars, exceeding, by nine millions six hundred and thirty-six thousand and sixty-two dollars, the amount which will be left in the deposite banks, subject to the draft of the treasurer of the United States, after the contemplated transfers to the several states are made. If, therefore, the future receipts should not be sufficient to meet those outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the states.

The consequences apprehended when the deposite act of the last session received a reluctant approval, have been measurably realized. Though an act merely for the deposite of the surplus moneys of the United States in the state treasuries for safe-keeping, until they may be wanted for the service of the general government, it has been extensively spoken of as an act to give the money to the several states; and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligation of the deposite act, and without a proper attention to the various principles and interests which are affected by it. It is manifest that the law itself cannot sanction such a suggestion, and that, as it now stands, the states have no more authority to receive and use these depositories without intending to return them, than any deposite bank, or any individual temporarily charged with the safe-keeping or application of the public money, would now have for converting the same to their private use, without the consent and against the will of the government. But independently of the violation of the public faith and moral obligation which are involved in this suggestion, when examined in reference to the terms of the present deposite act, it is believed that the considerations which should govern the future legislation of Congress on this subject, will be equally conclusive against the adoption of any measure recognizing the principles on which the suggestion has been made.

Considering the intimate connection of the subject with the financial interests of the country, and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil, if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it cannot be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists to avert it.

Under our present revenue system, there is every probability that there will continue to be a surplus beyond the wants of the government; and it has become our duty to decide whether such a result be consistent with the true objects of our government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the treasury as it now is, or distributed among the people or the states.

To retain it in the treasury unemployed in any way, is impracticable. It is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties, than to permit the government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the states would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the treasury. The shortest reflection must satisfy every one, that to require the people to pay taxes to the government, merely that they may be paid back again, is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it, even if each individual who contributed a portion of the tax could receive back promptly the same portion. But it is apparent that no system of the kind can ever be enforced which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process, and in the various losses and depreciations which arise from other causes; and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposit banks and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property and giving it to another. Such would be the unavoidable result of a rule of equality, (and none other is spoken of, or would be likely to be adopted,) inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute *unequally*, and a rule, therefore, that would distribute to them *equally* would be liable to all the objections which apply to the principle of an equal division of property. To make the general government the instrument of carrying this odious principle into effect, would be at once to destroy the means of its usefulness, and change the character designed for it by the framers of the constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it, may be forcibly illustrated by an examination of the effects already produced by the present deposit act. This act, although certainly designed to secure the safe-keeping of the public revenue, is not entirely free in its tendencies from many of the objections which apply to this principle of distribution. The government had, without necessity, received from the people a large surplus, which, instead of being employed as heretofore, and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital; and in this manner it has tended to multiply bank charters, and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created belonged to the people; but the government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process need only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced by the steps necessary to collect as well as to distribute such a revenue. About three fifths of all the duties on imports are paid in the city of New York; but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every state, who purchases and consumes an article which has paid a duty at that port, contributes to the accumulating mass. The surplus collected there must, therefore, be made up of moneys or property withdrawn from other points and other states. Thus the wealth and business of every region from which these surplus funds proceed must be to some extent injured, while that of the place where the funds are concentrated and are employed in banking, are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus, and in making the re-transfer which becomes necessary when the time arrives for the distribution of that surplus, there is a considerable period when the funds cannot be brought into use; and it is manifest that, besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country, which are always productive of speculation, and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this character ought not to receive farther legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposit bill of the last session, we shall discover other features that

appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the states have been collected and belong to them in the ratio of their federal representative population—an assumption founded upon the fact that any deficiencies on our future revenue, from imposts and public lands, must be made up by direct taxes collected from the states in that ratio. It is proposed to distribute the surplus, say thirty millions of dollars, not according to the ratio in which it has been collected, and belongs to the people of the states, but in that of their votes in the colleges of electors for President and Vice-President. The effect of a distribution upon that ratio is shown by the annexed table, marked A.

By an examination of that table, it will be perceived that in the distribution of a surplus of thirty millions of dollars upon that basis, there is a great departure from the principle which regards representation as the true measure of taxation; and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our federal system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation, the framers of the constitution intended to equalize the burdens which are necessary to support the government; and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views respecting the political equality of the various members of the confederacy. Whatever, therefore, disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection, in the annexed table, of the differences produced by the ratio used in the deposit act, compared with the results of a distribution according to the ratio of direct taxation, must satisfy every unprejudiced mind, that the former ratio contravenes the spirit of the constitution, and produces a degree of injustice in the operation of the federal government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the state of Delaware, in the collection of thirty millions of dollars of revenue, would pay into the treasury one hundred and eighty-eight thousand seven hundred and sixteen dollars; and in the distribution of thirty millions of dollars she would receive back from the government, according to the ratio of the deposit bill, the sum of three hundred and six thousand one hundred and twenty-two dollars; and similar results would follow the comparison between the small and large states throughout the Union; thus realizing to the small states an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it, as it would be inconsistent with the rights and expectations of the large states. It was certainly the intention of that provision of the constitution which declares that "all duties, imposts and excises" shall "be uniform throughout the United States," to make the burdens of taxation fall equally upon the people in whatever state of the Union they may reside. But what would be the value of such a uniform rule, if the moneys raised by it could be immediately returned by a different one, which will give to the people of some states much more, and to those of others much less than their fair proportions? Were the federal government to exempt, in express terms, the

imports, products, and manufactures of some portions of the country from all duties, while it imposes heavy ones on others, the injustice could not be greater. It would be easy to show how, by the operation of such a principle, the large states of the Union would not only have to contribute their just share toward the support of the federal government, but also have to bear in some degree the taxes necessary to support the government of their smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the constitution, when they conferred on Congress the taxing power; and I feel persuaded that a mature examination of the subject will satisfy every one that there are insurmountable difficulties in the operation of any plan which can be devised, of collecting revenue for the purpose of distributing it. Congress is only authorized to levy taxes, "to pay the debts and provide for the common defence and general welfare of the United States." There is no such provision as would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the states or the people. Indeed it is not probable that such an idea ever occurred to the states when they adopted the constitution. But, however this may be, the only safe rule for us in interpreting the powers granted to the federal government, is to regard the absence of express authority to touch a subject so important and delicate as this is, as equivalent to a prohibition.

Even if our powers were less doubtful in this respect, as the constitution now stands, there are considerations afforded by recent experience which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the state governments mainly depend on the fact that money has to be supplied to support them by the same men, or their agents, who vote it away in appropriations. Hence, when there are extravagant and wasteful appropriations, there must be a corresponding increase of taxes; and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self-interest, the agents of the people in the state governments are repressed, and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations, and thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the state governments as the mainstay of our Union and liberties. The state legislatures, instead of studying to restrict their state expenditures to the smallest possible sum, will claim credit for their profusion, and harass the general government for increased supplies. Practically, there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The states would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the general government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by wide-spread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the

despotic systems of the old world. In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country, I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are in a great degree the source of the surplus revenue, beneficial to one section of the Union and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there is reason to fear that all the complaints which have sprung from this cause would be aggravated. Every one must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it; and any system, therefore, into which it enters, must have a powerful tendency to increase, rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections of the Union, the reasons already so urgently calling for a reduction of the revenue would nevertheless lose none of their force; for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished as it must inevitably be by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned, is to collect only revenue enough to meet the wants of the government, and let the people keep the balance of the property in their own hands, to be used for their own profit. Each state will then support its own government, and contribute its due share toward the support of the general government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the federal government. There would be some guaranty that the spirit of wild speculation which seeks to convert the surplus revenue into banking capital, would be effectually checked, and that the scenes of demoralization which are now so prevalent through the land would disappear.

Without desiring to conceal that the experience and observation of the last two years have operated a partial change in my views upon this interesting subject, it is nevertheless regretted that the suggestions made by me in my annual messages of 1829 and 1830, have been greatly misunderstood. At that time the great struggle was begun against that latitudinarian construction of the constitution which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the states, tending to invest in the hands, and place under the control of the general government, all the principal roads and canals of the country, in violation of state rights, and in derogation of state authority. At the same time, the condition of the manufacturing interests was such as to create an apprehension that the duties on imports could not, without extensive mischief, be reduced in season to prevent the accumulation of a considerable surplus, after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements, in derogation of the rights and powers of the states, the suggestion of an amendment of the constitution to authorize its distribution was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve an overburdened treasury, until the government could, without a sudden and destructive revulsion in the business of the country, gradually

return to the just principle of raising no more revenue from the people in taxes than is necessary for its economical support. Even that alternative was not spoken of but in connection with an amendment of the constitution. No temporary inconvenience can justify the exercise of a prohibited power, or a power not granted by that instrument; and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character, that it was suggested only in connection with an appeal to the source of all legal power in the general government, the states which have established it. No such appeal has been taken; and, in my opinion, a distribution of the surplus revenue by Congress, either to the states or the people, is to be considered as among the prohibitions of the constitution. As already intimated, my views have undergone a change, so far as to be convinced that no alteration of the constitution in this respect is wise or expedient. The influence of an accumulating surplus upon the legislation of the general government and the states, its effects upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculation, idleness, extravagance, and a deterioration of morals, have taught us the important lesson, that any transient mischief which may attend the reduction of our revenue to the wants of our government, is to be borne in preference to an overflowing treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent from the whole context of the constitution, as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutual medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some states, as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the revolution, had become so justly obnoxious, as not only to suggest the clause in the constitution forbidding the emission of bills of credit by the states, but also to produce that vote in the convention which negated the proposition to grant power to Congress to charter corporations; a proposition well understood at the time, as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes, on a capital to be created to some extent out of government stocks. Although this proposition was refused by a direct vote of the convention, the object was afterwards in effect obtained by its ingenious advocates through a strained construction of the constitution. The debts of the revolution were funded at prices which formed no equivalent, compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act, to distrust.

The facts that the value of the stock was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank, it became the interest of its creditors that gold should be superseded by the paper of the bank as a general currency. A value was soon attached to the gold coins, which made their exportation to foreign countries, as a mercantile commodity, more profitable than their retention and use at home as money. It followed, as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

Such was the origin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various states.

Although it may not be possible, by any legislative means within our power, to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations, in preventing the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject, has been frequently attested by the better experience of the country. The same causes which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes, now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power; and it is to be hoped that the opportunity for effecting this great good will be improved, before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute a currency, and must ever do so until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that, although their wages are nominally the same, or even somewhat higher, they are greatly reduced, in fact, by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise, and gradually reach a just-

ly proportioned rate to that of the products of their labor. When thus, by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; the next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the Bank of the United States, and its repugnance to our constitution, that I was induced to exert the power conferred upon me by the American people to prevent the continuance of that institution. But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the government a renewal of its charter, it is obvious that little has been accomplished, except a salutary change of public opinion, toward restoring to the country the sound currency provided for in the constitution. In the acts of several of the states prohibiting circulation of small notes, and the auxiliary enactments of Congress at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactments of state laws banishing from circulation bank notes of still higher denominations; and the object may be materially promoted by farther acts of Congress, forbidding the employment as fiscal agents, of such banks as continue to issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credit and over-issues of bank paper, have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in banks. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the government by a credit on the books of the banks. Those credits on the books of some of the western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accu-

multate, would ultimately be of the least value to the government. The spirit of expansion and speculation was not confined to deposit banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

The safety of the public funds, and the interest of the people generally, required that these operations should be checked; and it became the duty of every branch of the general and state governments to adopt all legitimate and proper means to produce the salutary effect. Under this view of my duty, I directed the issuing of the order which will be laid before you by the secretary of the treasury, requiring payment for the public lands to be sold, to be made in specie, with an exception, until the fifteenth of the present month, in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the western banks and gave them additional strength, in anticipation of the pressure which has since pervaded our eastern as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new states from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants at government prices, instead of their being compelled to purchase of speculators at double or treble prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which will have ensued, much to commend and nothing to condemn.

It remains for Congress, if they approve the policy which dictated this order, to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands, except to actual settlers at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the general government never ought to receive anything but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenue, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general, and to the new states in particular, which cannot fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the state banks to perform the duties of fiscal agents for the government, at the time of the removal of the deposits. It was alleged by the advocates of the Bank of the United States, that the state banks, whatever might be the regulations of the treasury department, could not make the transfers required by the government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts by the United States Bank and its twenty-five branches, were at least one third less than those of the deposit banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank, in estimating

what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposit banks.

The whole amount of public money transferred by the Bank of the United States, in 1832, was sixteen millions of dollars. The amount transferred and actually paid by the deposit banks in the year ending the first of October last, was thirty-nine millions three hundred and nineteen thousand eight hundred and ninety-nine dollars; the amount transferred and paid between that period and the sixth of November was five millions three hundred and ninety-nine thousand dollars; and the amount of transfer warrants outstanding on that day, was fourteen millions, four hundred and fifty thousand dollars; making an aggregate of fifty-nine millions one hundred and sixty-eight thousand eight hundred and ninety-four dollars. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity; and the rates at which the exchanges have been negotiated previously to the passage of the deposit act, were generally below those charged by the Bank of the United States. Independently of these services, which are far greater than those rendered by the United States Bank and its twenty-five branches, a number of deposit banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposits—a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure the renewal of its charter. It may be thus, too, in some degree, with the farther steps which may be taken to prevent the excessive issues of other bank paper; but it is to be hoped that nothing will now deter the federal and state authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the government, your particular attention is invited to those articles which constitute the necessities of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support of our government, and tend only to increase the wants of the desitute.

It will be seen by the report of the secretary of the treasury, and the accompanying documents, that the Bank of the United States has made no payment on account of the stock held by the government in that institution, although urged to pay any portion which might suit its convenience; and that it has given no information when payment may be expected. Nor although repeatedly requested, has it furnished the information in relation to its condition, which Congress authorized the secretary to collect at their last session. Such measures as are within the power of the executive have been taken to ascertain the value of the stock, and procure the payment as early as possible.

The conduct and present condition of that bank, and the great amount of capital vested in it by the United States, require your careful attention. Its charter expired on the 3d day of March last, and it has now no power but

that given in the 21st section, to use "the corporate name, style, and capacity for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but not for any other purpose or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation." Before the expiration of the charter, the stockholders of the bank obtained an act of incorporation from the Legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns, and pay over to the United States the amount due on account of the stock held by them, the president and directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property, to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own, and again put in circulation. That the old bank had no right to issue or re-issue its notes after the expiration of its charter, cannot be denied; and that it could not confer any such right on its substitute any more than exercise it itself, is equally plain. In law and honesty, the notes of the bank in circulation, at the expiration of its charter, should have been called in by public advertisement, paid up as presented, and, together with those on hand, cancelled and destroyed. Their re-issue is sanctioned by no law, and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their re-issue by the new corporation, for their own profit, is a fraud on the government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but, contrary to the wishes of the retiring partner, and without his consent, are again re-issued and circulated.

It is the high and peculiar duty of Congress to decide whether any farther legislation be necessary for the security of the large amount of public property now held and in use by the new bank, and for vindicating the rights of the government, and compelling a speedy and honest settlement with all the creditors of the old bank, public and private: or whether the subject shall be left to the power now possessed by the executive and judiciary. It remains to be seen whether the persons who, as managers of the old bank, undertook to control the government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects, may now, as managers of a new bank, continue with impunity to flood the country with a spurious currency, use the seven millions of government stock for their own profit, and refuse to the United States all information as to the present condition of their own property, and the prospect of recovering it into their own possession.

The lesson taught by the Bank of the United States cannot well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands; and it will be fortunate if they seriously consider the consequences which are likely to result on a smaller scale, from the facility with which corporate powers are granted by their state governments.

It is believed that the law of the last session, regulating the deposit banks, operates onerously and unjustly upon them in many respects; and it

is hoped that Congress, on proper representation, will adopt the modifications which are necessary to prevent this consequence.

The report of the secretary of war *ad interim*, and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that department, during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the marine corps, and of large bodies of militia and volunteers. With all these events, so far as they were known at the seat of government before the termination of your last session, you are already acquainted; and it is therefore only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles during the summer, was on our part chiefly confined to the protection of our frontier settlements from the incursions of the enemy; and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty, several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice, in respect to the former, by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who, as commander-in-chief of the territorial militia, had been temporarily invested with the command, an ample force for the purpose of resuming offensive operations, in the most efficient manner, so soon as the season should permit. Major-general Jessup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida and assume the command.

The result of the first movement made by the forces under the direction of Governor Call, in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the mean time it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major-general Jessup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations with the utmost promptitude and vigor. From the force at his disposal, and the dispositions he has made, and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the mean time, as you will perceive, from the report of the secretary, there is urgent necessity for farther appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks have been brought to a close soon after your adjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of these Indians, and the causes of these hostilities, requested by the resolution of the House of Rep-

representatives of the 1st of July last, to be made to the President, is now going on, through the agency of commissioners appointed for that purpose. Their report may be expected during the present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the war department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine, and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier, and to the fulfilment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer, have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches, our troops were yet at that station, but the officer who has succeeded General Gaines has recently been advised, that, from the facts known at the seat of government, there would seem to be no adequate cause for any longer maintaining that position; and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose, on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers, and to the due execution of our treaty stipulations, as previously explained to him.

Whilst the necessities existing during the present year, for the service of militia and volunteers, have furnished new proofs of the patriotism of our fellow citizens, they have also strongly illustrated the importance of an increase in the rank and file of the regular army. The views of this subject, submitted by the secretary of war in his report, meet my entire concurrence, and are earnestly commended to the deliberate attention of Congress. In this connection it is also proper to remind you, that the defects in our present militia system are every day rendered more apparent. The duty of making farther provision by law, for organizing, arming, and disciplining this armed defence, has been so repeatedly presented to Congress, by myself and my predecessors, that I deem it sufficient on this occasion, to refer to the last annual message and to former executive communications, in which the subject has been discussed.

It appears from the reports of the officers, charged with mustering into service the volunteers called for under the act of Congress of the last session, that more presented themselves at the place of rendezvous in Tennessee, than were sufficient to meet the requisition which had been made by the secretary of war upon the governor of that state. This was occasioned by the omission of the governor to apportion the requisition to the different regiments of militia, so as to obtain the proper number of troops and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous, under circumstances authorizing them to believe that their services were needed, and would be accepted, that the expenses incurred by them, while absent from their homes, should be paid by the government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous, and while there; in connection with which, it will also be proper to make provision for such other equitable claims, growing out of the service of the militia, as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia, it became necessary, in some cases, to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I would also respectfully suggest, whether some provision may not be made, consistently with the principles of our government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops.

No time was lost after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our sea-board, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you, with the proper estimates, farther sums for the like objects, may be usefully expended during the next year.

The recommendations of an increase in the engineer corps, and for a re-organization of the topographical corps, submitted to you in my last annual message, derive additional strength from the great embarrassments experienced during the present year in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions, directed by recent laws, have been suspended in consequence of the want of adequate force in these corps.

The like observations may be applied to the ordnance corps and the general staff, the operations of which, as they are now organized, must either be frequently interrupted, or performed by officers taken from the line of the army, to the great prejudice of the service.

For a general view of the condition of the military academy, and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents; and among the various proposals contained therein, for legislative action, I would particularly notice the suggestion of the secretary of war, for the revision of the pay of the army, as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this government, for the removal of the Indian tribes originally settled on this side of the Mississippi, to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty, and in relation to our Indian affairs generally, will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the commissioner of Indian affairs, and enforced by the secretary on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary, for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of

securing our western frontier against incursions which otherwise will assuredly be made on it. The best hopes of humanity in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States, are all deeply involved in the relations existing between this government and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents in respect to those relations, will receive your early and mature deliberations; and that it may issue in the adoption of legislative measures adapted to the circumstances and duties of the present crisis.

You are referred to the report of the secretary of the navy for a satisfactory view of the operations of the department under his charge, during the present year. In the construction of vessels at the different navy-yards, and in the employment of our ships and squadrons at sea, that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the government to fit out the expedition on a scale corresponding with the liberal appropriation for the purpose, and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message, respecting the enlistment of boys in our naval service; and to urge upon your attention the necessity of farther appropriations to increase the number of ships afloat, and to enlarge generally the capacity and force of the navy. The increase of our commerce, and our position in regard to the other powers of the world, will always make it our policy and interest to cherish the great naval resources of our country.

The report of the postmaster-general presents a gratifying picture of the condition of the post-office department. Its revenues for the year ending the 30th of June last were three millions three hundred and ninety-eight thousand four hundred and fifty-five dollars and nineteen cents, showing an increase of revenue over that of the preceding year, of four hundred and four thousand eight hundred and seventy-eight dollars and fifty-three cents, or more than thirteen per cent. The expenditures for the same year were two millions seven hundred and fifty-five thousand six hundred and twenty-three dollars and seventy-six cents, exhibiting a surplus of six hundred and forty-two thousand eight hundred and thirty-one dollars forty-three cents. The department has been redeemed from embarrassment and debt; has accumulated a surplus exceeding half a million of dollars; has largely extended, and is preparing still farther to extend, the mail service; and recommends a reduction of postages equal to about twenty per cent. It is practising upon the great principle which should control every branch of our government, of rendering to the public the greatest good possible with the least possible taxation to the people.

The scale of postages suggested by the postmaster-general, recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the federal currency, and the improvement it will introduce into the accounts of the department and its agents.

Your particular attention is invited to the subject of mail contracts with railroad companies. The present laws providing for the making of contracts are based upon the presumption that competition among bidders will secure the service at a fair price. But on most of the railroad lines, there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them, except such as shall be negotiated before the time of offering or afterwards, and the power of the postmaster-general to pay them high prices is practically without limitation. It would be a relief to him, and no doubt would conduce to the public interest, to prescribe by law some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort, he would undoubtedly be able to secure the services of most of the railroad companies, and the interest of the department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New York and Liverpool, or other foreign ports, as proposed by the postmaster-general. On the contrary it promises, by the security it will afford, to facilitate commercial transactions, and give rise to an enlarged intercourse among the people of different nations, which cannot but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the provincial post-office, asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for, as well by our own interest, as by comity to the adjoining British provinces.

The expediency of providing a fire-proof building for the important books and papers of the post-office department is worthy of consideration. In the present condition of our treasury it is neither necessary nor wise to leave essential public interests exposed to so much danger, when they can so readily be made secure. There are weighty considerations in the location of a new building for that department, in favor of placing it near the other executive buildings.

The important subjects of a survey of the coast, and the manufacture of a standard of weights and measures for the different custom-houses, have been in progress for some years, under the general direction of the executive, and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress, the making of a set of weights and measures for each state in the Union was added to the others by a joint resolution.

The care and correspondence as to all these subjects have been devolved on the treasury department during the last year. A special report from the secretary of the treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole—the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year—with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent and some of his assistants, which I did not feel justified in granting; other claims have been

made for large increases in compensation, which, under all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction, the subject was, at the last session, on my suggestion, and by request of the immediate superintendent, submitted by the treasury department to the committee of commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some express and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is farther respectfully recommended that, such being the inconvenience of attention to these duties by the chief magistrate, and such the great pressure of business on the treasury department, the general supervision of the coast survey, and the completion of the weigh's and measures, if the works are kept united, should be devolved on a board of officers, organized especially for that purpose, or on the navy board attached to the navy department.

All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment of the constitution which will prevent, in any event, the election of the President and Vice-President of the United States devolving on the House of Representatives and the Senate; and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message not acted upon, particularly that relating to the want of uniformity in the laws of the District of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper on this, the last occasion I shall have of communicating with the two Houses of Congress at their meeting, I cannot omit an expression of the gratitude which is due to the great body of my fellow citizens, in whose partiality and indulgence I have found encouragement and support in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country; and I am consoled by the persuasion, that whatever errors have been committed, will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred during my administration is calculated to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health, and so much desired by me in other respects, I shall not cease to invoke that beneficent Being, to whose providence we are already so signally indebted, for the continuance of his blessings on our beloved country.

MESSAGE IN RELATION TO TEXAS.

DECEMBER 21, 1836.

To the Senate of the United States :

DURING the last session, information was given to Congress by the executive, that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit for your consideration, extracts from the report of the agent who had been appointed to collect it, relative to the condition of that country.

No steps have been taken by the executive toward the acknowledgment of the independence of Texas; and the whole subject would have been left without farther remark on the information now given to Congress, were it not that the two Houses at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information should be received that it had in successful operation a civil government, capable of performing the duties, and fulfilling the obligations of an independent power." This mark of interest in the question of the independence of Texas, and indication of the views of Congress, make it proper that I should, somewhat in detail, present the considerations that have governed the executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new state as independent, and entitled to a place in the family of nations, is at all times an act of great delicacy and responsibility; but more especially so when such state has forcibly separated itself from another, of which it had formed an integral part, and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the old or new world, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France; out of the disputes relating to the crowns of Portugal and Spain; out of the separation of the American possessions of both from the European governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our government, that we have, under the most critical circumstances, avoided all censure, and encountered no other evil than that produced by a transient estrangement of good-will in those against whom we have been by force of evidence compelled to decide.

It has thus made known to the world, that the uniform policy and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognise the authority of the prevailing party without reference to our particular interests and views, or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this

policy, that no serious disagreement has ever risen among ourselves in relation to it, although brought under view in a variety of forms, and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of originally recognising a new state—a power, the exercise of which is equivalent, under some circumstances, to a declaration of war—a power nowhere expressly delegated, and only granted in the constitution, as it is necessarily involved in some of the great powers given to Congress; in that given to the President and Senate to form treaties with foreign powers, and to appoint ambassadors and other public ministers; and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives, it is distinctly intimated that the expediency of recognising the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the executive, either apart from, or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the executive and the legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the states of this Union, and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guaranty to all other nations, of the justice and prudence of the measures which might be adopted.

In making these suggestions, it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe, and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented, in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every other trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies we stood aloof, and waited not only until the ability of the new states to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not until then, were they recognised. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish American states, who began, or carried on the contest with the parent country, united under one form of government. We acknowledged the separate independence of New Grenada, of Venezuela, and of Equator, only after their independent existence was no longer a subject of dispute, or was actually acquiesced in by those with whom they had

been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the republic himself captured, and all present power to control the newly organized government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Texas. The Mexican republic, under another executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion, the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries, which require us to act, on this occasion, with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, cannot but regard with solicitude the prospect of the re-union of the territory to this country. A large portion of its civilized inhabitants are emigrants from the United States; speak the same language with ourselves; cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and more than all, it is known that the people of that country have instituted the same form of government with our own; and have, since the close of your last session, openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the federal states. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence; she asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico itself, or one of the great foreign powers, shall recognise the independence of the new government, at least until the lapse of time, or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to uphold the government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it, we are but carrying out the long-established policy of our government—a policy which has secured to us respect and influence abroad, and inspired confidence at home.

Having thus discharged my duty, by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence, that if Congress shall differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that, during the short time I shall continue connected with the government, I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

FAREWELL ADDRESS.

Fellow Citizens:

BEING about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interest of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I cannot hope that it has at all times been free from errors. But I have the consolation of knowing that if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust, I leave this great people prosperous and happy; in the full enjoyment of liberty and peace; and honored and respected by every nation in the world.

If my humble efforts have, in any degree, contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me; and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come, when advanced age and a broken frame warn me to retire from public concerns; but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me; and will, at least, see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal laws.

We have now lived almost fifty years under the constitution framed by the sages and patriots of the revolution. The conflicts in which the nations of Europe were engaged during a great part of this period; the spirit in which they waged war against each other; and our intimate commercial connections with every part of the civilized world, rendered it a time of much difficulty for the government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel when it is called upon to put forth its whole strength, without the lights of experience to guide it, or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our constitution is no longer a doubtful experiment; and at the end of nearly half a century, we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved, and is flourishing beyond any former example in the history of nations.

In our domestic concerns, there is everything to encourage us; and if you are true to yourselves, nothing can impede your march to the highest

joint of national prosperity. The states which had so long been retarded in their improvements by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization, and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the states; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of this ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the general government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation, and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion, and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and with a limited, and I trust a temporary exception, our relations with every foreign power are now of the most friendly character,—our commerce continually expanding and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the federal constitution. It is no longer a question whether this great country can remain happily united, and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it; and has proved, that in the union of these states there is a sure foundation for the brightest hopes of freedom, and for the happiness of the people. At every hazard, and by every sacrifice, this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union, was earnestly pressed upon his fellow citizens by the father of his country, in his farewell address. He has there told us, that “while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds;” and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations, as one of the means which might disturb our Union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen, should be cherished in the heart of every citizen to the latest generation; and, perhaps, at no period of time could they be more usefully remembered than at the present moment. For when we look upon the scenes that are passing around us, and dwell upon the pages of his parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy foretelling events and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The federal constitution was then regarded by him as an experiment,—and he so speaks of it in his

address,—but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely-extended nation has felt its blessings, and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the *south* against the *north*, and the *north* against the *south*, and to force into the controversy the most delicate and exciting topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the chief magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions, a want of patriotism or of public virtue. The honorable feelings of state pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other states are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicion and reproaches may in time create mutual hostility, and artful and designing men will always be found, who are ready to foment these fatal divisions, and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation, will then be tried in fields of battle, and determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of the Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present constitution; the proud name they bear as citizens of this great republic; if all these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire when these bonds have been broken, and this union dissevered? The first line of sepa-

ration would not last for a single generation; new fragments would be torn off; new leaders would spring up; and this great and glorious republic would soon be broken into a multitude of petty states, without commerce, without credit — jealous of one another — armed for mutual aggressions — loaded with taxes to pay armies and leaders — seeking aid against each other from foreign powers — insulted and trampled upon by the nations of Europe, until, harassed with conflicts and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this government, and not feel indignant when we hear cold calculations about the value of the Union, and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any state or states can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes — they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors, and when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired, it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should, at all times stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made, or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within reach of judicial authority the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts, or repealed by Congress, no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression, on the part of the government, as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people; and no citizen who loves his country would, in any case whatever, resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another, in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it

an end of the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character and property in every quarter of the country; and in the fraternal attachments which the citizens of the several states bear to one another, as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every state should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other states; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several states must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and therefore, of necessity, influencing their policy since they became free and independent states. But each state has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other states, or the rights of the Union, every state must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of the people of other states to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured, that the men sound busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the general government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people, and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness, without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered, it naturally provokes resentments which cannot always be allayed. Justice, full and

ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be state or national.

It is well known that there have always been those among us who wish to enlarge the powers of the general government; and experience would seem to indicate that there is a tendency on the part of this government to overstep the boundaries marked out for it by the constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created; and its powers being expressly enumerated, there can be no justification for claiming anything beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantages, or temporary circumstances, shall ever be permitted to justify the assumption of a power not given by the constitution, the general government will before long absorb all the powers of legislation, and you will have, in effect, but one consolidated government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the states, and to confine the action of the general government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the federal government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax-gatherer. But the tax imposed on goods, enhances by so much the price of the commodity to the consumer; and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the constitution to take money from the people unless it is required to execute some one of the specific powers entrusted to the government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them; and, in such a case, it is unquestionably the duty of the government to reduce them, for no circumstances can justify it in assuming a power not given to it by the constitution, nor in taking away the money of the people when it is not needed for the legitimate wants of the government.

Plain as these principles appear to be, you will yet find that there is a constant effort to induce the general government to go beyond the limits of its taxing power, and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce, and to swell the revenue beyond the real necessities of the public service; and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society, and

producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress; and, in order to fasten upon the people this unjust and unequal system of taxation, extravagant schemes of internal improvement were got up, in various quarters, to squander the money and to purchase support. Thus, one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You cannot have forgotten the severe and doubtful struggle through which we passed when the executive department of the government, by its veto, endeavored to arrest the prodigal scheme of injustice, and to bring back the legislation of Congress to the boundaries prescribed by the constitution. The good sense and practical judgment of the people, when the subject was brought before them, sustained the course of the executive, and this plan of unconstitutional expenditure for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt, and the large accumulation of a surplus in the treasury, notwithstanding the tariff was reduced, and is now far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue, and to burden you with taxes beyond the economical wants of the government, is not yet abandoned. The various interests which have combined together to impose a heavy tariff, and to produce an overflowing treasury, are too strong, and have too much at stake, to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments, desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor, and to obtain the means of profuse expenditure, for the purpose of purchasing influence in other quarters; and since the people have decided that the federal government cannot be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several states, by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the general government, and annually divided among the states. And if, encouraged by these fallacious hopes, the states should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will, before long, find themselves oppressed with debts which they are unable to pay, and the temptation will become irresistible to support a high tariff, in order to obtain a surplus distribution. Do not allow yourselves, my fellow citizens, to be misled on this subject. The federal government cannot collect a surplus for such purposes, without violating the principles of the constitution, and assuming powers which have not been granted. It is, moreover, a system of injustice, and, if persisted in, will inevitably lead to corruption, and must end in ruin. The surplus revenue will be drawn from the pockets of the people,—from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the states, where it is to be disposed of by leading state politicians who have friends to favor, and political partisans to gratify? It will certainly not be returned to those who paid it, and who have most need of it, and are honestly entitled to it. There is but one safe rule, and that is, to confine the general government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue, or impose taxes, except for the purposes enu-

rated in the constitution; and if its income is found to exceed these wants, it should be forthwith reduced, and the burdens of the people so far lightened.

In reviewing the conflicts which have taken place between different interests in the United States, and the policy pursued since the adoption of our present form of government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. The constitution of the United States unquestionably intended to secure the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in payment of the public dues, and the unfortunate cause of legislation in the several states upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper; and we ought not, on that account, to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest, and even enlightened men are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure, and the wages of labor unsteady and uncertain. The corporations which create the paper money cannot be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted, by the prospect of gain, or by the influence of those who hope to profit by it, to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business. And when these issues have been pushed on, from day to day, until public confidence is at length shaken, then a re-action takes place, and they immediately withdraw the credits they have given; suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks by this means save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows of the currency, and these indiscreet extensions of credit, naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands, and various kinds of stock, which, within the last year or two, seized upon such a multitude of our citizens, and threatened to pervade all classes of society, and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall best preserve public virtue, and promote the true interests of our country. But if your currency continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger, and inevitably lead to corruption, which will find its way into your public councils, and destroy, at no distant day, the purity of your government. Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it.

A portion of this currency frequently becomes depreciated or worthless, and all of it is easily counterfeited, in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine notes.

These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business; and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government so to regulate its currency, as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the government is emphatically the government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth—their bravery in war has covered us with glory; and the government of the United States will but ill discharge its duties, if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests cannot be effectually protected, unless silver and gold are restored to circulation.

- These views, alone, of the paper currency, are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper money system of this country may be used as an engine to undermine your free institutions; and that those who desire to engross all power in the hands of the few, and to govern by corruption or force, are aware of its power, and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce, according to the quantity of notes issued by them. While they have capitals not greatly disproportionate to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although, in the present state of the currency, these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society; yet, from their number and dispersed situation, they cannot combine for the purposes of political influence; and whatever may be the dispositions of some of them, their power of mischief must necessarily be confined to a narrow space, and felt only in their immediate neighborhoods.

But when the charter for the Bank of the United States was obtained from Congress, it perfected the schemes of the paper system, and gave to its advocates the position they have struggled to obtain from the commencement of the federal government down to the present hour. The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength, it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, it asserted (and undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time, and in any quarter of the Union, by controlling the issues of other banks, and permitting an expansion, or compelling a general contraction, of the circulating medium, according to its own will. The other banking institutions were sensible of its

strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks necessarily went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business; and who are, therefore, obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption, and its numerous dependents, under the direction and command of one acknowledged head; thus organizing this particular interest as one body, and securing to it unity and concert of action throughout the United States, and enabling it to bring forward, upon any occasion, its entire and undivided strength to support or defeat any measure of the government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union; and to bestow prosperity, or bring ruin upon any city or section of the country, as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country, when the Bank of the United States waged war upon the people in order to compel them to submit to its demands, cannot yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency, ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the government would have passed from the hands of the many to the hands of the few; and this organized money power, from its secret conclave, would have dictated the choice of your highest officers, and compelled you to make peace or war, as best suited their own wishes. The forms of your government might for a time have remained, but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the federal government beyond the limits fixed by the constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States; and the evil consequences which followed may warn us of the danger of departing from the true rule of construction, and of permitting temporary circumstances, or the hope of better promoting the public welfare, to influence in any degree our decisions upon the extent of the authority of the general government. Let us abide by the constitution as it is written, or amend it in the constitutional mode if it is found to be defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the constitution did not present an insuperable objection to it. But you must remember, my fellow citizens, that eternal vigilance by the people is the price of liberty;

and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your states, as well as in the federal government. The power which the moneyed interest can exercise, when concentrated under a single head and with our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. Defeated in the general government, the same class of intriguers and politicians will now resort to the states, and endeavor to obtain there the same organization, which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages, and state interests, and state pride, they will endeavor to establish, in the different states, one moneyed institution with overgrown capital, and exclusive privileges sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined; and in the state in which it is chartered, the money power will be able to embody its whole strength, and to move together with undivided force, to accomplish any object it may wish to attain. You have already had abundant evidence of its power to inflict injury upon the agricultural, mechanical, and laboring classes of society; and over those whose engagements in trade or speculation render them dependent on bank facilities, the dominion of the state monopoly will be absolute, and their obedience unlimited. With such a bank, and a paper currency, the money power would in a few years govern the state and control its measures; and if a sufficient number of states can be induced to create such establishments, the time will soon come when it will again take the field against the United States, and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking, that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others, and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes, have little or no share in the direction of the great moneyed corporations; and from their habits and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communications with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are, therefore, always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer, all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country; men who love liberty, and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them.

The mischief springs from the power which the moneyed interest derives from a paper currency which they are able to control, from the multitude of corporations with exclusive privileges, which they have succeeded in obtaining in the different states, and which are employed altogether for their benefit, and unless you become more watchful in your states, and check this spirit of monopoly and thirst for exclusive privileges, you will, in the end, find that the most important powers of government has been given or bartered away, and the control over your dearest interests have passed into the hands of these corporations.

The paper money system, and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil; and it will require all your efforts to check its farther growth, and to eradicate the evil. The men who profit by the abuses, and desire to perpetuate them, will continue to besiege the halls of legislation in the general government as well as in the states, and will seek, by every artifice, to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you every one placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed. And while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourself of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope the conflict will be a short one, nor success easy. My humble efforts have not been spared, during my administration of the government, to restore the constitutional currency of gold and silver; and something, I trust, has been done toward the accomplishment of this most desirable object. But enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights, if a resort to force should ever become necessary. Our local situation, our long line of sea-coast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the navy as our natural means of defence. It will, in the end, be found to be the cheapest and most effectual; and now

is the time, in the season of peace, and with an overflowing revenue, that we can year after year add to its strength, without increasing the burdens of the people. It is your true policy. For your navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defence its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a hostile force advancing from the ocean and selecting its object; but they are indispensable to protect cities from bombardment; dock-yards and navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description cannot be too soon completed and armed, and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our militia armed, we need not fear that any nation will wantonly insult us, or needlessly provoke hostilities. We shall more certainly preserve peace, when it is well understood that we are prepared for war.

In presenting to you, my fellow citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the republic. Our growth has been rapid beyond all former example, in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man; and from the earliest ages of history to the present day, there never have been thirteen millions of people associated together in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He, who holds in his hands the destinies of nations, make you worthy of the favors he has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend to the end of time the great charge he has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events, and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that he has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

VAN BUREN'S
ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 4, 1837.

Fellow Citizens :

THE practice of all my predecessors imposes on me an obligation I cheerfully fulfil, to accompany the first and solemn act of my public trust with an avowal of the principles that will guide me in performing it, and an expression of my feelings on assuming a charge so responsible and vast. In imitating their example, I tread in the footsteps of illustrious men, whose superiors it is our happiness to believe are not found on the executive calendar of any country. Among them we recognise the earliest and firmest pillars of the republic; those by whom our national independence was first declared; him who, above all others, contributed to establish it on the field of battle; and those whose expanded intellect and patriotism constructed, improved, and perfected the inestimable institutions under which we live. If such men, in the position I now occupy, felt themselves overwhelmed by a sense of gratitude for this, the highest of all marks of their country's confidence, and by a consciousness of their inability adequately to discharge the duties of an office so difficult and exalted, how much more must these considerations affect one who can rely on no such claims for favor or forbearance. Unlike all who have preceded me, the revolution that gave us existence as one people was achieved at the period of my birth; and whilst I contemplate with grateful reverence that memorable event, I feel that I belong to a later age, and that I may not expect my countrymen to weigh my actions with the same kind and partial hand.

So sensibly, fellow citizens, do these circumstances press themselves upon me, that I should not dare to enter upon my path of duty, did I not look for the generous aid of those who will be associated with me in the various and co-ordinate branches of the government; did I not repose with unwavering reliance on the patriotism, the intelligence, and the kindness of a people who never yet deserted a public servant honestly laboring in their cause; and, above all, did I not permit myself humbly to hope for the sustaining support of an ever-watchful and beneficent Providence.

To the confidence and consolation derived from these sources, it would be ungrateful not to add those which spring from our present fortunate condition. Though not altogether exempt from embarrassments that disturb our tranquillity at home and threaten it abroad, yet, in all the attributes of a great, happy, and flourishing people, we stand without a parallel in the world. Abroad, we enjoy the respect, and, with scarcely an exception, the friendship of every nation; at home, while our government quietly, but efficiently performs the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of human prosperity surely not elsewhere to be found.

How imperious, then, is the obligation imposed upon every citizen, in his

own sphere of action, whether limited or extended, to exert himself in perpetuating a condition of things so singularly happy. All the lessons of history and experience must be lost upon us, if we are content to trust alone to the peculiar advantages we happen to possess. Position and climate, and the bounteous resources that nature has scattered with so liberal a hand — even the diffused intelligence and elevated character of our people — will avail us nothing if we fail sacredly to uphold those political institutions that were wisely and deliberately formed, with reference to every circumstance that could preserve, or might endanger the blessings we enjoy. The thoughtful framers of our constitution legislated for our country as they found it. Looking upon it with the eyes of statesmen and of patriots, they saw all the sources of rapid and wonderful prosperity; but they saw, also, that various habits, opinions, and institutions, peculiar to the various portions of so vast a region, were deeply fixed. Distinct sovereignties were in actual existence, whose cordial union was essential to the welfare and happiness of all. Between many of them there was, at least to some extent, a real diversity of interests, liable to be exaggerated through sinister designs; they differed in size, in population, in wealth, and in actual and prospective resources and power; they varied in the character of their industry and staple productions; and in some existed domestic institutions which, unwisely disturbed, might endanger the harmony of the whole. Most carefully were all these circumstances weighed, and the foundations of the new government laid upon principles of reciprocal concession and equitable compromise. The jealousies which the smaller states might entertain of the power of the rest were allayed by a rule of representation, confessedly unequal at the time, and designed for ever to remain so. A natural fear that the broad scope of general legislation might bear upon and unwisely control particular interests, was counteracted by limits strictly drawn around the action of the federal authority; and to the people and the states was left unimpaired their sovereign power over the innumerable subjects embraced in the internal government of a just republic, excepting such only as necessarily appertain to the concerns of the whole confederacy, or its intercourse, as a united community, with the other nations of the world.

This provident forecast has been verified by time. Half a century, teeming with extraordinary events, and elsewhere producing astonishing results, has passed along; but on our institutions it has left no injurious mark. From a small community, we have risen to a people powerful in numbers and in strength; but with our increase has gone hand in hand the progress of just principles; the privileges, civil and religious, of the humblest individual are sacredly protected at home; and while the valor and fortitude of our people have removed far from us the slightest apprehension of foreign power, they have not yet induced us, in a single instance, to forget what is right. Our commerce has been extended to the remotest nations; the value, and even nature of the productions has been greatly changed; a wide difference has arisen in the relative wealth and resources of every portion of our country; yet the spirit of mutual regard and of faithful adherence to existing compacts has continued to prevail in our councils, and never long been absent from our conduct. We have learned by experience a fruitful lesson; that an implicit and undeviating adherence to the principles on which we set out can carry us prosperously onward through all the conflicts of circumstances, and the vicissitudes inseparable from the lapse of years.

The success that has thus attended our great experiment is, in itself, sufficient cause for gratitude, on account of the happiness it has actually conferred, and the example it has unanswerably given. But to me, my fellow citizens, looking forward to the far-distant future, with ardent prayers and confiding hopes, this retrospect presents a ground for still deeper delight. It impresses on my mind a firm belief that the perpetuity of our institutions depends upon ourselves; that, if we maintain the principles on which they were established, they are destined to confer their benefits on countless generations yet to come; and that America will present to every friend of mankind the cheering proof, that a popular government, wisely formed, is wanting in no element of endurance or strength. Fifty years ago its rapid failure was boldly predicted. Latent and uncontrollable causes of dissolution were supposed to exist, even by the wise and good; and not only did unfriendly or speculative theorists anticipate for us the fate of past republics, but the fear of many an honest patriot overbalanced his sanguine hopes. Look back on these forebodings, not hastily, but reluctantly made, and see how, in every instance, they have completely failed.

An imperfect experience, during the struggles of the revolution, was supposed to warrant a belief that the people would not bear the taxation requisite to the discharge of an immense public debt already incurred, and to defray the necessary expenses of the government. The cost of two wars has been paid, not only without a murmur, but with unequalled alacrity. No one is now left to doubt that every burden will be cheerfully borne that may be necessary to sustain our civil institutions, or guard our honor or our welfare. Indeed, all experience has shown that the willingness of the people to contribute to these ends, in cases of emergency, has uniformly outrun the confidence of their representatives.

In the early stages of the new government, when all felt the imposing influence, as they recognised the unequalled services of the first President, it was a common sentiment, that the great weight of his character could alone bind the discordant materials of our government together, and save us from the violence of contending factions. Since his death, nearly forty years are gone. Party exasperation has been often carried to its highest point; the virtue and fortitude of the people have sometimes been greatly tried; yet our system, purified and enhanced in value by all it has encountered, still preserves its spirit of free and fearless discussion, blended with unimpaired fraternal feeling.

The capacity of the people for self-government, and their willingness, from a high sense of duty, and without those exhibitions of coercive power so generally employed in other countries, to submit to all needful restraints and exactions of the municipal law, have also been favorably exemplified in the history of the American states. Occasionally, it is true, the ardor of public sentiment, outrunning the regular progress of the judicial tribunals, or seeking to reach cases not denounced as criminal by the existing law, has displayed itself in a manner calculated to give pain to the friends of free government, and to encourage the hopes of those who wish for its overthrow. These occurrences, however, have been far less frequent in our country than any other of equal population on the globe; and with the diffusion of intelligence, it may well be hoped that they will constantly diminish in frequency and violence. The generous patriotism and sound common sense of the great mass of our fellow citizens will assuredly, in time, produce this result; for as every assumption of illegal power not only

wounds the majesty of the law, but furnishes a pretext for abridging the liberties of the people, the latter have the most direct and permanent interest in preserving the great landmarks of social order, and maintaining, on all occasions, the inviolability of those constitutional and legal provisions which they themselves have made.

In a supposed unfitness of our institutions for those hostile emergencies which no country can always avoid, their friends found a fruitful source of apprehension, their enemies of hope. While they foresaw less promptness of action than in governments differently formed, they overlooked the far more important consideration, that with us war could never be the result of individual or irresponsible will, but must be a measure of redress for injuries sustained, voluntarily resorted to by those who were to bear the necessary sacrifice; who would consequently feel an individual interest in the contest, and whose energy would be commensurate with the difficulties to be encountered. Actual events have proved their error; the last war, far from impairing, gave new confidence to our government; and amid recent apprehensions of a similar conflict, we saw that the energies of our country would not be wanting in ample season to vindicate its rights. We may not possess, as we should not desire to possess, the extended and ever ready military organization of other nations; we may occasionally suffer in the outset for the want of it, but, among ourselves, all doubt upon this great point has ceased, while a salutary experience will prevent a contrary opinion from inviting aggression from abroad.

Certain danger was foretold from the extension of our territory, the multiplication of states, and the increase of population. Our system was supposed to be adapted only to boundaries comparatively narrow. These have been widened beyond conjecture; the members of our confederacy are already doubled; and the numbers of our people are incredibly augmented. The alleged causes of danger have long surpassed anticipation, but none of the consequences have followed. The power and influence of the republic have risen to a height obvious to all mankind; respect for its authority was not more apparent at its ancient than it is at its present limits; new and inexhaustible sources of general prosperity have been opened; and effects of distance have been averted by the inventive genius of our people, developed and fostered by the spirit of our institutions; and the enlarged variety and amount of interests, productions, and pursuits, have strengthened the chain of mutual dependence, and formed a circle of mutual benefits, too apparent ever to be overlooked.

In justly balancing the powers of the federal and state authorities, difficulties nearly insurmountable arose at the outset, and subsequent collisions were deemed inevitable. Amid these, it was scarcely believed possible that a scheme of government, so complex in construction, could remain uninjured. From time to time embarrassments have certainly occurred; but how just is the confidence of future safety imparted by the knowledge that each in succession has been happily removed! Overlooking partial and temporary evils as inseparable from the practical operation of all human institutions, and looking only to the general result, every patriot has reason to be satisfied. While the federal government has successfully performed its appropriate functions in relation to foreign affairs, and concerns evidently national, that of every state has remarkably improved in protecting and developing local interests and individual welfare; and if the vibrations of authority have occasionally tended too much toward one or the other, it is

unquestionably certain that the ultimate operation of the entire system has been to strengthen all the existing institutions, and to elevate our whole country in prosperity and renown.

The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition, was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise, that, in spite of every sinister foreboding, it never, until the present period, disturbed the tranquillity of our common country. Such a result is sufficient evidence of the justice and the patriotism of their course; it is evidence not to be mistaken, that an adherence to it can prevent all embarrassment from this, as well as every other anticipated cause of difficulty or danger. Have not recent events made it obvious to the slightest reflection, that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included?

Amidst the violence of excited passions, this generous and fraternal feeling has been sometimes disregarded; and standing as I now do before my countrymen, in this high place of honor and of trust, I cannot refrain from anxiously invoking my fellow citizens never to be deaf to its dictates. Perceiving, before my election, the deep interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it; and now, when every motive for misrepresentation has passed away, I trust that they will be candidly weighed and understood. At least they will be my standard of conduct in the path before me. I then declared that, if the desire of those of my countrymen who were favorable to my election was gratified, "I must go into the presidential chair the inflexible and uncompromising opponent of every attempt, on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding states; and also with a determination equally decided to resist the slightest interference with it in the states where it exists." I submitted also to my fellow citizens, with fulness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved, and are confided in by a majority of the people of the United States, including those whom they most immediately affect. It now only remains to add, that no bill conflicting with these views can ever receive my constitutional sanction. These opinions have been adopted in the firm belief that they are in accordance with the spirit that actuated the venerated fathers of the republic, and that succeeding experience has proved them to be humane, patriotic, expedient, honorable, and just. If the agitation of this subject was intended to reach the stability of our institutions, enough has occurred to show that it has signally failed; and that in this, as in every other instance, the apprehensions of the timid and the hopes of the wicked for the destruction of our government, are again destined to be disappointed. Here and there, indeed, scenes of dangerous excitement have occurred; terrifying instances of local violence have been witnessed; and a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation; but neither masses of the people nor sections of the country have been swerved from their devotion to the bond of union, and the principles it has made sacred. It will be ever thus. Such attempts at dangerous agitation may periodically return, but with each the object will be better understood. That predominating affection for our political system which prevails throughout

our territorial limits, that calm and enlightened judgment which ultimately governs our people as one vast body, will always be at hand to resist and control every effort, foreign or domestic, which aims or would lead to overthrow our institutions.

What can be more gratifying than such a retrospect as this? We look back on obstacles avoided, and dangers overcome; on expectations more than realized, and prosperity perfectly secured. To the hopes of the hostile, the fears of the timid, and the doubts of the anxious, actual experience has given the conclusive reply. We have seen time gradually dispel every unfavorable foreboding, and our constitution surmount every adverse circumstance, dreaded at the outset as beyond control. Present excitement will, at all times, magnify present dangers; but true philosophy must teach us that none more threatening than the past can remain to be overcome; and we ought, for we have just reason, to entertain an abiding confidence in the stability of our institutions, and an entire conviction that, if administered in the true form, character, and spirit in which they were established, they are abundantly adequate to preserve to us and our children the rich blessings already derived from them; to make our beloved land, for a thousand generations, that chosen spot where happiness springs from a perfect equality of political rights.

For myself, therefore, I desire to declare, that the principle that will govern me in the high duty to which my country calls me, is a strict adherence to the letter and spirit of the constitution, as it was designed by those who framed it. Looking back to it as a sacred instrument, carefully and not easily framed; remembering that it was throughout a work of concession and compromise, viewing it as limited to national objects; regarding it as leaving to the people and the states all power not explicitly parted with, I shall endeavor to preserve, protect, and defend it, by anxiously referring to its provisions for direction in every action. To matters of domestic concernment which it has entrusted to the federal government, and to such as relate to our intercourse with foreign nations, I shall zealously devote myself; beyond those limits I shall never pass.

To enter, on this occasion, into a farther or more minute exposition of my views on the various questions of domestic policy, would be as obtrusive as it is probably unexpected. Before the suffrages of my countrymen were conferred upon me, I submitted to them, with great precision, my opinions on all the most prominent of these subjects. Those opinions I shall endeavor to carry out with the utmost ability.

Our course of foreign policy has been so uniform and intelligible, as to constitute a rule of executive conduct which leaves little to my discretion, unless, indeed, I were willing to run counter to the lights of experience, and the known opinions of my constituents. We sedulously cultivate the friendship of all nations, as the condition most compatible with our welfare and the principles of our government. We decline alliances, as adverse to our peace. We desire commercial relations on equal terms, being ever willing to give a fair equivalent for advantages received. We endeavor to conduct our intercourse with openness and sincerity; promptly avowing our objects, and seeking to establish that mutual frankness which is as beneficial in the dealings of nations as of men. We have no disposition, and we disclaim all right, to meddle in disputes, whether internal or foreign, that may molest other countries; regarding them in their actual state, as social communities, and preserving a strict neutrality in all their controver-

sies. Well knowing the tried valor of our people, and our exhaustless resources, we neither anticipate nor fear any designed aggression; and in the consciousness of our own just conduct, we feel a security that we shall never be called upon to exert our determination, never to permit an invasion of our rights, without punishment or redress.

In approaching, then, in the presence of my assembled countrymen, to make the solemn promise that yet remains, and to pledge myself that I will faithfully execute the office I am about to fill, I bring with me a settled purpose to maintain the institutions of my country, which, I trust, will atone for the errors I commit.

In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I cannot expect to perform the arduous task with equal ability and success. But united as I have been in his counsels, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path. For him, I but express, with my own, the wishes of all, that he may yet long live to enjoy the brilliant evening of his well-spent life; and for myself, conscious of but one desire, faithfully to serve my country, I throw myself, without fear, on its justness and its kindness. Beyond that I only look to the gracious protection of the Divine Being whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of His Providence to bless our beloved country with honors and with length of days; may her ways be ways of pleasantness, and all her paths be peace.

SPECIAL SESSION MESSAGE.

SEPTEMBER 4, 1837.

Fellow Citizens of the Senate and House of Representatives:

THE act of the 23d of June, 1836, regulating the deposits of the public money, and directing the employment of state, district, and territorial banks for that purpose, made it the duty of the secretary of the treasury to discontinue the use of such of them as should at any time refuse to redeem their notes in specie, and to substitute other banks, provided a sufficient number could be obtained to receive the public deposits upon the terms and conditions therein prescribed. The general and almost simultaneous suspension of specie payments by the banks in May last, rendered the performance of this duty imperative, in respect to those which had been selected under the act; and made it, at the same time, impracticable to employ the requisite number of others, upon the prescribed conditions. The specific regulations established by Congress for the deposit and safe keeping of the public moneys, having thus unexpectedly become inoperative, I felt it to be my duty to afford you an early opportunity for the exercise of your supervisory powers over the subject.

I was also led to apprehend that the suspension of specie payments,

increasing the embarrassments before existing in the pecuniary affairs of the country, would so far diminish the public revenue, that the accruing receipts into the treasury, would not, with the reserved five millions, be sufficient to defray the unavoidable expenses of the government, until the usual period for the meeting of Congress; whilst the authority to call upon the states for a portion of the sums deposited with them was too restricted to enable the department to realize a sufficient amount from that source. These apprehensions have been justified by subsequent results, which render it certain that this deficiency will occur, if additional means be not provided by Congress.

The difficulties experienced by the mercantile interest in meeting their engagements, induced them to apply to me, previously to the actual suspension of specie payments, for indulgence upon their bonds for duties, and all the relief authorized by law was promptly and cheerfully granted. The dependence of the treasury upon the avails of these bonds to enable it to make the deposits with the states required by law, led me in the outset to limit this indulgence to the first of September, but it has since been extended to the first of October, that the matter might be submitted to your farther direction.

Questions were also expected to arise, in the recess, in respect to the October instalment of those deposits, requiring the interposition of Congress.

A provision of another act, passed about the same time, and intended to secure a faithful compliance with the obligation of the United States, to satisfy all demands upon them in specie or its equivalent, prohibiting the offer of any bank note, not convertible on the spot into gold or silver at the will of the holder; and the ability of the government, with millions on deposit, to meet its engagements in the manner thus required by law, was rendered very doubtful by the event to which I have referred.

Sensible that adequate provisions for these unexpected exigencies could only be made by Congress; convinced that some of them would be indispensably necessary to the public service, before the regular period of your meeting; and desirous also to enable you to exercise at the earliest moment, your full constitutional powers for the relief of the country, I could not with propriety avoid subjecting you to the inconvenience of assembling at as early a day as the state of the popular representation would permit. I am sure that I have done but justice to your feelings, in believing that this inconvenience will be cheerfully encountered, in the hope of rendering your meeting conducive to the good of the country.

During the earlier stages of the revulsion through which we have just passed, much acrimonious discussion arose, and great diversity of opinion existed, as to its real causes. This was not surprising. The operations of credit are so diversified, and the influences which affect them so numerous, and often so subtle, that even impartial and well-informed persons are seldom found to agree in respect to them. To inherent difficulties were also added other tendencies, which were by no means favorable to the discovery of truth. It was hardly to be expected, that those who disapproved the policy of the government in relation to the currency would, in the excited state of public feeling produced by that occasion, fail to attribute to that policy any extensive embarrassment in the monetary affairs of the country. The matter thus became connected with the passions and conflicts of party; opinions were more or less affected by political considerations; and differences were

prolonged which might otherwise have been determined by an appeal to facts, by the exercise of reason, or by mutual concession. It is, however, a cheering reflection, that circumstances of this nature cannot prevent a community so intelligent as ours from ultimately arriving at correct conclusions. Encouraged by the firm belief of this truth, I proceed to state my views, so far as may be necessary to a clear understanding of the remedies I feel it my duty to propose, and of the reasons by which I have been led to recommend them.

The history of trade in the United States, for the last three or four years, affords the most convincing evidence that our present condition is chiefly to be attributed to over-action in all the departments of business; an over-action deriving, perhaps, its first impulses from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper, and by other facilities for the acquisition and enlargement of credit. At the commencement of the year 1834, the banking capital of the United States, including that of the national bank, then existing, amounted to about two hundred millions of dollars; the bank notes then in circulation to about ninety-five millions; and the loans and discounts of the banks to three hundred and twenty-four millions. Between that time and the first of January, 1836, being the latest period to which accurate accounts have been received, our banking capital was increased to more than two hundred and fifty-one millions; our paper circulation to more than one hundred and forty millions, and the loans and discounts to more than four hundred and fifty-seven millions. To this vast increase are to be added the many millions of credit, acquired by means of foreign loans, contracted by the states and state institutions, and, above all, by the lavish accommodations extended by foreign dealers to our merchants.

The consequences of this redundancy of credit, and of the spirit of reckless speculation engendered by it, were a foreign debt contracted by our citizens, estimated, in March last, at more than thirty millions of dollars; the extension to traders in the interior of our country of credits for supplies, greatly beyond the wants of the people; the investment of thirty-nine and a half millions of dollars in unproductive public lands, in the years 1835 and 1836, whilst in the preceding year the sales amounted to only four and a half millions; the creation of debts, to an almost countless amount, for real estate in existing or anticipated cities and villages, equally unproductive, and at prices now seen to have been greatly disproportionate to their real value; the expenditure of immense sums in improvements, which in many cases have been found to be ruinously improvident; the diversion to other pursuits of much of the labor that should have been applied to agriculture, thereby contributing to the expenditure of large sums in the importation of grain from Europe,—an expenditure which amounted, in 1834, to about two hundred and fifty thousand dollars,—was in the first two quarters of the present year increased to more than two millions of dollars; and finally, without enumerating other injurious results, the rapid growth among all classes, and especially in our great commercial towns, of luxurious habits founded too often on merely fancied wealth, and detrimental alike to the industry, the resources, and the morals of the people.

It was so impossible that such a state of things could long continue, that the prospect of revulsion was present to the minds of considerate men before it actually came. None, however, had correctly anticipated its severity. A concurrence of circumstances, inadequate of themselves

to produce such wide-spread and calamitous embarrassments, tended so greatly to aggravate them, that they cannot be overlooked in considering their history. Among these may be mentioned, as most prominent, the great loss of capital sustained by our commercial emporium in the fire of December, 1835,—a loss, the effects of which were underrated at the time, because postponed for a season by the great facilities of credit then existing; the disturbing effects, in our commercial cities, of the transfers of the public moneys, required by the deposit law of June, 1836; and the measures adopted by the foreign creditors of our merchants, to reduce their debts, and to withdraw from the United States a large portion of our specie.

However unwilling any of our citizens may heretofore have been to assign to these causes the chief instrumentality in producing the present state of things, the developments subsequently made, and the actual condition of other commercial countries, must, as it seems to me, dispel all remaining doubts upon the subject. It has since appeared that evils similar to those suffered by ourselves, have been experienced in Great Britain, on the continent, and, indeed, throughout the commercial world; and that in other countries, as well as our own, they have been uniformly preceded by an undue enlargement of the boundaries of trade, prompted, as with us, by unprecedented expansion of the system of credit. A reference to the amount of banking capital, and the issues of paper credits put in circulation in Great Britain, by banks and in other ways, during the years 1835 and 1836, will show an augmentation of the paper currency there, as much disproportioned to the real wants of trade as in the United States. With this redundancy of the paper currency, there arose in that country also a spirit of adventurous speculation embracing the whole range of human enterprise. Aid was profusely given to projected improvements; large investments were made in foreign stocks and loans; credits for goods were granted with unbounded liberality to merchants in foreign countries; and all the means of acquiring and employing credit were put in active operation and extended in their effects to every department of business, and to every quarter of the globe. The re-action was proportioned in its violence to the extraordinary character of the events which preceded it. The commercial community of Great Britain were subjected to the greatest difficulties, and their debtors in this country were not only suddenly deprived of accustomed and expected credits, but called upon for payments which, in the actual posture of things here, could only be made through a general pressure and at the most ruinous sacrifices.

In view of these facts, it would seem impossible for inquiries after truth to resist the conviction, that the causes of the revulsion in both countries have been substantially the same. Two nations, the most commercial in the world, enjoying but recently the highest degree of apparent prosperity, and maintaining with each other the closest relations, are suddenly, in a time of profound peace, and without any great national disaster, arrested in their career, and plunged into a state of embarrassment and distress.—In both countries we have witnessed the same redundancy of paper money, and other facilities of credit; the same spirit of speculation; the same partial successes; the same difficulties and reverses; and, at length, nearly the same overwhelming catastrophe. The most material difference between the results in the two countries has only been, that with us there has also occurred an extensive derangement in the fiscal affairs of the

federal government, occasioned by the suspension of specie payments by the banks.

The history of these causes and effects in Great Britain and the United States is substantially the history of the revulsion in all other countries.

The present and visible effects of these circumstances on the operations of the government, and on the industry of the people, point out the objects which call for your immediate attention.

They are, to regulate by law the safe-keeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the government; to enable the treasury to meet promptly every demand upon it; to prescribe the terms of indulgence, and the mode of settlement to be adopted, as well in collecting from individuals the revenue that has accrued, as in withdrawing it from former depositories, and to devise and adopt such future measures, within the constitutional competency of Congress, as will be best calculated to revive the enterprise and to promote the prosperity of the country.

For the deposit, transfer, and disbursement of the revenue, national and state banks have always, with temporary and limited exceptions, been heretofore employed; but, although advocates of each system are still to be found, it is apparent that the events of the last few months have greatly augmented the desire, long existing among the people of the United States, to separate the fiscal concerns of the government from those of individuals or corporations.

Again to create a national bank, as a fiscal agent, would be to disregard the popular will, twice solemnly and unequivocally expressed. On no question of domestic policy is there stronger evidence that the sentiments of a large majority are deliberately fixed; and I cannot concur with those who think they see in recent events, a proof that these sentiments are, or a reason that they should be, changed.

Events, similar in their origin and character, have heretofore frequently occurred without producing any such change; and the lessons of experience must be forgotten, if we suppose that the present overthrow of credit, would have been prevented by the existence of a national bank. Prone-ness to excessive issues has ever been the vice of the banking system; a vice as prominent in national as in state institutions. This propensity is as subservient to the advancement of private interests in the one as in the other; and those who direct them both, being principally guided by the same views, and influenced by the same motives, will be equally ready to stimulate extravagance of enterprise by improvidence of credit. How strikingly is this conclusion sustained by experience. The Bank of the United States, with the vast powers conferred on it by Congress, did not or could not prevent former and similar embarrassments; nor has the still greater power it has been said to possess under its present charter, enabled it, in the existing emergency, to check other institutions, or even to save itself. In Great Britain, where, it has been seen the same causes have been attended with the same effects, a national bank, possessing powers far greater than are asked for by the warmest advocates of such an institution here, has also proved unable to prevent an undue expansion of credit and the evils that flow from it. Nor can I find any tenable ground for the re-establishment of a national bank, in the derangement alleged at present to exist in the domestic exchanges of the country, or in the facilities it may be capable

of affording them. Although advantages of this sort were anticipated when the first Bank of the United States was created, they were regarded as an incidental accommodation; not one which the federal government was bound or could be called upon to furnish. This accommodation is now, indeed, after the lapse of many years, demanded from it as among its first duties; and an omission to aid and regulate commercial exchange is treated as a ground of loud and serious complaint. Such results only serve to exemplify the constant desire among some of our citizens to enlarge the powers of the government, and extend its control to subjects with which it should not interfere. They can never justify the creation of an institution to promote such objects. On the contrary they justly excite among the community a more diligent inquiry into the character of those operations of trade toward which it is desired to extend such peculiar favors.

The various transactions that bear the name of domestic exchanges, differ essentially in their nature, operation, and utility. One class of them consists of bills of exchange, drawn for the purpose of transferring actual capital from one part of the country to another, or to anticipate the proceeds of property actually transmitted. Bills of this description are highly useful in the movements of trade, and well deserve all the encouragement which can rightfully be given to them. Another class is made up of bills of exchange, not drawn to transfer actual capital, nor on the credit of property transmitted, but to create fictitious capital, partaking at once of the character of notes discounted in bank, and of bank notes in circulation and swelling the mass of paper credits to a vast extent in a most objectionable manner. These bills have formed, for the last few years, a large proportion of what are termed the domestic exchanges of the country, serving as the means of usurious profit, and constituting the most unsafe and precarious paper in circulation. This species of traffic, instead of being upheld, ought to be discountenanced by the government and the people.

In transferring its funds from place to place, the government is on the same footing with the private citizen, and may resort to the same legal means. It may do so through the medium of bills drawn by itself, or purchased from others; and in these operations it may, in a manner undoubtedly constitutional and legitimate, facilitate and assist exchanges of individuals, founded on real transactions of trade. The extent to which this may be done, and the best means of effecting it, are entitled to the fullest consideration. This has been bestowed by the secretary of the treasury, and his views will be submitted to you in his report.

But it was not designed by the constitution that the government should assume the management of domestic or foreign exchanges. It is indeed authorized to regulate by law the commerce between the states, and to provide a general standard of value, or medium of exchange, in gold and silver; but it is not its province to aid individuals in the transfer of their funds, otherwise than through the facilities afforded by the post-office department. As justly might it be called on to provide for the transportation of their merchandise. These are operations of trade. They ought to be conducted by those who are interested in them, in the same manner that the incidental difficulties of other pursuits are encountered by other classes of citizens. Such aid has not been deemed necessary in other countries. Throughout Europe, the domestic as well as the foreign exchanges are carried on by private houses, often, if not generally, without the assistance of banks. Yet they extend throughout distinct sovereignties, and far exceed in amount the

real exchanges of the United States. There is no reason why our own may not be conducted in the same manner with equal cheapness and safety. Certainly this might be accomplished if it were favored by those most deeply interested; and few can doubt that their own interest, as well as the general welfare of the country, would be promoted by leaving such a subject in the hands of those to whom it properly belongs. A system founded on private interest, enterprise, and competition, without the aid of legislative grants or regulations by law, would rapidly prosper; it would be free from the influence of political agitation, and extend the same exemption to trade itself; and it would put an end to those complaints of neglect, partiality, injustice, and oppression, which are the unavoidable results of interference by the government in the proper concerns of individuals. All former attempts on the part of the government to carry its legislation in this respect farther than was designed by the constitution, have, in the end, proved injurious, and have served only to convince the great body of the people, more and more, of the certain dangers of blending private interests with the operations of public business; and there is no reason to suppose that a repetition of them now would be more successful.

It cannot be concealed that there exist in our community opinions and feelings on this subject in direct opposition to each other. A large portion of them, combining great intelligence, activity, and influence, are no doubt sincere in their belief that the operations of trade ought to be assisted by such a connection; they regard a national bank as necessary for this purpose, and they are disinclined to every measure that does not tend, sooner or later, to the establishment of such an institution. On the other hand, a majority of the people are believed to be irreconcilably opposed to that measure; they consider such a concentration of power dangerous to their liberties; and many of them regard it as a violation of the constitution. This collision of opinion has doubtless caused much of the embarrassment to which the commercial transactions of the country have lately been exposed. Banking has become a political topic of the highest interest, and trade has suffered in the conflict of parties. A speedy termination of this state of things, however desirable, is scarcely to be expected. We have seen for nearly half a century that those who advocate a national bank, by whatever motive they may be influenced, constitute a portion of our community too numerous to allow us to hope for an early abandonment of their favorite plan. On the other hand, they must indeed form an erroneous estimate of the intelligence and temper of the American people, who suppose that they have continued on slight or insufficient grounds their persevering opposition to such an institution; or that they can be induced by pecuniary pressure, or by any other combination of circumstances, to surrender principles they have so long and so inflexibly maintained.

My own views of the subject are unchanged. They have been repeatedly and unreservedly announced to my fellow citizens, who, with full knowledge of them, conferred upon me the two highest offices of the government. On the last of these occasions, I felt it due to the people to apprise them distinctly that, in the event of my election, I would not be able to co-operate in the re-establishment of a national bank. To these sentiments I have now only to add the expression of an increased conviction, that the re-establishment of such a bank, in any form, whilst it would not accomplish the beneficial purposes promised by its advocates, would impair the rightful supremacy of the popular will; injure the character and dimin-

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Foreign powers, all enable us now to select the system most consistent with the constitution, and most conducive to the public welfare. Should we, then, connect the treasury for a fourth time with the local banks, it can only be under a conviction that past failures have arisen from accidental, not inherent defects.

A danger, difficult if not impossible to be avoided, in such an arrangement, is made strikingly evident in the very event by which it has now been defeated. A sudden act of the banks intrusted with the funds of the people, deprives the treasury, without fault or agency of the government, of the ability to pay its creditors in the currency they have by law a right to demand. This circumstance no fluctuation of commerce could have produced, if the public revenue had been collected in the legal currency, and kept in that form by the officers of the treasury. The citizen whose money was in bank receives it back, since the suspension, at a sacrifice in its amount; while he who kept it in the legal currency of the country, and in his own possession, pursues without loss the current of his business. The government, placed in the situation of the former, is involved in embarrassments it could not have suffered had it pursued the course of the latter. These embarrassments are, moreover, augmented by those salutary and just laws which forbid it to use a depreciated currency, and, by so doing, take from the government the ability which individuals have of accommodating their transactions to such a catastrophe.

A system which can, in a time of profound peace, when there is a large revenue laid by, thus suddenly prevent the application and the use of the money of the people, in the manner and for the objects they have directed, cannot be wise; but who can think, without painful reflection, that under it the same unforeseen events might have befallen us in the midst of a war, and taken from us, at the moment when most wanted, the use of those very means which were treasured up to promote the national welfare and guard our national rights? To such embarrassments and to such dangers will this government be always exposed, whilst it takes the moneys raised for, and necessary to, the public service, out of the hands of its own officers, and converts them into a mere right of action against corporations entrusted with the possession of them. Nor can such results be effectually guarded against in such a system, without investing the executive with a control over the banks themselves, whether state or national, that might with reason be objected to. Ours is probably the only government in the world that is liable, in the management of its fiscal concerns, to occurrences like these. But this immense risk is not the only danger attendant on the surrender of the public money to the custody and control of local corporations. Though the object is to aid the treasury, its effect may be to introduce into the operations of the government, influences the most subtle, founded on interests the most selfish.

The use by the banks, for their own benefit, of the money deposited with them, has received the sanction of the government from the commencement of this connection. The money received from the people, instead of being kept till it is needed for their use, is, in consequence of this authority, a fund, on which discounts are made for the profit of those who happen to be owners of stock in the banks selected as depositories. The supposed and often exaggerated advantages of such a boon will always cause it to be sought for with avidity. I will not stop to consider on whom the patronage incident to it is to be conferred; whether the selection and control to be

ish the influence of our political system; and bring once more into existence a concentrated moneyed power, hostile to the spirit, and threatening the permanency, of our republican institutions.

Local banks have been employed for the deposite and distribution of the revenue, at all times partially, and on three different occasions exclusively; first, anterior to the establishment of the first bank of the United States; secondly, in the interval between the termination of that institution and the charter of its successor; and thirdly, during the limited period which has now so abruptly closed. The connection thus repeatedly attempted, proved unsatisfactory on each successive occasion, notwithstanding the various measures which were adopted to facilitate or insure its success. On the last occasion, in the year 1833, the employment of the state banks was guarded especially in every way which experience and caution could suggest. Personal security was required for the safe-keeping and prompt payment of the moneys to be received, and full returns of their condition were from time to time to be made by the depositories. In the first stages, the measure was eminently successful, notwithstanding the violent opposition of the Bank of the United States, and the unceasing efforts made to overthrow it. The selected banks performed with fidelity and without any embarrassment to themselves or to the community, their engagements to the government, and the system promised to be permanently useful. But when it became necessary, under the act of June, 1836, to withdraw from them the public money for the purpose of placing it in additional institutions, or of transferring it to the states, they found it in many cases inconvenient to comply with the demands of the treasury, and numerous and pressing invitations were made for indulgence or relief. As the instalments under the deposite law became payable, their own embarrassments, and the necessity under which they lay of curtailing their discounts and calling in their debts, increased the general distress, and contributed, with other causes, to hasten the revulsion in which at length they, in common with the other banks, were fatally involved.

Under these circumstances, it becomes our solemn duty to inquire whether there are not, in any connection between the government and the banks of issue, evils of great magnitude, inherent in its very nature, and against which no precautions can effectually guard.

Unforeseen in the organization of the government, and forced on the treasury by early necessities, the practice of employing banks was, in truth, from the beginning, more a measure of emergency than of sound policy. When we started into existence as a nation, in addition to the burdens of the new government, we assumed all the large but honorable load of debt which was the price of our liberty; but we hesitated to weigh down the infant industry of the country by resorting to adequate taxation for the necessary revenue. The facilities of banks, in return for the privileges they acquired, were promptly offered, and perhaps too readily received by an embarrassed treasury. During the long continuance of a national debt, and the intervening difficulties of a foreign war, the connection was continued from motives of convenience; but these causes have long since passed away. We have no emergencies that make banks necessary to aid the wants of the treasury, we have no load of national debt to provide for, and we have on actual deposite a large surplus. No public interest, therefore, now requires the renewal of a connection that circumstances have dissolved. The complete organization of our government, the abundance of our resources, the general harmony which prevails between the different states and with

foreign powers, all enable us now to select the system most consistent with the constitution, and most conducive to the public welfare. Should we, then, connect the treasury for a fourth time with the local banks, it can only be under a conviction that past failures have arisen from accidental, not inherent defects.

A danger, difficult if not impossible to be avoided, in such an arrangement, is made strikingly evident in the very event by which it has now been defeated. A sudden act of the banks intrusted with the funds of the people, deprives the treasury, without fault or agency of the government, of the ability to pay its creditors in the currency they have by law a right to demand. This circumstance no fluctuation of commerce could have produced, if the public revenue had been collected in the legal currency, and kept in that form by the officers of the treasury. The citizen whose money was in bank receives it back, since the suspension, at a sacrifice in its amount; while he who kept it in the legal currency of the country, and in his own possession, pursues without loss the current of his business. The government, placed in the situation of the former, is involved in embarrassments it could not have suffered had it pursued the course of the latter. These embarrassments are, moreover, augmented by those salutary and just laws which forbid it to use a depreciated currency, and, by so doing, take from the government the ability which individuals have of accommodating their transactions to such a catastrophe.

A system which can, in a time of profound peace, when there is a large revenue laid by, thus suddenly prevent the application and the use of the money of the people, in the manner and for the objects they have directed, cannot be wise; but who can think, without painful reflection, that under the same unforeseen events might have befallen us in the midst of a war, and taken from us, at the moment when most wanted, the use of those very means which were treasured up to promote the national welfare and guard our national rights? To such embarrassments and to such dangers will this government be always exposed, whilst it takes the moneys raised for, and necessary to, the public service, out of the hands of its own officers, and converts them into a mere right of action against corporations entrusted with the possession of them. Nor can such results be effectually guarded against in such a system, without investing the executive with a control over the banks themselves, whether state or national, that might with reason be objected to. Ours is probably the only government in the world that is liable, in the management of its fiscal concerns, to occurrences like these. But this immense risk is not the only danger attendant on the surrender of the public money to the custody and control of local corporations. Though the object is to aid the treasury, its effect may be to introduce into the operations of the government, influences the most subtle, founded on interests the most selfish.

The use by the banks, for their own benefit, of the money deposited with them, has received the sanction of the government from the commencement of this connection. The money received from the people, instead of being kept till it is needed for their use, is, in consequence of this authority, a fund, on which discounts are made for the profit of those who happen to be owners of stock in the banks selected as depositories. The supposed and often exaggerated advantages of such a boon will always cause it to be sought for with avidity. I will not stop to consider on whom the patronage incident to it is to be conferred; whether the selection and control to be

trusted to Congress or to the executive, either will be subjected to appeals made in every form which the sagacity of interest can suggest. The banks, under such a system, are stimulated to make the most of their fortunate acquisition; the deposits are treated as an increase of capital; loans and circulations are rashly augmented, and when the public exigencies require a return, it is attended with embarrassments not provided for nor foreseen. Thus banks that thought themselves most fortunate when the public funds were received, find themselves most embarrassed when the season of payment suddenly arrives.

Unfortunately, too, the evils of the system are not limited to the banks. It stimulates a general rashness of enterprise, and aggravates the fluctuations of commerce and the currency. This result was strikingly exhibited during the operations of the late deposit system, and especially in the purchases of public lands. The order which ultimately directed the payment of gold and silver in such purchases greatly checked, but could not altogether prevent the evil. Specie was indeed more difficult to be procured than the notes which the banks could themselves create at pleasure; but still being obtained from them as a loan, and returned as a deposit, which they were again at liberty to use, it only passed round the circle with diminished speed. This operation could not have been performed, had the funds of the government gone into the treasury, to be regularly disbursed, and not into the banks, to be loaned out for their own profit, while they were permitted to substitute for it a credit in account.

In expressing these sentiments, I desire not to undervalue the benefits of a salutary credit to any branch of enterprise. The credit bestowed on probity and industry is the just reward of merit, and an honorable incentive to farther acquisition. None oppose it who love their country and understand its welfare. But when it is unduly encouraged—when it is made to inflame the public mind with the temptations of sudden and unsubstantial wealth—when it turns industry into paths that lead sooner or later to disappointment and distress—it becomes liable to censure, and needs correction. Far from helping probity and industry, the ruin to which it leads falls most severely on the great laboring classes, who are thrown suddenly out of employment, and by the failure of magnificent schemes, never intended to enrich them, are deprived in a moment of their only resource. Abuses of credit, an excess in speculation, will happen in despite of the most salutary laws; no government, perhaps, can altogether prevent them; but surely every government can refrain from contributing the stimulus that calls them into life.

Since, therefore, experience has shown, that to lend the public money to the local banks, is hazardous to the operations of the government, at least of doubtful benefit to the institutions themselves, and productive of disastrous derangement in the business and currency of the country, is it the part of wisdom again to renew the connection?

It is true that such an agency is in many respects convenient to the treasury, but it is not indispensable. A limitation of the expenses of the government to its actual wants, and of the revenue to those expenses, with convenient means for its prompt application to the purposes for which it was raised, are the objects which we should seek to accomplish. The collection, safe-keeping, transfer, and disbursements of the public money can, it is believed, be well managed by officers of the government. Its collection, and, to a great extent, its disbursements also, have indeed been hitherto con-

ducted solely by them; neither national nor state banks, when employed, being required to do more than keep it safely while in their custody, and transfer and pay it in such portions and at such time as the treasury shall direct.

Surely banks are not more able than the government to secure the money in their possession against accident, violence, or fraud. The assertion that they are so, must assume that a vault in a bank is stronger than a vault in the treasury; and that directors, cashiers, and clerks, not selected by the government, not under its control, are more worthy of confidence than officers selected from the people and responsible to the government; officers bound by official oaths and bonds for a faithful performance of their duties, and constantly subject to the supervision of Congress.

The difficulties of transfer, and the aid heretofore rendered by banks have been less than is usually supposed. The actual accounts show that by far the larger portion of payments is made within short or convenient distances from the places of collection; and the whole number of warrants issued at the treasury in the year 1834, a year, the result of which will, it is believed, afford a safe test for the future, fell short of five thousand, on an average of less than one daily for each state; in the city of New York they did not average more than two a day, and at the city of Washington only four.

The difficulties heretofore existing, are, moreover, daily lessened by an increase in the cheapness and facility of communication; and it may be asserted with confidence, that the necessary transfers, as well as the safe-keeping and disbursements of the public moneys, can be with safety and convenience accomplished through the agency of treasury officers. This opinion has been, in some degree, confirmed by actual experience since the discontinuance of banks as fiscal agents, in May last; a period which, from the embarrassments in commercial intercourse, presented obstacles as great as any that may be hereafter apprehended.

The manner of keeping the public money since that period is fully stated in the report of the secretary of the treasury. That officer also suggests the propriety of assigning, by law, certain additional duties of existing establishments and officers, which, with the modifications and safeguards referred to by him, will, he thinks, enable the department to continue to perform this branch of the public service, without any material addition either to their number or to the present expense. The extent of the business to be transacted has already been stated; and in respect to the amount of money with which the officers employed would be entrusted at any one time, it appears that, assuming a balance of five millions to be at all times kept in the treasury, and the whole of it left in the hands of the collectors and receivers, the proportion of each would not exceed an average of thirty thousand dollars; but that, deducting one million for the use of the mint, and assuming the remaining four millions to be in the hands of one half of the present number of officers—a supposition deemed more likely to correspond with the fact—the sum in the hands of each would still be less than the amount of most of the bonds now taken from the receivers of public money. Every apprehension, however, on the subject, either in respect to the safety of the money or the faithful discharge of these fiscal transactions, may, it appears to me, be effectually removed by adding to the present means of the treasury, the establishment by law, at a few important points, of offices for the deposit and disbursement of such portions of public revenue as cannot, with obvious safety and convenience, be left in the possession

of the collecting officers until paid over by them to the public creditors. Neither the amounts retained in their hands, nor those deposited in the offices would, in an ordinary condition of the revenue, be larger in most cases than those often under the control of disbursing officers of the army and navy, and might be made entirely safe, by requiring such securities, and exercising such controlling supervision, as Congress may by law prescribe. The principal officers whose appointments would become necessary under this plan, taking the largest number suggested by the secretary of the treasury, would not exceed ten; nor the additional expenses, at the same estimate, sixty thousand dollars a year.

There can be no doubt of the obligation of those who are entrusted with the affairs of government, to conduct them with as little cost to the nation as is consistent with the public interest; and it is for Congress, and ultimately for the people, to decide whether the benefits to be derived from keeping our fiscal concerns apart, and severing the connection which has hitherto existed between the government and the banks, offer sufficient advantages to justify the necessary expenses. If the object to be accomplished is deemed important to the future welfare of the country, I cannot allow myself to believe that the addition to the public expenditure of comparatively so small an amount as will be necessary to effect it will be objected to by the people.

It will be seen by the report of the postmaster-general, herewith communicated, that the fiscal affairs of that department have been successfully conducted since May last, upon the principle of dealing only in the legal currency of the United States, and that it needs no legislation to maintain its credit, and facilitate the management of its concerns; the existing laws being, in the opinion of that officer, ample for those objects.

Difficulties will, doubtless, be encountered for a season, and increased services required from the public functionaries; such are usually incident to the commencement of every system, but they will be greatly lessened in the progress of its operations.

The power and influence supposed to be connected with the custody and disbursement of the public money, are topics on which the public mind is naturally, and with great propriety, peculiarly sensitive. Much has been said on them, in reference to the proposed separation of the government from the banking institutions; and surely no one can object to any appeals or animadversions on the subject, which are consistent with the facts, and evince a proper respect for the intelligence of the people. If a chief magistrate may be allowed to speak for himself on such a point, I can truly say, that to me nothing would be more acceptable than the withdrawal from the executive, to the greatest practicable extent, of all concern in the custody and disbursement of the public revenue; not that I would shrink from any responsibility cast upon me by the duties of my office, but because it is my firm belief that its capacity for usefulness is in no degree promoted by the possession of any patronage not actually necessary to the performance of those duties. But under our present form of government, the intervention of the executive officers in the custody and disbursement of the public money seems to be unavoidable; and before it can be admitted that the influence and power of the executive would be increased by dispensing with the agency of banks, the nature of that intervention in such an agency must be carefully regarded, and a comparison must be instituted between its extent in the two cases.

The revenue can only be collected by officers appointed by the President,

with the advice and consent of the Senate. The public moneys in the first instance must, therefore, in all cases, pass through hands selected by the executive. Other officers appointed in the same way or as in some cases, by the President alone, must also be entrusted with them when drawn for the purposes of disbursement. It is thus seen that even when banks were employed, the public funds must twice pass through the hands of the executive officers. Besides this, the head of the treasury department, who also holds his office at the pleasure of the President, and some other officers of the same department, must necessarily be invested with more or less power in the selection, continuance, and supervision of the banks that may be employed. The question is then narrowed to the single point whether, in the intermediate stage between the collection and disbursement of the public money, the agency of banks is necessary to avoid a dangerous extension of the patronage and influence of the executive? But is it clear that the connection of the executive with powerful moneyed institutions, capable of ministering to the interests of men in points where they are most accessible to corruption, is less liable to abuse than his constitutional agency in the appointment and control of the few public officers required by the proposed plan? Will the public money, when in their hands, be necessarily exposed to any improper interference on the part of the executive? May it not be hoped that a prudent fear of public jealousy and disapprobation, in a matter so peculiarly exposed to them, will deter him from any such interference, even if higher motives be found inoperative? May not Congress so regulate by law the duty of those officers, and subject it to such supervision and publicity, as to prevent the possibility of any serious abuse on the part of the executive? And is there equal room for such supervision and publicity in a connection with banks, acting under the shield of corporate immunities, and conducted by persons irresponsible to the government and the people? It is believed that a considerate and candid investigation of these questions will result in the conviction that the proposed plan is far less liable to objection, on the score of executive patronage and control, than any bank agency that has been or can be devised.

With these views, I leave to Congress the measures necessary to regulate, in the present emergency, the safe-keeping and transfer of the public moneys. In the performance of constitutional duty, I have stated to them, without reserve, the result of my own reflections. The subject is of great importance; and one on which we can scarcely expect to be as united in sentiment as we are in interest. It deserves a full and free discussion, and cannot fail to be benefited by a dispassionate comparison of opinions. Well aware myself of the duty of reciprocal concession among the co-ordinate branches of the government, I can promise a reasonable spirit of co-operation, so far as it can be indulged in without the surrender of constitutional objections which I believe to be well founded. Any system that may be adopted should be subjected to the fullest legal provision, so as to leave nothing to the executive but what is necessary to the discharge of the duties imposed on him; and whatever plan may be ultimately established, my own part shall be so discharged, as to give it a fair trial and the best prospect of success.

The character of the funds to be received and disbursed in the transactions of the government, likewise demands your most careful consideration.

There can be no doubt that those who framed and adopted the constitution, having in immediate view the depreciated paper of the confederacy—

of which five hundred dollars in paper were at times only equal to one dollar in coin — intended to prevent the recurrence of similar evils, so far at least as related to the transactions of the new government. They gave to Congress express powers to coin money, and to regulate the value thereof, and of foreign coin; they refused to give it power to establish corporations, the agents then, as now, chiefly employed to create a paper currency; they prohibited the states from making anything but gold and silver a legal tender in payment of debts; and the first Congress directed, by positive law, that the revenue should be received in nothing but gold and silver.

Public exigency at the outset of the government, without direct legislative authority, led to the use of banks as the fiscal aids to the treasury. In admitted deviation from the law, at the same period, and under the same exigency, the secretary of the treasury received their notes in payment of duties. The sole ground on which the practice, thus commenced, was then or has since been justified, is the certain, immediate, and convenient exchange of such notes for specie. The government did indeed receive the inconvertible notes of state banks during the difficulties of war; and the community submitted without a murmur to the unequal taxation and multiplied evils of which such a course was productive. With the war this indulgence ceased, and the banks were obliged again to redeem their notes in gold and silver. The treasury, in accordance with previous practice, continued to dispense with the currency required by the act of 1789, and took the notes of banks in full confidence of their being paid in specie on demand; and Congress, to guard against the slightest violation of this principle, have declared by law, that if notes are paid in the transactions of the government, it must be under such circumstances as to enable the holder to convert them into specie without depreciation or delay.

Of my own duties under the existing laws, when the banks suspended specie payments, I could not doubt. Directions were immediately given to prevent the reception into the treasury of anything but gold and silver, or its equivalent; and every practicable arrangement was made to preserve the public faith, by similar and equivalent payments to the public creditors. The revenue from lands had been for some time substantially so collected, under the order issued by the directions of my predecessor. The effects of that order had been so salutary, and its forecast, in regard to the increasing insecurity of bank paper, had become so apparent, that even before the catastrophe, I had resolved not to interfere with its operation. Congress is now to decide whether the revenue shall continue to be so collected or not.

The receipts into the treasury of bank notes not redeemed in specie on demand, will not, I presume, be sanctioned. It would destroy, without the excuse of war or public distress, that equality of imposts, and identity of commercial regulation, which lie at the foundation of our confederacy, and would offer to each state a direct temptation to increase its foreign trade by depreciating the currency received for duties in its ports. Such a proceeding would also in a great degree frustrate the policy so highly cherished of infusing into our circulation a large proportion of the precious metals; a policy, the wisdom of which none can doubt, though there may be different opinions as to the extent to which it should be carried. Its results have been already too auspicious, and its success is too closely interwoven with the future prosperity of the country, to permit us for a moment to contemplate its abandonment. We have seen, under its influence, our specie augmented beyond eighty millions; our coinage increased so as to make

that of the gold amount, between August, 1834, and December, 1836, to ten millions of dollars; exceeding the whole coinage at the mint during the thirty-one previous years. The prospect of farther improvement continued without abatement, until the moment of the suspension of specie payments. This policy has now indeed been suddenly checked, but is still far from being overthrown. Amidst all conflicting theories, one position is undeniable: the precious metals will invariably disappear when there ceases to be a necessity for their use as a circulating medium. It was in strict accordance with this truth, that whilst in the month of May last, they were everywhere seen, and were current for all ordinary purposes, they disappeared from circulation the moment the payment of specie was refused by the banks, and the community tacitly agreed to dispense with its employment. Their place was supplied by a currency exclusively of paper, and in many cases of the worst description. Already are the bank notes now in circulation greatly depreciated, and they fluctuate in value between one place and another; thus diminishing and making uncertain the worth of property and the price of labor, and failing to subserve, except at a heavy loss, the purposes of business. With each succeeding day the metallic currency decreases; by some it is hoarded, in the natural fear that once parted with it cannot be replaced; while by others it is diverted from its more legitimate uses for the sake of gain. Should Congress sanction this condition of things by making irredeemable paper money receivable in payment of public dues, a temporary check to a wise and salutary policy will in all probability be converted into its absolute destruction.

It is true that bank notes actually convertible into specie may be received in payment of the revenue without being liable to all these objections, and that such a course may to some extent promote individual convenience; an object always to be considered where it does not conflict with the principles of our government or the general welfare of the country. If such notes only were received, and always under circumstances allowing their early presentation for payment, and if, at short and fixed periods, they were converted into specie, to be kept by the officers of the treasury, some of the most serious obstacles to their reception would perhaps be removed. To retain the notes in the treasury would be to renew, under another form, the loans of public money to the banks, and the evils consequent thereon.

It is, however, a mistaken impression that any large amount of specie is required for public payments. Of the seventy or eighty millions now estimated to be in the country, ten millions would be abundantly sufficient for that purpose, provided an accumulation of a large amount of revenue, beyond the necessary wants of the government be hereafter prevented. If to these considerations be added the facilities which will arise from enabling the treasury to satisfy the public creditors by its drafts or notes received in payment of the public dues, it may be safely assumed that no motive of convenience to the citizen requires the reception of bank paper.

To say that the refusal of paper money by the government introduces an unjust discrimination between the currency received by it, and that used by individuals in their ordinary affairs, is, in my judgment, to view it in a very erroneous light. The constitution prohibits the states from making anything but gold and silver a tender in the payment of debts, and thus secures to every citizen a right to demand payment in the legal currency. To provide by law that the government will only receive its dues in gold and silver, is not to confer on it any peculiar privilege, but merely to place

it on an equality with the citizen, by reserving to it a right secured to him by the constitution. It is doubtless for this reason that the principle has been sanctioned by successive laws, from the time of the first Congress under the constitution down to the last. Such precedents, never objected to and proceeding from such sources, afford a decisive answer to the imputation of inequality or injustice.

But, in fact, the measure is one of restriction, not of favor. To forbid the public agent to receive in payment any other than a certain kind of money, is to refuse him a discretion possessed by every citizen. It may be left to those who have the management of their own transactions, to make their own terms; but no such discretion should be given to him who acts merely as an agent of the people, who is to collect what the law requires, and to pay the appropriations it makes. When bank notes are redeemed on demand, there is then no discrimination in reality, for the individual who receives them may at his option substitute the specie for them; he takes them from convenience or choice. When they are not so redeemed, it will scarcely be contended that their receipt and payment by a public officer should be permitted, though none deny that right to an individual; if it were, the effect would be most injurious to the public, since the officer could make none of those arrangements to meet or guard against the depreciation which an individual is at liberty to do. Nor can inconvenience to the community be alleged as an objection to such a regulation. Its object and motive are their convenience and welfare.

If, at a moment of simultaneous and unexpected suspension by the banks, it adds something to the many embarrassments of that proceeding, yet these are far overbalanced by its direct tendency to produce a wider circulation of gold and silver, to increase the safety of bank paper, to improve the general currency, and thus to prevent altogether such occurrences, and the other and far greater evils that attend them.

It may, indeed, be questioned whether it is not for the interest of the banks themselves that the government should not receive their paper. They would be conducted with more caution, and on sounder principles. By using specie only in its transactions, the government would create a demand for it, which would, to a great extent, prevent its exportation, and by keeping it in circulation, maintain a broader and safer basis for the paper currency. That the banks would thus be rendered more sound, and the community more safe, cannot admit of a doubt.

The foregoing views, it seems to me, but fairly carry out the provisions of the federal constitution in relation to the currency, as far as relates to the public revenue. At the time that instrument was framed, there were but three or four banks in the United States; and had the extension of the banking system, and the evils growing out of it, been foreseen, they would probably have been specially guarded against. The same policy which led to the prohibition of bills of credit by the states would doubtless, in that event, have also interdicted their issue as a currency in any other form. The constitution, however, contains no such prohibition; and, since the states have exercised for nearly half a century, the power to regulate the business of banking, it is not to be expected that it will be abandoned. The whole matter is now under discussion before the proper tribunal, — the people of the states. Never before has the public mind been so thoroughly awakened to a proper sense of its importance; never has the subject in all its bearings been submitted to so searching an inquiry. It would be distrustful the intel

ligence and virtue of the people, to doubt the speedy and efficient adoption of such measures of reform as the public good demands. All that can rightfully be done by the federal government to promote the accomplishment of that important object will, without doubt, be performed.

In the mean time, it is our duty to provide all the remedies against a depreciated paper currency which the constitution enables us to afford. The treasury department, on several former occasions, has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations and others. Through the instrumentality of such a law, a salutary check may doubtless be imposed on the issues of paper money, and an effectual remedy given to the citizens in a way at once equal in all parts of the Union, and fully authorized by the constitution.

The indulgence granted by executive authority in the payment of bonds for duties, has been already mentioned. Seeing that the immediate enforcement of these engagements would subject a large and highly respectable portion of our citizens to great sacrifices, and believing that a temporary postponement could be made without detriment to other interests, and with increased certainty of ultimate payment, I did not hesitate to comply with the request that was made of me. The terms already are to the full extent as liberal as any that are to be found in the practice of the executive department. It remains for Congress to decide whether a farther postponement may not with propriety be allowed, and if so, their legislation upon the subject is respectfully invited.

The report of the secretary of the treasury will exhibit the condition of these debts; the extent and effect of the present indulgence; the probable result of its farther extension of the state of the treasury, and every other fact necessary to a full consideration of the subject. Similar information is communicated in regard to such depositaries of the public moneys as are indebted to the government, in order that Congress may also adopt the proper measures in regard to them.

The receipts and expenditures for the first half of the year, and an estimate of those for the residue, will be laid before you by the secretary of the treasury. In his report of December last, it was estimated that the current receipts would fall short of the expenditures by about three millions of dollars. It will be seen that the difference will be much greater. This is to be attributed not only to the occurrence of greater pecuniary embarrassments in the business of the country than those which were then predicted, and consequently, a greater diminution in the revenue, but also to the fact that the appropriations exceeded, by nearly six millions, the amount which was asked for in the estimates then submitted. The sum necessary for the service of the year, beyond the probable receipts, and the amount which it was intended should be reserved in the treasury at the commencement of the year, will be about six millions. If the whole of the reserved balance be not at once applied to the current expenditures, but four millions be still kept in the treasury, as seems most expedient for the uses of the mint, and to meet contingencies, the sum needed will be ten millions.

In making this estimate the receipts are calculated on the supposition of some farther extension of the indulgence granted in the payment of bonds for duties, which will affect the amount of the revenue for the present year to the extent of two and a half millions.

It is not proposed to procure the required amount by loans or increased taxation. There are now in the treasury nine millions three hundred and

sixty-seven thousand two hundred dollars, directed by the act of the 23d of June, 1836, to be deposited with the states in October next. This sum, if so deposited, will be subject under the law to be recalled if needed, to defray existing appropriations; and as it is now evident that the whole, or the principal part of it, will be wanted for that purpose, it appears most proper that the deposit should be withheld. Until the amount can be collected from the banks, treasury notes may be temporarily issued, to be gradually redeemed as it is received.

I am aware that this course may be productive of inconvenience to many of the states. Relying upon the acts of Congress which held out to them the strong probability, if not the certainty, of receiving this instalment, they have in some instances adopted measures with which its retention may seriously interfere. That such a condition of things should have occurred is much to be regretted. It is not the least among the unfortunate results of the disasters of the times; and it is for Congress to devise a fit remedy, if there be one. The money being indispensable to the wants of the treasury, it is difficult to conceive upon what principle of justice or expediency its application to that object can be avoided. To recall any portions of the sums already deposited with the states, would be more inconvenient and less efficient. To burden the country with increased taxation, when there is in fact a large surplus revenue, would be unjust and unwise; to raise moneys by loans under such circumstances, and thus to commence a new national debt, would scarcely be sanctioned by the American people.

The plan proposed will be adequate to all our fiscal operations during the remainder of the year. Should it be adopted, the treasury, aided by the ample resources of the country, will be able to discharge, punctually, every pecuniary obligation. For the future, all that is needed will be that caution and forbearance in appropriations which the diminution of the revenue requires, and which the complete accomplishment and great forwardness of many expensive national undertakings renders equally consistent with prudence and patriotic liberality.

The preceding suggestions and recommendations are submitted, in the belief that their adoption by Congress will enable the executive department to conduct our fiscal concerns with success, so far as their management has been committed to it. Whilst the objects and the means proposed to attain them are within its constitutional powers and appropriate duties, they will, at the same time, it is hoped, by their necessary operation, afford essential aid in the transaction of individual concerns, and thus yield relief to the people at large, in a form adapted to the nature of our government. Those who look to the action of this government for specific aid to the citizen to relieve embarrassments arising from losses by revulsions in commerce and credit, lose sight of the ends for which it was created, and the powers with which it is clothed. It was established to give security to us all, in our lawful and honorable pursuits, under the lasting safeguard of republican institutions. It was not intended to confer special favors on individuals, or on any classes of them; to create systems of agriculture, manufactures, or trade; or to engage in them, either separately or in connection with individual citizens or organized associations. If its operations were to be directed for the benefit of any one class, equivalent favors must in justice be extended to the rest; and the attempt to bestow such favors with an equal hand, or even to select those who should most deserve them, would never be successful.

All communities are apt to look to government for too much. Even in our own country, where its powers and duties are so strictly limited, we are prone to do so, especially at periods of sudden embarrassment and distress. But this ought not to be. The framers of our excellent constitution, and the people who approved it with calm and sagacious deliberation, acted at the time on a sounder principle. They wisely judged that the less government interferes with private pursuits, the better for the general prosperity. It is not its legitimate object to make men rich, or to repair, by direct grants of money or legislation in favor of particular pursuits, losses not incurred in the public service. This would be substantially to use the property of some for the benefit of others. But its real duty—that duty, the performance of which makes a good government the most precious of human blessings—is to enact and enforce a system of general laws commensurate with, but not exceeding, the objects of its establishment, and to leave every citizen and every interest to reap, under its benign protection, the reward of virtue, industry, and prudence.

I cannot doubt that on this, as on all similar occasions, the federal government will find its agency most conducive to the security and happiness of the people, when limited to the exercise of its conceded powers. In never assuming, even for a well-meant object, such powers as were not designed to be conferred upon it, we shall, in reality, do most for the general welfare. To avoid every unnecessary interference with the pursuits of the citizen, will result in more benefit than to adopt measures which could only assist limited interests, and are eagerly, but perhaps naturally, sought for, under the pressure of temporary circumstances. If, therefore, I refrain from suggesting to Congress any specific plan for regulating the exchanges of the country, relieving mercantile embarrassments, or interfering with the ordinary operations of foreign or domestic commerce, it is from a conviction that such measures are not within the constitutional province of the general government, and that their adoption would not promote the real and permanent welfare of those they might be designed to aid.

The difficulties and distresses of the times, though unquestionably great, are limited in their extent, and cannot be regarded as affecting the permanent prosperity of the nation. Arising, in a great degree, from the transactions of foreign and domestic commerce, it is upon them that they have chiefly fallen. The great agricultural interest has, in many parts of the country, suffered comparatively little; and, as if Providence intended to display the munificence of its goodness at the moment of our greatest need, and in direct contrast to the evils occasioned by the waywardness of man, we have been blessed throughout our extended territory with a season of general health and of uncommon fruitfulness. The proceeds of our great staple will soon furnish the means of liquidating debts at home and abroad, and contribute equally to the revival of commercial activity, and the restoration of commercial credit. The banks, established avowedly for its support, deriving their profits from it, and resting under obligations to it which cannot be overlooked, will feel at once the necessity and justice of uniting their energies with those of the mercantile interest.

The suspension of specie payments, at such a time and under such circumstances as we have lately witnessed, could not be other than a temporary measure; and we can scarcely err in believing that the period must soon arrive when all that are solvent will redeem their issues in gold and silver. Dealings abroad naturally depend on resources and prosperity at

home. If the debt of our merchants has accumulated, or their credit is impaired, these are fluctuations always incident to extensive or extravagant mercantile transactions. But the ultimate security of such obligations does not admit of question. They are guarantied by the resources of a country, the fruits of whose industry afford abundant means of ample liquidation, and by the evident interest of every merchant to sustain a credit hitherto high, by promptly applying these means for its preservation.

I deeply regret that events have occurred which require me to ask your consideration of such serious topics. I could have wished that, in making my first communication to the assembled representatives of my country, I had nothing to dwell upon but the history of our unalloyed prosperity. Since it is otherwise, we can only feel more deeply the responsibility of the respective trusts that have been confided to us, and under the pressure of difficulties, unite in invoking the guidance and aid of the Supreme Ruler of nations, and in laboring with zealous resolution to overcome the difficulties by which we are environed.

It is, under such circumstances, a high gratification to know, by long experience, that we act for a people to whom the truth, however unpromising, can always be spoken with safety; for the trial of whose patriotism no emergency is too severe, and who are sure never to desert a public functionary honestly laboring for the public good. It seems just that they should receive, without delay, any aid in their embarrassments which your deliberations can afford. Coming directly from the midst of them, and knowing the course of events in every section of our country, from you may best be learned as well the extent and nature of these embarrassments, as the most desirable measure of relief.

I am aware, however, that it is not proper to detain you at present, any longer than may be demanded by the special objects for which you are convened. To them, therefore, I have confined my communication; and believing it would not be our own wish to extend your deliberations beyond them, I reserve till the usual period of your annual meeting, that general information of the state of the Union which the constitution requires me to give.

FIRST ANNUAL MESSAGE.

DECEMBER 4, 1837.

Fellow Citizens of the Senate and House of Representatives:

WE have reason to renew the expression of our devout gratitude to the Giver of all good for his benign protection. Our country presents on every side the evidences of that continued favor under whose auspices it has gradually risen from a few feeble and dependent colonies to a prosperous and powerful confederacy. We are blessed with domestic tranquillity and all the elements of national prosperity. The pestilence which, invading for a time some flourishing portions of our Union, interrupted the general prevalence of unusual health, has happily been limited in extent and arrested in its fatal career. The industry and prudence of our citizens are gradually relieving them from the pecuniary embarrassments under which portions of them have labored; judicious legislation and the natural and

boundless resources of the country have afforded wise and timely aid to private enterprise; and the activity always characteristic of our people has already in a great degree resumed its usual and profitable channels.

The condition of our foreign relations has not materially changed since the last annual message of my predecessor. We remain at peace with all nations; and no effort on my part, consistent with the preservation of our rights and the honor of our country, shall be spared to maintain a position so consonant to our institutions. We have faithfully sustained the foreign policy with which the United States, under the guidance of their first President, took their stand in the family of nations,—that of regulating their intercourse with other powers by the approved principles of private life; asking and according equal rights and equal privileges; rendering and demanding justice in all cases; advancing their own and discussing the pretensions of others, with candor, directness and sincerity; appealing at all times to reason, but never yielding to force, nor seeking to acquire anything for themselves by its exercise.

A rigid adherence to this policy has left this government with scarcely a claim upon its justice for injuries arising from acts committed by its authority. The most imposing and perplexing of those of the United States upon foreign governments for aggressions upon our citizens, were disposed of by my predecessor. Independently of the benefits conferred upon our citizens by restoring to the mercantile community so many millions of which they had been wrongfully divested, a great service was also rendered to his country by the satisfactory adjustment of so many ancient and irritating subjects of contention; and it reflects no ordinary credit on his successful administration of public affairs, that this great object was accomplished without compromising, on any occasion, either the honor or the peace of the nation.

With European powers, no new subjects of difficulty have arisen; and those which were under discussion, although not terminated, do not present a more unfavorable aspect for the future preservation of that good understanding which it has ever been our desire to cultivate.

Of pending questions, the most important is that which exists with the government of Great Britain, in respect to our northeastern boundary. It is with unfeigned regret that the people of the United States must look back upon the abortive efforts made by the executive, for a period of more than half a century, to determine what no nation should suffer long to remain in dispute, the true line which divides its possessions from those of other powers. The nature of the settlements on the borders of the United States, and of the neighboring territory, was for a season such, that this perhaps was not indispensable to a faithful performance of the duties of the federal government.

Time has, however, changed this state of things, and has brought about a condition of affairs in which the true interests of both countries imperatively require that this question should be put at rest. It is not to be disguised that, with full confidence often expressed, in the desire of the British government to terminate it, we are apparently as far from its adjustment as we were at the time of signing the treaty of peace in 1783. The sole result of long-pending negotiations, and a perplexing arbitration, appears to be a conviction, on its part, that a conventional line must be adopted, from the impossibility of ascertaining the true one according to the description contained in that treaty. Without coinciding in this opinion, which is not thought to be well founded, my predecessor gave the strongest proof of the

earnest desire of the United States to terminate satisfactorily this dispute, by proposing the substitution of a conventional line, if the consent of the states interested in the question could be obtained.

To this proposition no answer has yet been received. The attention of the British government, however, has been earnestly invited to the subject, and its reply cannot, I am confident, be much longer delayed. The general relations between Great Britain and the United States are of the most friendly character, and I am well satisfied of the sincere disposition of that government to maintain them upon the present footing. This disposition has also, I am persuaded, become more general with the people of England than at any previous period. It is scarcely necessary to say to you, how cordially it is reciprocated by the government and the people of the United States. The conviction which must be common to all, of the injurious consequences that result from keeping open this irritating question, and the certainty that its final settlement cannot be much longer deferred, will, I trust, lead to an early and satisfactory adjustment. At your last session I laid before you the recent communications between the two governments, and between this government and that of the state of Maine, in whose solicitude concerning a subject in which she has so deep an interest, every portion of the Union participates.

The feelings produced by a temporary interruption of those harmonious relations between France and the United States which are due as well to the recollection of former times, as to a correct appreciation of existing interests, have been happily succeeded by a cordial disposition on both sides to cultivate an active friendship in their future intercourse. The opinion, undoubtedly correct, and steadily entertained by us, that the commercial relations at present existing between the two countries are susceptible of great and reciprocally beneficial improvements, is obviously gaining ground in France; and I am assured of the disposition of that government to favor the accomplishment of such an object. This disposition shall be met in a proper spirit on our part. The few and comparatively unimportant questions that remain to be adjusted between us can, I have no doubt, be settled with entire satisfaction and without difficulty.

Between Russia and the United States, sentiments of good-will continue to be mutually cherished. Our minister, recently accredited to that court, has been received with a frankness and cordiality, and with evidences of respect for his country, which leave us no room to doubt the preservation in future of those amicable and liberal relations which have so long and so uninterruptedly existed between the two countries. On the few subjects under discussion between us, an early and just decision is confidently anticipated.

A correspondence has been opened with the government of Austria, for the establishment of diplomatic relations, in conformity with the wishes of Congress, as indicated by an appropriation act of the session of 1837, and arrangements made for the purpose, which will be duly carried into effect.

With Austria and Prussia, and with the states of the German Empire, now composing with the latter the Commercial League, our political relations are of the most friendly character, while our commercial intercourse is gradually extending, with benefit to all who are engaged in it.

Civil war yet rages in Spain, producing intense suffering to its own people, and to other nations inconvenience and regret. Our citizens who have claims upon that country will be prejudiced for a time by the condition of

its treasury, the inevitable consequence of long continued and exhausting internal wars. The last instalment of the interest of the debt due under the convention with the Queen of Spain has not been paid; and similar failures may be expected to happen until a portion of the resources of her kingdom can be devoted to the extinguishment of its foreign debt.

Having received satisfactory evidence that discriminating tonnage duties were charged upon the vessels of the United States in the ports of Portugal, a proclamation was issued on the 11th day of October last, in compliance with the act of May 25th, 1832, declaring that fact, and the duties on foreign tonnage which were levied upon Portuguese vessels in the United States previously to the passage of that act are accordingly revived.

The act of July 4th, 1836, suspending the discriminating duties upon the produce of Portugal imported into this country in Portuguese vessels, was passed, upon the application of that government through its representative here, under the belief that no similar discrimination existed in Portugal to the prejudice of the United States. I regret to state that such duties are now exacted in that country, upon the cargoes of American vessels; and as the act referred to, vests no discretion in the executive, it is for Congress to determine upon the expediency of farther legislation upon the subject. Against these discriminations, affecting the vessels of this country and their cargoes, seasonable remonstrance was made, and notice was given to the Portuguese government, that unless they should be discontinued, the adoption of countervailing measures on the part of the United States would become necessary; but the reply of that government received at the department of state through our chargé d'affaires at Lisbon, in the month of September last, afforded no ground to hope for the abandonment of a system, so little in harmony with the treatment shown to the vessels of Portugal and their cargoes, in the ports of this country, and so contrary to the expectations we had a right to entertain.

With Holland, Sweden, Denmark, Naples and Belgium, a friendly intercourse has been uninterruptedly maintained.

With the government of the Ottoman Porte, and its dependencies on the coast of the Mediterranean, peace and good-will are carefully cultivated, and have been fostered by such good offices as the relative distance and the condition of those countries would permit.

Our commerce with Greece is carried on under the laws of the two governments, reciprocally beneficial to the navigating interests of both; and I have reason to look forward to the adoption of other measures which will be more extensively and permanently advantageous.

Copies of the treaties concluded with the governments of Siam and Muscat are transmitted for the information of Congress, the ratifications having been received, and the treaties made public since the close of the last annual session. Already have we reason to congratulate ourselves on the prospect of considerable commercial benefit; and we have, besides, received from the Sultan of Muscat, prompt evidence of his desire to cultivate the most friendly feelings, by liberal acts toward one of our vessels, bestowed in a manner so striking as to require on our part a grateful acknowledgment.

Our commerce with the islands of Cuba and Porto Rico still labors under heavy restrictions, the continuance of which is a subject of regret. The only effect of an adherence to them will be to benefit the navigation of other countries at the expense both of the United States and Spain.

The independent nations of this continent have, ever since they emerged from the colonial state, experienced severe trials in their progress to the permanent establishment of liberal political institutions. Their unsettled condition not only interrupts their own advances to prosperity, but has often seriously injured the other powers of the world. The claims of our citizens upon Peru, Chili, Brazil, the Argentine Republic, the governments formed out of the republics of Colombia, and Mexico, are still pending, although many of them have been presented for examination more than twenty years. New Granada, Venezuela, and Ecuador, have recently formed a convention for the purpose of ascertaining and adjusting the claims upon the republic of Colombia, from which it is earnestly hoped our citizens will, ere long, receive full compensation for the injuries originally inflicted upon them, and for the delay in affording it.

An advantageous treaty of commerce has been concluded by the United States with the Peru-Bolivian Confederation, which wants only the ratification of that government. The progress of a subsequent negotiation for the settlement of claims upon Peru, has been unfavorably affected by the war between that power and Chili, and the Argentine Republic; and the same event is also likely to produce delays in the settlement of our demands on those powers.

The aggravating circumstances connected with our claims upon Mexico, and a variety of events touching the honor and integrity of our government, led my predecessor to make, at the second session of the last Congress, a special recommendation of the course to be pursued to obtain a speedy and final satisfaction of the injuries complained of by this government and by our citizens. He recommended a final demand of redress, with a contingent authority to the executive to make reprisals, if that demand should be made in vain. From the proceedings of Congress on that recommendation, it appeared that the opinion of both branches of the legislature coincided with that of the executive, that any mode of redress known to the law of nations might justifiably be used. It was obvious, too, that Congress believed, with the President, that another demand should be made, in order to give undeniable and satisfactory proof of our desire to avoid extremities with a neighboring power; but that there was an indisposition to vest a discretionary authority in the executive to take redress, should it unfortunately be either denied or unreasonably delayed by the Mexican government.

So soon as the necessary documents were prepared, after entering upon the duties of my office, a special messenger was sent to Mexico, to make a final demand of redress, with the documents required by the provisions of our treaty. The demand was made on the 20th of July last. The reply, which bears date the 29th of the same month, contains assurances of a desire, on the part of that government, to give a prompt and explicit answer respecting each of the complaints, but that the examination of them would necessarily be deliberate; that in this examination it would be guided by the principles of public law and the obligation of treaties; that nothing should be left undone that might lead to the most speedy and equitable adjustment of our demands; and that its determination, in respect to each case, should be communicated through the Mexican minister here.

Since that time, an envoy extraordinary and minister plenipotentiary has been accredited to this government by that of the Mexican republic. He brought with him assurances of a sincere desire that the pending differences between the two governments should be terminated in a manner satisfactory

to both. He was received with reciprocal assurances, and a hope was entertained that his mission would lead to a speedy, satisfactory, and final adjustment of all existing subjects of complaint. A sincere believer in the wisdom of the pacific policy by which the United States have always been governed in their intercourse with foreign nations, it was my particular desire, from the proximity of the Mexican republic, and well-known occurrences on our frontier, to be instrumental in obviating all existing difficulties with that government, and in restoring the intercourse between the two republics to that liberal and friendly character by which they should always be distinguished. I regret, therefore, the more deeply, to have found in the recent communications of that government, so little reason to hope that any future efforts of mine for the accomplishment of those desirable objects would be successful.

Although the larger number, and many of them aggravated cases of personal wrongs, have been now for years before the Mexican government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican minister. By the report of the secretary of state, herewith presented, and the accompanying documents, it will be seen, that for not one of our public complaints has satisfaction been given or offered; and that but four cases of both descriptions, out of all those formally presented, and earnestly pressed, have as yet been decided upon by the Mexican government.

Not perceiving in what manner any of the powers given to the executive alone could be farther usefully employed in bringing this unfortunate controversy to a satisfactory termination, the subject was by my predecessor referred to Congress, as one calling for its interposition. In accordance with the clearly understood wishes of the legislature, another and formal demand for satisfaction has been made upon the Mexican government, with what success the documents now communicated will show. On a careful and deliberate examination of their contents, and considering the spirit manifested by the Mexican government, it has become my painful duty to return the subject, as it now stands, to Congress, to whom it belongs to decide upon the time, the mode, and the measures of redress. Whatever may be your decision, it shall be faithfully executed, confident that it will be characterized by that moderation and justice which will, I trust, under all circumstances, govern the counsels of our country.

The balance in the treasury on the first day of January, 1837, was forty-five millions nine hundred and sixty-eight thousand five hundred and twenty-three dollars. The receipts during the present year from all sources, including the amount of treasury notes issued, are estimated at twenty-three millions four hundred and ninety-nine thousand nine hundred and eighty-one dollars, constituting an aggregate of sixty-nine millions four hundred and sixty-eight thousand five hundred and four dollars. Of this amount, about thirty-five millions two hundred and eighty-one thousand three hundred and sixty-one dollars will have been expended, at the end of the year, on appropriations made by Congress; and the residue, amounting to thirty-four millions one hundred and eighty-seven thousand one hundred and forty-three dollars, will be the nominal balance in the treasury on the first of January next. But of that sum, only one million and eighty-five thousand four hundred and ninety-eight dollars is considered as immediately available for, and applicable to, public purposes.

Those portions of it which will be for some time unavailable consist chiefly of sums deposited with the states, and due from the former deposite banks. The details upon this subject will be found in the annual report of the secretary of the treasury. The amount of treasury notes which it will be necessary to issue during the year on account of those funds being unavailable, will, it is supposed, not exceed four and a half millions. It seemed proper, in the condition of the country, to have the estimates on all subjects made as low as practicable, without prejudice to any great public measures. The departments were, therefore, desired to prepare their estimates accordingly; and I am happy to find that they have been able to graduate them on so economical a scale.

In the great and often unexpected fluctuations to which the revenue is subjected, it is not possible to compute the receipts beforehand with great certainty; but should they not differ essentially from present anticipations, and should the appropriations not much exceed the estimates, no difficulty seems likely to happen in defraying the current expenses with promptitude and fidelity.

Notwithstanding the great embarrassments which have recently occurred in commercial affairs, and the liberal indulgence which, in consequence of these embarrassments, has been extended to both the merchants and the banks, it is gratifying to be able to anticipate that the treasury notes, which have been issued during the present year, will be redeemed, and that the resources of the treasury, without any resort to loans or increased taxes, will prove ample for defraying all charges imposed on it during 1838.

The report of the secretary of the treasury will afford you a more minute exposition of all matters connected with the administration of the finances during the current year; a period which, for the amount of public moneys disbursed and deposited with the states, as well as the financial difficulties encountered and overcome, has few parallels in our history.

Your attention was, at the last session, invited to the necessity of additional legislative provisions in respect to the collection, safe-keeping and transfer of the public money. No law having been then matured, and not understanding the proceedings of Congress as intended to be final, it becomes my duty again to bring the subject to your notice.

On that occasion, three modes of performing this branch of the public service were presented for consideration. These were, the creation of a national bank; the revival, with modifications, of the deposite system established by the act of the 23d of June, 1836, permitting the use of the public moneys by the banks; and the discontinuance of the use of such institutions for the purposes referred to, with suitable provisions for their accomplishment through the agency of public officers. Considering the opinions of both houses of Congress on the two first propositions as expressed in the negative, in which I entirely concur, it is unnecessary for me again to recur to them. In respect to the last, you have had an opportunity, since your adjournment, not only to attest still farther the expediency of the measure by the continued practical operation of such parts of it as are now in force, but also to discover what should ever be sought for and regarded with the utmost deference—the opinions and wishes of the people,

The national will is the supreme law of the republic, and on all subjects within the limits of its constitutional powers, should be faithfully obeyed by the public servant. Since the measure in question was submitted to your consideration, most of you have enjoyed the advantage of personal commu-

mication with your constituents. For one state only has an election been held for the federal government ; but the early day at which it took place, deprives the measure under consideration of much of the support it might otherwise have derived from the result. Local elections for state officers have, however, been held in several of the states, at which the expediency of the plan proposed by the executive has been more or less discussed. You will, I am confident, yield to their results the respect due to every expression of the public voice. Desiring, however, to arrive at truth and a just view of the subject in all its bearings, you will at the same time remember, that questions of far deeper and more immediate local interest than the fiscal plans of the national treasury were involved in those elections.

Above all, we cannot overlook the striking fact, that there were, at the time, in those states, more than one hundred and sixty millions of bank capital, of which large portions were subject to actual forfeiture—other large portions upheld only by special and limited legislative indulgences—and most of it, if not all, to a greater or less extent, dependent for a continuance of its corporate existence upon the will of the state legislatures to be then chosen. Apprized of this circumstance, you will judge whether it is not most probable that the peculiar condition of that vast interest in these respects, the extent to which it has been spread through all the ramifications of society, its direct connection with the then pending elections, and the feelings it was calculated to infuse into the canvass, have not exercised a far greater influence over the result than any which could possibly have been produced by a conflict of opinion in respect to a question in the administration of the general government, more remote and far less important in its bearings upon that interest.

I have found no reason to change my own opinion as to the expediency of adopting the system proposed, being perfectly satisfied that there will be neither stability nor safety, either in the fiscal affairs of the government, or in the pecuniary transactions of individuals and corporations, so long as a connection exists between them, which, like the past, offers such strong inducements to make them the subjects of political agitation. Indeed, I am more than ever convinced of the dangers to which the free and unbiased exercise of political opinion—the only sure foundation and safeguard of republican government—would be exposed by any farther increase of the already overgrown influence of corporate authorities. I cannot, therefore, consistently with my views of duty, advise a renewal of a connection which circumstances have dissolved.

The discontinuance of the use of state banks for fiscal purposes ought not to be regarded as a measure of hostility toward those institutions. Banks, properly established and conducted, are highly useful to the business of the country, and doubtless will continue to exist in the states so long as they conform to their laws, and are found to be safe and beneficial. How they should be created, what privileges they should enjoy, under what responsibilities they should act, and to what restrictions they should be subject, are questions which, as I observed on a previous occasion, belong to the states to decide. Upon their rights, or the exercise of them, the general government can have no motive to encroach. Its duty toward them is well performed, when it refrains from legislating for their special benefit, because such legislation would violate the spirit of the constitution, and be unjust to other interests; when it takes no steps to impair their usefulness, but so manages its own affairs as to make it the interest of those institutions

to strengthen and improve their condition for the security and welfare of the community at large. They have no right to insist on a connection with the federal government, nor on the use of the public money for their own benefit.

The object of the measure under consideration is, to avoid for the future a compulsory connection of this kind. It proposes to place the general government, in regard to the essential points of the collection, safe-keeping, and transfer of the public money, in a situation which shall relieve it from all dependence on the will of irresponsible individuals or corporations; to withdraw those moneys from the uses of private trade, and confine them to agents constitutionally selected and controlled by law; to abstain from improper interference with the industry of the people, and withhold inducements to improvident dealings on the part of individuals; to give stability to the concerns of the treasury; to preserve the measures of the government from the unavoidable reproaches that flow from such a connection, and the banks themselves from the injurious effects of a supposed participation in the political conflicts of the day, from which they will otherwise find it difficult to escape.

These are my views upon this important subject; formed after careful reflection, and with no desire but to arrive at what is most likely to promote the public interest. They are now, as they were before, submitted with an unfeigned deference for the opinions of others. It was hardly to be hoped that changes so important, on a subject so interesting, could be made without producing a serious diversity of opinion; but so long as those conflicting views are kept above the influence of individual or local interests; so long as they pursue only the general good, and are discussed with moderation and candor, such diversity is a benefit, not an injury. If a majority of Congress see the public welfare in a different light; and more especially if they should be satisfied that the measure proposed would not be acceptable to the people; I shall look to their wisdom to substitute such as may be more conducive to the one and more satisfactory to the other. In any event, they may confidently rely on my hearty co-operation to the fullest extent which my views of the constitution and my sense of duty will permit.

It is obviously important to this branch of the public service, and to the business and quiet of the country, that the whole subject should in some way be settled and regulated by law; and, if possible, at your present session. Besides the plan above referred to, I am not aware that any one has been suggested, except that of keeping the public money in the state banks, in special deposite. This plan is, to some extent, in accordance with the practice of the government and with the present arrangements of the treasury department, which, except, perhaps, during the operation of the late deposite act, has always been allowed, even during the existence of a national bank, to make a temporary use of the state banks, in particular places, for the safe-keeping of portions of the revenue.

This discretionary power might be continued, if Congress deem it desirable, whatever general system may be adopted. So long as the connection is voluntary we need perhaps anticipate few of those difficulties, and little of that dependence on the banks, which must attend every such connection when compulsory in its nature, and when so arranged as to make the banks a fixed part of the machinery of government. It is undoubtedly in the power of Congress so to regulate and guard it as to prevent the pub-

lic money from being applied to the use, or intermingled with the affairs, of individuals. Thus arranged, although it would not give to the government that entire control over its own funds which I desire to secure to it by the plan I have proposed, it would, it must be admitted, in a great degree accomplish one of the objects which has recommended that plan to my judgment—the separation of the fiscal concerns of the government from those of individuals or corporations.

With these observations I recommend the whole matter to your dispassionate reflection, confidently hoping that some conclusion may be reached by your deliberations, which, on the one hand, shall give stability to the fiscal operations of the government, and be consistent, on the other, with the genius of our institutions, and with the interests and wishes of the great mass of our constituents.

It was my hope that nothing would occur to make necessary, on this occasion, any allusion to the late national bank. There are circumstances, however, connected with the present state of its affairs, that bear so directly on the character of the government and the welfare of the citizen, that I should not feel myself excused in neglecting to notice them. The charter which terminated its banking privileges on the fourth of March, 1836, continued its corporate powers two years more, for the sole purpose of closing its affairs, with authority “to use the corporate name, style, and capacity, for the purpose of suits for a final settlement and liquidation of the affairs and acts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but for no other purpose or in any other manner whatsoever.” Just before the banking privileges ceased, its effects were transferred by the bank to a new state institution, then recently incorporated, in trust, for the discharge of its debts and the settlement of its affairs.

With this trustee, by authority of Congress, an adjustment was subsequently made of the large interest which the government had in the stock of the institution. The manner in which a trust unexpectedly created upon the act granting the charter, and involving such great public interests, has been executed, would, under any circumstances, be a fit subject of inquiry; but much more does it deserve your attention when it embraces the redemption of obligations to which the authority and credit of the United States have given value. The two years allowed are now nearly at an end. It is well understood that the trustee has not redeemed and cancelled the outstanding notes of the bank, but has re-issued, and is actually re-issuing, since the 3d of March, 1836, the notes which have been received by it, to a vast amount.

According to its own official statement, so late as the first of October last, nineteen months after the banking privileges given by the charter had expired, it had under its control uncanceled notes of the late Bank of the United States to the amount of twenty-seven millions five hundred and sixty-one thousand eight hundred and sixty-six dollars, of which six millions one hundred and seventy-five thousand eight hundred and sixty-one dollars were in actual circulation, one million four hundred and sixty-eight thousand six hundred and twenty-seven dollars at state bank agencies, and three millions two thousand three hundred and ninety dollars *in transitu*; thus showing that upwards of ten millions and a half of the notes of the old bank were then still kept outstanding.

The impropriety of this procedure is obvious; it being the duty of the

trustee to cancel, and not to put forth, the notes of an institution, whose concerns it had undertaken to wind up. If the trustee has a right to re-issue these notes now, I can see no reason why he may not continue to do so after the expiration of the two years. As no one could have anticipated a course so extraordinary, the prohibitory clause of the charter above quoted was not accompanied by any penalty or other special provision for enforcing it; nor have we any general law for the prevention of similar acts in future.

But it is not in this view of the subject alone that your interposition is required. The United States, in settling with the trustee for their stock, have withdrawn their funds from their former direct liability to the creditors of the old bank, yet notes of the institution continue to be sent forth in its name, and apparently upon the authority of the United States. The transactions connected with the employment of the bills of the old bank are of vast extent; and should they result unfortunately, the interest of individuals may be deeply compromised. Without undertaking to decide how far, or in what form, if any, the trustee could be made liable for notes which contain no obligation on his part; or the old bank, for such as are put in circulation after the expiration of its charter, and without its authority; or the government for indemnity in case of loss, the question still presses itself upon your consideration, whether it is consistent with duty and good faith on the part of the government to witness this proceeding without a single effort to arrest it.

The report of the commissioner of the general land office, which will be laid before you by the secretary of the treasury, will show how the affairs of that office have been conducted for the past year. The disposition of the public lands is one of the most important trusts confided to Congress. The practicability of retaining the title and control of such extensive domains in the general government, and at the same time admitting the territories embracing them into the federal Union, as co-equal with the original states, was seriously doubted by many of our wisest statesmen. All feared that they would become a source of discord, and many carried their apprehensions so far as to see in them the seeds of a future dissolution of the confederacy. But happily our experience has already been sufficient to quiet, in a great degree, all such apprehensions. The position, at one time assumed — that the admission of new states into the Union on the same footing with the original states, was incompatible with a right of soil in the United States, and operated as a surrender thereof, notwithstanding the terms of the compacts by which their admission was designed to be regulated — has been wisely abandoned. Whether, in the new or the old states, all now agree that the right of soil to the public lands remains in the federal government, and that these lands constitute a common property, to be disposed of for the common benefit of all the states, old and new. Acquiescence in this just principle by the people of the new states has naturally promoted a disposition to adopt the most liberal policy in the sale of the public lands. A policy which should be limited to the mere object of selling the lands for the greatest possible sum of money, without regard to higher considerations, finds but few advocates. On the contrary, it is generally conceded, that while the mode of distribution adopted by the government should always be a prudent one, yet its leading object ought to be the early settlement and cultivation of the lands sold; and that it should discountenance, if it cannot prevent, the accumulation of large tracts in the same

hands, which must retard the growth of the new states, or entail upon them a dependent tenantry and its attendant evils.

A question embracing such important interests, and so well calculated to enlist the feelings of the people in every quarter of the Union, has very naturally given rise to numerous plans for the improvement of the existing system. The distinctive features of the policy that has hitherto prevailed, are, to dispose of the public lands at moderate prices, thus enabling a greater number to enter into competition for their purchase, and accomplishing the double object of promoting their rapid settlement by the purchasers, and at the same time increasing the receipts of the treasury; to sell for cash, thereby preventing the disturbing influence of a large mass of private citizens indebted to the government which they have a voice in controlling; to bring them into market no faster than good lands are supposed to be wanted for improvements, thereby preventing the accumulation of large tracts in few hands; and to apply the proceeds of the sales to the general purposes of the government; thus diminishing the amount to be raised from the people of the states by taxation, and giving each state its portion of the benefits to be derived from the common fund in a manner the most quiet and at the same time, perhaps, the most equitable that can be devised.

These provisions, with occasional enactments in behalf of special interests deemed entitled to the favor of government, have, in their execution, produced results as beneficial upon the whole as could reasonably be expected in a matter so vast, so complicated, and so exciting. Upwards of seventy millions of acres have been sold, the greater part of which is believed to have been purchased for actual settlement. The population of the new states and territories created out of the public domain, increased, between 1800 and 1830, from less than sixty thousand to upwards of two millions three hundred thousand souls, constituting, at the latter period, about one fifth of the whole people of the United States. The increase since cannot be accurately known, but the whole may now be safely estimated at over three and a half millions of souls; composing nine states, the representatives of which constitute above one third of the Senate, and over one sixth of the House of Representatives of the United States.

Thus has been formed a body of free and independent landholders, with a rapidity unequalled in the history of mankind; and this great result has been produced without leaving anything for future adjustment between the government and the citizens. The system under which so much has been accomplished cannot be intrinsically bad, and with occasional modifications, to correct abuses and adapt it to changes of circumstances, may, I think, be safely trusted for the future. There is, in the management of such extensive interests, much virtue in stability; and although great and obvious improvements should not be declined, changes should never be made without the fullest examination, and the clearest demonstration of their practical utility.

In the history of the past, we have an assurance that this safe rule of action will not be departed from in relation to the public lands; nor is it believed that any necessity exists for interfering with the fundamental principles of the system, or that the public mind, even in the new states, is desirous of any radical alterations. On the contrary, the general disposition appears to be, to make such modifications and additions only as will the more effectually carry out the original policy of filling our new states and territories with an industrious and independent population.

The modification most perseveringly pressed upon Congress, which has occupied so much of its time for years past, and will probably do so for a long time to come, if not sooner satisfactorily adjusted, is a reduction in the cost of such portions of the public lands as are ascertained to be unsaleable at the rate now established by law, and a graduation, according to their relative value, of the prices at which they may hereafter be sold. It is worthy of consideration whether justice may not be done to every interest in this matter, and a vexed question set at rest, perhaps for ever, by a reasonable compromise of conflicting opinions. Hitherto, after being offered at public sale, lands have been disposed of at one uniform price, whatever difference there might be in their intrinsic value.

The leading considerations urged in favor of the measure referred to are, that in almost all the land districts, and particularly in those in which the lands have been long surveyed and exposed to sale, there are still remaining numerous and large tracts of every gradation of value, from the government price downwards; that these lands will not be purchased at the government price, so long as better can be conveniently obtained for the same amount; that there are large tracts which even the improvements of the adjacent lands will never raise to that price; and that the present uniform price, combined with their irregular value, operates to prevent a desirable compactness of settlement in the new states, and to retard the full development of that wise policy on which our land system is founded, to the injury not only of the several states where the lands lie, but of the United States as a whole.

The remedy proposed has been a reduction in prices according to the length of time the lands have been in market, without reference to any other circumstances. The certainty that the efflux of time would not always in such cases, and perhaps not even generally, furnish a true criterion of value; and the probability that persons residing in the vicinity, as the period for the reduction of prices approached, would postpone purchases they would otherwise make, for the purpose of availing themselves of the lower price, with other considerations of a similar character, have hitherto been successfully urged to defeat the graduation upon time.

May not all reasonable desires upon this subject be satisfied without encountering any of these objections? All will concede the abstract principle, that the price of the public lands should be proportioned to their relative value, so far as that can be accomplished without departing from the rule heretofore observed, requiring fixed prices in cases of private entries. The difficulty of the subject seems to lie in the mode of ascertaining what that value is. Would not the safest plan be that which has been adopted by many of the states as the basis of taxation,—an actual valuation of lands and classification of them into different rates?

Would it not be practicable and expedient to cause the relative value of the public lands in the old districts, which have been for a certain length of time in market, to be appraised and classed into two or more rates below the present minimum price, by the officers now employed in this branch of the public service, or in any other mode deemed preferable, and to make those prices permanent, if upon the coming in of the report they shall prove satisfactory to Congress? Cannot all the objects of graduation be accomplished in this way, and the objections which have hitherto been urged against it, avoided? It would seem to me that such a step, with a restriction of the sales to limited quantities, and for actual improvement, would be free from all just exceptions.

By the full exposition of the value of the lands thus furnished and extensively promulgated, persons living at a distance would be informed of their true condition, and enabled to enter into competition with those residing in the vicinity; the means of acquiring an independent home would be brought within the reach of many who are unable to purchase at present prices; the population of the new states would be made more compact; and large tracts would be sold which would otherwise remain on hand; not only would the land be brought within the means of a large number of purchasers, but many persons possessed of greater means would be content to settle on a larger quantity of the poorer lands, rather than emigrate farther west in pursuit of a smaller quantity of better lands.

Such a measure would also seem to be more consistent with the policy of the existing laws,—that of converting the public domain into cultivated farms owned by their occupants. That policy is not best promoted by sending emigration up the almost interminable streams of the west, to occupy in groups the best spots of land, leaving immense wastes behind them, and enlarging the frontier beyond the means of the government to afford it adequate protection; but in encouraging it to occupy, with reasonable denseness, the territory over which it advances, and find its best defence in the compact front which it presents to the Indian tribes. Many of you will bring to the consideration of the subject the advantages of local knowledge and greater experience, and all will be desirous of making an early and final disposition of every disturbing question in regard to this important interest. If these suggestions shall in any degree contribute to the accomplishment of so important a result, it will afford me sincere satisfaction.

In some sections of the country most of the public lands have been sold, and the registers and receivers have very little to do. It is a subject worthy of inquiry whether, in many cases, two or more districts may not be consolidated, and the number of persons employed in this business considerably reduced. Indeed, the time will come when it will be the true policy of the general government, as to some of the states, to transfer to them, for a reasonable equivalent, all the refuse and unsold lands, and to withdraw the machinery of the federal land offices altogether. All who take a comprehensive view of our federal system, and believe that one of its greatest excellences consists in interfering as little as possible with the internal concerns of the states, look forward with great interest to this result.

A modification of the existing laws in respect to the prices of the public lands, might also have a favorable influence on the legislation of Congress, in relation to another branch of the subject. Many who have not the ability to buy at present prices settle on those lands, with the hope of acquiring from their cultivation the means of purchasing under pre-emption laws from time to time passed by Congress. For this encroachment on the rights of the United States, they excuse themselves under the plea of their own necessities; the fact that they dispossess nobody, and only enter upon the waste domain; that they give additional value to the public lands in their vicinity; and their intention ultimately to pay the government price. So much weight has from time to time been attached to these considerations, that Congress have passed laws giving actual settlers on the public lands a right of pre-emption to the tracts occupied by them, at the minimum price.

These laws have in all instances been retrospective in their operation; but in a few years after their passage, crowds of new settlers have been found on the public lands, for similar reasons and under like expectations,

who have been indulged with the same privileges. This course of legislation tends to impair public respect for the laws of the country. Either the laws to prevent intrusion upon the public lands should be executed, or, if that should be impracticable or inexpedient, they should be modified or repealed. If the public lands are to be considered as open to be occupied by any, they should, by law, be thrown open to all.

That which is intended, in all instances, to be legalized, should at once be made legal, that those who are disposed to conform to the laws may enjoy at least equal privileges with those who are not. But it is not believed to be the disposition of Congress to open the public lands to occupancy without regular entries and payment of the government price, as such a course must tend to worse evils than the credit system, which it was found necessary to abolish.

It would seem, therefore, to be the part of wisdom and sound policy to remove, as far as practicable, the causes which produce intrusions upon the public lands, and then take efficient steps to prevent them in future. Would any single measure be so effective in removing all plausible grounds for those intrusions as the graduation of price already suggested? A short period of industry and economy in any part of our country would enable the poorest citizen to accumulate the means to buy him a home at the lowest prices, and leave him without apology for settling on lands not his own. If he did not, under such circumstances, he would enlist no sympathy in his favor; the laws would be readily executed without doing violence to public opinion.

A large portion of our citizens have seated themselves on the public lands, without authority, since the passage of the last pre-emption law, and now ask the enactment of another, to enable them to retain the lands occupied, upon payment of the minimum government price. They ask that which has been repeatedly granted before. If the future may be judged of by the past, little harm can be done to the interests of the treasury by yielding to their request. Upon a critical examination, it is found that the lands sold at the public sales since the introduction of cash payments in 1820, have produced, on an average, the net revenue of only six cents an acre more than the minimum government price. There is no reason to suppose that future sales will be more productive. The government, therefore, has no adequate pecuniary interest to induce it to drive these people from the lands they occupy, for the purpose of selling them to others.

Entertaining these views, I recommend the passage of a pre-emption law for their benefit, in connection with the preparatory steps toward the graduation of the price of the public lands, and farther and more effectual provisions to prevent intrusions hereafter. Indulgence to those who have settled on these lands with expectations that past legislation would be made a rule for the future, and at the same time removing the most plausible ground on which intrusions are excused, and adopting more efficient means to prevent them hereafter, appears to me the most judicious disposition which can be made of this difficult subject. The limitations and restrictions to guard against abuses in the execution of the pre-emption law will necessarily attract the careful attention of Congress; but under no circumstances is it considered expedient to authorize floating claims in any shape. They have been heretofore, and doubtless would be hereafter, most prolific sources of fraud and oppression, and instead of operating to confer the favor of the government on industrious settlers, are often used only to minister to a spirit of cupidity at the expense of the most meritorious of that class.

The accompanying report of the secretary of war will bring to your view the state of the army, and all the various subjects confided to the superintendence of that officer.

The principal part of the army has been concentrated in Florida, with a view and in the expectation of bringing the war in that territory to a speedy close. The necessity of stripping the posts on the maritime and inland frontiers of their entire garrisons, for the purpose of assembling in the field an army of less than four thousand men, would seem to indicate the necessity of increasing our regular forces; and the superior efficiency as well as greatly diminished expense of that description of troops, recommend this measure as one of economy as well as of expediency. I refer to the report for the reasons which have induced the secretary of war to urge the reorganization and enlargement of the staff of the army, and of the ordnance corps, in which I fully concur.

It is not, however, compatible with the interest of the people to maintain, in time of peace, a regular force adequate to the defence of our extensive frontiers. In periods of danger and alarm, we must rely principally upon a well-organized militia; and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington, and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision in the constitution that renders it necessary to adopt a uniform system of organization for the militia, throughout the United States, presents an insurmountable obstacle to an efficient arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the secretary of war, for the organization of volunteer corps, and the instruction of militia officers, as more simple and practicable, if not equally advantageous, as a general arrangement of the whole militia of the United States.

A moderate increase of the corps both of military and topographical engineers, has been more than once recommended by my predecessor, and my conviction of the propriety, not to say necessity of the measure, in order to enable them to perform the various and important duties imposed upon them, induces me to repeat the recommendation.

The military academy continues to answer all the purposes of its establishment, and not only furnishes well-educated officers of the army, but serves to diffuse throughout the mass of our citizens individuals possessed of military knowledge, and the scientific attainments of civil and military engineering. At present, the cadet is bound, with the consent of his parents or guardians, to remain in service five years from the period of his enlistment, unless sooner discharged, thus exacting only one year's service in the army after his education is completed. This does not appear to me sufficient. Government ought to command for a longer period the services of those who are educated at the public expense; and I recommend that the time of enlistment be extended to seven years, and the terms of the engagement strictly enforced.

The creation of a national foundry for cannon, to be common to the service of the army and navy of the United States, has been heretofore recommended, and appears to be required in order to place our ordnance on an equal footing with that of other countries, and to enable that branch of the service to control the prices of those articles, and graduate the supplies to

the wants of the government, as well as to regulate their quality and insure their uniformity. The same reasons induce me to recommend the erection of a manufactory of gunpowder, to be under the direction of the ordnance office. The establishment of a manufactory of small arms west of the Allegany mountains, upon the plan proposed by the secretary of war, will contribute to extend throughout that country the improvements which exist in establishments of a similar description in the Atlantic States, and tend to a much more economical distribution of the armament required in the western portion of our Union.

The system of removing the Indians west of the Mississippi, commenced by Mr. Jefferson in 1804, has been steadily persevered in by every succeeding President, and may be considered the settled policy of the country. Unconnected at first with any well-defined system for their improvement, the inducements held out to the Indians were confined to the greater abundance of game to be found in the west; but when the beneficial effects of their removal were made apparent, a more philanthropic and enlightened policy was adopted, in purchasing their lands east of the Mississippi. Liberal prices were given, and provisions inserted in all the treaties with them for the application of the funds they received in exchange, to such purposes as were best calculated to promote their present welfare, and advance their future civilization. These measures have been attended thus far with the happiest results.

It will be seen, by referring to the report of the Commissioner of Indian Affairs, that the most sanguine expectations of the friends and promoters of this system have been realized. The Choctaws, Cherokees, and other tribes that first emigrated beyond the Mississippi, have, for the most part, abandoned the hunter state, and become cultivators of the soil. The improvement in their condition has been rapid, and it is believed that they are now fitted to enjoy the advantages of a simple form of government, which has been submitted to them and received their sanction; and I cannot too strongly urge this subject upon the attention of Congress.

Stipulations have been made with all the Indian tribes to remove them beyond the Mississippi, except with the band of the Wyandots, the Six Nations, in New York, the Menomonees, Mandans, and Stockbridges, in Wisconsin, and Miamies, in Indiana. With all but the Menomonees, it is expected that arrangements for their emigration will be completed the present year. The resistance which has been opposed to their removal by some of the tribes, even after treaties had been made with them to that effect, has arisen from various causes, operating differently on each of them. In most instances they have been instigated to resistance by persons to whom the trade with them and the acquisition of their annuities were important; and in some by the personal influence of interested chiefs. These obstacles must be overcome; for the government cannot relinquish the execution of this policy without sacrificing important interests, and abandoning the tribes remaining east of the Mississippi to certain destruction.

The decrease in numbers of the tribes within the limits of the states and territories has been most rapid. If they be removed, they can be protected from those associations and evil practices which exert so pernicious and destructive an influence over their destinies. They can be induced to labor, and to acquire property, and its acquisition will inspire them with a feeling of independence. Their minds can be cultivated, and they can be taught the value of salutary and uniform laws, and be made sensible of the bless-

ings of free government, and capable of enjoying its advantages. In the possession of property, knowledge, and a good government, free to give what direction they please to their labor, and sharers in the legislation by which their persons and the profits of their industry are to be protected and secured, they will have an ever present conviction of the importance of union, of peace among themselves, and of the preservation of amicable relations with us. The interests of the United States would also be greatly promoted by freeing the relations between the general and state governments, from what has proved a most embarrassing incumbrance, by a satisfactory adjustment of conflicting titles to lands, caused by the occupation of the Indians, and by causing the resources of the whole country to be developed by the power of the state and general governments, and improved by the enterprise of a white population.

Intimately connected with this subject is the obligation of the government to fulfil its treaty stipulations, and to protect the Indians thus assembled "at their new residences, from all interruptions and disturbances from any other tribes or nations of Indians, or from any other person or persons whatsoever," and the equally solemn obligation to guard from Indian hostilities its own border settlements stretching along a line of more than one thousand miles. To enable the government to redeem this pledge to the Indians, and to afford adequate protection to its own citizens, will require the continual presence of a considerable regular force on the frontiers, and the establishment of a chain of permanent posts. Examinations of the country are now making, with a view to decide on the most suitable points for the erection of fortresses and other works of defence, the results of which will be presented to you by the secretary of war at an early day, together with a plan for the effectual protection of the friendly Indians, and the permanent defence of the frontier states.

By the report of the secretary of the navy, herewith communicated, it appears that unremitting exertions have been made at the different navy yards, to carry into effect all authorized measures for the extension and employment of our naval force. The launching and preparation of the ship of the line *Pennsylvania*, and the complete repairs of the ships of the line *Ohio*, *Delaware*, and *Columbus*, may be noticed, as forming a respectable addition to this important arm of our national defence. Our commerce and navigation have received increased aid and protection during the present year. Our squadrons in the Pacific and on the Brazilian station have been much increased, and that in the Mediterranean, although small, is adequate to the present wants of our commerce in that sea. Additions have been made to our squadron on the West India station, where the large force under Commodore Dallas has been most actively and efficiently employed in protecting our commerce, in preventing the importation of slaves, and in co-operating with the officers of the army in carrying on the war in Florida.

The satisfactory condition of our naval force abroad, leaves at our disposal the means of conveniently providing for a home squadron, for the protection of commerce upon our extensive coast. The amount of appropriations required for such a squadron will be found in the general estimates for the naval service, for the year 1838.

The naval officers engaged upon our coast survey, have rendered important service to our navigation. The discovery of a new channel into the harbor of New York, through which our largest ships may pass without

danger, must afford important commercial advantages to that harbor, and add greatly to its value as a naval station. The accurate survey of George's shoals, off the coast of Massachusetts, lately completed, will render comparatively safe a navigation hitherto considered dangerous.

Considerable additions have been made to the number of captains, commanders, lieutenants, surgeons and assistant surgeons in the navy. These additions were rendered necessary, by the increased number of vessels put in commission, to answer the exigencies of our growing commerce.

Your attention is respectfully invited to the various suggestions of the secretary, for the improvement of the naval service.

The report of the postmaster-general exhibits the progress and condition of the mail service. The operations of the post-office department constitute one of the most active elements of our national prosperity, and it is gratifying to observe with what vigor they are conducted. The mail routes of the United States cover an extent of about one hundred and forty-two thousand eight hundred and seventy-seven miles, having been increased about thirty-seven thousand one hundred and three miles within the last two years. The annual mail transportation on these routes is about thirty-six millions two hundred and twenty-eight thousand nine hundred and sixty-two miles, having been increased about ten millions three hundred and fifty-nine thousand four hundred and seventy-six miles within the same period. The number of post-offices has also been increased from ten thousand seven hundred and seventy, to twelve thousand and ninety-nine, very few of which receive the mails less than once a week, and a large portion of them daily. Contractors and postmasters in general are represented as attending to their duties with most commendable zeal and fidelity. The revenue of the department within the year ending on the 30th of June last, was four millions one hundred and thirty-seven thousand and fifty-six dollars, fifty-nine cents; and its liabilities accruing within the same time, were three millions three hundred and eighty thousand eight hundred and forty-seven dollars and seventy-five cents. The increase of revenue over that of the preceding year, was seven hundred and eighty thousand one hundred and sixty-six dollars and forty-one cents. For many interesting details, I refer you to the report of the postmaster-general, with the accompanying paper. Your particular attention is invited to the necessity of providing a more safe and convenient building for the accommodation of that department.

I lay before Congress copies of reports, submitted in pursuance of a call made by me upon the heads of departments, for such suggestions as their experience might enable them to make, as to what farther legislative provisions may be advantageously adopted to secure the faithful application of public moneys to the objects for which they are appropriated; to prevent their misapplication or embezzlement by those entrusted with the expenditure of them; and generally to increase the security of the government against losses in their disbursement. It is needless to dilate on the importance of providing such new safeguards as are within the power of legislation to promote these ends; and I have little to add to the recommendations submitted in the accompanying papers.

By law, the terms of service of our most important collecting and disbursing officers in the civil departments are limited to four years, and when reappointed, their bonds are required to be renewed. The safety of the public is much increased by this feature of the law, and there can be no doubt that its application to all officers entrusted with the collection or dis-

bursement of the public money, whatever may be the tenure of their offices, would be equally beneficial. I therefore recommend, in addition to such of the suggestions presented by the heads of the departments as you may think useful, a general provision that all officers of the army or navy, or in the civil department, entrusted with the receipt or payment of the public money, and whose term of service is either unlimited or for a longer time than four years, be required to give bonds, with good and sufficient securities, at the expiration of every such period.

A change in the period of terminating the fiscal year, from the first of October to the first of April, has been frequently recommended, and appears to be desirable.

The distressing casualties in steamboats, which have so frequently happened, during the year, seem to evince the necessity of attempting to prevent them by means of severe provisions connected with their custom-house papers. This subject was submitted to the attention of Congress by the secretary of the treasury in his last annual report, and will be again noticed at the present session, with additional details. It will doubtless receive that early and careful consideration which its pressing importance appears to require.

Your attention has heretofore been frequently called to the affairs of the District of Columbia, and I should not again ask it, did not their entire dependence on Congress, give them a constant claim upon its notice. Separated by the constitution from the rest of the Union, limited in extent, and aided by no legislature of its own, it would seem to be a spot where a wise and uniform system of local government might have been easily adopted.

This district, however, unfortunately, has been left to linger behind the rest of the Union; its codes, civil and criminal, are not only very defective, but full of obsolete or inconvenient provisions; being formed of portions of two states, discrepancies in the laws prevail in different parts of the territory, small as it is; and although it was selected as the seat of the general government, the site of its public edifices, the depository of its archives, and the residence of officers entrusted with large amounts of public property, and the management of public business, yet it has never been subjected to, or received, that special and comprehensive legislation which these circumstances peculiarly demand.

I am well aware of the various subjects of greater magnitude and immediate interest, that press themselves on the consideration of Congress; but I believe there is not one that appeals more directly to its justice, than a liberal and even generous attention to the interests of the District of Columbia, and a thorough and careful revision of its local government.

SECOND ANNUAL MESSAGE.

DECEMBER 4, 1838.

Fellow Citizens of the Senate and House of Representatives :

I CONGRATULATE you on the favorable circumstances in the condition of our country, under which you reassemble for the performance of your

official duties. Though the anticipations of an abundant harvest have not everywhere been realized, yet, on the whole, the labors of the husbandman are rewarded with a bountiful return; industry prospers in its various channels of business and enterprise; general health again prevails through our vast diversity of climate; nothing threatens from abroad the continuance of external peace; nor has anything at home impaired the strength of those fraternal and domestic ties which constitute the only guaranty to the success and permanency of our happy Union, and which, formed in the hour of peril, have hitherto been honorably sustained through every vicissitude in our national affairs. These blessings, which evince the care and beneficence of Providence, call for our devout and fervent gratitude.

We have not less reason to be grateful for other bounties bestowed by the same munificent hand, and more exclusively our own.

The present year closes the first half century of our federal institutions; and our system, differing from all others in the acknowledged practical and unlimited operation which it has for so long a period given to the sovereignty of the people, has now been fully tested by experience.

The constitution devised by our forefathers as the framework and bond of that system, then untried, has become a settled form of government; not only preserving and protecting the great principles upon which it was founded, but wonderfully promoting individual happiness and private interests. Though subject to change and entire revocation, whenever deemed inadequate to all these purposes, yet such is the wisdom of its construction, and so stable has been the public sentiment, that it remains unaltered, except in matters of detail, comparatively unimportant. It has proved amply sufficient for the various emergencies incident to our condition as a nation. A formidable foreign war; agitating collisions between domestic, and in some respects rival, sovereignties; temptations to interfere in the intestine commotions of neighboring countries; the dangerous influences that arise in periods of excessive prosperity; and the anti-republican tendencies of associated wealth,—these, with other trials not less formidable, have all been encountered, and thus far successfully resisted.

It was reserved for the American Union to test the advantages of a government entirely dependent on the continual exercise of the popular will; and our experience has shown that it is as beneficent in practice as it is just in theory. Each successive change made in our local institutions has contributed to extend the right of suffrage, has increased the direct influence of the mass of the community, given greater freedom to individual exertion, and restricted more and more the powers of government; yet the intelligence, prudence and patriotism of the people, have kept pace with the augmented responsibility. In no country has education been so widely diffused. Domestic peace has nowhere so largely reigned. The close bonds of social intercourse have in no instance prevailed with such harmony over a space so vast. All forms of religion have united, for the first time, to diffuse charity and piety, because, for the first time in the history of nations, all have been totally untrammelled, and absolutely free. The deepest recesses of the wilderness have been penetrated; yet, instead of the rudeness in the social condition consequent upon such adventures elsewhere, numerous communities have sprung up, already unrivalled in prosperity, general intelligence, internal tranquillity, and the wisdom of their political institutions. Internal improvements, the fruit of individual enterprise, fostered by the protection of the

states, has added new links to the confederation, and fresh rewards to provident industry. Doubtful questions of domestic policy have been quietly settled by mutual forbearance; and agriculture, commerce, and manufactures, minister to each other. Taxation and public debt, the burdens which bear so heavily upon all other countries, have pressed with comparative lightness upon us. Without one entangling alliance, our friendship is prized by every nation; and the rights of our citizens are everywhere respected, because they are known to be guarded by a united, sensitive, and watchful people.

To this practical operation of our institutions, so evident and successful, we owe that increased attachment to them which is among the most cheering exhibitions of popular sentiment, and will prove their best security, in time to come, against foreign or domestic assault.

This review of the results of our institutions, for half a century, without exciting a spirit of vain exultation, should serve to impress upon us the great principles from which they have sprung; constant and direct supervision by the people over every public measure; strict forbearance on the part of the government from exercising any doubtful or disputed powers; and a constant abstinence from all interference with concerns which properly belong, and are best left to state regulations and individual enterprise.

Full information of the state of our foreign affairs having been recently, on different occasions, submitted to Congress, I deem it necessary now to bring to your notice such events as have subsequently occurred, or are of such importance as to require particular attention.

The most amicable dispositions continue to be exhibited by all the nations with whom the government and citizens of the United States have an habitual intercourse. At the date of my last annual message, Mexico was the only nation which could not be included in so gratifying a reference to our foreign relations.

I am happy to be now able to inform you that an advance has been made toward the adjustment of our difficulties with that republic, and the restoration of the customary good-feeling between the two nations. This important change has been effected by conciliatory negotiations that have resulted in the conclusion of a treaty between the two governments which, when ratified, will refer to the arbitrament of a friendly power all the subjects of controversy between us growing out of injuries to individuals. There is, at present, also, reason to believe that an equitable settlement of all disputed points will be attained without farther difficulty or unnecessary delay, and thus authorize the free resumption of diplomatic intercourse with our sister republic.

With respect to the northeastern boundary of the United States, no official correspondence between this government and that of Great Britain has passed since that communicated to Congress, toward the close of their last session. The offer to negotiate a convention for the appointment of a joint commission of survey and exploration, I am, however, assured will be met by her majesty's government in a conciliatory and friendly spirit, and instructions to enable the British minister here to conclude such an arrangement will be transmitted to him without needless delay. It is hoped and expected that those instructions will be of a liberal character, and that this negotiation, if successful, will prove to be an important step toward the satisfactory and final adjustment of the controversy.

I had hoped that the respect for the laws and regard for the peace and

honor of their own country, which has ever characterized the citizens of the United States, would have prevented any portion of them from using any means to promote insurrection in the territory of a power with which we are at peace, and with which the United States are desirous of maintaining the most friendly relations. I regret deeply, however, to be obliged to inform you that this has not been the case. Information has been given to me, derived from official and other sources, that many citizens of the United States have associated together to make hostile incursions from our territory into Canada, and to aid and abet insurrection there, in violation of the obligations and laws of the United States, and in open disregard of their own duties as citizens. This information has been in part confirmed, by a hostile invasion actually made by citizens of the United States, in conjunction with Canadians and others, and accompanied by a forcible seizure of the property of our citizens, and an application thereof to the prosecution of military operations against the authorities and people of Canada.

The results of these criminal assaults upon the peace and order of a neighboring country have been, as was to be expected, fatally destructive to the misguided or deluded persons engaged in them, and highly injurious to those in whose behalf they are professed to have been undertaken. The authorities in Canada, from intelligence received of such intended movements among our citizens, have felt themselves obliged to take precautionary measures against them, have actually embodied the militia, and assumed an attitude to repel an invasion to which they believed the colonies were exposed from the United States. A state of feeling on both sides of the frontier had thus been produced, which called for prompt and vigorous interference. If an insurrection existed in Canada, the amicable dispositions of the United States toward Great Britain, as well as their duty to themselves, would lead them to maintain a strict neutrality, and to restrain their citizens from all violations of the laws which have been passed for its enforcement. But this government recognises a still higher obligation to repress all attempts on the part of its citizens to disturb the peace of a country where order prevails, or has been re-established. Depredations by our citizens upon nations at peace with the United States, or combinations for committing them, have at all times been regarded by the American government and people with the greatest abhorrence. Military incursions by our citizens into countries so situated, and the commission of acts of violence on the members thereof, in order to effect a change in its government, or under any pretext whatever, have, from the commencement of our government, been held equally criminal on the part of those engaged in them, and as much deserving punishment as would be the disturbance of the public peace by the perpetration of similar acts within our own territory.

By no country or persons have these invaluable principles of international law — principles, the strict observance of which is so indispensable to the preservation of social order in the world — been more earnestly cherished or sacredly respected than by those great and good men who first declared, and finally established, the independence of our own country. They promulgated and maintained them at an early and critical period in our history; they were subsequently embodied in legislative enactments of highly penal character, the faithful enforcement of which has hitherto been, and will, I trust, always continue to be, regarded as a duty inseparably associated with the maintenance of our national honor. That the people of the United States should feel an interest in the spread of political institutions as free as they

regard their own to be, is natural; nor can a sincere solicitude for the success of all those who are, at any time, in good faith struggling for their acquisition, be imputed to our citizens as a crime. With the entire freedom of opinion, and an undisguised expression thereof, on their part, the government has neither the right, nor, I trust, the disposition to interfere. But whether the interest or the honor of the United States require that they should be made a party to any such struggle, and, by inevitable consequence, to the war which is waged in its support, is a question which, by our constitution is wisely left to Congress alone to decide. It is, by the laws, already made criminal in our citizens to embarrass or anticipate that decision by unauthorized military operations on their part.

Offences of this character, in addition to their criminality as violations of the laws of our country, have a direct tendency to draw down upon our citizens at large the multiplied evils of a foreign war, and expose to injurious imputations the good faith and honor of the country. As such they deserve to be put down with promptitude and decision. I cannot be mistaken, I am confident, in counting on the cordial and general concurrence of our fellow citizens in this sentiment. A copy of the proclamation which I have felt it my duty to issue, is herewith communicated. I cannot but hope that the good sense and patriotism, the regard for the honor and reputation of their country, the respect for the laws which they have themselves enacted for their own government, and the love of order for which the mass of our people have been so long and so justly distinguished, will deter the comparatively few who are engaged in them from a farther prosecution of such desperate enterprises. In the mean time, the existing laws have been, and will continue to be, faithfully executed; and every effort will be made to carry them out in their full extent. Whether they are sufficient or not, to meet the actual state of things on the Canadian frontier, it is for Congress to decide.

It will appear from the correspondence herewith submitted, that the government of Russia decline a renewal of the fourth article of the convention of April, 1824, between the United States and his imperial majesty, by the third article of which it is agreed that "hereafter there shall not be formed by the citizens of the United States, or under the authority of the said states, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54 deg. 40 min. of north latitude; and that in the same manner there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel;" and by the fourth article, "that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country." The reasons assigned for declining to renew the provisions of this article are, briefly, that the only use made by our citizens of the privilege it secures to them, has been to supply the Indians with spirituous liquors, ammunition and firearms; that this traffic has been excluded from the Russian trade; and as the supplies furnished from the United States are injurious to the Russian establishments on the northwest coast, and calculated to produce complaints between the two governments, his imperial majesty thinks it for the interest of both countries not to accede to the proposition made

by the American government for the renewal of the article last referred to.

The correspondence herewith communicated, will show the grounds upon which we contend that the citizens of the United States have, independent of the provisions of the convention of 1824, a right to trade with the natives upon the coast in question, at unoccupied places, liable, however, it is admitted, to be at any time extinguished by the creation of Russian establishments at such points. The right is denied by the Russian government, which asserts that, by the operation of the treaty of 1834, each party agreed to waive the general right to land on the vacant coasts on the respective sides of the degree of latitude referred to, and accepted, in lieu thereof, the mutual privileges mentioned in the fourth article. The capital and tonnage employed by our citizens in their trade with the north-west coast of America will, perhaps, on adverting to the official statements of the commerce and navigation of the United States, for the last few years, be deemed too inconsiderable in amount to attract much attention; yet the subject may, in other respects, deserve the careful consideration of Congress.

I regret to state that the blockade of the principal ports on the eastern coast of Mexico, which, in consequence of differences between that republic and France, was instituted in May last, unfortunately still continues, enforced by a competent French naval force, and is necessarily embarrassing to our own trade in the Gulf, in common with that of other nations. Every disposition, however, is believed to exist on the part of the French government, to render this measure as little onerous as practicable to the interests of the citizens of the United States, and to those of neutral commerce; and it is to be hoped that an early settlement of the difficulties between France and Mexico will soon re-establish the harmonious relations formerly subsisting between them, and again open the ports of that republic to the vessels of all friendly nations.

A convention for marking that part of the boundary between the United States and the republic of Texas, which extends from the mouth of the Sabine to the Red River, was concluded and signed at this city on the 25th of April last. It has since been ratified by both governments; and seasonable measures will be taken to carry it into effect on the part of the United States.

The application of that republic for admission into this Union, made in August, 1837, and which was declined for reasons already made known to you, has been formally withdrawn, as will appear from the accompanying copy of the note of the minister plenipotentiary of Texas, which was presented to the secretary of state on the occasion of the exchange of ratifications of the convention above mentioned.

Copies of the convention with Texas, of a commercial treaty concluded with the king of Greece, and of a similar treaty with the Peru-Bolivian Confederation, the ratifications of which have been recently exchanged, accompany this message for the information of Congress, and for such legislative enactments as may be found necessary or expedient, in relation to either of them.

To watch over and foster the interests of a gradually increasing and widely extended commerce; to guard the rights of American citizens, whom business, or pleasure, or other motives, may tempt into distant climes, and at the same time to cultivate those sentiments of mutual respect and good-

will which experience has proved so beneficial in international intercourse, the government of the United States has deemed it expedient, from time to time, to establish diplomatic connections with different foreign states, by the appointment of representatives to reside within their respective territories. I am gratified to be enabled to announce to you that, since the close of your last session, these relations have been opened under the happiest auspices with Austria and the Two Sicilies; that new nominations have been made in the respective missions of Russia, Brazil, Belgium, Sweden, and Norway, in this country; and that a minister extraordinary has been received, accredited to this government from the Argentine Confederation.

An exposition of the fiscal affairs of the government, and of their condition for the past year, will be made to you by the secretary of the treasury.

The available balance in the treasury, on the 1st of January next, is estimated at two millions seven hundred and sixty-five thousand three hundred and forty-two dollars. The receipts of the year, from customs and lands, will probably amount to twenty millions six hundred and fifteen thousand five hundred and ninety-eight dollars. These usual sources of revenue have increased by an issue of treasury notes, of which less than eight millions of dollars, including interest and principal, will be outstanding at the end of the year, and by the sale of one of the bonds of the Bank of the United States, for two millions two hundred and fifty-four thousand eight hundred and seventy-one dollars. The aggregate of means from these and other sources, with the balance on hand on the 1st of January last, has been applied to the payment of appropriations by Congress. The whole expenditure for the year on their account, including the redemption of more than eight millions of treasury notes, constitutes an aggregate of about forty millions of dollars, and will still leave in the treasury the balance before stated.

Nearly eight millions of dollars of treasury notes are to be paid during the coming year, in addition to the ordinary appropriations for the support of government. For both these purposes the resources of the treasury will undoubtedly be sufficient, if the charges upon it are not increased beyond the annual estimates. No excess, however, is likely to exist; nor can the postponed instalment of the surplus revenue be deposited with the states, nor any considerable appropriations beyond the estimates be made, without causing a deficit in the treasury. The great caution, advisable at all times, of limiting appropriations to the wants of the public service, is rendered necessary at present by the prospective and rapid reduction of the tariff; while the vigilant jealousy, evidently excited among the people by the occurrences of the last few years, assures us that they expect from their representatives, and will sustain them in the exercise of, the most rigid economy. Much can be effected by postponing appropriations not immediately required for the ordinary public service, or for any pressing emergency; and much by reducing the expenditures where the entire and immediate accomplishment of the objects in view is not indispensable.

When we call to mind the recent and extreme embarrassments produced by excessive issues of bank paper, aggravated by the unforeseen withdrawal of much foreign capital, and the inevitable derangement arising from the distribution of the surplus revenue among the states as required by Congress; and consider the heavy expenses incurred by the removal of Indian tribes; by the military operations in Florida; and on account of the unusually large appropriations made at the last two annual sessions of

Congress for other objects; we have striking evidence, in the present efficient state of our finances, of the abundant resources of the country to fulfil all its obligations. Nor is it less gratifying to find that the general business of the community, deeply affected as it has been, is reviving with additional vigor, chastened by the lessons of the past, and animated by the hopes of the future. By the curtailment of paper issues; by curbing the sanguine and adventurous spirit of speculation; and by the honorable application of all available means to the fulfilment of obligations, confidence has been restored both at home and abroad, and ease and facility secured to all the operations of trade.

The agency of the government in producing these results has been as efficient as its powers and means permitted. By withholding from the states the deposit of the fourth instalment, and leaving several millions at long credits with the banks, principally in one section of the country, and more immediately beneficial to it; and, at the same time, aiding the banks and commercial communities in other sections, by postponing the payment of bonds for duties to the amount of between four and five millions of dollars; by an issue of treasury notes as a means to enable the government to meet the consequences of their indulgences, but affording, at the same time, facilities for remittance and exchange; and by steadily declining to employ as general depositories of the public revenues, or receive the notes of all banks which refused to redeem them with specie; by these measures, aided by the favorable action of some of the banks, and by the support and co-operation of a large portion of the community, we have witnessed an early resumption of specie payments in our great commercial capital, promptly followed in almost every part of the United States. This result has been alike salutary to the true interests of agriculture, commerce, and manufactures; to public morals, respect for the laws, and that confidence between man and man which is so essential in all our social relations.

The contrast between the suspension of 1814 and that of 1837, is most striking. The short duration of the latter; the prompt restoration of business; the evident benefits resulting from an adherence by the government to the constitutional standard of value, instead of sanctioning the suspension by the receipt of irredeemable paper; and the advantages derived from the large amount of specie introduced into the country previous to 1837, afford a valuable illustration of the true policy of the government in such a crisis. Nor can the comparison fail to remove the impression that a national bank is necessary in such emergencies. Not only were specie payments resumed without its aid, but exchanges have also been more rapidly restored than when it existed; thereby showing that private capital, enterprise, and prudence, are fully adequate to these ends. On all these points experience seems to have confirmed the views heretofore submitted to Congress. We have been saved the mortification of seeing the distresses of the community for the third time seized on to fasten upon the country so dangerous an institution; and we may also hope that the business of individuals will hereafter be relieved from the injurious effects of a continued agitation of that disturbing subject.

The limited influence of a national bank in averting derangement in the exchanges of the country, or in compelling the resumption of specie payments, is now not less apparent than its tendency to increase inordinate speculation by sudden expansions and contractions; its disposition to create panic and embarrassment for the promotion of its own designs; its inter-

ference with politics; and its far greater power for evil than for good, either in regard to the local institutions or the operations of government itself. What was in these respects but apprehension or opinion when a national bank was first established, now stands confirmed by humiliating experience. The scenes through which we have passed conclusively prove how little our commerce, agriculture, manufactures, or finances, require such an institution, and what dangers are attendant on its power,—a power, I trust, never to be conferred by the American people upon their government, and still less upon individuals not responsible to them for its unavoidable abuses.

My conviction of the necessity of farther legislative provisions for the safe-keeping and disbursement of the public moneys, and my opinion in regard to the measures best adapted to the accomplishment of those objects, have been already submitted to you. These have been strengthened by recent events; and in the full conviction that time and experience must still farther demonstrate their propriety, I feel it my duty, with respectful deference to the conflicting views of others, again to invite your attention to them.

With the exception of limited sums deposited in the few banks still employed under the act of 1836, the amounts received for duties, and, with very inconsiderable exceptions, those accruing from lands also, have, since the general suspension of specie payments by the deposit banks, been kept and disbursed by the treasurer, under his general legal powers, subject to the superintendence of the secretary of the treasury. The propriety of defining more specifically, and of regulating by law the exercise of this wide scope of executive discretion, has been already submitted to Congress.

A change in the office of collector at one of our principal ports has brought to light a defalcation of the gravest character, the particulars of which will be laid before you in a special report from the secretary of the treasury. By his report, and the accompanying documents, it will be seen that the weekly returns of the defaulting officer apparently exhibited, throughout, a faithful administration of the affairs entrusted to his management. It, however, now appears that he commenced abstracting the public moneys shortly after his appointment, and continued to do so, progressively increasing the amount, for the term of more than seven years, embracing a portion of the period during which the public moneys were deposited in the Bank of the United States, the whole of that of the state bank deposit system, and concluding only on his retirement from office, after that system had substantially failed, in consequence of the suspension of specie payments.

The way in which this defalcation was so long concealed, and the steps taken to indemnify the United States, as far as practicable, against loss, will also be presented to you. The case is one which imperatively claims the attention of Congress, and furnishes the strongest motive for the establishment of a more severe and secure system for the safe-keeping and disbursement of the public moneys than any that has heretofore existed.

It seems proper, at all events, that, by an early enactment, similar to that of other countries, the application of public money by an officer of government to private uses, should be made a felony, and visited with severe and ignominious punishment. This is already, in effect, the law in respect to the mint, and has been productive of the most salutary results. Whatever system is adopted, such an enactment would be wise as an independent measure, since much of the public moneys must, in their collection and

ultimate disbursement, pass twice through the hands of public officers, in whatever manner they are immediately kept. The government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power cannot always be well advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation. It is a duty, therefore, which the government owes, as well to the interests committed to its care as to the officers themselves, to provide every guard against transgressions of this character, that is consistent with reason and humanity. Congress cannot be too jealous of the conduct of those who are intrusted with the public money, and I shall at all times be disposed to encourage a watchful discharge of this duty.

If a more direct co-operation on the part of Congress, in the supervision of the conduct of the officers intrusted with the custody and application of the public money is deemed desirable, it will give me pleasure to assist in the establishment of any judicious and constitutional plan by which that object may be accomplished. You will, in your wisdom, determine upon the propriety of adopting such a plan, and upon the measures necessary to its effectual execution. When the late Bank of the United States was incorporated, and made the depository of the public moneys, a right was reserved to Congress to inspect at its pleasure, by a committee of that body, the books and the proceedings of the bank. In one of the states whose banking institutions are supposed to rank among the first in point of stability, they are subjected to constant examination, by commissioners appointed for that purpose, and much of the success of its banking system is attributed to this watchful supervision.

The same course has also, in view of its beneficial operation, been adopted by an adjoining state, favorably known for the care it has always bestowed upon whatever relates to its financial concerns. I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public moneys. The frequent performance of this might be made obligatory on the committee in respect to those officers who have large sums in their possession, and left discretionary in respect to others. They might report to the executive such defalcations as were found to exist, with a view to a prompt removal from office unless the default was satisfactorily accounted for; and report, also, to Congress, at the commencement of each session, the result of their examinations and proceedings. It does appear to me that, with a subjection of this class of public officers to the general supervision of the executive, to examinations by a committee of Congress at periods of which they should have no previous notice, and to prosecution and punishment as for felony for every breach of trust, the safe-keeping of the public moneys, under the system proposed, might be placed on a surer foundation than it has ever occupied since the establishment of the government.

The secretary of the treasury will lay before you additional information containing new details on this interesting subject. To these I ask your early attention. That it should have given rise to great diversity of opinion cannot be a subject of surprise. After the collection and custody of the public moneys had been for so many years connected with, and made subsidiary to, the advancement of private interests, a return to the simple and self-denying ordinances of the constitution could not but be difficult. But

time and free discussion eliciting the sentiments of the people, and aided by that conciliatory spirit which has ever characterized their course on great emergencies, were relied upon for a satisfactory settlement of the question. Already has this anticipation, on one important point at least — the impropriety of diverting public money to private purposes — been fully realized. There is no reason to suppose that legislation upon that branch of the subject would now be embarrassed by a difference of opinion, or fail to receive the cordial support of a large majority of our constituents.

The connection which formerly existed between the government and banks was in reality injurious to both, as well as to the general interests of the community at large. It aggravated the disasters of trade and the derangements of commercial intercourse, and administered new excitement and additional means to wild and reckless speculations, the disappointments of which threw the country into convulsions of panic, and all but produced violence and bloodshed. The imprudent expansion of bank credits, which was the natural result of the command of the revenues of the state, furnished the resources for unbounded license in every species of adventure, seduced industry from its regular and salutary occupations by the hope of abundance without labor, and deranged the social state by tempting all trades and professions into the vortex of speculation on remote contingencies.

The same wide-spreading influence impeded also the resources of the government, curtailed its useful operations, embarrassed the fulfilment of its obligations, and seriously interfered with the execution of the laws. Large appropriations and oppressive taxes are the natural consequences of such a connection, since they increase the profits of those who are allowed to use the public funds, and make it their interest that money should be accumulated and expenditures multiplied. It is thus that a concentrated money power is tempted to become an active agent in political affairs, and all past experience has shown on which side that influence will be arrayed. We deceive ourselves if we suppose that it will ever be found asserting and supporting the rights of the community at large, in opposition to the claims of the few.

In a government whose distinguishing characteristic should be a diffusion and equalization of its benefits and burdens, the advantage of individuals will be augmented at the expense of the mass of the people. Nor is it the nature of combinations for the acquisition of legislative influence to confine their interference to the single object for which they were originally formed. The temptation to extend it to other matters is, on the contrary, not unfrequently too strong to be resisted. The influence, in the direction of public affairs, of the community at large is, therefore, in no slight danger of being sensibly and injuriously affected by giving to a comparatively small, but very efficient class, a direct and exclusive personal interest in so important a portion of the legislation of Congress as that which relates to the custody of the public moneys. If laws acting upon private interests cannot always be avoided, they should be confined within the narrowest limits, and left, wherever possible, to the legislatures of the states. When not thus restricted, they lead to combinations of powerful associations, foster an influence necessarily selfish, and turn the fair course of legislation to sinister ends, rather than to objects that advance public liberty, and promote the general good.

The whole subject now rests with you, and I cannot but express a hope that some definite measure will be adopted at the present session.

It will not, I am sure, be deemed out of place for me here to remark, that the declaration of my views in opposition to the policy of employing banks as depositaries of the government funds, cannot justly be construed as indicative of hostility, official or personal, to those institutions; or to repeat in this form, and in connection with this subject, opinions which I have uniformly entertained, and on all proper occasions expressed. Though always opposed to their creation in the form of exclusive privileges, and, as a state magistrate, aiming by appropriate legislation to secure the community against the consequences of their occasional mismanagement, I have yet ever wished to see them protected in the exercise of rights conferred by law, and have never doubted their utility, when properly managed, in promoting the interests of trade, and, through that channel, the other interests of the community. To the general government they present themselves merely as state institutions, having no necessary connection with its legislation or its administration. Like other state establishments, they may be used or not in conducting the affairs of the government, as public policy and the general interests of the Union may seem to require.

The only safe or proper principle upon which their intercourse with the government can be regulated, is that which regulates their intercourse with the private citizens—the conferring of mutual benefits. When the government can accomplish a financial operation better with the aid of the banks than without, it should be at liberty to seek that aid as it would the services of a private banker, or other capitalists or agents, giving the preference to those who will serve it on the best terms. Nor can there ever exist an interest in the officers of the general government, as such, inducing them to embarrass or annoy the state banks, any more than to incur the hostility of any other class of state institutions, or of private citizens. It is not in the nature of things that hostility to those institutions can spring from this source, or any opposition to their course of business, except when they themselves depart from the objects of their creation, and attempt to usurp powers not conferred upon them, or to subvert the standard of value established by the constitution.

While opposition to their regular operations cannot exist in this quarter, resistance to any attempt to make the government dependent upon them for the successful administration of public affairs, is a matter of duty, as I trust it will ever be of inclination, no matter from what motive or consideration the attempt may originate.

It is no more than just to the banks to say, that in the late emergency, most of them firmly resisted the strongest temptations to extend their paper issues when apparently sustained in a suspension of specie payments by public opinion, even though in some cases invited by legislative enactments. To this honorable course, aided by the resistance of the general government, acting in obedience to the constitution and laws of the United States, to the introduction of an irredeemable paper medium, may be attributed, in a great degree, the speedy restoration of our currency to a sound state, and the business of the country to its wonted prosperity.

The banks have but to continue in the same safe course, and be content in their appropriate sphere, to avoid all interference from the general government, and to derive from it all the protection and benefits which it bestows on other state establishments, on the people of the states, and on the states themselves. In this, their true position, they cannot but secure the confidence and good-will of the people and the government, which they

can only lose when, leaping from their legitimate sphere, they attempt to control the legislation of the country, and pervert the operations of the government to their own purposes.

Our experience under the act passed at the last session, to grant pre-emption rights to settlers on the public lands, has as yet been too limited to enable us to pronounce with safety upon the efficacy of its provisions to carry out the wise and liberal policy of the government in that respect. There is, however, the best reason to anticipate favorable results from its operation. The recommendations formerly submitted to you, in respect to a graduation of the price of the public lands, remain to be finally acted upon. Having found no reason to change the views then expressed, your attention to them is again respectfully requested.

Every proper exertion has been made, and will be continued, to carry out the wishes of Congress in relation to the tobacco trade, as indicated in the several resolutions of the House of Representatives and the legislation of the two branches. A favorable impression has, I trust, been made in the different foreign countries to which particular attention has been directed, and although we cannot hope for an early change in their policy, as in many of them a convenient and large revenue is derived from monopolies in the fabrication and sale of this article, yet, as these monopolies are really injurious to the people where they are established, and the revenue derived from them may be less injuriously and with equal facility obtained from another and a liberal system of administration, we cannot doubt that our efforts will be eventually crowned with success, if persisted in with temperate firmness, and sustained by prudent legislation.

In recommending to Congress the adoption of the necessary provisions at this session for taking the next census, or enumeration of the inhabitants of the United States, the suggestion presents itself whether the scope of the measure might not be usefully extended, by causing it to embrace authentic statistical returns of the great interests specially entrusted to, or necessarily affected by the legislation of Congress.

The accompanying report of the secretary of war presents a satisfactory account of the state of the army, and of the several branches of the public service confided to the superintendence of that officer.

The law increasing and organizing the military establishment of the United States has been nearly carried into effect, and the army has been extensively and usefully employed during the past season.

I would again call to your notice the subjects connected with and essential to the military defences of the country, which were submitted to you at the last session; but which were not acted upon, as is supposed, for want of time. The most important of them is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed that it will furnish an effective volunteer force in aid of the regular army, and may form the basis for a general system of organization for the entire militia of the United States. The erection of a national foundry and gunpowder manufactory, and one for making small arms, the latter to be situated at some point west of the Allegany mountains, all appear to be of sufficient importance to be again urged upon your attention.

The plan proposed by the secretary of war for the distribution of the forces of the United States, in time of peace, is well calculated to promote regularity and economy in the fiscal administration of the service, to preserve the discipline of the troops, and to render them available for the main-

tenance of the peace and tranquillity of the country. With this view, likewise, I recommend the adoption of the plan presented by that officer for the defence of the western frontier. The preservation of the lives and property of our fellow citizens, who are settled upon that border country, as well as the existence of the Indian population, which might be tempted by our want of preparation to rush on their own destruction and attack the white settlements, all seem to require that this subject should be acted upon without delay, and the war department authorized to place that country in a state of complete defence against any assault from the numerous and warlike tribes which are congregated on that border.

It affords me sincere pleasure to be able to apprise you of the entire removal of the Cherokee nation of Indians to their new homes west of the Mississippi. The measures authorized by Congress at its last session, with a view to the long-standing controversy with them, have had the happiest effects. By an agreement concluded with them by the commanding general in that country, who has performed the duties assigned to him on the occasion with commendable energy and humanity, their removal has been principally under the conduct of their own chiefs, and they have emigrated without any apparent reluctance.

The successful accomplishment of this important object; the removal, also, of the entire Creek nation, with the exception of a small number of fugitives amongst the Seminoles in Florida; the progress already made toward a speedy completion of the removal of the Chickasaws, the Choctaws, the Pottawatamies, the Ottawas, and the Chippewas, with the extensive purchases of Indian lands during the present year, have rendered the speedy and successful result of the long-established policy of the government upon the subject of Indian affairs entirely certain. The occasion is, therefore, deemed a proper one to place this policy in such a point of view as will exonerate the government of the United States from the undeserved reproach which has been cast upon it through several successive administrations. That a mixed occupancy of the same territory, by the white and red man, is incompatible with the safety or happiness of either, is a position in respect to which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability. The bitter fruits of every attempt heretofore to overcome the barriers interposed by nature, have only been destruction, both physical and moral, to the Indian; dangerous conflicts of authority between the federal and state governments; and detriment to the individual prosperity of the citizens, as well as to the general improvement of the country. The remedial policy, the principles of which were settled more than thirty years ago, under the administration of Mr. Jefferson, consists in an extinction, for a fair consideration, of the title to all the lands still occupied by the Indians within the states and territories of the United States; their removal to a country west of the Mississippi much more extensive, and better adapted to their condition than that on which they then resided; the guarantee to them, by the United States, of their exclusive possession of that country forever, exempt from all intrusions by white men, with ample provisions for their security against external violence and internal dissensions, and the extension to them of suitable facilities for their advancement in civilization. This has not been the policy of particular administrations only, but of each in succession since the first attempt to carry it out under that of Mr. Monroe. All have labored for its accomplishment, only with different degrees of suc-

cess. The manner of its execution has, it is true, from time to time given rise to conflicts of opinion and unjust imputations; but in respect to the wisdom and necessity of the policy itself, there has not, from the beginning, existed a doubt in the mind of any calm, judicious, disinterested friend of the Indian race, accustomed to reflection and enlightened by experience.

Occupying the double character of contractor on its own account, and guardian for the parties contracted with, it was hardly to be expected that the dealings of the federal government with the Indian tribes would escape misrepresentation. That there occurred in the early settlement of this country, as in all others where the civilized race has succeeded to the possessions of the savage, instances of oppression and fraud on the part of the former, there is too much reason to believe. No such offences can, however, be justly charged upon this government since it became free to pursue its own course. Its dealings with the Indian tribes have been just and friendly throughout; its efforts for their civilization constant, and directed by the best feelings of humanity; its watchfulness in protecting them from individual frauds unremitting; its forbearance under the keenest provocations, the deepest injuries, and the most flagrant outrages, may challenge at least a comparison with any nation, ancient or modern, in similar circumstances; and if in future times a powerful, civilized, and happy nation of Indians shall be found to exist within the limits of this northern continent, it will be owing to the consummation of that policy which has been so unjustly assailed. Only a very brief reference to facts in confirmation of this assertion can in this form be given, and you are, therefore, necessarily referred to the report of the secretary of war for farther details. To the Cherokees, whose case has perhaps excited the greatest share of attention and sympathy, the United States have granted in fee, with a perpetual guarantee of exclusive and peaceable possession, thirteen millions five hundred and fifty-four thousand one hundred and thirty-five acres of land, on the west side of the Mississippi, eligibly situated, in a healthy climate, and in all respects better suited to their condition than the country they have left, in exchange for only nine millions four hundred and ninety-two thousand one hundred and sixty acres on the east side of the same river. The United States have in addition stipulated to pay them five millions six hundred thousand dollars for their interest in, and improvements on, the lands thus relinquished, and one million one hundred and sixty thousand dollars for subsistence and other beneficial purposes; thereby putting it in their power to become one of the most wealthy and independent separate communities, of the same extent, in the world.

By the treaties made and ratified with the Miamies, the Chippewas, the Sioux, the Sacs and Foxes, and the Winnebagoes, during the last year, the Indian title to eighteen millions four hundred and fifty-eight thousand acres has been extinguished. These purchases have been much more extensive than those of any previous year, and have, with other Indian expenses, borne very heavily upon the treasury. They leave, however, but a small quantity of unbought Indian lands within the states and territories; and the legislature and executive were equally sensible of the propriety of a final and more speedy extinction of Indian titles within those limits. The treaties which were, with a single exception, made in pursuance of previous appropriations for defraying the expenses, have subsequently been ratified by the Senate, and received the sanction of Congress, by the appropriations necessary to carry them into effect. Of the terms upon which these impor-

tant negotiations were concluded, I can speak from direct knowledge; and I feel no difficulty in affirming that the interest of the Indians in the extensive territory embraced by them, is to be paid for at its fair value, and that no more favorable terms have been granted to the United States than would have been reasonably expected in a negotiation with civilized men, fully capable of appreciating and protecting their own rights. For the Indian title to one hundred and sixteen millions three hundred and forty-nine thousand eight hundred and ninety-seven acres, acquired since the 4th of March, 1829, the United States have paid seventy-two millions five hundred and sixty thousand and fifty-six dollars, in permanent annuities, lands, reservations for Indians, expenses of removal and subsistence, merchandise, mechanical and agricultural establishments and implements. When the heavy expenses incurred by the United States, and the circumstance that so large a portion of the entire territory will be for ever unsaleable, are considered, and this price is compared with that for which the United States sell their own lands, no one can doubt that justice has been done to the Indians in these purchases also. Certain it is, that the transactions of the federal government with the Indians have been uniformly characterized by a sincere and paramount desire to promote their welfare; and it must be a source of the highest gratification to every friend of justice and humanity to learn, that notwithstanding the obstructions from time to time thrown in its way, and the difficulties which have arisen from the peculiar and impracticable nature of the Indian character, the wise, humane, and undeviating policy of the government in this, the most difficult of all our relations, foreign or domestic, has at length been justified to the world in its near approach to a happy and certain consummation.

The condition of the tribes which occupy the country set apart for them in the west, is highly prosperous, and encourages the hope of their early civilization. They have, for the most part, abandoned the hunter state, and turned their attention to agricultural pursuits. All those who have been established for any length of time in that fertile region, maintain themselves by their own industry. There are among them traders of no inconsiderable capital, and planters exporting cotton to some extent, but the greater number are small agriculturalists, living in comfort upon the produce of their farms. The recent emigrants, although they have in some instances removed reluctantly, have readily acquiesced in their unavoidable destiny. They have found at once a recompense for past sufferings, and an incentive to industrious habits, in the abundance and comforts around them. There is reason to believe that all these tribes are friendly in their feelings toward the United States; and it is to be hoped that the acquisition of individual wealth, the pursuits of agriculture, and habits of industry, will gradually subdue their warlike propensities, and incline them to maintain peace among themselves. To effect this desirable object, the attention of Congress is solicited to the measures recommended by the secretary of war, for their future government and protection, as well from each other, as from the hostility of the warlike tribes around them, and the intrusions of the whites. The policy of the government has given them a permanent home, and guaranteed to them its peaceful and undisturbed possession. It only remains to give them a government and laws which will encourage industry, and secure to them the rewards of their exertions. The importance of some form of government cannot be too much insisted upon. The earliest effects will be to diminish the causes and occasions for hostilities among the tribes,

to inspire an interest in the observance of laws to which they will have themselves assented, and to multiply the securities of property, and the motives for self-improvement. Intimately connected with this subject, is the establishment of the military defences recommended by the secretary of war, which have been already referred to. Without them, the government will be powerless to redeem its pledges of protection to the emigrating Indians against the numerous warlike tribes that surround them, and to provide for the safety of the frontier settlers of the bordering states.

The case of the Seminoles constitutes at present the only exception to the successful efforts of the government to remove the Indians to the homes assigned them west of the Mississippi. Four hundred of this tribe emigrated in 1836, and fifteen hundred in 1837 and 1838, leaving in the country, it is supposed, about two thousand Indians. The continued treacherous conduct of these people; the savage and unprovoked murders they have lately committed, butchering whole families of the settlers of the territory without distinction of age or sex, and making their way into the very centre and heart of the country, so that no part of it is free from their ravages; their frequent attacks on the light-houses along that dangerous coast; and the barbarity with which they have murdered the passengers and crews of such vessels as have been wrecked upon the reefs and keys which border the Gulf, leave the government no alternative but to continue the military operations against them until they are totally expelled from Florida.

There are other motives which would urge the government to pursue this course towards the Seminoles. The United States have fulfilled in good faith all their treaty stipulations with the Indian tribes, and have in every other instance insisted upon a like performance of their obligations. To relax from this salutary rule because the Seminoles have maintained themselves so long in the territory they had relinquished, and, in defiance of their frequent and solemn engagements, still continue to wage a ruthless war against the United States, would not only evince a want of constancy on our part, but be of evil example in our intercourse with other tribes. Experience has shown that but little is to be gained by the march of armies through a country so intersected with inaccessible swamps and marshes, and which, from the fatal character of the climate, must be abandoned at the end of the winter. I recommend, therefore, to your attention the plan submitted by the secretary of war in the accompanying report, for the permanent occupation of the portion of the territory freed from the Indians, and the more efficient protection of the people of Florida from their inhuman warfare.

From the report of the secretary of the navy herewith transmitted, it will appear that a large portion of the disposable naval force is either actively employed, or in a state of preparation for the purpose of experience and discipline, and the protection of our commerce. So effectual has been this protection, that so far as the information of government extends, not a single outrage has been attempted on a vessel carrying the flag of the United States, within the present year, in any quarter, however distant or exposed.

The exploring expedition sailed from Norfolk on the 19th of August last; and information has been received of its safe arrival at the Island of Madeira. The best spirit animates the officers and crews, and there is every reason to anticipate, from its efforts, results beneficial to commerce and honorable to the nation.

It will also be seen that no reduction of the force now in commission is contemplated. The unsettled state of a portion of South America renders it indispensable that our commerce should receive protection in that quarter; the vast and increasing interests embarked in the trade of the Indian and China seas, in the whale fisheries of the Pacific Ocean, and in the Gulf of Mexico, require equal attention to their safety; and a small squadron may be employed to great advantage on our Atlantic coast, in meeting sudden demands for the reinforcement of other stations, in aiding merchant vessels in distress, in affording active service to an additional number of officers, and in visiting the different ports of the United States, an accurate knowledge of which is obviously of the highest importance.

The attention of Congress is respectfully called to that portion of the report recommending an increase in the number of smaller vessels, and to other suggestions contained in that document. The rapid increase and wide expansion of our commerce, which is every day seeking new avenues of profitable adventure; the absolute necessity of a naval force for its protection, precisely in the degree of its extension; a due regard to the national rights and honor; the recollection of its former exploits, and the anticipation of its future triumphs, whenever opportunity presents itself, which we may rightfully indulge from the experience of the past; all seem to point to the navy as a most efficient arm of our national defence, and a proper object of legislative encouragement.

The progress and condition of the post-office department will be seen by reference to the report of the postmaster-general. The extent of post roads, covered by mail contracts, is stated to be one hundred and thirty-four thousand eight hundred and eighteen miles, and the annual transportation upon them thirty-four millions five hundred and eighty thousand two hundred and two miles. The number of post-offices in the United States is twelve thousand five hundred and fifty-three, and rapidly increasing. The gross revenue for the year ending on the 30th day of June last, was four millions two hundred and sixty-two thousand one hundred and forty-five dollars. The accruing expenditures, four millions six hundred and eighty thousand and sixty-eight dollars; excess of expenditures, four hundred and seventeen thousand nine hundred and twenty-three dollars. This has been made up out of the surplus previously on hand. The cash on hand, on the first instant, was three hundred and fourteen thousand and sixty-eight dollars. The revenue for the year ending June 30, 1838, was one hundred and sixty-one thousand five hundred and forty dollars more than that for the year ending June 30, 1837. The expenditures of the department had been graduated upon the anticipation of a largely increased revenue. A moderate curtailment of mail service consequently became necessary, and has been effected, to shield the department against the danger of embarrassment. Its revenue is now improving, and it will soon resume its onward course in the march of improvement.

Your particular attention is requested to so much of the postmaster-general's report as relates to the transportation of the mails upon railroads. The laws on that subject do not seem adequate to secure that service, now become almost essential to the public interests, and at the same time protect the department from combinations and unreasonable demands.

Nor can I too earnestly request your attention to the necessity of providing a more secure building for this department. The danger of destruction to which its important books and papers are continually exposed, as

well from the highly combustible character of the building occupied, as from that of others in its vicinity, calls loudly for prompt action.

Your attention is again earnestly invited to the suggestions and recommendations submitted at the last session in respect to the District of Columbia.

I feel it my duty, also, to bring to your notice certain proceedings at law which have recently been prosecuted in this district, in the name of the United States, on the relation of Messrs. Stockton and Stockes, of the state of Maryland, against the postmaster-general, and which have resulted in the payment of money out of the national treasury, for the first time since the establishment of the government, by judicial compulsion, exercised by the common law writ of mandamus, issued by the circuit court of this district.

The facts of the case, and the grounds of the proceedings, will be found fully stated in the report of the decision; and any additional information which you may desire will be supplied by the proper department. No interference in the particular case is contemplated. The money has been paid; the claims of the prosecutors have been satisfied; and the whole subject, so far as they are concerned, is finally disposed of; but it is on the supposition that the case may be regarded as an authoritative exposition of the law as it now stands, that I have thought it necessary to present it to your consideration.

The object of the application to the circuit court was to compel the postmaster-general to carry into effect an award made by the solicitor of the treasury, under a special act of Congress for the settlement of certain claims of the relators on the post-office department, which award the postmaster-general declined to execute in full, until he should receive farther legislative direction on the subject. If the duty imposed on the postmaster-general by that law was to be regarded as one of an official nature, belonging to his office as a branch of the executive, then it is obvious that the constitutional competency of the judiciary to direct and control him in its discharge, was necessarily drawn in question. And if the duty so imposed on the postmaster-general was to be considered as merely ministerial, and not executive, it yet remained to be shown that the circuit court of this district had authority to interfere by mandamus—such a power having never before been asserted or claimed by that court. With a view to the settlement of these important questions, the judgment of the circuit court was carried, by a writ of error, to the supreme court of the United States. In the opinion of that tribunal, the duty imposed on the postmaster-general was not an official executive duty, but one of a merely ministerial nature. The grave constitutional questions which had been discussed were, therefore, excluded from the decision of the case; the court, indeed, expressly admitting that, with powers and duties properly belonging to the executive, no other department can interfere by the writ of mandamus; and the question, therefore, resolved itself into this: Has Congress conferred upon the circuit court of this district the power to issue such a writ to an officer of the general government, commanding him to perform a ministerial act? A majority of the court have decided that it has, but have founded their decision upon process of reasoning which, in my judgment, renders farther legislative provision indispensable to the public interests and the equal administration of justice.

It has long since been decided by the Supreme Court, that neither that

tribunal nor the circuit courts of the United States held within the respective states, possess the power in question; but it is now held that this power, denied to both of these high tribunals, (to the former by the constitution, and to the latter by Congress,) has been, by its legislation, vested in the circuit court of this district. No such direct grant of power to the circuit court of this district is claimed; but it has been held to result, by necessary implication, from several sections of the law establishing the court. One of these sections declares, that the laws of Maryland, as they existed at the time of the cession, should be in force in that part of the district ceded by that state; and, by this provision, the common law, in civil and criminal cases, as it prevailed in Maryland in 1801, was established in that part of the district.

In England, the court of king's bench — because the sovereign, who, according to the theory of the constitution, is the fountain of justice, originally sat there in person, and is still deemed to be present, in construction of law — alone possesses the high power of issuing the writ of mandamus, not only to inferior jurisdictions and corporations, but also to magistrates and others, commanding them, in the king's name, to do what their duty requires, in cases where there is a vested right, and no other specific remedy. It has been held, in the case referred to, that, as the supreme court of the United States is, by the constitution, rendered incompetent to exercise this power, and as the circuit court of this district is a court of general jurisdiction in cases at common law, and the highest court of original jurisdiction in the district, the right to issue the writ of mandamus is incident to its common law powers. Another ground relied upon to maintain the power in question, is, that it was included, by fair construction, in the power it granted to the circuit courts of the United States, by the act "to provide for the more convenient organization of the courts of the United States," passed 13th of February, 1801; that the act establishing the circuit court of this district, passed the 27th of February, 1801, conferred upon that court and the judges thereof the same powers as were by law vested in the circuit courts of the United States and in the judges of the said courts; that the repeal of the first-mentioned act, which took place in the next year, did not divest the circuit court of this district of the authority in dispute, but left it still clothed with the powers over the subject which, it is conceded, were taken away from the circuit courts of the United States by the repeal of the act of 13th February, 1801.

Admitting that the adoption of the laws of Maryland for a portion of this district confers on the circuit court thereof, in that portion, the transcendent extra-judicial prerogative powers of the court of king's bench, in England, or that either of the acts of Congress, by necessary implication, authorizes the former court to issue a writ of mandamus to an officer of the United States, to compel him to perform a ministerial duty, the consequences are in one respect the same. The result in either case is, that the officers of the United States, stationed in different parts of the United States, are, in respect to the performance of their official duties, subject to different laws and a different supervision; those in the states to one rule, and those in the District of Columbia to another, and a very different one. In the district their official conduct is subject to a judicial control from which in the state they are exempt.

Whatever difference of opinion may exist as to the expediency of vesting such a power in the judiciary, in a system of government constituted like

like that of the United States, all must agree that these disparaging discrepancies in the law and in the administration of justice, ought not to be permitted to continue; and as Congress alone can provide the remedy, the subject is unavoidably presented to your consideration.

THIRD ANNUAL MESSAGE.

DECEMBER 2, 1839.

Fellow Citizens of the Senate and House of Representatives:

I REGRET that I cannot on this occasion congratulate you that the past year has been one of unalloyed prosperity. The ravages of fire and disease have painfully afflicted otherwise flourishing portions of our country; and serious embarrassments yet derange the trade of many of our cities. But, notwithstanding these adverse circumstances, that general prosperity which has been heretofore so bountifully bestowed upon us by the Author of all good, still continues to call for our warmest gratitude. Especially have we reason to rejoice in the exuberant harvests which have lavishly recompensed well-directed industry, and given to it that sure reward which is vainly sought in visionary speculations. I cannot indeed view without peculiar satisfaction, the evidences afforded by the past season of the benefits that spring from the steady devotion of the husbandman to his honorable pursuit. No means of individual comfort is more certain, and no source of national prosperity is so sure. Nothing can compensate a people for a dependence upon others for the bread they eat; and that cheerful abundance on which the happiness of every one so much depends, is to be looked for nowhere with such sure reliance as in the industry of the agriculturist and the bounties of the earth.

With foreign countries, our relations exhibit the same favorable aspect which was presented in my last annual message, and afford continued proof of the wisdom of the pacific, just, and forbearing policy adopted by the first administration of the federal government, and pursued by its successors. The extraordinary powers vested in me by an act of Congress, for the defence of the country in an emergency, considered so far probable as to require that the executive should possess ample means to meet it, have not been exerted. They have, therefore, been attended with no other result than to increase, by the confidence thus reposed in me, my obligations to maintain, with religious exactness, the cardinal principles that govern our intercourse with other nations. Happily, in our pending questions with Great Britain, out of which this unusual grant of authority arose, nothing has occurred to require its exertion; and as it is about to return to the legislature, I trust that no future necessity may call for its exercise by them, or its delegation to another department of the government.

For the settlement of our northeastern boundary, the proposition promised by Great Britain for a commission of exploration and survey, has been received, and a counter project, including also a provision for the certain and final adjustment of the limits in dispute, is now before the British government for its consideration. A just regard to the delicate state of this question, and a proper respect for the natural impatience of the state of Maine, not less than a conviction that the negotiation has been already protracted

longer than is prudent on the part of either government, have led me to believe that the present favorable moment should on no account be suffered to pass without putting the question for ever at rest. I feel confident that the government of her Britannic Majesty will take the same view of this subject, as I am persuaded it is governed by desires equally strong and sincere for the amicable termination of the controversy.

To the intrinsic difficulties of questions of boundary lines, especially those described in regions unoccupied, and but partially known, is to be added in our country the embarrassment necessarily arising out of our constitution, by which the general government is made the organ of negotiating and deciding upon the particular interests of the states on whose frontiers these lines are to be traced. To avoid another controversy in which a state government might rightfully claim to have her wishes consulted, previously to the conclusion of conventional arrangements concerning her rights of jurisdiction or territory, I have thought it necessary to call the attention of the government of Great Britain to another portion of our continuous dominion, of which the division still remains to be adjusted. I refer to the line from the entrance of Lake Superior to the most northwestern point of the Lake of the Woods, stipulations for the settlement of which are to be found in the seventh article of the treaty of Ghent. The commissioners appointed under that article by the two governments having differed in their opinions, made separate reports, according to its stipulations, upon the points of disagreement, and these differences are now to be submitted to the arbitration of some friendly sovereign or state. The disputed points should be settled, and the line designated, before the territorial government of which it is one of the boundaries, takes its place in the Union as a state, and I rely upon the cordial co-operation of the British government to effect that object.

There is every reason to believe that disturbances like those which lately agitated the neighboring British Provinces will not again prove the sources of border contentions, or interpose obstacles to the continuance of that good understanding which it is the mutual interest of Great Britain and the United States to preserve and maintain.

Within the Provinces themselves tranquillity is restored, and on our frontier that misguided sympathy in favor of what was presumed to be a general effort in behalf of popular rights, and which in some instances misled a few of our more inexperienced citizens, has subsided into a rational conviction strongly opposed to all intermeddling with the internal affairs of our neighbors. The people of the United States feel, as it is hoped they always will, a warm solicitude for the success of all who are sincerely endeavoring to improve the political condition of mankind. This generous feeling they cherish toward the most distant nations; and it was natural, therefore, that it should be awakened with more than common warmth in behalf of their immediate neighbors. But it does not belong to their character, as a community, to seek the gratification of those feelings in acts which violate their duty as citizens, endanger the peace of their country, and tend to bring upon it the stain of a violated faith toward foreign nations. If, zealous to confer benefits on others, they appear for a moment to lose sight of the permanent obligations imposed upon them as citizens, they are seldom long misled. From all the information I receive, confirmed to some extent by personal observation, I am satisfied that no one can now hope to engage in such enterprises without encountering public indignation, in addition to the severest penalties of the law.

Recent information also leads me to hope that the emigrants from her Majesty's Provinces, who have sought refuge within our boundaries, are disposed to become peaceable residents, and to abstain from all attempts to endanger the peace of that country which has afforded them an asylum. On a review of the occurrences on both sides of the line, it is satisfactory to reflect, that in almost every complaint against our country, the offence may be traced to emigrants from the Provinces who have sought refuge here. In the few instances in which they were aided by citizens of the United States, the acts of these misguided men were not only in direct contravention of the laws and well-known wishes of their own government, but met with the decided disapprobation of the people of the United States.

I regret to state the appearance of a different spirit among her Majesty's subjects in the Canadas. The sentiments of hostility to our people and institutions, which have been so frequently expressed there, and the disregard of our rights which has been manifested on some occasions, have, I am sorry to say, been applauded and encouraged by the people, and even by some of the subordinate local authorities, of the Provinces. The chief officers in Canada fortunately have not entertained the same feeling, and have probably prevented excesses that must have been fatal to the peace of the two countries.

I look forward anxiously to a period when all the transactions which have grown out of this condition of our affairs, and which have been made the subjects of complaint and remonstrance by the two governments respectively, shall be fully examined, and the proper satisfaction given where it is due from either side.

Nothing has occurred to disturb the harmony of our intercourse with Austria, Belgium, Denmark, France, Naples, Portugal, Prussia, Russia, or Sweden. The internal state of Spain has sensibly improved, and a well-grounded hope exists that the return of peace will restore to the people of that country their former prosperity, and enable the government to fulfil all its obligations at home and abroad. The government of Portugal, I have the satisfaction to state, has paid in full the eleventh and last instalment due to our citizens for the claims embraced in the settlement made with it on the 3d of March, 1837.

I lay before you treaties of commerce negotiated with the Kings of Sardinia and of the Netherlands, the ratifications of which have been exchanged since the adjournment of Congress. The liberal principles of these treaties will recommend them to your approbation. That with Sardinia is the first treaty of commerce formed by that kingdom, and it will, I trust, answer the expectations of the present sovereign, by aiding the development of the resources of his country, and stimulating the enterprise of his people. That with the Netherlands happily terminates a long existing subject of dispute, and removes from our future commercial intercourse all apprehension of embarrassment. The King of the Netherlands has also, in farther illustration of his character for justice, and of his desire to remove every cause of dissatisfaction, made compensation for an American vessel captured in 1800 by a French privateer, and carried into Curaçoa, where the proceeds were appropriated to the use of the colony, then, and for a short time after, under the dominion of Holland.

The death of the late Sultan has produced no alteration in our relations with Turkey. Our newly appointed minister resident has reached Constantinople, and I have received assurances from the present ruler that the

obligations of our treaty and those of friendship will be fulfilled by himself in the same spirit that actuated his illustrious father.

I regret to be obliged to inform you that no convention for the settlement of the claims of our citizens upon Mexico has yet been ratified by the government of that country. The first convention formed for that purpose was not presented by the President of Mexico for the approbation of its Congress, from a belief that the King of Prussia, the arbitrator in case of disagreement in the joint commission to be appointed by the United States and Mexico, would not consent to take upon himself that friendly office. Although not entirely satisfied with the course pursued by Mexico, I felt no hesitation in receiving in the most conciliatory spirit the explanation offered, and also cheerfully consented to a new convention, in order to arrange the payments proposed to be made to our citizens in a manner which, while equally just to them, was deemed less onerous and inconvenient to the Mexican government. Relying confidently upon the intentions of that government, Mr. Ellis was directed to repair to Mexico, and diplomatic intercourse has been resumed between the two countries. The new convention has, he informs us, been recently submitted by the President of that republic to its Congress, under circumstances which promise a speedy ratification; a result which I cannot allow myself to doubt.

Instructions have been given to the Commissioner of the United States under our convention with Texas, for the demarcation of the line which separates us from that Republic. The commissioners of both governments met in New Orleans in August last. The joint commission was organized and adjourned to convene at the same place on the twelfth of October. It is presumed to be now in the performance of its duties.

The new government of Texas has shown its desire to cultivate friendly relations with us, by a prompt reparation for injuries complained of in the cases of two vessels of the United States.

With Central America a convention has been concluded for the renewal of its former treaty with the United States. This was not ratified before the departure of our late chargé d'affaires from that country, and the copy of it brought by him was not received before the adjournment of the Senate at the last session. In the meanwhile, the period limited for the exchange of ratifications having expired, I deemed it expedient, in consequence of the death of the chargé d'affaires, to send a special agent to Central America, to close the affairs of our mission there, and to arrange with the government an extension of the time for the exchange of ratifications.

The commission created by the states which formerly composed the Republic of Colombia, for adjusting the claims against that government, has, by a very unexpected construction of the treaty under which it acts, decided that no provision was made for those claims of citizens of the United States which arose from captures by Colombian privateers, and were adjudged against the claimants in the judicial tribunals. This decision will compel the United States to apply to the several governments formerly united for redress. With all these—New Grenada, Venezuela, and Ecuador, a perfectly good understanding exists. Our treaty with Venezuela is faithfully carried into execution, and that country, in the enjoyment of tranquillity, is gradually advancing to prosperity under the guidance of its present distinguished President, General Paez. With Ecuador, a liberal commercial convention has lately been concluded, which will be transmitted to the Senate at an early day.

With the great American Empire of Brazil, our relations continue unchanged, as does our friendly intercourse with the other governments of South America — the Argentine Republic, and the republics of Uruguay, Chili, Peru and Bolivia. The dissolution of the Peru-Bolivian Confederation may occasion some temporary inconvenience to our citizens in that quarter, but the obligations on the new governments which have arisen out of that confederation, to observe its treaty stipulations, will no doubt be soon understood, and it is presumed that no indisposition will exist to fulfil those which it contracted with the United States.

The financial operations of the government during the present year have, I am happy to say, been very successful. The difficulties under which the treasury department has labored from known defects in the existing laws relative to the safe-keeping of the public moneys, aggravated by the suspension of specie payments by several of the banks holding public deposits, or indebted to public officers for notes received in payment of public dues, have been surmounted to a very gratifying extent. The large current expenditures have been punctually met, and the faith of the government in all its pecuniary concerns has been scrupulously maintained.

The nineteen millions of treasury notes authorized by the act of Congress of 1837, and the modifications thereof, with a view to the indulgence of merchants on their duty bonds, and of the deposite banks in the payment of public moneys held by them, have been so punctually redeemed as to leave less than the original ten millions outstanding at any one time, and the whole amount unredeemed now falls short of three millions. Of these the chief portion is not due till next year, and the whole would have been already extinguished could the treasury have realized the payments due to it from the banks. If those due from them during the next year, shall be punctually made, and if Congress shall keep the appropriations within the estimates, there is every reason to believe that all the outstanding treasury notes can be redeemed, and the ordinary expenses defrayed, without imposing on the people any additional burden, either of loans or increased taxes. To avoid this, and to keep the expenditures within reasonable bounds, is a duty, second only in importance to the preservation of our national character, and the protection of our citizens in their civil and political rights. The creation, in time of peace, of a debt likely to become permanent, is an evil for which there is no equivalent. The rapidity with which many of the states are apparently approaching to this condition, admonishes us of our own duties, in a manner too impressive to be disregarded. One, not the least important, is to keep the federal government, always in a condition to discharge with ease and vigor its highest functions, should their exercise be required by any sudden conjuncture of public affairs, — a condition to which we are always exposed, and which may occur when least expected. To this end, it is indispensable that its finances should be untrammelled, and its resources, as far as practicable, unincumbered. No circumstance could present greater obstacles to the accomplishment of these vitally important objects, than the creation of an onerous national debt. Our own experience, and also that of other nations, has demonstrated the unavoidable and fearful rapidity with which a public debt is increased, when the government has once surrendered itself to the ruinous practice of supplying its supposed necessities by new loans. The struggle, therefore, on our part, to be successful, must be made at the threshold. To make our efforts effective, severe economy is necessary. This is the surest provision for the

national welfare; and it is, at the same time, the best preservative of the principles on which our institutions rest. Simplicity and economy in the affairs of state have never failed to chasten and invigorate republican principles, while these have been as surely subverted by national prodigality, under whatever specious pretext it may have been introduced or fostered.

These considerations cannot be lost upon a people who have never been inattentive to the effect of their policy upon the institutions they have created for themselves; but at the present moment their force is augmented by the necessity which a decreasing revenue must impose. The check lately given to importations of articles subject to duties, the derangements in the operations of internal trade, and especially the reduction gradually taking place in our tariff of duties, all tend materially to lessen our receipts; indeed, it is probable that the diminution resulting from the last cause alone, will not fall far short of five millions of dollars in the year 1842, as the final reduction of all duties to twenty per cent. then takes effect. The whole revenue then accruing from the customs, and from the sales of public lands, if not more, will undoubtedly be wanted to defray the necessary expenses of the government under the most prudent administration of its affairs. These are circumstances that impose the necessity of rigid economy, and require its prompt and constant exercise. With the legislature rests the power and duty of so adjusting the public expenditure as to promote this end. By the provisions of the constitution, it is only in consequence of appropriations made by law, that money can be drawn from the treasury; no instance has occurred since the establishment of the government in which the executive, though a component part of the legislative power, has interposed an objection to an appropriation bill on the sole ground of its extravagance. His duty in this respect has been considered fulfilled by requesting such appropriations only as the public service may be reasonably expected to require. In the present earnest direction of the public mind toward this subject, both the executive and the legislative have evidence of the strict responsibility to which they will be held; and while I am conscious of my own anxious efforts to perform with fidelity this portion of my public functions, it is a satisfaction to me to be able to count on a cordial co-operation from you.

At the time I entered upon my present duties, our ordinary disbursements—without including those on account of the public debt, the post-office, and the trust funds in charge of the government—had been largely increased by appropriations for the removal of the Indians, for repelling Indian hostilities, and for other less urgent expenses which grew out of an overflowing treasury. Independent of the redemption of the public debt and trusts, the gross expenditures of seventeen and eighteen millions in 1834 and 1835, had, by these causes, swelled to twenty-nine millions in 1836, and the appropriations for 1837, made previously to the 4th of March, caused the expenditures to rise to the very large amount of thirty-three millions. We were enabled during the year 1838, notwithstanding the continuance of our Indian embarrassments, somewhat to reduce this amount; and that for the present year, 1839, will not, in all probability, exceed twenty-six millions—or six millions less than it was last year. With a determination, so far as depends on me, to continue this reduction, I have directed the estimates for 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public service. They will be found less than the expenditures of 1839, by over five millions of dollars.

The precautionary measures which will be recommended by the secre-

tary of the treasury, to protect faithfully the public credit under the fluctuations and contingencies to which our receipts and expenditures are exposed, and especially in a commercial crisis like the present, are commended to your early attention.

On a former occasion your attention was invited to various considerations in support of a preëmption law in behalf of the settlers on the public lands; and also of a law graduating the prices for such lands as had been long in the market unsold, in consequence of their inferior quality. The execution of the act which was passed on the first subject has been attended with the happiest consequences, in quieting titles, and securing improvements to the industrious; and it has also, to a very gratifying extent, been exempt from the frauds which were practised under previous preëmption laws. It has, at the same time, as was anticipated, contributed liberally during the present year to the receipts of the treasury.

The passage of a graduation law, with the guards before recommended, would also, I am persuaded, add considerably to the revenue for several years, and prove in other respects just and beneficial.

Your early consideration of the subject is, therefore, once more earnestly requested.

The present condition of the defences of our principal seaports and navy yards, as represented by the accompanying report of the secretary of war, calls for the early and serious attention of Congress; and, as connecting itself intimately with this subject, I cannot recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States.

In conformity with the expressed wishes of Congress, an attempt was made in the spring to terminate the Florida war by negotiation. It is to be regretted that these humane intentions should have been frustrated, and that the effort to bring these unhappy difficulties to a satisfactory conclusion should have failed. But after entering into solemn engagements with the commanding-general, the Indians, without any provocation, recommenced their acts of treachery and murder. The renewal of hostilities in that territory renders it necessary that I should recommend to your favorable consideration the plan which will be submitted to you by the secretary of war, in order to enable that department to conduct them to a successful issue.

Having had an opportunity of personally inspecting a portion of the troops during the last summer, it gives me pleasure to bear testimony to the success of the effort to improve their discipline, by keeping them together in as large bodies as the nature of our service will permit. I recommend, therefore, that commodious and permanent barracks be constructed at the several posts designated by the secretary of war. Notwithstanding the high state of their discipline and excellent police, the evils resulting to the service from the deficiency of company officers, were very apparent, and I recommend that the staff officers be permanently separated from the line.

The navy has been usefully and honorably employed in protecting the rights and property of our citizens, wherever the condition of affairs seemed to require its presence. With the exception of one instance, where an outrage, accompanied by murder, was committed on a vessel of the United States while engaged in a lawful commerce, nothing is known to have occurred to impede or molest the enterprise, of our citizens on that element where it is so signally displayed. On learning this daring act of piracy, Commodore Reed proceeded immediately to the spot, and receiving no

satisfaction, either in the surrender of the murderers, or the restoration of the plundered property, inflicted severe and merited chastisement on the barbarians.

It will be seen by the report of the secretary of the navy respecting the disposition of our ships of war, that it has been deemed necessary to station a competent force on the coast of Africa, to prevent a fraudulent use of our flag by foreigners.

Recent experience has shown that the provisions in our existing laws which relate to the sale and transfer of American vessels while abroad, are extremely defective. Advantage has been taken of these defects to give to vessels wholly belonging to foreigners, and navigating the ocean, an apparent American ownership. This character has been so well simulated as to afford them comparative security in prosecuting the slave-trade, a traffic emphatically denounced in our statutes, regarded with abhorrence by our citizens, and of which the effectual suppression is nowhere more sincerely desired than in the United States. These circumstances make it proper to recommend to your early attention a careful revision of these laws, so that, without impeding the freedom and facilities of our navigation, or impairing an important branch of our industry connected with it, the integrity and honor of our flag may be carefully preserved. Information from our consul at Havana, showing the necessity of this, was communicated to a committee of the Senate, near the close of the last session, but too late, as it appeared, to be acted upon. It will be brought to your notice by the proper department, with additional communications from other sources.

The latest accounts from the exploring expedition, represent it as proceeding successfully in its objects, and promising results no less useful to trade and navigation than to science.

The extent of post roads covered by mail service on the first of July last was about one hundred and thirty-three thousand nine hundred and ninety-nine miles, and the rate of annual transportation upon them thirty-four millions four hundred and ninety-six thousand eight hundred and seventy-eight miles. The number of post-offices on that day was twelve thousand seven hundred and eighty, and on the 30th ultimo, thirteen thousand and twenty-eight.

The revenue of the post-office department for the year ending with the 30th June last, was four millions four hundred and seventy-six thousand six hundred and thirty-eight dollars,—exhibiting an increase over the preceding year of two hundred and forty-one thousand five hundred and sixty dollars. The engagements and liabilities of the department, for the same period, are four millions six hundred and twenty-four thousand one hundred and seventeen dollars.

The excess of liabilities over the revenue for the last two years has been met out of the surplus which had previously accumulated. The cash on hand on the 30th ultimo, was about two hundred and six thousand seven hundred and one dollars and ninety-five cents, and the current income of the department varies very little from the rate of current expenditures. Most of the service suspended last year has been restored, and most of the new routes established by the act of 7th July, 1838, have been set in operation at an annual cost of one hundred and thirty-six thousand nine hundred and sixty-three dollars. Notwithstanding the pecuniary difficulties of the country, the revenue of the department appears to be increasing; and unless it shall be seriously checked by the recent suspension of payment by

so many of the banks, it will be able not only to retain the present mail service, but in a short time to extend it. It is gratifying to witness the promptitude and fidelity with which the agents of this department in general perform their public duties.

Some difficulties have arisen in relation to contracts for the transportation of the mails by railroad and steamboat companies. It appears that the maximum of compensation provided by Congress for the transportation of the mails upon railroads is not sufficient to induce some of the companies to convey them at such hours as are required for the accommodation of the public. It is one of the most important duties of the general government to provide and maintain for the people of the states, the best practicable mail establishment. To arrive at that end, it is indispensable that the post-office department shall be enabled to control the hours at which the mails shall be carried over railroads, as it now does over all other roads. Should serious inconveniences arise from the inadequacy of the compensation now provided by law, or by unreasonable demands from any of the railroad companies, the subject is of such general importance as to require the prompt attention of Congress.

In relation to steamboat lines, the most efficient remedy is obvious, and has been suggested by the postmaster-general.

The war and navy departments already employ steamboats in their service, and although it is by no means desirable that the government should undertake the transportation of passengers or freight as a business, there can be no reasonable objection to running boats, temporarily, whenever it may be necessary to put down attempts at extortion, to be discontinued as soon as reasonable contracts can be obtained.

The suggestions of the postmaster-general relative to the inadequacy of the legal allowance to witnesses in cases of prosecutions for mail depredations, merit your serious consideration. The safety of the mails require that such prosecutions shall be efficient, and justice to the citizen, whose time is required to be given to the public, demands not only that his expenses shall be paid, but that he shall receive a reasonable compensation.

The reports from the war, navy, and post-office departments will accompany this communication, and one from the treasury department will be presented to Congress in a few days.

For various details in respect to the matters in charge of these departments, I would refer you to those important documents, satisfied that you will find in them many valuable suggestions, which will be found well deserving the attention of the legislature.

From a report made in December of last year by the secretary of state, to the Senate, showing the trial docket of each of the circuit courts, and the number of miles each judge has to travel in the performance of his duties, a great inequality appears in the amount of labor assigned to each judge. The number of terms to be held in each of the courts composing the ninth circuit, the distances between the places at which they sit, and from thence to the seat of government, are represented to be such as to render it impossible for the judge of that circuit to perform, in a manner corresponding with the public exigencies, his term and circuit duties. A revision, therefore, of the present arrangement of the circuit seems to be called for, and is recommended to your notice.

I think it proper to call your attention to the power assumed by territorial legislatures to authorize the issue of bonds by corporate companies on

the guarantee of the territory. Congress passed a law in 1836, providing that no act of a territorial legislature incorporating banks should have the force of law until approved by Congress; but acts of a very exceptionable character previously passed by the legislature of Florida, were suffered to remain in force, by virtue of which bonds may be issued to a very large amount by those institutions, upon the faith of the territory. A resolution, intended to be a joint one, passed the Senate at the same session, expressing the sense of Congress that the laws in question ought not to be permitted to remain in force unless amended in many material respects; but it failed in the House of Representatives for want of time, and the desired amendments have not been made. The interests involved are of great importance, and the subject deserves your early and careful attention.

The continued agitation of the question relative to the best mode of keeping and disbursing the public money, still injuriously affects the business of the country. The suspension of specie payments in 1837 rendered the use of deposit banks, as prescribed by the act of 1836, a source rather of embarrassment than aid, and of necessity placed the custody of most of the public money afterward collected in charge of the public officers. The new securities for its safety, which this required, were a principal cause of my convening an extra session of Congress; but in consequence of a disagreement between the two houses, neither then, nor at any subsequent period, has there been any legislation on the subject. The effort made at the last session to obtain the authority of Congress to punish the use of public money for private purposes as a crime, a measure attended under other governments with signal advantage, was also unsuccessful, from diversities of opinion in that body, notwithstanding the anxiety doubtless felt by it to afford every practicable security. The result of this is still to leave the custody of the public money without those safeguards which have been for several years earnestly desired by the executive; and as the remedy is only to be found in the action of the legislature, it imposes on me the duty of again submitting to you the propriety of passing a law, providing for the safe-keeping of the public moneys, and especially to ask that its use for private purposes by any officers entrusted with it, may be declared to be a felony, punishable with penalties proportioned to the magnitude of the offence.

These circumstances, added to known defects in the existing laws, and unusual derangement in the general operations of trade, have, during the last three years, much increased the difficulties attendant on the collection, keeping, and disbursement of the revenue, and called forth corresponding exertions from those having them in charge. Happily these have been successful beyond expectation. Vast sums have been collected and disbursed by the several departments with unexpected cheapness and ease; transfers have been readily made to every part of the Union, however distant; and defalcations have been far less than might have been anticipated, from the absence of adequate legal restraints. Since the officers of the treasury and post-office departments were charged with the custody of most of the public moneys, there have been collected sixty-six millions of dollars, and, excluding the case of the late collector at New York, the aggregate amount of losses sustained in the collection cannot, it is believed, exceed sixty thousand dollars. The defalcation of the late collector of that city, of the extent and circumstances of which Congress has been fully informed, ran through all the modes of keeping the public money that have been hitherto in use, and

was distinguished by an aggravated disregard of duty, that broke through the restraints of every system, and cannot, therefore, be usefully referred to as a test of the comparative safety of either.

Additional information will also be furnished by the report of the secretary, in reply to a call made upon that officer by the House of Representatives at the last session, requiring detailed information on the subject of defaults, by public officers or agents, under each administration, from 1789 to 1837. This document will be submitted to you in a few days. The general results, (independent of the post-office, which is kept separately, and will be stated by itself,) so far as they bear upon this subject, are, that the losses which have been, and are likely to be, sustained by any class of agents have been—the greatest by banks, including, as required in the resolution, their depreciated paper received for public dues; that the next largest have been by disbursing officers, and the least by collectors and receivers. If the losses on duty bonds are included, they will alone be three fold those by both collectors and receivers. Our whole experience, therefore, furnishes the strongest evidence that the desired legislation of Congress is alone wanting to insure in those operations the highest degree of security and facility. Such also appears to have been the experience of other nations. From the results of inquiries made by the secretary of the treasury in regard to the practice among them, I am enabled to state that in twenty-two out of twenty-seven foreign governments, from which undoubted information has been obtained, the public moneys have been kept in charge of public officers. This concurrence of opinion in favor of that system is perhaps as great as exists on any question of internal administration.

In the modes of business and official restraints on disbursing officers, no legal change was produced by the suspension of specie payments. The report last referred to will be found to contain also much useful information in relation to this subject.

I have heretofore assigned to Congress my reasons for believing that the establishment of an independent national treasury, as contemplated by the constitution, is necessary to the safe action of the federal government. The suspension of specie payments in 1837, by the banks having the custody of the public money, showed in so alarming a degree our dependence on those institutions for the performance of duties required by law, that I then recommended the entire dissolution of that connection. This recommendation has been subjected, as I desired it should be, to severe scrutiny and animated discussion; and I allow myself to believe that, notwithstanding the natural diversities of opinion which may be anticipated on all subjects involving such important considerations, it has secured in its favor as general a concurrence of public sentiment as could be expected on one of such magnitude.

Recent events have also continued to develop new objections to such a connection. Seldom is any bank, under the existing system and practice, able to meet, on demand, all its liabilities for deposits and notes in circulation. It maintains specie payments, and transacts a profitable business, only by the confidence of the public in its solvency; and whenever this is destroyed, the demands of its depositors and note-holders—pressed more rapidly than it can make collections from its debtors—force it to stop payment. This loss of confidence, with its consequences, occurred in 1837, and afforded the apology of the banks for their suspension. The public then acquiesced in the validity of the excuse; and while the state legislatures did not exact from them their forfeited charters, Congress, in accordance with the

recommendation of the executive, allowed them time to pay over the public money they held, although compelled to issue treasury notes to supply the deficiencies thus created.

It now appears that there are other motives than a want of public confidence under which the banks seek to justify themselves in a refusal to meet their obligations. Scarcely were the country and government relieved, in a degree, from the difficulties occasioned by the general suspension of 1837, when a partial one, occurring within thirty months of the former, produced new and serious embarrassments, though it had no palliation in such circumstances as were alleged in justification of that which had previously taken place. There was nothing in the condition of the country to endanger a well-managed banking institution; commerce was deranged by no foreign war; every branch of manufacturing industry was crowned with rich rewards; and the more than usual abundance of our harvests, after supplying our domestic wants, had left our granaries and store-houses filled with a surplus for exportation. It is in the midst of this, that an irredeemable and depreciated paper currency is entailed upon the people by a large portion of the banks. They are not driven to it by the exhibition of a loss of public confidence, or of a sudden pressure from their depositors or note-holders, but they excuse themselves by alleging that the current of business, and exchange with foreign countries, which draws the precious metals from their vaults, would require, in order to meet it, a larger curtailment of their loans to a comparatively small portion of the community, than it will be convenient for them to bear, or perhaps safe for the banks to exact. The plea has ceased to be one of necessity. Convenience and policy are now deemed sufficient to warrant these institutions in disregarding their solemn obligations. Such conduct is not merely an injury to individual creditors, but it is a wrong to the whole community, from whose liberality they hold most valuable privileges—whose rights they violate, whose business they derange, and the value of whose property they render unstable and insecure. It must be evident that this new ground for bank suspensions, in reference to which their action is not only disconnected with, but wholly independent of, that of the public, gives a character to their suspensions more alarming than any which they exhibited before, and greatly increases the impropriety of relying on the banks in the transactions of the government.

A large and highly respectable portion of the banking institutions are, it affords me unfeigned pleasure to state, exempted from all blame on account of this second delinquency. They have, to their great credit, not only continued to meet their engagements, but have even repudiated the grounds of suspension now resorted to. It is only by such a course that the confidence and good-will of the community can be preserved, and, in the sequel, the best interests of the institutions themselves promoted.

New dangers to the banks are also daily disclosed from the extension of that system of extravagant credit of which they are the pillars. Formerly our foreign commerce was principally founded on an exchange of commodities, including the precious metals, and leaving in its transactions but little foreign debt. Such is not now the case. Aided by the facilities afforded by the banks, mere credit has become too commonly the basis of trade. Many of the banks themselves, not content with largely stimulating this system among others, have usurped the business, while they impair the stability of the mercantile community; they have become borrowers instead of lenders; they establish their agencies abroad; they deal largely in stocks

and merchandise; they encourage the issue of state securities until the foreign market is glutted with them; and, unsatisfied with the legitimate use of their own capital and the exercise of their lawful privileges, they raise, by large loans, additional means for every variety of speculation. The disasters attendant on this deviation from the former course of business in this country, are now shared alike by banks and individuals, to an extent of which there is perhaps no previous example in the annals of our country. So long as a willingness of the foreign lender, and a sufficient export of our productions to meet any necessary partial payments, leave the flow of credit undisturbed, all appears to be prosperous; but as soon as it is checked by any hesitation abroad, or by an inability to make payment there in our productions, the evils of the system are disclosed. The paper currency, which might serve for domestic purposes, is useless to pay the debt due in Europe. Gold and silver are therefore drawn, in exchange for their notes, from the banks. To keep up their supply of coin, these institutions are obliged to call upon their own debtors, who pay them principally in their own notes, which are as unavailable to them as they are to the merchants to meet the foreign demand. The calls of the banks, therefore, in such emergencies, of necessity exceed that demand, and produce a corresponding curtailment of their accommodations and of the currency, at the very moment when the state of trade renders it most inconvenient to be borne. The intensity of this pressure on the community is in proportion to the previous liberality of credit and consequent expansion of the currency; forced sales of property are made at the time when the means of purchasing are most reduced, and the worst calamities to individuals are only at last arrested by an open violation of their obligations by the banks, a refusal to pay specie for their notes, and an imposition upon the community of a fluctuating and depreciated currency.

These consequences are inherent in the present system. They are not influenced by the banks being large or small, created by national or state governments. They are the results of the irresistible laws of trade or credit. In the recent events which have so strikingly illustrated the certain effects of these laws, we have seen the bank on the largest capital in the Union, established under a national charter, and lately strengthened, as we were authoritatively informed, by exchanging that for a state charter, with new and useful privileges—in a condition, too, as it was said, of entire soundness and great prosperity—not merely unable to resist these effects, but the first to yield to them.

Nor is it to be overlooked that there exists a chain of necessary dependence among these institutions which obliges them, to a great extent, to follow the course of others, notwithstanding its injustice to their own immediate creditors, or injury to the particular community in which they are seated. This dependence of a bank, which is in proportion to the extent its debts for circulation and deposits, is not merely on others in its own country, but on all those which connect it with the centre of trade. Distant cities may fail, without seriously affecting those in our principal commercial cities; but the failure of the latter is felt at the extremities of the Union. The suspension at New York, in 1837, was everywhere, with very few exceptions, followed, as soon as it was known; that recently at Philadelphia immediately affected the banks of the South and West in a similar manner. This dependence of our whole banking system on the institutions of a few large cities is not found in the laws of their organization, but in

those of trade and exchange. The banks at that centre to which currency flows, and where it is required in payments for merchandise, hold the power of controlling those in regions whence it comes, while the latter possess no means of restraining them; so that the value of individual property, and the prosperity of trade, through the whole interior of the country, are made to depend on the good or bad management of the banking institutions in the great seats of trade on the seaboard.

But this chain of dependence does not stop here. It does not terminate at Philadelphia or New York. It reaches across the ocean, and ends in London, the centre of the credit system. The same laws of trade, which give to the banks in our principal cities power over the whole banking system of the United States, subject the former, in their turn, to the money power in Great Britain. It is not denied that the suspension of the New York banks in 1837, which was followed in quick succession throughout the Union, was produced by an application of that power; and it is now alleged, in extenuation of the present condition of so large a portion of our banks, that their embarrassments have arisen from the same cause.

From this influence they cannot now entirely escape, for it has its origin in the credit currency of the two countries; it is strengthened by the current of trade and exchange, which centres in London, and is rendered almost irresistible by the large debts contracted there by our merchants, our banks, and our states. It is thus that an introduction of a new bank into the most distant of our villages, places the business of that village within the influence of the money power in England. It is thus that every new debt which we contract in that country, seriously affects our own currency, and extends over the pursuits of our country its powerful influence. We cannot escape from this by making new banks, great or small, state or national. The same chains which bind those now existing to the centre of this system of paper credit, must equally fetter every similar institution we create. It is only by the extent to which this system has been pushed of late, that we have been made fully aware of its irresistible tendency to subject our own banks and currency to a vast controlling power in a foreign land; and it adds a new argument to those which illustrate their precarious situation. Endangered in the first place by their own mismanagement, and again by the conduct of every institution which connects them with the centre of trade in our own country, they are yet subjected, beyond all this, to the effect of whatever measures policy, necessity, or caprice may induce those who control the credits of England to resort to.

I mean not to comment upon these measures, present or past, and much less to discourage the prosecution of fair commercial dealing between the two countries, based on reciprocal benefits; but it having now been made manifest that the power of inflicting these and similar injuries is, by the resistless law of a credit currency and credit trade, equally capable of extending their consequences through all the ramifications of our banking system, and by that means indirectly obtaining, particularly when our banks are used as depositories of the public moneys, a dangerous political influence in the United States, I have deemed it my duty to bring the subject to your notice, and ask for it your serious consideration.

Is an argument required beyond the exposition of these facts, to show the impropriety of using our banking institutions as depositories of the public money? Can we venture not only to encounter the risk of their individual and mutual mismanagement, but, at the same time, to place our

foreign and domestic policy entirely under the control of a foreign moneyed interest? To do so is to impair the independence of our government, as the present credit system has already impaired the independence of our banks. It is to submit all its important operations, whether of peace or war, to be controlled or thwarted at first by our own banks, and then by a power abroad greater than themselves. I cannot bring myself to depict the humiliation to which this government and people might be sooner or later reduced, if the means for defending their rights are to be made dependent upon those who may have the most powerful of motives to impair them.

Nor is it only in reference to the effect of this state of things on the independence of our government or of our banks, that the subject presents itself for consideration: it is to be viewed also in its relation to the general trade of our country. The time is not long past when a deficiency of foreign crops was thought to afford a profitable market for the surplus of our industry; but now we await with a feverish anxiety the news of the English harvest, not so much from motives of commendable sympathy, but fearful lest its anticipated failure should narrow the field of credit there. Does not this speak volumes to the patriot? Can a system be beneficent, wise, or just, which creates greater anxiety for interests dependent on foreign credit, than for the general prosperity of our own country, and the profitable exportation of the surplus produce of our labor?

The circumstances to which I have thus adverted appear to me to afford weighty reasons, developed by late events, to be added to those which I have on former occasions offered, when submitting to your better knowledge and discernment the propriety of separating the custody of the public money from banking institutions. Nor has anything occurred to lessen, in my opinion, the force of what has been heretofore urged. The only ground on which that custody can be desired by the banks is the profitable use which they may make of the money. Such use would be regarded in individuals as a breach of trust, or a crime of great magnitude; and yet it may be reasonably doubted whether, first and last, it is not attended with more mischievous consequences when permitted to the former than to the latter. The practice of permitting the public money to be used by its keepers, as here, is believed to be peculiar to this country, and to exist scarcely anywhere else. To procure it here, improper influences are appealed to; unwise connections are established between the government and vast numbers of powerful state institutions; other motives than the public good are brought to bear both on the executive and legislative departments, and selfish combinations, leading to special legislation, are formed. It is made the interest of banking institutions, and their stockholders throughout the Union, to use their exertions for the increase of taxation and the accumulation of a surplus revenue; and, while an excuse is afforded, the means are furnished for those excessive issues which lead to extravagant trade and speculation, and are forerunners of a vast debt abroad and the suspension of the banks at home.

Impressed, therefore, as I am, with the propriety of the funds of the government being withdrawn from the private use of either banks or individuals, and the public money kept by duly appointed public agents; and believing, as I do, that such also is the judgment which discussion, reflection and experience have produced on the public mind, I leave the subject with you. It is, at all events, essential to the interests of the community and the business of the government, that a decision should be made.

Most of the arguments that dissuade us from employing banks, in the custody and disbursement of the public money, apply with equal force to the receipts of their notes for public dues. The difference is only in form. In one instance, the government is a creditor for its deposits, and in the other, for the notes it holds. They afford the same opportunity for using the public moneys, and equally lead to all the evils attendant upon it, since a bank can as safely extend its discounts on a deposit of its notes in the hands of a public officer as on one made in its own vaults. On the other hand, it would give to the government no greater security; for, in case of failure, the claim of the note-holder would be no better than that of a depositor.

I am aware that the danger of inconvenience to the public, and unreasonable pressure upon sound banks, have been urged as objections to requiring the payment of the revenue in gold and silver. These objections have been greatly exaggerated. From the best estimates we may safely fix the amount of specie in the country at eighty-five millions of dollars, and the portion of that which would be employed at any one time in the receipts and disbursements of the government, even if the proposed change were made at once, would not, it is now, after fuller investigation, believed, exceed four or five millions. If the change were gradual, several years would elapse before that sum would be required, with annual opportunities in the mean time to alter the law, should experience prove it to be oppressive or inconvenient. The portions of the community on whose business the change would immediately operate are comparatively small, nor is it believed that its effect would be in the least unjust or injurious to them.

In the payment of duties, which constitute by far the greater portion of the revenue, a very large proportion is derived from foreign commission houses and agents of foreign manufacturers, who sell the goods consigned to them, generally, at auction, and, after paying the duties out of the avails, remit the rest abroad in specie or its equivalent. That the amount of duties should, in such cases, be also retained in specie, can hardly be a matter of complaint. Our own importing merchants, by whom the residue of the duties is paid, are not only peculiarly interested in maintaining a sound currency, which the measure in question will especially promote, but are, from the nature of their dealings, best able to know when specie will be needed, and to procure it with the least difficulty or sacrifice. Residing, too, almost universally in places where the revenue is received, and where the drafts used by the government for its disbursements must concentrate, they have every opportunity to obtain and use them in place of specie, should it be for their interest or convenience. Of the number of these drafts, and the facilities they may afford, as well as of the rapidity with which the public funds are drawn and disbursed, an idea may be formed from the fact that, of nearly twenty millions of dollars paid to collectors and receivers during the present year, the average amount in their hands at any one time has not exceeded a million and a half; and of the fifteen millions received by the collector of New York alone during the present year, the average amount held by him, subject to draft during each week, has been less than half a million.

The ease and safety of the operations of the treasury in keeping the public money are promoted by the application of its own drafts for the public dues. The objection arising from having them too long outstanding *might* be obviated, and they yet made to afford to merchants and banks holding them an equivalent for specie, and in that way greatly lessen the amount

actually required. Still less inconvenience will attend the requirement of specie in purchases of public lands. Such purchases, except when made on speculation, are in general but single transactions, rarely repeated by the same person; and it is a fact that, for the last year and a half, during which the notes of sound banks have been received, more than a moiety of these payments has been voluntarily made in specie, being a larger proportion than would have been required in three years under the graduation proposed.

It is moreover a principle, than which none is better settled by experience, that the supply of the precious metals will always be found adequate to the uses for which they are required. They abound in countries where no other currency is allowed. In our own states, where small notes are excluded, gold and silver supply their place. When driven to their hiding places by bank suspensions, a little firmness in the community soon restores them in a sufficient quantity for ordinary purposes. Postage and other public dues have been collected in coin, without serious inconvenience, even in states where a depreciated paper currency has existed for years; and this, with the aid of treasury notes for a part of the time, was done without interruption during the suspension of 1837. At the present moment, the receipts and disbursements of the government are made in legal currency in the largest portion of the Union. No one suggests a departure from this rule; and if it can now be successfully carried out, it will be surely attended with even less difficulty when bank notes are again redeemed in specie.

Indeed I cannot think that a serious objection would anywhere be raised to the receipt and payment of gold and silver in all public transactions, were it not from an apprehension that a surplus in the treasury might withdraw a large portion of it from circulation, and lock it up unprofitably in the public vaults. It would not, in my opinion, be difficult to prevent such an inconvenience from occurring; but the authentic statements which I have already submitted to you in regard to the actual amount in the public treasury at any one time during the period embraced in them, and the little probability of a different state of the treasury, for at least some years to come, seem to render it unnecessary to dwell upon it. Congress, moreover, as I have before observed, will, in every year, have an opportunity to guard against it, should the occurrence of any circumstances lead us to apprehend injury from this source. Viewing the subject in all its aspects, I cannot believe that any period will be more auspicious than the present for the adoption of all measures necessary to maintain the sanctity of our own engagements, and to aid in securing to the community that abundant supply of the precious metals which adds so much to their prosperity, and gives such increased stability to all their dealings.

In a country so commercial as ours, banks in some form will probably always exist; but this serves only to render it the more incumbent on us, notwithstanding the discouragements of the past, to strive in our respective stations to mitigate the evils they produce: to take from them as rapidly as the obligations of public faith and a careful consideration of the immediate interests of the community will permit, the unjust character of monopolies; to check, so far as may be practicable by prudent legislation, those temptations of interest and those opportunities for their dangerous indulgence, which beset them on every side, and to confine them strictly to the performance of their paramount duty, that of aiding the operations of commerce,

rather than consulting their own exclusive advantage. These and other salutary reforms may, it is believed, be accomplished without the violation of any of the great principles of the social compact, the observance of which is indispensable to its existence, or interfering in any way with the useful and profitable employment of real capital.

Institutions so framed have existed and still exist elsewhere, giving to commercial intercourse all necessary facilities, without inflating or depreciating the currency, or stimulating speculation. Thus accomplishing their legitimate ends, they have gained the surest guarantee for their protection and encouragement in the good-will of the community. Among a people so just as ours, the same results could not fail to attend a similar course. The direct supervision of the banks belongs, from the nature of our government, to the states who authorize them. It is to their legislatures that the people must mainly look for action on that subject. But as the conduct of the federal government in the management of its revenue has also a powerful though less immediate influence upon them, it becomes our duty to see that a proper direction is given to it. While the keeping of the public revenue in a separate and independent treasury, and of collecting it in gold and silver, will have a salutary influence on the system of paper credit with which all banks are connected, and thus aid those that are sound and well managed, it will at the same time sensibly check such as are otherwise, by at once withholding the means of extravagance afforded by the public funds, and restraining them from excessive issues of notes which they would be constantly called upon to redeem.

I am aware it has been urged that this control may be best attained and exerted by means of a national bank. The constitutional objections, which I am well known to entertain, would prevent me in any event from proposing or assenting to that remedy; but in addition to this I cannot, after past experience, bring myself to think that it can any longer be extensively regarded as effective for such a purpose. The history of the late national bank through all its mutations shows that it was not so. On the contrary it may, after a careful consideration of the subject, be, I think, safely stated, that at every period of banking excess it took the lead; that in 1817, and 1818, in 1823, in 1831, and in 1834, its vast expansions, followed by distressing contractions, led to those of the state institutions. It swelled and maddened the tides of the banking system, but seldom allayed, or safely directed them. At a few periods only was a salutary control exercised, but an eager desire, on the contrary, exhibited for profit in the first place; and if, afterward, its measures were severe toward other institutions, it was because its own safety compelled it to adopt them. I did not differ from them in principle or in form; its measures emanated from the same spirit of gain; it felt the same temptation to over-issue; it suffered from, and was totally unable to avert, those inevitable laws of trade by which it was itself affected equally with them; and at least on one occasion, at an early day, it was saved only by extraordinary exertions from the same fate that attended the weakest institution it professed to supervise. In 1837 it failed, equally with others, in redeeming its notes, though the two years allowed by its charter for that purpose had not expired, a large amount of which remains to the present time outstanding. It is true, that having so vast a capital, and strengthened by the use of all the revenues of the government, it possessed more power; but while it was itself, by this circumstance, freed from the control which all banks require, its paramount object and inducement were

left the same—to make the most for its stockholders; not to regulate the currency of the country. Nor has it, as far as we are advised, been found to be greatly otherwise elsewhere. The national character given to the Bank of England, has not prevented excessive fluctuations in their currency, and it proved unable to keep off a suspension of specie payments, which lasted for nearly a quarter of a century. And why should we expect to be otherwise? A national institution, though deriving its charter from a different source than the state banks, is yet constituted upon the same principles; is conducted by men equally exposed to temptation; and is liable to the same disasters; with the additional disadvantage that its magnitude occasions an extent of confusion and distress which the mismanagement of smaller institutions could not produce. It can scarcely be doubted that the recent suspension of the United States Bank of Pennsylvania—of which the effects are felt not in that state alone, but over half the Union—had its origin in a course of business commenced while it was a national institution; and there is no good reason for supposing that the same consequences would not have followed, had it still derived its powers from the general government. It is in vain, when the influences and impulses are the same, to look for a difference in conduct or results. By such creations, we do therefore but increase the mass of paper credit and paper currency, without checking their attendant evils and fluctuations. The extent of power and the efficacy of organization which we give, so far from being beneficial, are in practice positively injurious. They strengthen the chain of dependence throughout the Union, subject all parts more certainly to common disaster, and bind every bank more effectually, in the first instance, to those of our commercial cities, and, in the end, to a foreign power. In a word, I cannot but believe that, with the full understanding of the operations of our banking system which experience has produced, public sentiment is not less opposed to the creation of a national bank for purposes connected with currency and commerce, than for those connected with the fiscal operations of the government.

Yet the commerce and currency of the country are suffering evils from operations of the state banks which can not and ought not to be overlooked. By their means we have been flooded with a depreciated paper, which it was evidently the design of the framers of the constitution to prevent, when they required Congress to “coin money and regulate the value of foreign coins,” and when they forbade the states to “coin money, emit bills of credit, make anything but gold and silver a tender in payment of debts,” or “pass any law impairing the obligation of contracts.” If they did not guard more explicitly against the present state of things, it was because they could not have anticipated that the few banks then existing were to swell to an extent which would expel to so great a degree the gold and silver for which they had provided, from the channels of circulation, and fill them with a currency that defeats the object they had in view. The remedy for this must chiefly rest with the state from whose legislation it has sprung. No good that might accrue in a particular case from the exercise of powers not obviously conferred on the general government would authorize its interference, or justify a course that might, in the slightest degree, increase, at the expense of the state, the power of the federal authorities; nor do I doubt that the states will apply the remedy. Within the last few years, events have appealed to them too strongly to be disregarded. They have seen that the constitution, though theoretically adhered to, is subverted in practice; that while on the statute books there is no legal tender but gold and

silver, no law impairing the obligation, of contracts yet that, in point of fact, the privileges conferred on banking corporations have made their notes the currency of the country; that the obligations imposed by these notes are violated under the impulses of interest or convenience; and that the number and power of the persons connected with these corporations, or placed under their influence, give them a fearful weight when their interest is in opposition to the spirit of the constitution and laws. To the people it is immaterial whether these results are produced by open violations of the latter, or by the workings of a system of which the result is the same. An inflexible execution even of the existing statutes of most of the states would redress many evils now endured; would effectually show the banks the dangers of mismanagement which impunity encourages them to repeat; and would teach all corporations the useful lesson that they are the subjects of the law and the servants of the people. What is still wanting to effect these objects must be sought in additional legislation; or, if that be inadequate, in such farther constitutional grants or restrictions as may bring us back into the path from which we have so widely wandered.

In the mean time, it is the duty of the general government to co-operate with the states, by a wise exercise of its constitutional powers, and the enforcement of its existing laws. The extent to which it may do so by farther enactments I have already adverted to, and the wisdom of Congress may yet enlarge them. But, above all, it is incumbent upon us to hold erect the principles of morality and law, constantly executing our own contracts in accordance with the provisions of the constitution, and thus serving as a rallying point by which our whole country may be brought back to that safe and honored standard.

Our people will not long be insensible to the extent of the burdens entailed upon them by the false system that has been operating on their sanguine, energetic, and industrious character; nor to the means necessary to extricate themselves from these embarrassments. The weight which presses upon a large portion of the people and the states is an enormous debt, foreign and domestic. The foreign debt of our states, corporations, and men of business, can scarcely be less than two hundred millions of dollars, requiring more than ten millions a year to pay the interest. This sum has to be paid out of the exports of the country, and must of necessity cut off imports to that extent, or plunge the country more deeply in debt from year to year. It is easy to see that the increase of this foreign debt must augment the annual demand on the exports to pay the interest, and to the same extent diminish the imports; and in proportion to the enlargement of the foreign debt, and the consequent increase of interest, must be the decrease of the import trade. In lieu of the comforts which it now brings us, we might have our gigantic banking institutions, and splendid, but in many instances profitless, railroads and canals, absorbing to a great extent, in interest upon the capital borrowed to construct them, the surplus fruits of national industry for years to come, and securing to posterity no adequate return for the comforts which the labors of their hands might otherwise have secured. It is not by the increase of this debt that relief is to be sought, but in its diminution. Upon this point there is, I am happy to say, hope before us; not so much in the return of confidence abroad, which will enable the states to borrow more money, as in a change of public feeling at home, which prompts our people to pause in their career, and think of the means by which debts are to be paid before they are contracted. If we would escape

embarrassment, public and private, we must cease to run in debt, except for objects of necessity, or such as will yield a certain return. Let the faith of the states, corporations, and individuals, already pledged, be kept with the most punctilious regard. It is due to our national character, as well as to justice, that this should on the part of each be a fixed principle of conduct. But it behooves us all to be more chary in pledging it hereafter. By ceasing to run in debt, and applying the surplus of our crops and incomes to the discharge of existing obligations, buying less and selling more, and managing all affairs, public and private, with strict economy and frugality, we shall see our country soon recover from a temporary oppression, arising not from natural and permanent causes, but from those I have enumerated, and advance with renewed vigor in her career of prosperity.

Fortunately for us, at this moment, when the balance of trade is greatly against us, and the difficulty of meeting it enhanced by the disturbed state of our money affairs, the bounties of Providence have come to relieve us from the consequences of past errors. A faithful application of the immense results of the labors of the last season will afford partial relief for the present, and perseverance in the same course will, in due season, accomplish the rest. We have had full experience, in times past, of the extraordinary results which can, in this respect, be brought about, in a short period, by the united and well-directed efforts of a community like ours. Our surplus profits, the energy and industry of our population, and the wonderful advantages which Providence has bestowed upon our country, in its climate, its various productions, indispensable to other nations, will, in due time, afford abundant means to perfect the most useful of those objects, for which the states have been plunging themselves of late in embarrassment and debt, without imposing on ourselves or our children such fearful burdens.

But let it be indelibly engraved on our minds, that relief is not to be found in expedients. Indebtedness cannot be lessened by borrowing more money, or by changing the form of the debt. The balance of trade is not to be turned in our favor by creating new demands upon us abroad. Our currency cannot be improved by the creation of new banks, or more issues from those which now exist. Although these devices sometimes appear to give temporary relief, they almost invariably aggravate the evil in the end. It is only by retrenchment and reform, by curtailing public and private expenditures, by paying our debts, and by reforming our banking system, that we are to expect effectual relief, security for the future, and an enduring prosperity. In shaping the institutions and policy of the general government so as to promote, as far as it can with its limited powers, these important ends, you may rely on my most cordial co-operation.

That there should have been, in the progress of recent events, doubts in many quarters, and in some a heated opposition to every change, cannot surprise us. Doubts are properly attendant on all reform; and it is peculiarly in the nature of such abuses as we are now encountering, to seek to perpetuate their power by means of the influence which they have been permitted to acquire. It is their result, if not their object, to gain for the few an ascendancy over the many, by securing to them the monopoly of the currency, the medium through which most of the wants of mankind are supplied—to produce throughout society a chain of dependence which leads all classes to look to privileged associations for the means of speculation and extravagance—to nourish, in preference to the manly virtues that give dignity to human nature, a craving desire for luxurious enjoyment and

sudden wealth, which renders those who seek them dependent on those who supply them—to substitute for republican simplicity and economical habits a sickly appetite for effeminate indulgence, and an imitation of that reckless extravagance which impoverished and enslaved the industrious people of foreign lands; and at last to fix upon us, instead of those political rights the acquisition of which was alike the object and supposed reward of our revolutionary struggle, a system of exclusive privileges conferred by partial legislation. To remove the influences which had thus gradually grown up among us—to deprive them of their deceptive advantages—to test them by the light of wisdom and truth—to oppose the force which they concentrate in their support—all this was necessarily the work of time, even among a people so enlightened and pure as that of the United States. In most other countries, perhaps, it could only have been accomplished through that series of revolutionary movements which are too often found necessary to effect any great and radical reform; but it is the crowning merit of our institutions, that they create and nourish, in the vast majority of our people, a disposition and a power peaceably to remedy abuses which have elsewhere caused the effusion of rivers of blood, and the sacrifice of thousands of the human race. The result thus far is most honorable to the self-denial, the intelligence, and the patriotism of our citizens; it justifies the confident hope that they will carry through the reform which has been so well begun, and that they will go still further than they have yet gone in illustrating the important truth, that a people as free and enlightened as ours, will, whenever it becomes necessary, show themselves to be indeed capable of self-government by voluntarily adopting appropriate remedies for every abuse, and submitting to temporary sacrifices, however great, to insure their temporary welfare.

My own exertions for the fartherance of these desirable objects have been bestowed throughout my official career with a zeal that is nourished by ardent wishes for the welfare of my country, and by an unlimited reliance on the wisdom that marks its ultimate decision on all great and controverted questions. Impressed with the solemn obligations imposed upon me by the constitution, desirous also of laying before my fellow citizens, with whose confidence and support I have been so highly honored, such measures as appear to me conducive to their prosperity, and anxious to submit to their fullest consideration the grounds upon which my opinions are formed, I have on this, as on preceding occasions, freely offered my views on those points of domestic policy that seem, at the present time, most prominently to require the action of the government. I know that they will receive from Congress that full and able consideration which the importance of the subjects merits, and I can repeat the assurance heretofore made, that I shall cheerfully and readily co-operate with you in every measure that will tend to promote the welfare of the Union.

FOURTH ANNUAL MESSAGE.

DECEMBER 5, 1840.

Fellow Citizens of the Senate and House of Representatives:

OUR devout gratitude is due to the Supreme Being for having graciously continued to our beloved country, through the vicissitudes of another year,

the invaluable blessings of health, plenty and peace. Seldom has this favored land been so generally exempted from the ravages of disease, or the labor of the husbandman more amply rewarded; and never before have our relations with other countries been placed on a more favorable basis than that which they so happily occupy at this critical juncture in the affairs of the world. A rigid and persevering abstinence from all interference with the domestic and political relations of other states, alike due to the genius and distinctive character of our government and to the principles by which it is directed; a faithful observance, in the management of our foreign relations, of the practice of speaking plainly, dealing justly, and requiring truth and justice in return, as the best conservative of the peace of nations; a strict impartiality in our manifestations of friendship, in the commercial privileges we concede, and those we require from others; these, accompanied by a disposition as prompt to maintain, in every emergency, our own rights, as we are from principle averse to the invasion of those of others, have given to our country and government a standing in the great family of nations, of which we have just cause to be proud, and the advantages of which are experienced by our citizens throughout every portion of the earth to which their enterprise and adventurous spirit may carry them. Few, if any, remain insensible to the value of our friendship, or ignorant of the terms on which it can be acquired, and by which it can alone be preserved.

A series of questions of long standing, difficult in their adjustment and important in their consequences, in which the rights of our citizens and the honor of the country were deeply involved, have, in the course of a few years, (the most of them during the successful administration of my immediate predecessor,) been brought to a satisfactory conclusion; and the most important of those remaining are, I am happy to believe, in a fair way of being speedily and satisfactorily adjusted.

With all the powers of the world our relations are those of honorable peace. Since your adjournment, nothing serious has occurred to interrupt or threaten this desirable harmony. If clouds have lowered above the other hemisphere, they have not cast their portentous shadows upon our happy shores. Bound by no entangling alliances, yet linked by a common nature and interest with the other nations of mankind, our aspirations are for the preservation of peace, in whose solid and civilizing triumphs all may participate with a generous emulation. Yet it behooves us to be prepared for any event, and to be always ready to maintain those just and enlightened principles of national intercourse for which this government has ever contended. In the shock of contending empires, it is only by assuming a resolute bearing, and clothing themselves with defensive armor, that neutral nations can maintain their independent rights.

The excitement which grew out of the territorial controversy between the United States and Great Britain having in a great measure subsided, it is hoped that a favorable period is approaching for its final settlement. Both governments must now be convinced of the dangers with which the question is fraught; and it must be their desire, as it is their interest, that this perpetual cause of irritation should be removed as speedily as practicable. In my last annual message you were informed that a proposition for a commission of exploration and survey promised by Great Britain had been received, and that a counter-project, including also a provision for the certain and final adjustment of the limits in dispute, was then before the British government for its consideration. The answer of that government, accom-

panied by additional propositions of its own, were received through its minister here, since your separation. These were promptly considered; such as were deemed correct in principle, and consistent with a due regard to the just rights of the United States and of the State of Maine, concurred in; and the reasons for dissenting from the residue, with an additional suggestion on our part, communicated by the secretary of state to Mr. Fox. That minister, not feeling himself sufficiently instructed upon some of the points raised in the discussion, felt it to be his duty to refer the matter to his own government for its farther decision. Having now been for some time under its advisement, a speedy answer may be confidently expected. From the character of the points still in difference, and the undoubted disposition of both parties to bring the matter to an early conclusion, I look with entire confidence to a prompt and satisfactory termination of the negotiation. Three commissioners were appointed shortly after the adjournment of Congress, under the act of the last session providing for the exploration and survey of the line which separates the states of Maine and New Hampshire from the British Provinces; they have been actively employed until their progress was interrupted by the inclemency of the season, and will resume their labors as soon as practicable in the ensuing year.

It is understood that their respective examinations will throw new light upon the subject in controversy, and serve to remove any erroneous impression which may have been made elsewhere prejudicial to the rights of the United States. It was, among other reasons, with a view of preventing the embarrassments which, in our peculiar system of government, impede and complicate negotiations involving the territorial rights of a state, that I thought it my duty, as you have been informed on a previous occasion, to propose to the British government, through its minister at Washington, that early steps should be taken to adjust the points at difference on the line of boundary from the entrance of Lake Superior to the most northwestern point of the Lake of the Woods, by the arbitration of a friendly power, in conformity with the seventh article of the treaty of Ghent. No answer has yet been returned by the British government to this proposition.

With Austria, France, Prussia, Russia, and the remaining powers of Europe, I am happy to inform you our relations continue to be of the most friendly character. With Belgium, a treaty of commerce and navigation, based upon liberal principles of reciprocity and equality, was concluded in March last, and, having been ratified by the Belgian government, will be duly laid before the Senate. It is a subject of congratulation that it provides for the satisfactory adjustment of a long-standing question of controversy; thus removing the only obstacle which could obstruct the friendly and mutually advantageous intercourse between the two nations. A messenger has been despatched with the Hanoverian treaty to Berlin, where, according to stipulation, the ratifications are to be exchanged. I am happy to announce to you that, after many delays and difficulties, a treaty of commerce and navigation, between the United States and Portugal, was concluded and signed at Lisbon, on the 26th of August last, by the plenipotentiaries of the two governments. Its stipulations are founded upon those principles of mutual liberality and advantage which the United States have always sought to make the basis of their intercourse with foreign powers, and it is hoped they will tend to foster and strengthen the commercial intercourse of the two countries.

Under the appropriation of the last session of Congress, an agent has

been sent to Germany for the purpose of promoting the interests of our tobacco trade.

The commissioners appointed under the convention for the adjustment of claims of citizens of the United States upon Mexico having met and organized at Washington, in August last, the papers in the possession of the government, relating to those claims, were communicated to the board. The claims not embraced by that convention are now the subject of negotiation between the two governments, through the medium of our minister at Mexico.

Nothing has occurred to disturb the harmony of our relations with the different governments of South America. I regret, however, to be obliged to inform you that the claims of our citizens upon the late republic of Colombia have not yet been satisfied by the separate governments into which it has been resolved.

The chargé d'affaires of Brazil having expressed the intention of his government not to prolong the treaty of 1828, it will cease to be obligatory upon either party on the 12th day of December, 1841, when the extensive commercial intercourse between the United States and that vast empire will no longer be regulated by express stipulations.

It affords me pleasure to communicate to you that the government of Chili has entered into an agreement to indemnify the claimants in the case of the Macedonian, for American property seized in 1819; and to add, that information has also been received which justifies the hope of an early adjustment of the remaining claims upon that government.

The commissioners appointed in pursuance of the convention between the United States and Texas, for marking the boundary between them, have, according to the last report received from our commissioner, surveyed and established the whole extent of the boundary north along the western bank of the Sabine river, from its entrance into the Gulf of Mexico to the thirty-second degree of north latitude. The commission adjourned on the 16th of June last, to re-assemble on the 1st of November, for the purpose of establishing accurately the intersection of the thirty-second degree of latitude with the western bank of the Sabine, and the meridian line thence to Red river. It is presumed that the work will be concluded in the present season.

The present sound condition of their finances, and the success with which embarrassments in regard to them, at times apparently insurmountable, have been overcome, are matters upon which the people and government of the United States may well congratulate themselves. An overflowing treasury, however it may be regarded as an evidence of public prosperity, is seldom conducive to the permanent welfare of any people; and experience has demonstrated its incompatibility with the salutary action of political institutions like those of the United States. Our safest reliance for financial efficiency and independence has, on the contrary, been found to consist in ample resources unencumbered with debt; and, in this respect, the federal government occupies a singularly fortunate and truly enviable position.

When I entered upon the discharge of my official duties in March, 1837, the act for the distribution of the surplus revenue was in a course of rapid execution. Nearly twenty-eight millions of dollars of the public moneys were, in pursuance of its provisions, deposited with the states in the months of January, April and July, of that year. In May there occurred a general suspension of specie payments by the banks, including, with very few

exceptions, those in which the public moneys were deposited, and upon whose fidelity the government had unfortunately made itself dependent for the revenues which had been collected from the people, and were indispensable to the public service.

This suspension, and the excesses in banking and commerce out of which it arose, and which were greatly aggravated by its occurrence, made, to a great extent, unavailable the principal part of the public money then on hand; suspended the collection of many millions accruing on merchants' bonds; and greatly reduced the revenue arising from customs and the public lands. These effects have continued to operate, in various degrees, to the present period; and in addition to the decrease in the revenue thus produced, two and a half millions of dollars have been relinquished by two biennial reductions under the act of 1833, and probably as much more upon the importation of iron for railroads, by special legislation.

Whilst such has been our condition for the last four years in relation to revenue, we have, during the same period, been subjected to an unavoidable continuance of large extraordinary expenses necessarily growing out of past transactions, and which could not be immediately arrested without great prejudice to the public interest. Of these, the charge upon the treasury, in consequence of the Cherokee treaty alone, without adverting to others arising out of Indian treaties, has already exceeded five millions of dollars; that for the prosecution of measures for the removal of the Seminole Indians, which were found in progress, has been nearly fourteen millions; and the public buildings have required the unusual sum of nearly three millions.

It affords me, however, great pleasure to be able to say, that, from the commencement of this period to the present day, every demand upon the government, at home or abroad, has been promptly met. This has been done, not only without creating a permanent debt, or a resort to additional taxation in any form, but in the midst of a steadily progressive reduction of existing burdens upon the people, leaving still a considerable balance of available funds which will remain in the treasury at the end of the year. The small amount of treasury notes, not exceeding four and a half millions of dollars, still outstanding, and less by twenty-three millions than the United States have in deposit with the states, is composed of such only as are not yet due, or have not been presented for payment. They may be redeemed out of the accruing revenue, if the expenditures do not exceed the amount within which they may, it is thought, be kept without prejudice to the public interest, and the revenue shall prove to be as large as may justly be anticipated.

Among the reflections arising from the contemplation of these circumstances, one, not the least gratifying, is the consciousness that the government had the resolution and the ability to adhere, in every emergency, to the sacred obligations of law; to execute all its contracts according to the requirements of the constitution; and thus to present, when most needed, a rallying-point by which the business of the whole country might be brought back to a safe and unvarying standard,—a result vitally important as well to the interests as to the morals of the people. There can surely now be no difference of opinion in regard to the incalculable evils that would have arisen if the government, at that critical moment, had suffered itself to be deterred from upholding the only true standard of value, either by the pressure of adverse circumstances or the violence of unmerited denunciation.

The manner in which the people sustained the performance of this duty was highly honorable to their fortitude and patriotism. It cannot fail to stimulate their agents to adhere, under all circumstances, to the line of duty; and to satisfy them of the safety with which a course really right, and demanded by a financial crisis, may, in a community like ours, be pursued, however apparently severe its immediate operation.

The policy of the federal government, in extinguishing as rapidly as possible the national debt, and, subsequently, in resisting every temptation to create a new one, deserves to be regarded in the same favorable light. Among the many objections to a national debt, the certain tendency of public securities to concentrate ultimately in the coffers of foreign stockholders, is one which is every day gathering strength. Already have the resources of many of the states, and the future industry of their citizens, been indefinitely mortgaged to the subjects of European governments, to the amount of twelve millions annually, to pay the constantly accruing interest of borrowed money,—a sum exceeding half the ordinary revenues of the whole United States. The pretext which this relation affords to foreigners to scrutinize the management of our domestic affairs, if not actually to intermeddle with them, presents a subject for earnest attention, not to say of serious alarm. Fortunately, the federal government, with the exception of an obligation entered into in behalf of the District of Columbia, which must soon be discharged, is wholly exempt from any such embarrassment. It is also, as is believed, the only government which, having fully and faithfully paid all its creditors, has also relieved itself entirely from debt. To maintain a distinction so desirable, and so honorable to our national character, should be an object of earnest solicitude. Never should a free people, if it be possible to avoid it, expose themselves to the necessity of having to treat of the peace, the honor, or the safety of the republic, with the governments of foreign creditors, who, however well disposed they may be to cultivate with us in general friendly relations, are, nevertheless, by the law of their own condition, made hostile to the success and permanency of political institutions like ours. Most humiliating may be the embarrassments consequent upon such a condition. Another objection, scarcely less formidable, to the commencement of a new debt, is its inevitable tendency to increase in magnitude, and to foster national extravagance. He has been an unprofitable observer of events, who needs at this day to be admonished of the difficulties which a government, habitually dependent on loans to sustain its ordinary expenditures, has to encounter in resisting the influence constantly exerted in favor of additional loans; by capitalists, who enrich themselves by government securities for amounts much exceeding the money they actually advance,—a prolific source of individual aggrandizement in all borrowing countries; by stockholders, who seek their gain by the rise and fall of public stocks; and by the selfish importunities of applicants for appropriations for works avowedly for the accommodation of the public, but the real objects of which are, too frequently, the advancement of private interests. The known necessity which so many of the states will be under to impose taxes for the payment of the interest on their debts, furnishes an additional and very cogent reason why the federal government should refrain from creating a national debt, by which the people would be exposed to double taxation for a similar object. We possess within ourselves ample resources for every emergency; and we may be quite sure that our citizens, in no future exigency, will be unwilling to

supply the government with all the means asked for the defence of the country. In time of peace there can, at all events, be no justification for the creation of a permanent debt by the federal government. Its limited range of constitutional duties may certainly, under such circumstances, be performed without such a resort. It has, it is seen, been avoided during four years of greater fiscal difficulties than have existed in a similar period since the adoption of the constitution, and one also remarkable for the occurrence of extraordinary causes of expenditures.

But, to accomplish so desirable an object, two things are indispensable: first, that the action of the federal government be kept within the boundaries prescribed by its founders; and, secondly, that all appropriations for objects admitted to be constitutional, and the expenditure of them also, be subjected to a standard of rigid, but well-considered and practical economy. The first depends chiefly on the people themselves, the opinions they form of the true construction of the constitution, and the confidence they repose in the political sentiments of those they select as their representatives in the federal legislature; the second rests upon the fidelity with which their more immediate representatives, and other public functionaries, discharge the trust committed to them. The duty of economizing the expenses of the public service is admitted on all hands; yet there are few subjects upon which there exists a wider difference of opinion than is constantly manifested in regard to the fidelity with which that duty is discharged. Neither diversity of sentiment, nor even mutual recriminations, upon a point in respect to which the public mind is so justly sensitive, can well be entirely avoided; and least so at periods of great political excitement. An intelligent people, however, seldom fail to arrive, in the end, at correct conclusions in such a matter. Practical economy in the management of public affairs can have no adverse influence to contend with, more powerful than a large surplus revenue; and the unusually large appropriations for 1836 may, without doubt, independently of the extraordinary requisitions for the public service growing out of the state of our Indian relations, be, in no inconsiderable degree, traced to this source. The sudden and rapid distribution of the large surplus then in the treasury, and the equally sudden and unprecedented severe revulsion in the commerce and business of the country pointing with unerring certainty to a great and protracted reduction of the revenue, strengthened the propriety of the earliest practicable reduction of the public expenditure.

But, to change the system operating upon so large a surface, and applicable to such numerous and diversified interests and objects, was more than the work of a day. The attention of every department of the government was immediately and in good faith, directed to that end; and has been so continued to the present moment. The estimates and appropriations for the year 1838 (the first over which I had any control) were somewhat diminished. The expenditures of 1839 were reduced six millions of dollars. Those of 1840, exclusive of disbursements for public debt and trust claims, will probably not exceed twenty-two and a half millions; being between two and three millions less than those of the preceding year, and nine or ten millions less than those of 1837. Nor has it been found necessary, in order to produce this result, to resort to the power conferred by Congress, of postponing certain classes of public works, except by deferring expenditures for a short period upon a limited portion of them; and which postponement terminated some time since, at the moment the treasury depart-

ment, by farther receipts from the indebted banks, became fully assured of its ability to meet them without prejudice to the public service in other respects. Causes are in operation which will, it is believed, justify a still farther reduction, without injury to any important national interest. The expenses of sustaining the troops employed in Florida have been gradually and greatly reduced, through the persevering efforts of the war department; and a reasonable hope may be entertained that the necessity for military operations in that quarter will soon cease. The removal of the Indians from within our settled borders is nearly completed. The pension list, one of the heaviest charges upon the treasury, is rapidly diminishing by death. The most costly of our public buildings are either finished, or nearly so; and we may, I think, safely promise ourselves a continued exemption from border difficulties.

The available balance in the treasury on the 1st of January next is estimated at one million and a half of dollars. This sum, with the expected receipts from all sources during the next year, will, it is believed, be sufficient to enable the government to meet every engagement, and leave a suitable balance in the treasury at the end of the year, if the remedial measures connected with the customs and the public lands, heretofore recommended, shall be adopted, and the new appropriations by Congress shall not carry the expenditure beyond the official estimates.

The new system established by Congress for the safe-keeping of the public money, prescribing the kind of currency to be received for the public revenue, and providing additional guards and securities against losses, has now been several months in operation. Although it might be premature, upon an experience of such limited duration, to form a definite opinion in regard to the extent of its influences in correcting many evils under which the federal government and the country have hitherto suffered — especially those that have grown out of banking expansions, a depreciated currency, and official defalcations; yet it is but right to say that nothing has occurred in the practical operation of the system to weaken in the slightest degree, but much to strengthen, the confident anticipations of its friends. The grounds of these have been heretofore so fully explained as to require no recapitulation. In respect to the facility and convenience it affords in conducting the public service, and the ability of the government to discharge through its agency every duty attendant on the collection, transfer, and disbursement of the public money with promptitude and success, I can say, with confidence, that the apprehensions of those who felt it to be their duty to oppose its adoption, have proved to be unfounded. On the contrary, this branch of the fiscal affairs of the government has been, and it is believed may always be, thus carried on with every desirable facility and security. A few changes and improvements in the details of the system, without affecting any principles involved in it, will be submitted to you by the secretary of the treasury, and will, I am sure, receive at your hands that attention to which they may, on examination, be found to be entitled.

I have deemed this brief summary of our fiscal affairs necessary to the due performance of a duty specially enjoined upon me by the constitution. It will serve, also, to illustrate more fully the principles by which I have been guided in reference to two contested points in our public policy, which were earliest in their development, and have been more important in their consequences, than any that have arisen under our complicated and difficult,

yet admirable system of government; I allude to a national debt, and a national bank.

It was in these that the political contest by which the country has been agitated ever since the adoption of the constitution, in a great measure originated; and there is too much reason to apprehend that the conflicting interests and opposing principles thus marshalled, will continue, as heretofore, to produce similar, if not aggravated consequences.

Coming into office the declared enemy of both, I have earnestly endeavored to prevent a resort to either.

The consideration that a large public debt affords an apology, and produces, in some degree, a necessity also, for resorting to a system and extent of taxation which is not only oppressive throughout, but likewise so apt to lead, in the end, to the commission of that most odious of all offences against the principles of republican government—the prostitution of political power, conferred for the general benefit, to the aggrandizement of particular classes, and the gratification of individual cupidity—is alone sufficient, independently of the weighty objections which have already been urged, to render its creation and existence the sources of bitter and unappeasable discord.

If we add to this, its inevitable tendency to produce and foster extravagant expenditures of the public money, by which a necessity is created for new loans and new burdens on the people; and, finally, if we refer to the examples of every government which has existed, for proof, how seldom it is that the system, when once adopted and implanted in the policy of a country, has failed to expand itself, until public credit was exhausted, and the people were no longer able to endure its increasing weight, it seems impossible to resist the conclusion, that no benefits resulting from its career, no extent of conquest, no accession of wealth to particular classes, nor any, nor all its combined advantages, can counterbalance its ultimate but certain results,—a splendid government, and an impoverished people.

If a national bank was, as is undeniable, repudiated by the framers of the constitution, as incompatible with the rights of the states and the liberties of the people; if, from the beginning, it has been regarded by a large portion of our citizens as coming in direct collision with that great and vital amendment of the constitution, which declares that all powers not conferred by that instrument on the general government are reserved to the states and to the people; if it has been viewed by them as the first great step in the march of latitudinous construction which, unchecked, would render that sacred instrument of as little value as an unwritten constitution, dependent, as it would alone be, for its meaning, on the interested interpretation of a dominant party, and affording no security to the rights of the minority; if such is undeniably the case, what rational grounds could have been conceived for anticipating aught but determined opposition to such an institution at the present day.

Could a different result have been expected, when the consequences which have flowed from its creation, and particularly from its struggles to perpetuate its existence, had confirmed in so striking a manner the apprehensions of its earliest opponents, when it had been so clearly demonstrated that a concentrated money power, wielding so vast a capital, and combining such incalculable means of influence, may, in those peculiar conjunctures to which this government is unavoidably exposed, prove an overmatch for the political power of the people themselves; when the true character of its capacity to regulate, according to its will and its interests, and the interests

of its favorites, the value and production of the labor and property of every man in this extended country, had been so fully and fearfully developed; when it was notorious that all classes of this great community had, by means of the power and influence it thus possesses, been infected to madness with a spirit of heedless speculation; when it had been seen that, secure in the support of the combination of influences by which it was surrounded, it could violate its charter, and set the laws at defiance with impunity; and when, too, it had become most apparent that to believe that such an accumulation of powers can never be granted without the certainty of being abused, was to indulge in a fatal delusion?

To avoid the necessity of a permanent debt, and its consequences, I have advocated and endeavored to carry into effect, the policy of confining the appropriations for the public service to such objects only as are clearly within the constitutional authority of the federal government; of excluding from its expenses those improvident and unauthorized grants of public money for works of internal improvement, which were so wisely arrested by the constitutional interposition of my predecessor, and which, if they had not been so checked, would long before this time have involved the finances of the general government in embarrassments far greater than those which are now experienced by any of the states; of limiting all our expenditures to that simple, unostentatious, and economical administration of public affairs, which is alone consistent with the character of our institutions; of collecting annually from the customs, and the sales of public lands, a revenue fully adequate to defray all the expenses thus incurred; but, under no pretence whatsoever, to impose taxes upon the people to a greater amount than was actually necessary to the public service, conducted upon the principles I have stated.

In lieu of a national bank, or a dependence upon banks of any description, for the management of our fiscal affairs, I recommend the adoption of the system which is now in successful operation. That system affords every requisite facility for the transaction of the pecuniary concerns of the government; will, it is confidently anticipated, produce in other respects many of the benefits which have been from time to time expected from the creation of a national bank, but which have never been realized; avoid the manifold evils inseparable from such an institution; diminish, to a greater extent than could be accomplished by any other measure of reform, the patronage of the federal government, — a wise policy in all governments, but more especially so in one like ours, which works well only in proportion as it is made to rely for support upon the unbiased and unadulterated opinions of its constituents; do away, for ever, all dependence on corporate bodies, either in raising, collecting, safe-keeping, or disbursing the public revenues; and place the government equally above the temptation of fostering a dangerous and unconstitutional institution at home, or the necessity of adapting its policy to the views and interests of a still more formidable money power abroad.

It is by adopting and carrying out these principles, under circumstances the most arduous and discouraging, that the attempt has been made, thus far successfully, to demonstrate to the people of the United States that a national bank at all times, and a national debt, except it be incurred at a period when the honor and safety of the nation demand the temporary sacrifice of a policy which should only be abandoned in such exigencies, are not merely unnecessary, but in direct and deadly hostility to the principles of their government, and to their own permanent welfare.

The progress made in the development of these positions, appears in the preceding sketch of the past history and present state of the financial concerns of the federal government. The facts there stated, fully authorize the assertion, that all the purposes for which government was instituted have been accomplished during four years of greater pecuniary embarrassment than were ever before experienced in time of peace, and in the face of opposition as formidable as any that was ever before arrayed against the policy of an administration; that this has been done when the ordinary revenues of the government were generally decreasing, as well from the operation of the laws, as the condition of the country; without the creation of a permanent public debt, or incurring any liability, other than such as the ordinary resources of the government will speedily discharge, and without the agency of a national bank.

If this view of the proceedings of the government for the period it embraces, be warranted by the facts as they are known to exist; if the army and navy have been sustained to the full extent authorized by law, and which Congress deemed sufficient for the defence of the country and the protection of its rights and its honor; if its civil and diplomatic service has been equally sustained; if ample provision has been made for the administration of justice and the execution of the laws; if the claims upon public gratitude in behalf of the soldiers of the revolution have been promptly met and faithfully discharged; if there have been no failures in defraying the very large expenditures growing out of that long-continued and salutary policy of peaceably removing the Indians to regions of comparative safety and prosperity; if the public faith has at all times and everywhere been most scrupulously maintained by a prompt discharge of the numerous, extended, and diversified claims of the treasury,—if all these great and permanent objects, with many others that might be stated; have for a series of years, marked by peculiar obstacles and difficulties, been successfully accomplished without a resort to a permanent debt, or the aid of a national bank; have we not a right to expect that a policy, the object of which has been to sustain the public service independently of either of these fruitful sources of discord, will receive the final sanction of a people whose unbiased and fairly elicited judgment upon public affairs is never ultimately wrong?

That embarrassments in the pecuniary concerns of individuals, of unexampled extent and duration, have recently existed in this as in other commercial nations, is undoubtedly true. To suppose it necessary now, to trace these reverses to their sources, would be a reflection on the intelligence of my fellow citizens. Whatever may have been the obscurity in which the subject was involved during the earlier stages of the revulsion, there cannot now be many by whom the whole question is not fully understood.

Not deeming it within the constitutional powers of the general government to repair private losses sustained by reverses in business having no connection with the public service, either by direct appropriations from the treasury, or by special legislation designed to secure exclusive privileges and immunities to individuals or classes, in preference to, and at the expense of, the great majority necessarily debarred from any participation in them, no attempt to do so has been either made, recommended, or encouraged, by the present executive.

It is believed, however, that the great purposes for the attainment of which the federal government was instituted, have not been lost sight of

Intrusted only with certain limited powers, cautiously enumerated, distinctly specified, and defined with a precision and clearness which would seem to defy misconstruction, it has been my constant aim to confine myself within the limits so clearly marked out, and so carefully guarded. Having always been of opinion that the best preservative of the union of the states is to be found in a total abstinence from the exercise of all doubtful powers on the part of the federal government, rather than in attempts to assume them by a loose construction of the constitution, or an ingenious perversion of its words, I have endeavored to avoid recommending any measure which I have reason to apprehend would, in the opinion even of a considerable minority of my fellow citizens, be regarded as trenching on the rights of the states, or the provisions of the hallowed instrument of our Union. Viewing the aggregate powers of the federal government as a voluntary concession of the states, it seemed to me that such only should be exercised as were at the time intended to be given.

I have been strengthened, too, in the propriety of this course, by the conviction that all efforts to go beyond this tend only to produce dissatisfaction and distrust, to excite jealousies, and to provoke resistance. Instead of adding strength to the federal government, even when successful, they must ever prove a source of incurable weakness, by alienating a portion of those whose adhesion is indispensable to the great aggregate of united strength, and whose voluntary attachment is, in my estimation, far more essential to the efficiency of a government strong in the best of all possible strength,—the confidence and attachment of those who make up its constituent elements.

Thus believing, it has been my purpose to secure to the whole people, and to every member of the confederacy, by general, salutary, and equal laws alone, the benefit of those republican institutions which it was the end and aim of the constitution to establish, and the impartial influence of which is, in my judgment, indispensable to their preservation. I cannot bring myself to believe that the lasting happiness of the people, the prosperity of the states, or the permanency of their union, can be maintained by giving preference or priority to any class of citizens in the distribution of benefits or privileges, or by the adoption of measures which enrich one portion of the Union at the expense of another; nor can I see in the interference of the federal government with the local legislation and reserved rights of the states, a remedy for present, or a security against future dangers.

The first, and assuredly not the least, important step toward relieving the country from the condition into which it has been plunged by excesses in trade, banking, and credits of all kinds, was to place the business transactions of the government itself on a solid basis; giving and receiving in all cases, value for value, and neither countenancing nor encouraging in others that delusive system of credits from which it has been found so difficult to escape, and which has left nothing behind it but the wrecks that mark its fatal career.

That the financial affairs of the government are now, and have been during the whole period of the wide-spreading difficulties, conducted with a strict and invariable regard to this great fundamental principle, and that by the assumption and maintenance of the stand thus taken on the very threshold of the approaching crisis, more than by any other cause or causes whatever, the community at large has been shielded from the incalculable evils of a general indefinite suspension of specie payments, and a conse-

quent annihilation for the whole period it might have lasted, of a just and invariable standard of value, will, it is believed, at this period, scarcely be questioned.

A steady adherence on the part of the government to the policy which has produced such salutary results, aided by judicious state legislation, and what is not less important, by the industry, enterprise, perseverance and economy, of the American people, cannot fail to raise the whole country, at an early period, to a state of solid and enduring prosperity, not subject to be again overthrown by the suspension of banks or the explosion of a bloated credit system. It is for the people, and their representatives, to decide whether or not the permanent welfare of the country, which all good citizens equally desire, however widely they may differ as to the means of its accomplishment, shall be in this way secured; or whether the management of the pecuniary concerns of the government, and, by consequence, to a great extent, those of individuals also, shall be carried back to a condition of things which fostered those contractions and expansions of the currency, and those reckless abuses of credit, from the baleful effects of which the country has so deeply suffered,—a return that can promise in the end, no better results than to reproduce the embarrassments the government has experienced; and to remove from the shoulders of the present, to those of fresh victims, the bitter fruits of that spirit of speculative enterprise to which our countrymen are so liable, and upon which the lessons of experience are so unavailing. The choice is an important one, and I sincerely hope that it may be wisely made.

A report from the secretary of war, presenting a detailed view of the affairs of that department, accompanies this communication.

The desultory duties connected with the removal of the Indians, in which the army has been constantly engaged on the northern and western frontiers, and in Florida, have rendered it impracticable to carry into full effect the plan recommended by the secretary for improving its discipline. In every instance where the regiments have been concentrated they have made great progress; and the best results may be anticipated from a continuance of this system. During the last season, a part of the troops have been employed in removing Indians from the interior to the territory assigned them in the west,—a duty which they have performed efficiently, and with praiseworthy humanity; and that portion of them which has been stationed in Florida, continued active operations there throughout the heats of summer.

The policy of the United States in regard to the Indians, of which a succinct account is given in my message of 1838, and of the wisdom and expediency of which I am fully satisfied, has been continued in active operation throughout the whole period of my administration. Since the spring of 1837, more than forty thousand Indians have been removed to their new homes west of the Mississippi, and I am happy to add, that all accounts concur in representing the result of this measure as eminently beneficial to that people.

The emigration of the Seminoles alone has been attended with serious difficulty, and occasioned bloodshed—hostilities having been commenced by the Indians in Florida, under apprehension that they would be compelled, by force, to comply with their treaty stipulations. The execution of the treaty of Payne's Landing, signed in 1832, but not ratified until 1834, was postponed, at the solicitation of the Indians, until 1836, when

they again renewed their agreement to remove peaceably to their new homes in the west. In the face of this solemn and renewed compact, they broke their faith, and commenced hostilities by the massacre of Major Dade's command, the murder of their agent, General Thompson, and other acts of cruel treachery. When this alarming and unexpected intelligence reached the seat of government, every effort appears to have been made to reinforce Gen. Clinch, who commanded the troops then in Florida. Gen. Eustis was despatched with reinforcements from Charleston—troops were called out from Alabama, Tennessee, and Georgia; and Gen. Scott was sent to take command with ample powers and ample means. At the first alarm, Gen. Gaines organized a force at New Orleans, and without waiting for orders, landed in Florida, where he delivered over the troops he had brought with him to Gen. Scott.

Governor Call was subsequently appointed to conduct a summer campaign, and, at the close of it, was replaced by Gen. Jesup. These events and changes took place under the administration of my predecessor. Notwithstanding the exertions of the experienced officers who had command there for eighteen months, on entering upon the administration of the government I found the territory of Florida a prey to Indian atrocities. A strenuous effort was immediately made to bring those hostilities to a close; and the army, under Gen. Jesup, was reinforced until it amounted to ten thousand men, and furnished with abundant supplies of every description. In this campaign a great number of the enemy were captured and destroyed; but the character of the contest only was changed. The Indians, having been defeated in every engagement, dispersed in small bands throughout the country, and became an enterprising, formidable, and ruthless banditti. Gen. Taylor, who succeeded Gen. Jesup, used his best exertions to subdue them, and was seconded in his efforts by the officers under his command; but he, too, failed to protect the territory from their depredations. By an act of signal and cruel treachery, they broke the truce made with them by Gen. Macomb, who was sent from Washington for the purpose of carrying into effect the expressed wishes of Congress, and have continued their devastations ever since.

General Armistead, who was in Florida when General Taylor left the army, by permission, assumed the command, and after active summer operations, was met by propositions for peace; and, from the fortunate coincidence of the arrival in Florida, at the same period, of a delegation from the Seminoles, who were happily settled west of the Mississippi, and are now anxious to persuade their countrymen to join them there, hopes were for some time entertained that the Indians might be induced to leave the territory without farther difficulty.

These hopes have proved fallacious, and hostilities have been renewed throughout the whole of the territory. That this contest has endured so long, is to be attributed to causes beyond the control of the government. Experienced officers have had the command of the troops; officers and soldiers have alike distinguished themselves for their activity, patience, and enduring courage; the army has been constantly furnished with supplies of every description; and we must look for the causes which have so long procrastinated the issue of the contest, in the extent of the theatre of hostilities, the almost insurmountable obstacles presented by the nature of the country, the climate, and the wily character of the savages.

The sites for marine hospitals on the rivers and lakes, which I was

authorized to select and cause to be purchased, have all been designated; but the appropriation not proving sufficient, conditional arrangements only have been made for their acquisition. It is for Congress to decide whether those conditional purchases shall be sanctioned, and the humane intentions of the law carried into full effect.

The navy, as will appear from the accompanying report of the secretary, has been usefully and honorably employed in the protection of our commerce and citizens in the Mediterranean, the Pacific, on the coast of Brazil, and in the Gulf of Mexico. A small squadron, consisting of the frigate *Constellation* and the sloop of war *Boston*, under Commodore Kearney, is now on its way to the China and Indian seas, for the purpose of attending to our interests in that quarter; and Commander Aulic, in the sloop of war *Yorktown*, has been instructed to visit the Sandwich and Society Islands, the coast of New Zealand, and Japan, together with other ports and islands frequented by our whale ships, for the purpose of giving them countenance and protection, should they be required. Other smaller vessels have been, and still are, employed in prosecuting the surveys of the coast of the United States, directed by various acts of Congress; and those which have been completed will shortly be laid before you.

The exploring expedition, at the latest date, was preparing to leave the Bay of Islands, New Zealand, in farther prosecution of objects which have, thus far, been successfully accomplished. The discovery of a new continent, which was first seen in latitude 66 deg. 2 min. south, longitude 154 deg. 27 min. east, and afterwards in latitude 66 deg. 31 min. south, longitude 153 deg. 40 min. east, by Lieutenants Wilkes and Hudson, for an extent of eighteen hundred miles, but on which they were prevented from landing by vast bodies of ice which encompassed it, is one of the most honorable results of the enterprise. Lieutenant Wilkes bears testimony to the zeal and good conduct of his officers and men; and it is but justice to that officer to state that he appears to have performed the duties assigned him with an ardor, ability, and perseverance, which give every assurance of an honorable issue to the undertaking.

The report of the postmaster-general, herewith transmitted, will exhibit the service of that department the last year, and its present condition. The transportation has been maintained during the year to the full extent authorized by the existing laws; some improvements have been effected, which the public interest seemed urgently to demand, but not involving any material additional expenditure; the contractors have generally performed their engagements with fidelity; the postmasters, with few exceptions, have rendered their accounts and paid their quarterly balances with promptitude; and the whole service of the department has maintained the efficiency for which it has for several years been distinguished.

The acts of Congress establishing new mail routes and requiring more expensive services on others, and the increasing wants of the country, have, for three years past, carried the expenditures something beyond the accruing revenues; the excess having been met, until the past year, by the surplus which had previously accumulated. That surplus having been exhausted, and the anticipated increase in the revenue not having been realized, owing to the depression in the commercial business of the country, the finances of the department exhibit a small deficiency at the close of the last fiscal year. Its resources, however, are ample; and the reduced rates of compensation for the transportation service, which may be expected on the future lettings,

from the general reduction of prices, with the increase of revenue that may reasonably be anticipated from the revival of commercial activity, must soon place the finances of the department in a prosperous condition.

Considering the unfavorable circumstances which have existed during the past year, it is a gratifying result that the revenue has not declined, as compared with the preceding year, but, on the contrary, exhibits a small increase; the circumstances referred to having had no other effect than to check the expected increase.

It will be seen that the postmaster-general suggests certain improvements in the establishment, designed to reduce the weight of mails, cheapen the transportation, ensure greater regularity in the service, and secure a considerable reduction in the rates of letter postage, — an object highly desirable. The subject is one of general interest to the community, and is respectfully recommended to your consideration.

The suppression of the African slave-trade has received the continued attention of the government. The brig *Dolphin* and schooner *Grampus* have been employed during the last season on the coast of Africa, for the purpose of preventing such portions of that trade as were said to be prosecuted under the American flag. After cruising on those parts of the coast most usually resorted to by slavers, until the commencement of the rainy season, these vessels returned to the United States for supplies, and have since been despatched on a similar service.

From the reports of the commanding officers, it appears that the trade is now principally carried on under Portuguese colors; and they express the opinion that the apprehension of their presence on the slave coast has, in a great degree, arrested the prostitution of the American flag to this inhuman purpose. It is hoped that, by continuing to maintain this force in that quarter, and by the exertions of the officers in command, much will be done to put a stop to whatever portion of this traffic may have been carried on under the American flag, and to prevent its use in a trade which, while it violates the laws, is equally an outrage on the rights of others and the feelings of humanity. The efforts of the several governments who are anxiously seeking to suppress this traffic must, however, be directed against the facilities afforded by what are now recognised as legitimate commercial pursuits, before that object can be fully accomplished.

Supplies of provisions, water-casks, merchandise, and articles connected with the prosecution of the slave trade, are, it is understood, freely carried by vessels of different nations to the slave factories; and the effects of the factors are transported openly from one slave station to another, without interruption or punishment by either of the nations to which they belong, engaged in the commerce of that nation. I submit to your judgments, whether this government, having been the first to prohibit by adequate penalties, the slave trade — the first to declare it piracy — should not be the first, also, to forbid to its citizens all trade with the slave factories on the coast of Africa; giving an example to all nations in this respect, which, if fairly followed, cannot fail to produce the most effective results in breaking up those dens of iniquity.

HARRISON'S INAUGURAL ADDRESS.

CALLED from a retirement which I had supposed was to continue for the residue of my life, to fill the chief executive office of this great and free nation, I appear before you, fellow-citizens, to take the oaths which the constitution prescribes as a necessary qualification for the performance of its duties. And in obedience to a custom coëval with our government, and what I believe to be your expectations, I proceed to present to you a summary of the principles which will govern me in the discharge of the duties which I shall be called upon to perform.

It was the remark of a Roman consul, in an early period of that celebrated republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carrying out in the latter case the pledges and promises made in the former. However much the world may have improved, in many respects, in the lapse of upwards of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective governments would develop similar instances of violated confidence.

Although the fiat of the people has gone forth, proclaiming me the chief magistrate of this glorious Union, nothing upon their part remaining to be done, it may be thought that a motive may exist to keep up the delusion under which they may be supposed to have acted in relation to my principles and opinions; and perhaps there may be some in this assembly who have come here either prepared to condemn those I shall now deliver, or, approving them, to doubt the sincerity with which they are uttered. But the lapse of a few months will confirm or dispel their fears. The outline of principles to govern, and measures to be adopted by an administration not yet begun, will soon be exchanged for immutable history, and I shall stand, either exonerated by my countrymen, or classed with the mass of those who promised that they might deceive, and flattered with the intention to betray.

However strong may be my present purpose to realize the expectations of a magnanimous and confiding people, I too well understand the infirmities of human nature, and the dangerous temptations to which I shall be exposed, from the magnitude of the power which it has been the will of the people to commit to my hands, not to place my chief confidence upon the aid of that Almighty Power which has hitherto protected me, and enabled me to bring to favorable issues other important but still greatly inferior trusts, heretofore confided to me by my country.

The broad foundation upon which our constitution rests being the people—a breath of theirs having made, as a breath can unmake, change, or modify it—it can be assigned to none of the great divisions of government but to that of democracy. If such is its theory, those who are called upon to administer it must recognise, as its leading principle, the duty of shaping their measures, so as to produce the greatest good to the greatest number. But, with these broad admissions, if we could compare the sovereignty

acknowledged to exist in the mass of the people with the power claimed by other sovereignties, even by those which have been considered most purely democratic, we shall find a most essential difference. All others lay claim to power limited only by their own will. The majority of our citizens, on the contrary, possess a sovereignty with an amount of power precisely equal to that which has been granted to them by the parties to the national compact, and nothing beyond. We admit of no government by divine right: believing that, so far as power is concerned, the beneficent Creator has made no distinction amongst men, that all are upon an equality, and that the only legitimate right to govern is an express grant of power from the governed. The constitution of the United States is the instrument containing the grant of power to the several departments composing the government. On an examination of that instrument, it will be found to contain declarations of power granted, and of power withheld. The latter is also susceptible of division into power which the majority had the right to grant, but which they did not think proper to entrust to their agents, and that which they could not have granted, not being possessed by themselves. In other words, there are certain rights possessed by each individual American citizen, which, in his compact with the others, he has never surrendered. Some of them, indeed, he is unable to surrender, being, in the language of our system, inalienable.

The boasted privilege of a Roman citizen was to him a shield only against a petty provincial ruler, whilst the proud democrat of Athens could console himself under a sentence of death, for a supposed violation of the national faith, which no one understood, and which at times was the subject of the mockery of all, or of banishment from his home, his family, and his country, with or without an alleged cause: that it was the act not of a single tyrant, or hated aristocracy, but of his assembled countrymen. Far different is the power of our sovereignty. It can interfere with no one's faith, prescribe forms of worship for no one's observance, inflict no punishment but after well-ascertained guilt, the result of investigation under forms prescribed by the constitution itself. These precious privileges, and those scarcely less important of giving expression to his thoughts and opinions, either by writing or speaking, unrestrained but by the liability for injury to others, and that of a full participation in all the advantages which flow from the government, the acknowledged property of all, the American citizen derives from no charter granted from his fellow-man. He claims them because he is himself a man, fashioned by the same Almighty hand as the rest of his species, and entitled to a full share of the blessings with which he has endowed them.

Notwithstanding the limited sovereignty possessed by the people of the United States, and the restricted grant of power to the government which they have adopted, enough has been given to accomplish all the objects for which it was created. It has been found powerful in war, and, hitherto, justice has been administered, an intimate union effected, domestic tranquillity preserved, and personal liberty secured to the citizen. As was to be expected, however, from the defect of language, and the necessarily sententious manner in which the constitution is written, disputes have arisen as to the amount of power which it has actually granted, or was intended to grant. This is more particularly the case in relation to that part of the instrument which treats of the legislative branch. And not only as regards the exercise of powers claimed under a general clause, giving that body

the authority to pass all laws necessary to carry into effect the specified powers, but in relation to the latter also. It is, however, consolatory to reflect that *most* of the instances of alleged departure from the letter or spirit of the constitution have ultimately received the sanction of a majority of the people. And the fact, that many of our statesmen, most distinguished for talent and patriotism, have been, at one time or other of their political career, on both sides of each of the most warmly disputed questions, forces upon us the inference that the errors, if errors there were, are attributable to the intrinsic difficulty, in many instances, of ascertaining the intentions of the framers of the constitution, rather than the influence of any sinister or unpatriotic motive.

But the great danger to our institutions does not appear to me to be in a usurpation, by the government, of power not granted by the people, but by the accumulation, in one of the departments, of that which was assigned to others. Limited as are powers which have been granted, still enough have been granted to constitute a despotism, if concentrated in one of the departments. This danger is greatly heightened, as it has always been observable that men are less jealous of encroachments of one department upon another, than upon their own reserved rights.

When the constitution of the United States first came from the hands of the convention which formed it, many of the sternest republicans of the day were alarmed at the extent of the power which had been granted to the federal government, and more particularly of that portion which had been assigned to the executive branch. There were in it features which appeared not to be in harmony with their ideas of a simple representative democracy, or republic. And knowing the tendency of power to increase itself, particularly when executed by a single individual, predictions were made that, at no very remote period, the government would terminate in virtual monarchy. It would not become me to say that the fears of these patriots have been already realized. But, as I sincerely believe that the tendency of measures, and of men's opinions, for some years past, has been in that direction, it is, I conceive, strictly proper that I should take this occasion to repeat the assurances I have heretofore given, of my determination to arrest the progress of that tendency, if it really exists, and restore the government to its pristine health and vigor, as far as this can be effected by any legitimate exercise of the power placed in my hands.

I proceed to state, in as summary a manner as I can, my opinion of the sources of the evils which have been so extensively complained of, and the correctives which may be applied. Some of the former are unquestionably to be found in the defects of the constitution; others, in my judgment, are attributable to misconstruction of some of its provisions. Of the former is the eligibility of the same individual to a second term of the presidency. The sagacious mind of Mr. Jefferson early saw and lamented this error, and attempts have been made, hitherto without success, to apply the amendatory power of the states to its correction.

As, however, one mode of correction is in the power of every President, and consequently in mine, it would be useless, and perhaps invidious, to enumerate the evils of which, in the opinion of many of our fellow citizens, this error of the sages who framed the constitution may have been the source, and the bitter fruits which we are still to gather from it if it continues to disfigure our system. It may be observed, however, as a general remark, that republics can commit no greater error than to adopt or con-

tinue any feature in their systems of government which may be calculated to create or increase the love of power in the bosoms of those to whom necessity obliges them to commit the management of their affairs. And surely nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting, nothing more destructive of all those noble feelings which belong to the character of a devoted republican patriot. When this corrupting passion once takes possession of the human mind, like the love of gold, it becomes insatiable. It is the never-dying worm in his bosom, grows with his growth, and strengthens with the declining years of its victim. If this is true, it is the part of wisdom for a republic to limit the service of that officer, at least, to whom she has entrusted the management of her foreign relations, the execution of her laws, and the command of her armies and navies, to a period so short as to prevent his forgetting that he is the accountable agent, not the principal—the servant, not the master. Until an amendment of the constitution can be effected, public opinion may secure the desired object. I give my aid to it by renewing the pledge heretofore given, that, under no circumstances, will I consent to serve a second term.

But if there is danger to public liberty from the acknowledged defects of the constitution, in the want of limit to the continuance of the executive power in the same hands, there is, I apprehend, not much less from a misconstruction of that instrument, as it regards the powers actually given. I cannot conceive that, by a fair construction, any or either of its provisions would be found to constitute the President a part of the legislative power. It cannot be claimed from the power to recommend, since, although enjoined as a duty upon him, it is a privilege which he holds in common with every other citizen. And although there may be something more of confidence in the propriety of the measures recommended in the one case than in the other, in the obligations of ultimate decision there can be no difference. In the language of the constitution, "all the legislative powers" which it grants "are vested in the Congress of the United States." It would be a solecism in language to say that any portion of these is not included in the whole.

It may be said, indeed, that the constitution has given to the executive the power to annul the acts of the legislative body by refusing to them his assent. So a similar power has necessarily resulted from that instrument to the judiciary; and yet the judiciary forms no part of the legislature. There is, it is true, this difference between these grants of power: the executive can put his negative upon the acts of the legislature, for other cause than that of want of conformity to the constitution, whilst the judiciary can only declare void those which violate that instrument. But the decision of the judiciary is final in such a case, whereas, in every instance where the veto of the executive is applied, it may be overcome by a vote of two-thirds of both houses of Congress. The negative upon the acts of the legislative, by the executive authority, and that in the hands of one individual, would seem to be an incongruity in our system. Like some others of a similar character, however, it appears to be highly expedient; and if used only with the forbearance and in the spirit which was intended by its authors, it may be productive of great good, and be found one of the best safeguards to the Union.

At the period of the formation of the constitution, the principle does not appear to have enjoyed much favor in the state governments. It

existed but in two, and in one of these there was a plural executive. If we would search for the motives which operated upon the purely patriotic and enlightened assembly which framed the constitution, for the adoption of a provision so apparently repugnant to the leading democratic principle, that the majority should govern, we must reject the idea that they anticipated from it any benefit to the ordinary course of legislation. They knew too well the high degree of intelligence which existed among the people, and the enlightened character of the state legislatures, not to have the fullest confidence that the two bodies elected by them would be worthy representatives of such constituents, and, of course, that they would require no aid in conceiving and maturing the measures which the circumstances of the country might require. And it is preposterous to suppose that a thought could for a moment have been entertained that the President, placed at the capital, in the centre of the country, could better understand the wants and wishes of the people than their own immediate representatives, who spend a part of every year among them, living with them, often laboring with them, and bound to them by the triple tie of interest, duty, and affection. To assist or control Congress, then, in its ordinary legislation, could not, I conceive, have been the motive for conferring the veto power on the President. This argument acquires additional force from the fact of its never having been thus used by the first six presidents,—and two of them were members of the convention, one presiding over its deliberations, and the other having a larger share in consummating the labors of that august body than any other person. But if bills were never returned to Congress by either of the presidents above referred to, upon the ground of their being inexpedient, or not as well adapted as they might be to the wants of the people, the veto was applied upon that of want of conformity to the constitution, or because errors had been committed from a too hasty enactment.

There is another ground for the adoption of the veto principle which had probably more influence in recommending it to the convention than any other. I refer to the security which it gives to the just and equitable action of the legislature upon all parts of the Union. It could not but have occurred to the convention that, in a country so extensive, embracing so great a variety of soil and climate, and, consequently, of products, and which, from the same causes, must ever exhibit a great difference in the amount of the population of its various sections, calling for a great diversity in the employments of the people, that the legislation of the majority might not always justly regard the rights and interests of the minority; and acts of this character might be passed, under an express grant by the words of the constitution, and, therefore, not within the competency of the judiciary to declare void; that however enlightened and patriotic they might suppose, from past experience, the members of Congress might be, and however largely partaking, in general, of the liberal feelings of the people, it was impossible to expect that bodies so constituted should not sometimes be controlled by local interests and sectional feelings. It was proper, therefore, to provide some umpire, from whose situation and mode of appointment more independence and freedom from such influences might be expected. Such a one was afforded by the executive department, constituted by the constitution. A person elected to that high office, having his constituents in every section, state, and subdivision of the Union, must consider himself bound by the most solemn sanctions, to guard, protect, and defend the rights of all, and of every portion, great or small, from the injustice and oppression of the

rest. I consider the veto power, therefore, given by the constitution to the executive of the United States, solely as a conservative power: to be used only, 1st, to protect the constitution from violation; 2dly, the people from the effects of hasty legislation, where their will has been probably disregarded or not well understood; and, 3dly, to prevent the effects of combinations violative of the rights of the minorities. In reference to the second of these objects, I may observe that I consider it the right and privilege of the people to decide disputed points of the constitution, arising from the general grant of power to Congress to carry into effect the powers expressly given. And I believe, with Mr. Madison, "that repeated recognitions under varied circumstances, in acts of the legislative, executive, and judicial branches of the government, accompanied by indications in different modes of the concurrence of the general will of the nation, afford to the President sufficient authority for his considering such disputed point as settled."

Upwards of half a century has elapsed since the adoption of our present form of government. It would be an object more highly desirable than the gratification of the curiosity of speculative statesmen, if its precise situation could be ascertained, a fair exhibit made of the operations of each of its departments, of the powers which they respectively claim and exercise of the collisions which have occurred between them, or between the whole government and those of the states, or either of them. We could then compare our actual condition, after fifty years' trial of our system, with what it was in the commencement of its operations, and ascertain whether the predictions of the patriots who opposed its adoption, or the confident hopes of its advocates, have been best realized. The great dread of the former seems to have been, that the reserved powers of the state would be absorbed by those of the federal governments, and a consolidated power established, leaving to the states the shadow, only, of that independent action for which they had so zealously contended, and on the preservation of which they relied as the last hope of liberty. Without denying that the result to which they looked with so much apprehension is in the way of being realized, it is obvious that they did not clearly see the mode of its accomplishment. The general government has seized upon none of the reserved rights of the states. As far as any open warfare may have gone, the state authorities have amply maintained their rights. To a casual observer, our system presents no appearance of discord between the different members which compose it. Even the addition of many new ones has produced no jarring. They move in their respective orbits in perfect harmony with the central head, and with each other. But there is still an under current at work, by which, if not seasonably checked, the worst apprehensions of our anti-federal patriots will be realized. And not only will the state authorities be overshadowed by the great increase of power in the executive department of the general government, but the character of that government, if not its designation, be essentially and radically changed. This state of things has been in part effected by causes inherent in the constitution, and in part by the never-failing tendency of political power to increase itself.

By making the President the sole distributor of all the patronage of the government, the framers of the constitution do not appear to have anticipated at how short a period it would become a formidable instrument to control the free operations of the state governments. Of trifling importance at first, it had, early in Mr. Jefferson's administration, become so powerful as to create great alarm in the mind of that patriot, from the potent influence

it might exert in controlling the freedom of the elective franchise. If such could have then been the effects of its influence, how much greater must be the danger at this time, quadrupled in amount, as it certainly is, and more completely under the control of the executive will, than their construction of their powers allowed, or the forbearing characters of all the early Presidents permitted them to make? But it is not by the extent of its patronage alone that the executive department has become dangerous, but by the use which it appears may be made of the appointing power, to bring under its control the whole revenues of the country. The constitution has declared it to be the duty of the President to see that the laws are executed, and it makes him the commander-in-chief of the armies and navy of the United States. If the opinion of the most approved writers upon that species of mixed government, which, in modern Europe, is termed *monarchy*, in contradistinction to *despotism*, is correct, there was wanting no other addition to the powers of our chief magistrate to stamp a monarchical character on our government, but the control of the public finances. And to me it appears strange indeed, that any one should doubt that the entire control which the President possesses over the officers who have the custody of the public money, by the power of removal with or without cause, does, for all mischievous purposes at least, virtually subject the treasure also to his disposal.

The first Roman emperor, in his attempt to seize the sacred treasure, silenced the opposition of the officer to whose charge it had been committed, by a significant allusion to his sword. By a selection of political instruments for the care of the public money, a reference to their commissions by a President would be quite as effectual an argument as that of Cæsar to the Roman knight. I am not insensible of the great difficulty that exists in devising a proper plan for the safe-keeping and disbursement of the public revenues, and I know the importance which has been attached by men of great abilities and patriotism to the divorce, as it is called, of the treasury from the banking institutions. It is not the divorce which is complained of, but the unhallowed union of the treasury with the executive department which has created such extensive alarm. To this danger to our republican institutions, and that created by the influence given to the executive through the instrumentality of the federal officers, I propose to apply all the remedies which may be at my command. It was certainly a great error in the framers of the constitution, not to have made the officer at the head of the treasury department entirely independent of the executive. He should at least have been removable only upon the demand of the popular branch of the legislature. I have determined never to remove a secretary of the treasury without communicating all the circumstances attending such removal to both Houses of Congress. The influence of the executive in controlling the freedom of the elective franchise through the medium of the public officers can be effectually checked by renewing the prohibition published by Mr. Jefferson, forbidding their interference in elections, farther than giving their own votes; and their own independence secured by an assurance of perfect immunity, in exercising this sacred privilege of freemen under the dictates of their own unbiased judgments. Never, with my consent, shall an officer of the people, compensated for his services out of their pockets, become the pliant instrument of executive will.

There is no part of the means placed in the hands of the executive, which might be used with greater effect, for unhallowed purposes, than the control

of the public press. The maxim which our ancestors derived from the mother country, that "the freedom of the press is the great bulwark of civil and religious liberty," is one of the most precious legacies which they left us. We have learned, too, from our own as well as the experience of other countries, that golden shackles, by whomsoever or by whatever pretence imposed, are as fatal to it as the iron bonds of despotism. The presses in the necessary employment of the government should never be used "to clear the guilty, or to varnish crimes." A decent and manly examination of the acts of the government should be not only tolerated but encouraged.

Upon another occasion I have given my opinion, at some length, upon the impropriety of executive interference in the legislation of Congress. That the article in the constitution making it the duty of the President to communicate information, and authorizing him to recommend measures, was not intended to make him the source of legislation, and, in particular, that he should never be looked to for schemes of finance. It would be very strange, indeed, that the constitution should have strictly forbidden one branch of the legislature from interfering in the origination of such bills, and that it should be considered proper that an altogether different department of the government should be permitted to do so. Some of our best political maxims and opinions have been drawn from our parent isle.

There are others, however, which cannot be introduced in our system without singular incongruity, and the production of much mischief. And this I conceive to be one. No matter in which of the Houses of Parliament a bill may originate, nor by whom introduced, a minister, or a member of the opposition, by the fiction of law, or rather of constitutional principle, the sovereign is supposed to have prepared it agreeably to his will, and then submitted it to Parliament for their advice and consent. Now, the very reverse is the case here, not only with regard to the principle but the forms prescribed by the constitution. The principle certainly assigns to the only body constituted by the constitution (the legislative body) the power to make laws, and the forms even direct that the enactment should be ascribed to them. The Senate, in relation to revenue bills, have the right to propose amendments; and so has the executive, by the power given him to return them to the House of Representatives, with his objections. It is in his power, also, to propose amendments in the existing laws, suggested by his observations upon their defective or injurious operation. But the delicate duty of devising schemes of revenue should be left where the constitution has placed it—with the immediate representatives of the people. For similar reasons, the mode of keeping the public treasure should be prescribed by them; and the farther removed it may be from the control of the executive, the more wholesome the arrangement, and the more in accordance with republican principle.

Connected with this subject is the character of the currency. The idea of making it exclusively metallic, however well intended, appears to me to be fraught with more fatal consequences than any other scheme, having no relation to the personal rights of the citizen than has ever been devised. If any single scheme could produce the effect of arresting, at once, that mutation of condition by which thousands of our most indigent fellow citizens, by their industry and enterprise, are raised to the possession of wealth, that is the one. If there is one measure better calculated than another to produce that state of things so much deprecated by all true republicans, by which the rich are daily adding to their hoards, and the poor sinking deeper

into penury, it is an exclusive metallic currency. Or if there is a process by which the character of the country for generosity and nobleness of feeling may be destroyed by the great increase and necessary toleration of usury, it is an exclusive metallic currency.

Amongst the other duties of a delicate character which the President is called upon to perform, is the supervision of the government of the territories of the United States. Those of them which are destined to become members of our great political family, are compensated by their rapid progress from infancy to manhood, for the partial and temporary deprivation of their political rights. It is in this district only, where American citizens are to be found, who, under a settled system of policy, are deprived of many important political privileges, without any inspiring hope as to the future. Their only consolation, under circumstances of such deprivation, is that of the devoted exterior guards of a camp,—that their sufferings secure tranquillity and safety within.

Are there any of their countrymen who would subject them to greater sacrifices, to any other humiliations than those essentially necessary to the security of the object for which they were thus separated from their fellow-citizens? Are their rights alone not to be guaranteed by the application of those great principles upon which all our constitutions are founded? We are told by the greatest of British orators and statesmen, that, at the commencement of the war of the Revolution, the most stupid men in England spoke of "their American subjects." Are there, indeed, citizens of any of our states who have dreamed of *their subjects* in the District of Columbia? Such dreams can never be realized by any agency of mine.

The people of the District of Columbia are not the subjects of the people of the states, but free American citizens. Being in the latter condition when the constitution was formed, no words used in that instrument could have been intended to deprive them of that character. If there is anything in the great principles of inalienable rights, so emphatically insisted upon in our Declaration of Independence, they could neither make, nor the United States accept, a surrender of their liberties, and become the *subjects*, in other words, the slaves, of their former fellow citizens. If this be true, and it will scarcely be denied by any one who has a correct idea of his own rights as an American citizen, the grant to Congress of exclusive jurisdiction in the District of Columbia, can be interpreted, so far as respects the aggregate people of the United States, as meaning nothing more than to allow to Congress the controlling power necessary to afford a free and safe exercise of the functions assigned to the general government by the constitution. In all other respects, the legislation of Congress should be adapted to their peculiar position and wants, and be conformable with their deliberate opinions of their own interests.

I have spoken of the necessity of keeping the respective departments of the government, as well as all the other authorities of our country, within their appropriate orbits. This is a matter of difficulty in some cases, as the powers which they respectively claim are not defined by very distinct lines. Mischievous, however, in their tendencies, as collisions of this kind may be, those which arise between the respective communities, which for certain purposes compose one nation, are much more so; for no such nation can long exist without the careful culture of those feelings of confidence and affection which are the effective bonds of union between free and confederate states. Strong as is the tie of interest, it has been often found ineffectual.

fectual. Men, blinded by their passions, have been known to adopt measures for their country in direct opposition to all the suggestions of policy. The alternative, then, is to destroy or keep down a bad passion by creating and fostering a good one; and this seems to be the corner stone upon which our American political architects have reared the fabric of our government. The cement which was to bind it, and perpetuate its existence, was the affectionate attachment between all its members. To insure the continuance of this feeling, produced at first by a community of dangers, of sufferings, and of interests, the advantages of each were made accessible to all.

No participation in any good, possessed by any member of an extensive confederacy, except in domestic government, was withheld from the citizen of any other member. By a process attended with no difficulty, no delay, no expense but that of removal, the citizen of one might become the citizen of any other, and successively of the whole. The lines, too, separating powers to be exercised by the citizens of one state from those of another, seem to be so distinctly drawn as to leave no room for misunderstanding. The citizens of each state unite in their persons all the privileges which that character confers, and all that they might claim as citizens of the United States; but in no case can the same person, at the same time, act as the citizen of two separate states, and *he is therefore positively precluded from any interference with the reserved powers of any state but that of which he is, for the time being, a citizen.* He may indeed offer to the citizens of other states his advice as to their management, and the form in which it is tendered is left to his own discretion and sense of propriety.

It may be observed, however, that organized associations of citizens, requiring compliance with their wishes, too much resemble the *recommendations* of Athens to her allies, supported by an armed and powerful fleet. It was, indeed, the ambition of the leading states of Greece to control the domestic concerns of the others, that the destruction of that celebrated confederacy, and subsequently of all its members, is mainly to be attributed. And it is owing to the absence of that spirit that the Helvetic confederacy has for so many years been preserved. Never have there been seen in the institutions of the separate members of any confederacy more elements of discord. In the principles and forms of government and religion, as well as in the circumstances of the several cantons, so marked a discrepancy was observable, as to promise anything but harmony in their intercourse or permanency in their alliance. And yet, for ages, neither has been interrupted. Content with the positive benefits which their union produced, with the independence and safety from foreign aggression which it secured, the sagacious people respected the institutions of each other, however repugnant to their own principles and prejudices.

Our confederacy, fellow citizens, can only be preserved by the same forbearance. Our citizens must be content with the exercise of the powers with which the constitution clothes them. The attempt of those of one state to control the domestic institutions of another, can only result in feelings of distrust and jealousy, and certain harbingers of disunion, violence, civil war, and the ultimate destruction of our free institutions. Our confederacy is perfectly illustrated by the terms and principles governing a common copartnership. There a fund of power is to be exercised under the direction of the joint counsels of the allied members, but that which has been reserved by the individuals is intangible by the common government, or the individual members composing it. To attempt it finds no support in

the principles of our constitution. It should be our constant and earnest endeavor mutually to cultivate a spirit of concord and harmony among the various parts of our confederacy. Experience has abundantly taught us that the agitation by citizens of one part of the Union of a subject not confided to the general government, but exclusively under the guardianship of the local authorities, is productive of no other consequences than bitterness, alienation, discord, and injury to the very cause which is intended to be advanced. Of all the great interests which appertain to our country, that of union, cordial, confiding, fraternal union, is by far the most important, since it is the only true and sure guarantee of all others.

In consequence of the embarrassed state of business and the currency, some of the states may meet with difficulty in their financial concerns. However deeply we may regret anything imprudent or excessive in the engagements into which states have entered for purposes of their own, it does not become us to disparage the state governments, nor to discourage them from making proper efforts for their own relief; on the contrary, it is our duty to encourage them, to the extent of our constitutional authority, to apply their best means, and cheerfully to make all necessary sacrifices and submit to all necessary burdens to fulfil their engagements and maintain their credit; for the character and credit of the several states form part of the character and credit of the whole country. The resources of the country are abundant, the enterprise and activity of our people proverbial; and we may well hope that wise legislation and prudent administration, by the respective governments, each acting within its own sphere, will restore former prosperity.

Unpleasant and even dangerous as collisions may sometimes be, between the constituted authorities or the citizens of our country, in relation to the lines which separate their respective jurisdictions, the result can be of no vital injury to our institutions, if that ardent patriotism, that devoted attachment to liberty, that spirit of moderation and forbearance for which our countrymen were once distinguished, continue to be cherished. If this continues to be the ruling passion of our souls, the weaker feelings of the mistaken enthusiast will be corrected, the Utopian dreams of the scheming politician dissipated, and the complicated intrigues of the demagogue rendered harmless. The spirit of liberty is the sovereign balm for every injury which our institutions receive. On the contrary, no care that can be used in the construction of our government, no division of powers, no distribution of checks in its several departments, will prove effectual to keep us a free people, if this spirit is suffered to decay; and decay it will without constant nurture. To the neglect of this duty, historians agree in attributing the ruin of all the republics with whose existence and fall their writings have made us acquainted. The same causes will ever produce the same effects; and as long as the love of power is a dominant passion of the human bosom, and as long as the understandings of men can be warped, and their affections changed by operations upon their passions and prejudices, so long will the liberty of a people depend on their own constant attention to its preservation.

The danger to all well-established free governments arises from the unwillingness of the people to believe in its existence, or from the influence of designing men, diverting their attention from the quarter whence it approaches to a source from which it can never come. This is the old trick of those who would usurp the government of their country. In the

name of democracy they speak, warning the people against the influence of wealth and the danger of aristocracy. History, ancient and modern, is full of such examples. Cæsar became the master of the Roman people and the Senate, under the pretence of supporting the democratic claims of the former against the aristocracy of the latter; Cromwell, in the character of protector of the liberties of the people, became the dictator of England; and Bolivar possessed himself of unlimited power, with the title of his country's liberator. There is, on the contrary, no single instance on record of an extensive and well-established republic being changed into an aristocracy. The tendency of all such governments in their decline is to monarchy; and the antagonist principle to liberty there is the spirit of faction — a spirit which assumes the character, and, in times of great excitement, imposes itself upon the people as the genuine spirit of freedom, and like the false Christs whose coming was foretold by the Saviour, seeks to, and, were it possible, would, impose upon the true and most faithful disciples of liberty. It is in periods like this that it behoves the people to be most watchful of those to whom they have intrusted power. And although there is at times much difficulty in distinguishing the false from the true spirit, a calm and dispassionate investigation will detect the counterfeit, as well by the character of its operations as the results that are produced. The true spirit of liberty, although devoted, persevering, bold, and uncompromising in principle, that secured, is mild, and tolerant, and scrupulous as to the means it employs; whilst the spirit of party, assuming to be that of liberty, is harsh, vindictive, and intolerant, and totally reckless as to the character of the allies which it brings to the aid of its cause. When the genuine spirit of liberty animates the body of a people to a thorough examination of their affairs, it leads to the excision of every excrescence which may have fastened itself upon any of the departments of the government, and restores the system to its pristine health and beauty. But the reign of an intolerant spirit of party among a free people seldom fails to result in a dangerous accession to the executive power introduced and established amidst unusual professions of devotion to democracy.

The foregoing remarks relate almost exclusively to matters connected with our domestic concerns. It may be proper, however, that I should give some indications to my fellow citizens of my proposed course of conduct in the management of our foreign relations. I assure them, therefore, that it is my intention to use every means in my power to preserve the friendly intercourse which now so happily subsists with every foreign nation; and that, although, of course, not well informed as to the state of any pending negotiations with any of them, I see in the personal characters of the sovereigns, as well as in the mutual interest of our own and of the governments with which our relations are most intimate, a pleasing guarantee that the harmony so important to the interests of their subjects, as well as our citizens, will not be interrupted by the advancement of any claim or pretension upon their part to which our honor would not permit us to yield. Long the defender of my country's rights in the field, I trust that my fellow citizens will not see in my earnest desire to preserve peace with foreign powers any indication that their rights will ever be sacrificed, or the honor of the nation tarnished, by any admission on the part of their chief magistrate unworthy of their former glory.

In our intercourse with our aboriginal neighbors, the same liberality and justice which marked the course prescribed to me, by two of my illustrious predecessors, when acting under their direction in the discharge of

the duties of superintendent and commissioner, shall be strictly observed. I can conceive of no more sublime spectacle,—none more likely to propitiate an impartial Creator, than a rigid adherence to the principles of justice on the part of a powerful nation in its transactions with a weaker and uncivilized people, whom circumstances have placed at its disposal.

Before concluding, fellow citizens, I must say something to you on the subject of the parties at this time existing in our country. To me it appears perfectly clear, that the interest of that country requires that the violence of the spirit by which those parties are at this time governed, must be greatly mitigated, if not entirely extinguished, or consequences will ensue which are appalling to be thought of. If parties in a republic are necessary to secure a degree of vigilance sufficient to keep the public functionaries within the bounds of law and duty, at that point their usefulness ends. Beyond that they become destructive of public virtue, the parents of a spirit antagonist to that of liberty, and, eventually, its inevitable conqueror.

We have examples of republics, where the love of country and of liberty, at one time, were the dominant passions of the whole mass of citizens, and yet, with the continuance of the name and forms of free government, not a vestige of these qualities remaining in the bosom of any one of its citizens. It was the beautiful remark of a distinguished English writer, that "in the Roman senate Octavius had a party, and Antony a party, but the commonwealth had none." Yet the senate continued to meet in the temple of liberty, to talk of the sacredness and beauty of the commonwealth, and gaze at the statues of the elder Brutus and of the Curtii and Decii. And the people assembled in the forum, not as in the days of Camillus and the Scipios, to cast their free votes for annual magistrates or pass upon the acts of the senate, but to receive from the hands of the leaders of the respective parties their share of the spoils, and to shout for one or the other, as those collected in Gaul, or Egypt, and the Lesser Asia, would furnish the larger dividend. The spirit of liberty had fled, and, avoiding the abodes of civilized man, had sought protection in the wilds of Scythia or Scandinavia; and so, under the operation of the same causes and influences, it will fly from our capitol and our forums. A calamity so awful, not only to our country but the world, must be deprecated by every patriot; and every tendency to a state of things likely to produce it immediately checked. Such a tendency has existed—does exist.

Always the friend of my countrymen, never their flatterer, it becomes my duty to say to them from this high place to which their partiality has exalted me, that there exists in the land a spirit hostile to their best interests,—hostile to liberty itself. It is a spirit contracted in its views, selfish in its object. It looks to the aggrandizement of a few, even to the destruction of the interest of the whole. The entire remedy is with the people. Something, however, may be effected by the means which they have placed in my hands. It is union that we want, not of a party for the sake of that party, but a union of the whole country for the sake of the whole country—for the defence of its interests and its honor against foreign aggression, for the defence of those principles for which our ancestors so gloriously contended. As far as it depends upon me it shall be accomplished. All the influence that I possess, shall be exerted to prevent the formation at least of an executive party in the halls of the legislative body. I wish for the support of no member of that body to any measure of mine that does not satisfy his judgment and his sense of duty to those from whom

he holds his appointment, nor any confidence in advance from the people, but that asked for by Mr. Jefferson, "to give firmness and effect to the legal administration of their affairs."

I deem the present occasion sufficiently important and solemn to justify me in expressing to my fellow-citizens a profound reverence for the Christian religion, and a thorough conviction that sound morals, religious liberty, and a just sense of religious responsibility, are essentially connected with all true and lasting happiness; and to that good Being who has blessed us by the gifts of civil and religious freedom, who watched over and prospered the labors of our fathers, and has hitherto preserved to us institutions far exceeding in excellence those of any other people, let us unite in fervently commending every interest of our beloved country in all future time.

[Here the oath of office was administered by Chief Justice TANEY.]

Fellow citizens: Being fully invested with that high office to which the partiality of my countrymen has called me, I now take an affectionate leave of you. You will bear with you to your homes the remembrance of the pledge I have this day given to discharge all the high duties of my exalted station, according to the best of my ability; and I shall enter upon their performance with entire confidence in the support of a just and generous people.

A PROCLAMATION.

MARCH 17, 1841.

WHEREAS, sundry important and weighty matters, principally growing out of the condition of the revenue and finances of the country, appear to me to call for the consideration of Congress at an earlier day than its next annual session, and thus form an extraordinary occasion, such as renders necessary, in my judgment, the convention of the two Houses as soon as may be practicable, I do, therefore, by this my Proclamation, convene the two Houses of Congress, to meet in the Capitol, at the City of Washington, on the last Monday, being the thirty-first day, of May next, and I require the respective Senators and Representatives then and there to assemble, in order to receive such information respecting the state of the Union as may be given to them, and to devise and adopt such measures as the good of the country may seem to them, in the exercise of their wisdom and discretion, to require.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, this seventeenth day of March, in the year of our Lord, one thousand eight hundred and forty-one, and of the Independence of the United States, the sixty-fifth.

TYLER'S
ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

APRIL 9, 1841.

To the People of the United States :

FELLOW CITIZENS: Before my arrival at the seat of government the painful communication was made to you, by the several departments, of the deeply regretted death of **WILLIAM HENRY HARRISON**, late President of the United States. Upon him you had conferred your suffrages for the first office in your gift, and had selected him as your chosen instrument to correct and reform all such errors and abuses as had manifested themselves from time to time in the practical operation of the government. While standing at the threshold of this great work, he has, by the dispensation of an all-wise Providence, been removed from amongst us, and by the provisions of the Constitution the efforts to be directed to the accomplishment of this vitally important task have devolved upon myself. This same occurrence has subjected the wisdom and sufficiency of our institutions to a new test. For the first time in our history the person elected to the Vice-Presidency of the United States, by the happening of a contingency provided for in the Constitution, has had devolved upon him the presidential office. The spirit of faction which is directly opposed to the spirit of a lofty patriotism, may find in this occasion for assaults upon my administration. And in succeeding, under circumstances so sudden and unexpected, and to responsibilities so greatly augmented, to the administration of public affairs, I shall place in the intelligence and patriotism of the people my only sure reliance. My earnest prayer shall be constantly addressed to the all-wise and all-powerful Being who made me, and by whose dispensation I am called to the high office of President of this confederacy, understandingly to carry out the principles of that constitution which I have sworn to "protect, preserve, and defend."

The usual opportunity which is afforded to a chief magistrate upon his induction to office of presenting to his countrymen an exposition of the policy which would guide his administration, in the form of an inaugural address, not having, under the peculiar circumstances which have brought me to the discharge of the high duties of President of the United States, been afforded to me, a brief exposition of the principles which will govern me in the general course of my administration of public affairs would seem to be due as well to myself as to you. In regard to foreign nations, the groundwork of my policy will be justice on our part to all, submitting to injustice from none. While I shall sedulously cultivate the relations of peace and amity with one and all, it will be my most imperative duty to see that the honor of the country shall sustain no blemish. With a view to this, our military defences will become a matter of anxious solicitude. The army, which has in other days covered itself with renown, and the navy, not inappropriately termed the right arm of the public defence, which has spread a light of glory over the American standard in all the waters of the earth, should be rendered replete with efficiency.

In view of the fact well avouched by history, that the tendency of all human institutions is to concentrate power in the hands of a single man, and that their ultimate downfall has proceeded from this cause, I deem it of the most essential importance that a complete separation should take place between the sword and the purse. No matter where or how the public moneys shall be deposited, so long as the President can exert the power of appointing and removing, at his pleasure, the agents selected for their custody, the commander-in-chief of the army and navy is in fact the treasurer. A permanent and radical change should therefore be decreed. The patronage incident to the presidential office, already great, is constantly increasing. Such increase is destined to keep pace with the growth of our population, until, without a figure of speech, an army of officeholders may be spread over the land. The unrestrained power exerted by a selfishly ambitious man, in order either to perpetuate his authority or to hand it over to some favorite as his successor, may lead to the employment of all the means within his control to accomplish his object. The right to remove from office, while subjected to no just restraint, is inevitably destined to produce a spirit of crouching servility with the official corps, which, in order to uphold the hand which feeds them, would lead to direct and active interference in the elections, both state and federal, thereby subjecting the course of state legislation to the dictation of the chief executive officer, and making the will of that officer absolute and supreme. I will, at a proper time, invoke the action of Congress upon this subject, and shall readily acquiesce in the adoption of all proper measures which are calculated to arrest these evils, so full of danger in their tendency. I will remove no incumbent from office who has faithfully and honestly acquitted himself of the duties of his office, except in cases where such officer has been guilty of an active partizanship, or by secret means—the less manly, and therefore the more objectionable—has given his official influence to the purposes of party, thereby bringing the patronage of the government in conflict with the freedom of elections. Numerous removals may become necessary under this rule. These will be made by me through no acerbity of feeling. I have had no cause to cherish or indulge unkind feelings toward any, but my conduct will be regulated by a profound sense of what is due to the country and its institutions; nor shall I neglect to apply the same unbending rule to those of my own appointment. Freedom of opinion will be tolerated, the full enjoyment of the right of suffrage will be maintained as the birth-right of every American citizen, but I say emphatically to the official corps, “thus far and no farther.” I have dwelt the longer upon this subject, because removals from office are likely often to arise, and I would have my countrymen to understand the principle of the executive action.

In all public expenditures the most rigid economy should be resorted to, and as one of its results, a public debt in time of peace be sedulously avoided. A wise and patriotic constituency will never object to the imposition of necessary burdens for useful ends; and true wisdom dictates the resort to such means, in order to supply deficiencies in the revenue, rather than to those doubtful expedients which, ultimating in a public debt, serve to embarrass the resources of the country and to lessen its ability to meet any great emergency which may arise. All sinecures should be abolished. The appropriations should be direct and explicit, so as to leave as limited a share of discretion to the disbursing agents as may be found compatible with the public service. A strict responsibility on the part of all the agents of

the government should be maintained, and peculation or defalcation visited with immediate expulsion from office and the most condign punishment.

The public interest also demands that, if any war has existed between the government and the currency, it shall cease. Measures of a financial character, now having the sanction of legal enactment, shall be faithfully enforced until repealed by the legislative authority. But I owe it to myself to declare that I regard existing enactments as unwise and impolitic, and in a high degree oppressive. I shall promptly give my sanction to any constitutional measure which, originating in Congress, shall have for its object the restoration of a sound circulating medium, so essentially necessary to give confidence in all the transactions of life, to secure to industry its just and adequate rewards, and to re-establish the public prosperity. In deciding upon the adaptation of any such measure to the end proposed, as well as its conformity to the constitution, I shall resort to the fathers of the great republican school for advice and instruction, to be drawn from their sage views of our system of government, and the light of their ever glorious example.

The institutions under which we live, my countrymen, secure each person in the perfect enjoyment of all his rights. The spectacle is exhibited to the world of a government deriving its powers from the consent of the governed, and having imparted to it only so much power as is necessary for its successful operation. Those who are charged with its administration should carefully abstain from all attempts to enlarge the range of the powers thus granted to the several departments of the government, other than by an appeal to the people for additional grants, lest by so doing they disturb that balance which the patriots and statesmen who framed the Constitution designed to establish between the federal government and the states composing the Union. The observance of these rules is enjoined upon us by that feeling of reverence and affection which finds a place in the heart of every patriot for the preservation of the Union and the blessings of union — for the good of our children and our children's children, through countless generations. An opposite course could not fail to generate factions, intent upon the gratification of their selfish ends; to give birth to local and sectional jealousies, and to ultimate either in breaking asunder the bonds of union, or in building up a central system, which would inevitably end in a bloody sceptre and an iron crown.

In conclusion, I beg you to be assured that I shall exert myself to carry the foregoing principles into practice during my administration of the government, and, confiding in the protecting care of the ever-watchful and over-ruling Providence, it shall be my first and highest duty to preserve unimpaired the free institutions under which we live, and transmit them to those who shall succeed me in their full force and vigor.

A RECOMMENDATION.

APRIL 13, 1841.

To the People of the United States:

WHEN a Christian people feel themselves to be overtaken by a great public calamity, it becomes them to humble themselves under the dispensation of Divine Providence, to recognise His righteous government over the

children of men, to acknowledge His goodness in time past, as well as their own unworthiness, and to supplicate His merciful protection for the future.

The death of **WILLIAM HENRY HARRISON**, late President of the United States, so soon after his elevation to that high office, is a bereavement peculiarly calculated to be regarded as a heavy affliction, and to impress all minds with a sense of the uncertainty of human things, and of the dependence of nations, as well as of individuals, upon our Heavenly Parent.

I have thought, therefore, that I should be acting in conformity with the general expectation and feelings of the community in recommending, as I now do, to the people of the United States, of every religious denomination, that, according to their several modes and forms of worship, they observe a day of fasting and prayer, by such religious services as may be suitable on the occasion; and I recommend Friday, the fourteenth day of May next, for that purpose; to the end that, on that day, we may all, with one accord, join in humble and reverential approach to Him in whose hands we are, invoking him to inspire us with a proper spirit and temper of heart and mind under these frowns of His Providence, and still to bestow His gracious benedictions upon our government and our country.

SPECIAL SESSION MESSAGE.

JUNE 1, 1841.

To the Senate and House of Representatives of the United States :

FELLOW CITIZENS: You have been assembled in your respective halls of legislation under a proclamation bearing the signature of the illustrious citizen who was so lately called by the direct suffrages of the people to the discharge of the important functions of their chief executive office. Upon the expiration of a single month from the day of his installation he has paid the great debt of nature, leaving behind him a name associated with the recollection of numerous benefits conferred upon the country, during a long life of patriotic devotion. With this public bereavement are connected other considerations which will not escape the attention of Congress. The preparations necessary for his removal to the seat of government, in view of a residence of four years, must have devolved upon the late President heavy expenditures, which, if permitted to burthen the limited resources of his private fortune, may tend to the serious embarrassment of his surviving family; and it is therefore respectfully submitted to Congress whether the ordinary principles of justice would not dictate the propriety of its legislative interposition. By the provisions of the fundamental law, the powers and duties of the high station to which he was elected, have devolved upon me; and in the disposition of the representatives of the States and of the people, will be found to a great extent a solution of the problem to which our institutions are, for the first time, subjected.

In entering upon the duties of this office, I did not feel that it would be becoming in me to disturb what had been ordered by my lamented predecessor. Whatever, therefore, may have been my opinion originally as to the propriety of convening Congress at so early a day from that of its late adjournment, I found a new and controlling inducement not to interfere

with the patriotic desires of the late President, in the novelty of the situation in which I was so unexpectedly placed. My first wish under such circumstances, would necessarily have been to have called to my aid, in the administration of public affairs, the combined wisdom of the two Houses of Congress, in order to take their counsel and advice as to the best mode of extricating the government and the country from the embarrassments weighing heavily on both. I am then most happy in finding myself, so soon after my accession to the presidency, surrounded by the immediate representatives of the states and people.

No important changes having taken place in our foreign relations since the last session of Congress, it is not deemed necessary, on this occasion, to go into a detailed statement in regard to them. I am happy to say that I see nothing to destroy the hope of being able to preserve peace.

The ratification of the treaty with Portugal has been duly exchanged between the two governments. This government has not been inattentive to the interests of those of our citizens who have claims on the government of Spain, founded on express treaty stipulations; and a hope is indulged that the representations which have been made to that government on this subject, may lead, ere long, to beneficial results.

A correspondence has taken place between the Secretary of State and the Minister of her Britannic Majesty accredited to this government on the subject of Alexander McLeod's indictment and imprisonment, copies of which are herewith communicated to Congress.

In addition to what appears from these papers it may be proper to state, that Alexander McLeod has been heard, by the Supreme Court of the State of New York, on his motion to be discharged from imprisonment, and that the decision of that court has not as yet been pronounced.

The Secretary of State has addressed to me a paper upon two subjects, interesting to the commerce of the country, which will receive my consideration, and which I have the honor to communicate to Congress.

So far as it depends on the course of this government, our relations of good will and friendship will be sedulously cultivated with all nations. The true American policy will be found to consist in the exercise of a spirit of justice to be manifested in the discharge of all our international obligations to the weakest of the family of nations as well as to the most powerful. Occasional conflicts of opinion may arise, but when the discussions incident to them are conducted in the language of truth, and with a strict regard to justice, the scourge of war will for the most part be avoided. The time ought to be regarded as having gone by when a resort to arms is to be esteemed as the only proper arbiter of national differences.

The census recently taken shows a regularly progressive increase in our population. Upon the breaking out of the war of the revolution, our numbers scarcely equalled three millions of souls; they already exceed seventeen millions, and will continue to progress in a ratio which duplicates in a period of about twenty-three years. The old states contain a territory sufficient in itself to maintain a population of additional millions, and the most populous of the new states may even yet be regarded as but partially settled; while of the new lands on this side of the Rocky mountains, to say nothing of the immense region which stretches from the base of those mountains to the mouth of the Columbia river, about two hundred and seventy millions of acres, ceded and unceded, still remain to be brought into market. We hold out to the people of other countries an invitation to come and settle among

us as members of our rapidly growing family, and for the blessings which we offer them, we require of them to look upon our country as their country, and to unite with us in the great task of preserving our institutions and thereby perpetuating our liberties. No motive exists for foreign conquest; we desire but to reclaim our almost illimitable wilderness, and to introduce into their depth the lights of civilization. While we shall at all times be prepared to vindicate the national honor, our most earnest desire will be to maintain an unbroken peace.

In presenting the foregoing views, I cannot withhold the expression of the opinion, that there exists nothing in the extension of our empire, over our acknowledged possessions, to excite the alarm of the patriot for the safety of our institutions. The federative system, leaving to each state the care of its domestic concerns and devolving on the federal government those of general import, admits in safety of the greatest expansion; but, at the same time, I deem it proper to add, that there will be found to exist, at all times, an imperious necessity for restraining all the functionaries of this government within the range of their respective powers, thereby preserving a just balance between the powers granted to this government and those reserved to the states and to the people.

From the report of the Secretary of the Treasury you will perceive that the fiscal means, present and accruing, are insufficient to supply the wants of the government for the current year. The balance in the treasury on the fourth day of March last, not covered by outstanding drafts, and exclusive of trust funds, is estimated at eight hundred and sixty thousand dollars. This includes the sum of two hundred and fifteen thousand dollars deposited in the mint and its branches to procure metal for coining and in the process of coinage, and which could not be withdrawn without inconvenience—thus leaving subject to draft, in the various depositories, the sum of six hundred and forty-five thousand dollars. By virtue of two several acts of Congress, the Secretary of the Treasury was authorized to issue, on and after the fourth day of March last, treasury notes to the amount of five millions four hundred and thirteen thousand dollars, making an aggregate available fund on hand of six millions and fifty-eight thousand dollars.

But this fund was chargeable with outstanding treasury notes redeemable in the current year, and interest thereon to the estimated amount of five thousand two hundred and eighty dollars. There is also thrown upon the treasury the payment of a large amount of demands accrued in whole, or in part, in former years, which will exhaust the available means of the treasury, and leave the accruing revenue, reduced as it is in amount, burdened with debt, and charged with the current expenses of the government.

The aggregate amount of outstanding appropriations, on the fourth day of March last, was thirty-three millions four hundred and twenty-nine thousand six hundred and sixteen dollars and fifty cents, of which twenty-four millions two hundred and ten thousand three hundred dollars will be required during the current year; and there will also be required for the use of the war department, additional appropriations to the amount of two millions five hundred and eleven thousand one hundred and thirty-two dollars and ninety-eight cents, the special objects of which will be seen by reference to the report of the Secretary of War. The anticipated means of the treasury are greatly inadequate to this demand. The receipts from customs for the last three quarters of the last year and the first quarter of the present year, amounted to twelve millions one hundred thousand dollars. The receipts

for lands, for the same time, to two millions seven hundred and forty-two thousand four hundred and thirty dollars and sixty cents, showing an average revenue, from both sources, of one million two hundred and thirty-six thousand eight hundred and seventy dollars per month.

A gradual expansion of trade growing out of a restoration of confidence, together with a reduction in the expenses of collecting, and punctuality on the part of collecting officers, may cause an addition to the monthly receipts from the customs—they are estimated, for the residue of the year, from the 4th of March, at twelve millions of dollars. The receipts from the public lands, for the same time, are estimated at two millions five hundred thousand dollars, and from miscellaneous sources, at one hundred and seventy thousand dollars, making an aggregate of available funds within the year, of fifteen millions three and fifteen thousand dollars, which will leave a probable deficit of eleven millions four hundred and six thousand one hundred and thirty-two dollars and ninety-eight cents. To meet this, some temporary provision is necessary, until the amount can be absorbed by the excess of revenues which are anticipated to accrue at no distant day.

There will fall due, within the next three months, treasury notes of the issues of 1840, including interest, about two millions eight hundred and fifty thousand dollars. There is chargeable in the same period, for arrearages for taking the sixth census, two hundred and ninety-four thousand dollars, and the estimated expenditures for the current service are about eight millions one hundred thousand dollars, making the aggregate demand upon the treasury, prior to the 1st of September next, about eleven millions three hundred and forty thousand dollars.

The ways and means in the treasury, and estimated to accrue within the above named period, consist of about six hundred and ninety-four thousand dollars, of funds available on the 28th ultimo, an unissued balance of treasury notes, authorized by the act of 1841, amounting to one million nine hundred and fifty-five thousand dollars, and estimated receipts from all sources, of three millions eight hundred thousand dollars, making an aggregate of about six millions four hundred and fifty thousand dollars, and leaving a probable deficit on the 1st of September next, of four millions eight hundred and forty-five thousand dollars.

In order to supply the wants of the government, an intelligent constituency, in view of their best interests, will, without hesitation, submit to all necessary burdens. But, it is, nevertheless, important so to impose them as to avoid defeating the just expectations of the country growing out of pre-existing laws. The act of the 2d of March, 1833, commonly called the compromise act, should not be altered, except under urgent necessities, which are not believed at this time to exist. One year only remains to complete the series of reductions provided for by that law, at which time provisions made by the same law, and which then will be brought actively in aid of the manufacturing interests of the Union, will not fail to produce the most beneficial results. Under a system of discriminating duties, imposed for purposes of revenue, in union with the provisions of existing laws, it is to be hoped that our policy will in future be fixed and permanent, so as to avoid those constant fluctuations which defeat the very objects they have in view. We shall thus best maintain a position, which, while it will enable us the more readily to meet the advances of other countries calculated to promote our trade and commerce, will, at the same time, leave in

our own hands the means of retaliating, with greater effect, unjust regulations.

In intimate connection with the question of revenue, is that which makes provision for a suitable fiscal agent, capable of adding increased facilities in the collection and disbursement of the public revenues, rendering more secure their custody, and consulting a true economy in the great, multiplied, and delicate operations of the treasury department. Upon such an agent depends, in an eminent degree, the establishment of a currency of uniform value, which is of so great importance to all the essential interests of society, and on the wisdom to be manifested in its creation much depends. So intimately interwoven are its operations, not only with the interests of individuals, but of states, that it may be regarded as controlling both. If paper be used as the chief medium of circulation, and the power be vested in the government of issuing it at pleasure, either in the form of treasury drafts or any other; or, if banks be used as the public depositories, with liberty to regard all surpluses from day to day, as so much added to their active capital, prices are exposed to constant fluctuations, and industry to severe suffering. In the one case, political considerations directed to party purposes may control, while excessive cupidity may prevail on the other. The public is thus constantly liable to imposition. Expansions and contractions may follow each other in rapid succession—the one engendering a reckless spirit of adventure and speculation, which embraces states as well as individuals—the other causing a fall in prices, and accomplishing an entire change in the aspect of affairs. Stocks of all sorts rapidly decline, individuals are ruined, and states embarrassed—even in their efforts to meet with punctuality the interest on their debts. Such, unhappily, is the condition of things now existing in the United States. These effects may readily be traced to the causes above referred to. The public revenues being removed from the then Bank of the United States, under an order of a late President, were placed in selected state banks, which, actuated by the double motive of conciliating the government and augmenting their profits to the greatest possible extent, enlarged extravagantly their discounts, thus enabling all existing banks to do the same; large dividends were declared, which, stimulating the cupidity of capitalists, caused a rush to be made to the legislatures of the respective states for similar acts of incorporation, which, by many of the states, under a temporary infatuation, were readily granted; and thus the augmentation of the circulating medium, consisting almost exclusively of paper, produced a most fatal delusion. An illustration, derived from the land sales of the period alluded to, will serve best to show the effect of the whole system. The average sales of the public lands for a period of ten years prior to 1834, had not much exceeded two millions of dollars per annum. In 1834, they attained, in round numbers, to the amount of six millions of dollars; in the succeeding year, of 1835, they reached sixteen millions of dollars; and the next year, of 1836, they amounted to the enormous sum of twenty-five millions of dollars—thus crowding into the short space of three years upwards of seventy-three years' purchase of the public domain. So apparent had become the necessity of arresting this course of things, that the executive department assumed the highly questionable power of discriminating in the funds to be used in payment by different classes of public debtors: a discrimination which was doubtless designed to correct this most ruinous state of things, by the exaction of specie in all payments for the public lands, but which could not at once arrest

the tide which had so strongly set in. Hence the demands for specie became unceasing, and corresponding prostration rapidly ensued under the necessities created with the banks to curtail their discounts, and thereby to reduce their circulation. I recur to these things with no disposition to censure pre-existing administrations of the government, but simply in exemplification of the truth of the position which I have assumed. If, then, any fiscal agent which may be created, shall be placed, without due restrictions, either in the hands of the administrators of the government, or those of private individuals, the temptation to abuse will prove to be resistless. Objects of political aggrandizement may seduce the first, and the promptings of a boundless cupidity will assail the last. Aided by the experience of the past, it will be the pleasure of Congress so to guard and fortify the public interests, in the creation of any new agent, as to place them, so far as human wisdom can accomplish it, on a footing of perfect security. Within a few years past three different schemes have been before the country. The charter of the Bank of the United States expired by its own limitation in 1836; an effort was made to renew it which received the sanction of the two houses of Congress, but the then President of the United States exercised his *veto* power, and the measure was defeated.

A regard for the truth requires me to say, that the President was fully sustained in the course he had taken by the popular voice. His successor, to the chair of state unqualifiedly pronounced his opposition to any new charter of a similar institution; and not only the popular election which brought him into power, but the elections through much of his term seemed clearly to indicate a concurrence with him in sentiment on the part of the people. After the public moneys were withdrawn from the United States Bank, they were placed in deposit with the state banks, and the result of that policy has been before the country. To say nothing as to the question whether the experiment was made under propitious or adverse circumstances, it may safely be asserted that it did receive the unqualified condemnation of most of its early advocates, and it is believed was condemned by the popular sentiment. The existing sub-treasury system does not seem to stand in higher favor with the people, but has recently been condemned in a manner too plainly indicated to admit of a doubt. Thus, in the short period of eight years, the popular voice may be regarded as having successively condemned each of the three schemes of finance to which I have adverted. As to the first, it was introduced at a time (1816) when the state banks, then comparatively few in number, had been forced to suspend specie payment by reason of the war which had previously prevailed with Great Britain. Whether, if the United States Bank charter, which expired in 1811, had been renewed in due season, it would have been enabled to continue specie payment during the war, and the disastrous period to the commerce of the country which immediately succeeded, is, to say the least, problematical; and, whether the United States Bank of 1816 produced a restoration of specie payments, or the same was accomplished through the instrumentality of other means, was a matter of some difficulty at that time to determine, — certain it is, that for the first years of the operations of that bank, its course was as disastrous as, for the greater part of its subsequent career, it became eminently successful. As to the second, the experiment was tried with a redundant treasury, which continued to increase until it seemed to be the part of wisdom to distribute the surplus revenue among the states — which, operating at the same time with the specie circular, and the causes before

adverted to, caused them to suspend specie payments, and involve the country in the greatest embarrassment. And as to the third, if carried through all the stages of its transmutation, from paper and specie to nothing but the precious metals, to say nothing of the insecurity of the public moneys, its injurious effects have been anticipated by the country in its unqualified condemnation. What is now to be regarded as the judgment of the American people on this whole subject, I have no accurate means of determining but by appealing to their more immediate representatives. The late contest, which terminated in the election of General Harrison to the presidency, was decided on principles well known and openly declared; and while the sub-treasury received in the result the most decided condemnation, yet no other scheme of finance seemed to have been concurred in.

To you, then, who have come more directly from the body of our common constituents, I submit the entire question as best qualified to give a full exposition of their wishes and opinions. I shall be ready to concur with you in the adoption of such system as you may propose, reserving to myself the ultimate power of rejecting any measure which may, in my view of it, conflict with the Constitution, or otherwise jeopardize the power of the country — a power which I could not part with even if I would, but which I will not believe any act of yours will call into requisition.

I beg leave particularly to call your attention to the accompanying report from the Secretary of War. Besides the present state of the war which has so long afflicted the Territory of Florida, and the various other matters of interest therein referred to, you will learn from it that the Secretary has instituted an inquiry into abuses, which promises to develop gross enormities in connection with Indian treaties which have been negotiated, as well as the expenditures for the removal and subsistence of the Indians. He represents also other irregularities of a serious nature that have grown up in the practice of the Indian department, which will require the appropriation of upwards of two hundred thousand dollars to correct, and which claim the immediate attention of Congress.

In reflecting on the proper means of defending the country, we cannot shut our eyes to the consequences which the introduction and use of the power of steam upon the ocean are likely to produce in the wars between maritime states. We cannot yet see the extent to which this power may be applied in belligerent operations, connecting itself as it does with recent improvements in the science of gunnery and projectiles; but we need have no fear of being left, in regard to these things, behind the most active and skillful of other nations, if the genius and enterprise of our fellow-citizens receive proper encouragement and direction from government.

True wisdom would nevertheless seem to dictate the necessity of placing in perfect condition those fortifications which are designed for the protection of our principal cities and roadsteads. For the defence of our extensive maritime coast, our chief reliance should be placed on our navy, aided by those inventions which are destined to recommend themselves to public adoption — but no time should be lost in placing our principal cities on the seaboard and the lakes, in a state of entire security from foreign assault. Separated as we are from the countries of the Old World, and in much unaffected by their policy, we are happily relieved from the necessity of maintaining large standing armies in time of peace. The policy which was adopted by Mr. Monroe, shortly after the conclusion of the latter war with Great Britain, of preserving a regularly organized staff, sufficient for

the command of a large military force, should the necessity of one arise, is founded as well in economy as in true wisdom. Provision is thus made, upon filling up the rank and file, which can readily be done on any emergency, for the introduction of a system of discipline, both promptly and efficiently. All that is required in time of peace is to maintain a sufficient number of men to guard our fortifications, to meet any sudden contingency, and to encounter the first shock of war. Our chief reliance must be placed on the militia; they constitute the great body of national guards, and, inspired by an ardent love of country, will be ready at all times, and at all seasons, to repair with alacrity to its defence. It will be regarded by Congress, I have no doubt, at a suitable time, as one of its highest duties to attend to their complete organization and discipline.

I cannot avoid recurring, in connection with this subject, to the necessity which exists for adopting some suitable measure whereby the unlimited creation of banks by the states may be corrected in future. Such result can be the most readily achieved by the consent of the states, to be expressed in the form of a compact among themselves, which they can only enter into with the consent and approbation of this government — a consent which might, in the present emergency of the public demands, justifiably be given by Congress in advance of any action by the states, as an inducement to such action upon terms well defined by the act of tender. Such a measure, addressing itself to the calm reflection of the states, would find in the experience of the past, and the condition of the present, much to sustain it — and it is generally to be doubted whether any scheme of finance can prove for any length of time successful, while the states shall continue in the unrestrained power of creating banking corporation. This power can only be limited by their consent.

With the adoption of a financial agency of a satisfactory character, the hope may be indulged that the country may once more return to a state of prosperity — measures auxiliary thereto, and in some measure inseparably connected with its success, will doubtless claim the attention of Congress. Among such, a distribution of the proceeds of the sales of public lands, provided such distribution does not force upon Congress the necessity of imposing upon commerce heavier burdens than those contemplated by the act of 1833, would act as an efficient remedial measure, by being brought directly in aid of the states. As one sincerely devoted to the task of preserving a just balance in our system of government by the maintenance of the States in a condition the most free and respectable, and in the full possession of all their power, I can no otherwise than feel desirous for their emancipation from the situation to which the pressure on their finances now subjects them. And while I must repudiate, as a measure founded in error, and wanting constitutional sanction, the slightest approach to an assumption by this Government of the debts of the states, yet I can see in the distribution adverted to, much to recommend it.

The compacts between the proprietor-states and this government expressly guaranty to the states all the benefits which may arise from the sales. The mode by which this is to be effected addresses itself to the discretion of Congress as the trustees for the states, and its exercise, after the most beneficial manner, is restrained by nothing in the grants or in the constitution, so long as Congress shall consult that equality in the distribution which the compacts require. In the present condition of some of the states the question of distribution may be regarded as substantially a question between

direct and indirect taxation. If the distribution be not made in some form or other, the necessity will daily become more urgent with the debtor states for a resort to an oppressive system of direct taxation, or their credit, and necessarily their power and influence, will be greatly diminished. The payment of taxes, often the most inconvenient and oppressive mode, will be enacted in place of contributions for the most part voluntarily made, and therefore comparatively unoppressive. The states are emphatically the constituents of this government, and we should be entirely regardless of the objects held in view by them, in the creation of this government, if we could be indifferent to their good. The happy effects of such a measure upon all the states, would be immediately manifested. With the debtor states it would effect the relief, to a great extent, of the citizens, from a heavy burden of direct taxation which presses severely on the laboring classes, and eminently assist in restoring the general prosperity. An immediate advance would take place in the price of the state securities, and the attitude of the states would become once more, as it should ever be, lofty and erect. With states laboring under no extreme pressure from debt, the fund which they would derive from this source would enable them to improve their condition in an eminent degree. So far as this government is concerned, appropriations to domestic objects approaching in amount the revenue derived from the land sales might be abandoned, and thus a system of unequal and therefore unjust legislation would be substituted by one dispensing equality to all the members of this confederacy. Whether such distribution should be made directly to the states in the proceeds of the sales, or in the form of profits by virtue of the operations of any fiscal agency having those proceeds as its basis, should such measure be contemplated by Congress, would well deserve its consideration. Nor would such disposition of the proceeds of the sales, in any manner, prevent Congress from time to time from passing all necessary pre-emption laws for the benefit of the actual settlers — or from making any new arrangement as to the price of the public lands which might in future be esteemed desirable.

The state of the navy pension fund requires the immediate attention of Congress. By the operation of the act of the 3d of March, 1837, entitled "an act for the more equitable administration of the navy pension fund" — that fund has been exhausted. It will be seen from the accompanying report of the commissioner of pensions, that there will be required, for the payment of navy pensions, on the first of July next, eighty-four thousand and six dollars six and one third cents, and, on the first of January, 1842, the sum of sixty thousand dollars. In addition to these sums, about six thousand dollars will be required to pay the arrears of pensions, which will probably be allowed between the first of July and the first of January, 1842, making in the whole one hundred and fifty thousand and six dollars six and one third cents. To meet these payments there is, within the control of the department, the sum of twenty-eight thousand and forty dollars leaving a deficiency of one hundred and twenty-one thousand nine hundred and sixty-six dollars six and one third cents. The public faith requires that immediate provision should be made for the payment of these sums.

In order to introduce into the navy a desirable efficiency, a new system of accountability may be found to be indispensably necessary. To mature a plan having for its object the accomplishment of an end so important, and to meet the just expectations of the country, requires more time than has yet been allowed to the secretary at the head of the department. The

hope is indulged that, by the time of your next regular session, measures of importance in connection with this branch of the public service may be matured for your consideration.

Although the laws regulating the post-office department only require from the officer charged with its direction to report at the usual annual session of Congress, the postmaster general has presented to me some facts connected with the financial condition of the department, which are deemed worthy the attention of Congress. By the accompanying report of that officer, it appears the existing liabilities of that Department, beyond the means of payment at its command, cannot be less than five hundred thousand dollars. As the laws organizing that branch of the public service confine the expenditure to its own revenues, deficiencies therein cannot be presented under the usual estimate for the expenses of government. It must, therefore, be left to Congress to determine whether the moneys now due the contractors shall be paid from the public treasury, or whether that department shall continue under its present embarrassments. It will be seen by the report of the postmaster general, that the recent lettings of contracts in several of the states, have been made at such reduced rates of compensation, as to encourage the belief that if the department was relieved from existing difficulties, its future operations might be conducted without any farther call upon the general treasury.

The power of appointing to office is one of a character the most delicate and responsible. The appointing power is even more exposed to be led into error; with anxious solicitude to select the most trustworthy for official station, I cannot be supposed to possess a personal knowledge of the qualifications of every applicant. I deem it therefore proper in this most public manner, to invite, on the part of the senate, a just scrutiny into the character and pretensions of every person I may bring to their notice in the regular form of a nomination for office. Unless persons every way trustworthy are employed in the public service, corruption and irregularity will inevitably follow. I shall with the greatest cheerfulness acquiesce in the decision of that body, and regarding it as wisely constituted to aid the executive department in the performance of this delicate duty, I shall look to its "consent and advice" as given only in furtherance of the best interests of the country. I shall also, at the earliest proper occasion, invite the attention of Congress to such measures as, in my judgment, will be best calculated to regulate and control the executive power in reference to this vitally important subject.

I shall also, at the proper season, invite your attention to the statutory enactments for the suppression of the slave trade, which may require to be rendered more efficient in their provisions. There is reason to believe that the traffic is on the increase. Whether such increase is to be ascribed to the abolition of slave labor in the British possessions in our vicinity, and an attendant diminution in the supply of those articles which enter into the general consumption of the world, thereby augmenting the demand from other quarters, and thus calling for additional labor, it were needless to inquire. The highest considerations of public honor, as well as the strongest promptings of humanity, require a resort to the most vigorous efforts to suppress the trade.

In conclusion I beg to invite your particular attention to the interests of this district; nor do I doubt but that in a liberal spirit of legislation you will seek to advance its commercial as well as its local interests. Should

Congress deem it to be its duty to repeal the existing sub-treasury law, the necessity of providing a suitable place of deposite for the public moneys which may be required within the district, must be apparent to all.

I have felt it due to the country to present the foregoing topics to your consideration and reflection. Others with which it might not seem proper to trouble you at an extraordinary session, will be laid before you at a future day. I am happy in committing the important affairs of the country into your hands. The tendency of public sentiments, I am pleased to believe, is toward the adoption, in a spirit of union and harmony, of such measures as will fortify the public interests. To cherish such a tendency of public opinion is the task of an elevated patriotism. That differences of opinion as to the means of accomplishing these desirable objects should exist, is reasonably to be expected. Nor can all be made satisfied with any system of measures; but I flatter myself with the hope that the great body of the people will readily unite in support of those whose efforts spring from a disinterested desire to promote their happiness — to preserve the federal and state governments within their respective orbits — to cultivate peace with all the nations of the earth on just and honorable grounds — to exact obedience to the laws — to entrench liberty and property in full security — and, consulting the most rigid economy, to abolish all useless expenses.

BANK VETO.

AUGUST 16, 1841.

To the Senate of the United States:

THE bill entitled "An act to incorporate the subscribers to the Fiscal Bank of the United States," which originated in the Senate, has been considered by me, with a sincere desire to conform my action in regard to it, to that of the two Houses of Congress. By the Constitution it is made my duty either to approve the bill by signing it, or to return it with my objections to the House in which it originated. I cannot conscientiously give it my approval, and I proceed to discharge the duty required of me by the Constitution—to give my reasons for disapproving.

The power of Congress to create a National Bank to operate *per se* over the Union, has been a question of dispute from the origin of our government. Men most justly and deservedly esteemed for their high intellectual endowments, their virtue and their patriotism, have in regard to it entertained different and conflicting opinions. Congresses have differed. The approval of one President has been followed by the disapproval of another. The people at different times have acquiesced in decisions both for and against. The country has been and still is deeply agitated by this unsettled question. It will suffice for me to say, that my own opinion has been uniformly proclaimed to be against the exercise of any such power by this Government. On all suitable occasions, during a period of twenty-five years, the opinion thus entertained has been unreservedly expressed. I declared it in the Legislature of my native State. In the House of Representatives of the United States it has been openly vindicated by me.

In the senate chamber, in the presence and hearing of many who are at this time members of that body, it has been affirmed and re-affirmed, in speeches and reports there made, and by votes there recorded. In popular assemblies I have unhesitatingly announced it; and the last public declaration which I made, and that but a short time before the late Presidential election, I referred to my previously expressed opinions as being those then entertained by me. With a full knowledge of the opinions thus entertained, and never concealed, I was elected by the people Vice-President of the United States. By the occurrence of a contingency provided for by the Constitution, and arising under an impressive dispensation of Providence, I succeeded to the Presidential office. Before entering upon the duties of that office, I took an oath that I would "preserve, protect, and defend the Constitution of the United States."

Entertaining the opinions alluded to, and having taken this oath, the Senate and the country will see that I could not give my sanction to a measure of the character described, without surrendering all claim to the respect of honorable men—all confidence on the part of the people—all self-respect—all regard for moral and religious obligations; without an observance of which no government can be prosperous, and no people can be happy. It would be to commit a crime which I would not wilfully commit to gain any earthly reward, and which would justly subject me to the ridicule and scorn of all virtuous men.

I deem it entirely unnecessary at this time to enter upon the reasons which have brought my mind to the convictions I feel and entertain on this subject.

They have been over and over again repeated. If some of those who have preceded me in this high office have entertained and avowed different opinions, I yield all confidence that their convictions were sincere. I claim only to have the same measure meted out to myself. Without going further into the argument, I will say that, in looking to the powers of this Government to collect, safely keep, and disburse the public revenue, and incidentally to regulate the commerce and exchanges, I have not been able to satisfy myself that the establishment, by this Government, of a bank of discount, in the ordinary acceptation of that term, was a necessary means, or one demanded by propriety, to execute those powers. What can the local discounts of a bank have to do with the collecting, safe-keeping, and disbursing of the revenue?

So far as the mere discounting of paper is concerned, it is quite immaterial to this question whether the discount is obtained at a State bank or a United States Bank.

They are both equally local — both beginning and both ending in a local accommodation. What influence have local discounts, granted by any form of bank, in the regulating of the currency and the exchanges? Let the history of the late United States Bank aid us in answering this inquiry.

For several years after the establishment of that institution, it dealt almost exclusively in local discounts, and during that period the Country was, for the most part, disappointed in the consequences anticipated from its incorporation. A uniform currency was not provided, exchanges were not regulated, and little or nothing was added to the general circulation; and in 1820 its embarrassments had become so great, that the directors petitioned Congress to repeal that article of the charter which made its notes receivable every where, in payment of the public dues.

It had, up to that period, dealt to but a very small extent in exchanges, either foreign or domestic; and as late as 1813, its operations in that line amounted to a little more than seven millions of dollars per annum; a very rapid augmentation soon after occurred, and in 1833 its dealings in the exchanges amounted to upwards of one hundred millions of dollars, including the sales of its own drafts; and all these immense transactions were effected without the employment of extraordinary means. The currency of the country became sound, and the negotiations in the exchanges were carried on at the lowest possible rates.

The circulation was increased to more than twenty-two millions of dollars, and the notes of the Bank were regarded as equal to specie all over the country; thus showing, almost conclusively, that it was the capacity to deal in exchanges, and not in local discounts, which furnished these facilities and advantages. It may be remarked, too, that notwithstanding the immense transactions of the Bank in the purchase of exchange, the losses sustained were merely nominal; while in the line of discounts, the suspended debt was enormous, and proved most disastrous to the Bank and the country. Its power of local discount has, in fact, proved to be a fruitful source of favoritism and corruption, alike destructive to the public morals and to the general weal.

The capital invested in banks of discount in the United States, created by the States, at this time exceeds three hundred and fifty millions of dollars; and if the discounting of local paper could have produced any beneficial effects, the United States ought to possess the soundest currency in the world; but the reverse is lamentably the fact.

Is the measure now under consideration of the objectionable character to which I have alluded? It is clearly so, unless by the sixteenth fundamental article of the eleventh section it is made otherwise. That article is in the following words:

“The directors of the said corporation shall establish one competent office of discount and deposit in any State in which two thousand shares shall have been subscribed, or may be held, whenever, upon application of the Legislature of such State, Congress may by law require the same. And the said directors may also establish one or more competent offices of discount and deposit in any Territory or District of the United States, and in any State, with the assent of such State; and when established, the said office or offices shall be only withdrawn or removed by the said directors, prior to the expiration of this charter, with the previous assent of Congress. Provided, in respect to any State which shall not, at the first session of the Legislature thereof, held after the passage of this act, by resolution, or other usual legislative proceeding, unconditionally assent or dissent to the establishment of such office or offices within it, such assent of the said State shall be thereafter presumed; and provided, nevertheless, that whenever it shall become necessary and proper, for carrying into execution any of the powers granted by the Constitution, to establish an office or offices in any of the States whatever, and the establishment thereof shall be directed by law, it shall be the duty of the said directors to establish such office or offices accordingly.”

It will be seen that by this clause the directors are invested with the full power to establish a branch in any State which has yielded its assent, and having once established such branch, it shall not afterward be withdrawn, except by order of Congress. Such assent is to be implied, and to have the force and sanction of an actually expressed assent “provided, in respect to any State which shall not, at the first session of the Legislature thereof held after the passage of this act, by resolution or other usual legislative proceeding, unconditionally assent or dissent to the establishment of such office or offices within it, such assent of said State shall be presumed.” The assent or dissent is to be expressed unconditionally at the first session of the Legislature by some formal legislative act; and if not so expressed, its assent is to be implied, and the directors are thereupon invested with power, at such time thereafter as they may please, to establish branches, which cannot afterwards be withdrawn except by resolve of Congress — no matter what may be the cause which may operate with the Legislature, which either prevents it from speaking, or addresses itself to its wisdom to induce delay, its assent is to be implied. This iron rule is to give way to no circumstances — it is unbinding and inflexible. It is the language of the master to the vassal, an unconditional answer is claimed forthwith, and delay, postponement, or incapacity to answer, produces an implied assent, which is ever after irrevocable.

Many of the State elections have already taken place, without any knowledge on the part of the people that such a question was to come up. The representatives may desire a submission of the question to their constituents preparatory to final action upon it, but this high privilege is denied: whatever may be the motives and views entertained by the representatives of the people to induce delay, their assent is to be presumed, and is ever afterwards binding, unless their assent shall be unconditionally expressed at their first session after the passage of this bill into a law.

They may by formal resolution declare the question of assent or dissent to be undecided and postponed, and yet, in opposition to their express declaration to the contrary, their assent is to be implied. Cases innumerable might be cited to manifest the irrationality of such an inference. Let one or two in addition suffice—the popular branch of the Legislature may express its dissent by a unanimous vote, and its resolution may be defeated by a tie vote of the Senate; and yet the assent is to be implied. Both branches of the Legislature may concur in a resolution of decided dissent, and yet the Governor may exert the veto power conferred on him by the State Constitution, and their legislative action be defeated: and yet the assent of the legislative authority is implied, and the directors of this contemplated institution are authorized to establish a branch or branches in such State whenever they may find it conducive to the interest of the stockholders to do so; and having once established it, they can, under no circumstances, withdraw it, except by act of Congress.

The State may afterwards protest against such unjust inference—but its authority is gone. Its assent is implied by its failure or inability to act at its first session, and its voice can never afterward be heard. To inferences so violent, and as they seem to me, irrational, I cannot yield my consent. No court of justice would or could sanction them, without reversing all that is established in judicial proceeding, by introducing presumptions at variance with the fact, and inferences at the expense of reason. A State in a condition of duress would be presumed to speak, as an individual manacled and imprisoned might be presumed to be in the enjoyment of freedom. Far better to say to the States boldly and frankly—Congress wills, and submission is demanded.

It may be said that the directors may not establish branches under such circumstances; but this is a question of power, and this bill invests them with full authority to do so. If the Legislature of New York, or Pennsylvania, or any other State, should be found to be in such condition as I have supposed, could there be any security furnished against such a step on the part of the directors? Nay, is it not fairly to be presumed that this proviso was introduced for the sole purpose of meeting the contingency referred to? Why else should it have been introduced?

And I submit to the Senate, whether it can be believed, that any State would be likely to sit quietly down under such a state of things? In a great measure of public interest their patriotism may be successfully appealed to, but to infer their assent from circumstances at war with such inference, I cannot but regard as calculated to excite a feeling of fatal enmity with the peace and harmony of the country. I must therefore regard this clause as asserting the power to be in Congress to establish offices of discount in a State, not only without its assent, but against its dissent; and so regarding it I cannot sanction it.

On general principles, the right in Congress to prescribe terms to any State, implies a superiority of power and control, deprives the transaction of all pretence to compact between them, and terminates, as we have seen, in the total abrogation of freedom of action on the part of the States. But farther; the State may express, after the most solemn form of legislation, its dissent, which may from time to time thereafter be repeated, in full view of its own interest, which can never be separated from the wise and beneficent operation of this government; and yet Congress may, by virtue of the last proviso, overrule its law, and upon grounds which to such State will appear to rest on a constructive necessity and propriety, and nothing more.

I regard the bill as asserting for Congress the right to incorporate a United States Bank, with power and right to establish offices of discount and deposit in the several States of this Union, with or without their consent, a principle to which I have always heretofore been opposed, and which can never obtain my sanction. And waiving all other considerations growing out of its other provisions, I return it to the House in which it originated, with these my objections to its approval.

BANK VETO.

SEPTEMBER 9, 1841.

To the House of Representatives of the United States:

It is with extreme regret that I feel myself constrained by the duty faithfully to execute the office of President of the United States, and to the best of my ability "to preserve, protect and defend the Constitution of the United States," to return to that House in which it originated the Bill "to provide for the better collection, safe-keeping, and disbursement of the public revenue by means of a corporation to be styled the Fiscal Corporation of the United States" with my written objections.

In my Message sent to the Senate on the 16th day of August last, returning the Bill "to incorporate the subscribers to the Fiscal Bank of the United States," I distinctly declared that "my own opinion has been uniformly proclaimed to be against the exercise of the power of Congress to create a National Bank to operate *per se* over the Union," and entertaining that opinion, my main objection to that Bill was based upon the highest moral and religious obligations of conscience and the Constitution.

I readily admit, that, whilst the qualified *Veto* with which the Chief Magistrate is invested should be regarded, and was intended by the wise men who made it a part of the Constitution, as a great conservative principle of our system, without the exercise of which, on important occasions, a mere representative majority might urge the government, in its legislation, beyond the limits fixed by its framers, or might exert its just powers too hastily or oppressively, yet it is a power which ought to be most cautiously exerted, and perhaps never, except in a case eminently involving the public interest, or one in which the oath of the President, acting under his convictions both mental and moral, imperiously requires its exercise. In such a case he has no alternative. He must either exert the negative power entrusted to him by the Constitution chiefly for its own preservation, protection and defence, or commit an act of gross moral turpitude. Mere regard to the will of a majority, must not, in a constitutional republic like ours, control this sacred and solemn duty of a sworn officer.

The Constitution itself I regard and cherish as the embodied and written will of the whole people of the United States. It is their fixed and fundamental law, which they unanimously prescribe to the public functionaries, their mere trustees and servants. 'Tis their will, and the law which they have given us as the rule of our action, has no guard, no guarantee of preservation, protection, and defence, but the oaths which it prescribes to public officers, the sanctity with which they shall religiously observe those oaths, and the patriotism with which the people shall shield it by their own

sovereignty, which has made the Constitution supreme. It must be exerted against the will of a mere representative majority or not at all. It is alone in pursuance of that will that any measure can ever reach the President; and to say that because a majority in Congress have passed a bill the President should therefore sanction it, is to abrogate the power altogether, and to render its insertion in the Constitution a work of absolute supererogation. The duty is to guard the fundamental will of the people themselves from — in this case I admit unintentional — change or infraction by a majority in Congress; and in that light alone do I regard the constitutional duty which I now most reluctantly discharge.

Is this bill, now presented for my approval or disapproval, such a bill as I have already declared could not receive my sanction? Is it such a bill as calls for the exercise of the negative power under the Constitution? Does it violate the Constitution by creating a National Bank, to operate *per se* over the Union? Its title, in the first place, describes its general character. It is "An act to provide for the better collection, safe-keeping and disbursement of the *public* revenue by means of a *Corporation*, to be styled the *Fiscal Corporation of the United States*." In style, then, it is plainly national in its character. Its powers, functions, and duties, are those that pertain to the *collecting, keeping, and disbursing*, the public revenue. The means by which these are to be exerted, is a *Corporation*, to be styled the *Fiscal Corporation of the United States*. It is a corporation created by the Congress of the United States, in its character of a national legislature for the whole Union, to perform the *fiscal* purposes, meet the *fiscal* wants and exigencies, supply the *fiscal* uses, and exert the *fiscal* agencies of the treasury of the United States.

Such is its own description of itself. Do its provisions contradict its own title? They do not. It is true, that by its first section it provides that it shall be established in the District of Columbia, but the amount of its capital — the manner in which its stock is to be subscribed for and held — the persons and bodies corporate and politic by whom its stock may be held — the appointment of its directors, and their powers and duties — its fundamental articles, especially that to establish agencies in any part of the Union — the corporate powers and business of such agencies — the prohibition of Congress to establish any other corporation, with similar powers, for twenty years, with express reservation, in the same clause, to modify or create any bank in the District of Columbia, so that the aggregate capital shall not exceed five millions — without enumerating other features which are equally distinctive and characteristic — clearly show that it cannot be regarded as other than a Bank of the United States, with powers seemingly more limited than have heretofore been granted to such an institution.

It operates *per se* over the Union, by virtue of the unaided, and, in my view, assumed authority of Congress as a national legislature, as distinguished from a Bank created by Congress for the District of Columbia, as the local legislature of the District. Every United States Bank heretofore created, has had power to deal in bills of exchange as well as local discounts. Both were trading privileges conferred, and both exercised by virtue of the aforesaid power of Congress over the whole Union. The question of power remains unchanged without reference to the extent of privilege granted. If this proposed corporation is to be regarded as a local Bank of the District of Columbia, invested by Congress with general

powers to operate over the Union, it is obnoxious to still stronger objections. It assumes that Congress may invest a local institution with general or national powers. With the same propriety that it may do in regard to a bank of the District of Columbia, it may as to a State bank. Yet, who can indulge the idea that this Government can rightfully, by making a State bank its fiscal agent, invest it with the absolute and unqualified powers conferred by this bill? When I come to look to the details of the bill, they do not recommend it strongly to my adoption. A brief notice of some of its provisions will suffice:

First. It may justify substantially a system of discounts of the most objectionable character. It is to deal in bills of exchange drawn in one state and payable in another, without any restraint. — The bill of exchange may have an unlimited term to run, and its renewality is nowhere guarded against. It may in fact assume the most objectionable form of accommodation. It is not required to rest on any actual, real or substantial exchange basis. A drawer in one place becomes the acceptor in another, and so in turn the acceptor may become the drawer upon a mutual understanding. It may at the same time indulge in mere local discounts under the name of bills of exchange. A bill drawn at Philadelphia on Camden, New Jersey — at New York on a border town in New Jersey — at Cincinnati on Newport, Kentucky, not to multiply other examples, might, for anything in this bill to restrain it, become a mere matter of local accommodation. Cities thus relatively situated would possess advantages over cities otherwise situated of so decided a character as most justly to excite dissatisfaction.

Second. There is no limit prescribed to the premium in the purchase of bills of exchange, thereby correcting none of the evils under which the community now labors, and operating most injuriously upon the agricultural States, in which the inequalities in the rates of exchange are more severely felt. Nor are these the only consequences. A resumption of specie payments by the banks of those States, would be liable to indefinite postponement — for as the operations of the agencies of the interior would chiefly consist in selling bills of exchange, and the purchases could only be made in specie or the notes of banks paying specie, the State banks would either have to continue with their doors closed, or exist at the mercy of this national monopoly of brokerage. Nor can it be passed over without remark, that, while the District of Columbia is made the seat of the principal bank, its citizens are excluded from all participation in any benefit it might afford, by a positive prohibition on the Bank from all discounting within the District.

These are some of the objections which prominently exist against the details of the bill. Others might be urged of much force — but it would be unprofitable to dwell upon them. Suffice it to add, that this charter is designed to continue for twenty years without a competitor — that the defects to which I have alluded, being founded in the fundamental law of the corporation, are irrevocable — and that if the objections be well founded it would be over-hazardous to pass the bill into a law.

In conclusion I take leave most respectfully to say, that I have felt the most anxious solicitude to meet the wishes of Congress in the adoption of a Fiscal Agent, which, avoiding all constitutional objections, should harmonize conflicting opinions. Actuated by this feeling, I have been ready to yield much, in a spirit of conciliation, to the opinions of others. And it is with great pain that I now feel compelled to differ from Congress a second time

in the same session. At the commencement of this session, inclined from choice to defer to the legislative will, I submitted to Congress the propriety of adopting a Fiscal Agent which, without violating the Constitution, would separate the public money from the Executive control, perform the operations of the Treasury without being burdensome to the people, or inconvenient or expensive to the Government.

It is deeply to be regretted, that this department of the Government cannot, upon constitutional grounds, concur with the legislative department in this last measure proposed to attain these desirable objects. Owing to the brief space between the period of the death of my lamented predecessor and my own installation into office, I was in fact not left time to prepare and submit a definite recommendation of my own, in my regular message; and, since, my mind has been wholly occupied in a most anxious attempt to conform my actions to the legislative will. In this communication, I am confined by the Constitution to my objections, simply, to this bill, but the period of the regular session will soon arrive, when it will be my duty under another clause of the Constitution "to give to the Congress information of the state of the Union, and recommend to their consideration such measures as I shall judge necessary and expedient."

And I most respectfully submit, in a spirit of harmony, whether the present differences of opinion should be pressed further at this time, and whether the peculiarity of my situation does not entitle me to a postponement of this subject to a more auspicious period for deliberation. The two Houses of Congress have distinguished themselves at this extraordinary session, by the performance of an immense mass of labor, at a season very unfavorable both to health and action; and have passed many laws, which I trust will prove highly beneficial to the interests of the country, and fully answer its just expectations. It has been my good fortune and pleasure to concur with them in all measures except this. And why should our difference on this alone be pushed to extremities? It is my anxious desire that it should not be.

I too have been burthened with extraordinary labors of late, and I sincerely desire time for deep and deliberate reflection, on this the greatest difficulty of my administration. May we not now pause, until a more favorable time, when, with the most anxious hope that the Executive and Congress may cordially unite, some measures of finance may be deliberately adopted, promotive of the good of our common country?

I will take this occasion to declare that the conclusions to which I have brought myself are those of a settled conviction, founded in my opinion on a just view of the Constitution. That in arriving at it I have been actuated by no other motive or desire, than to uphold the institutions of the country, as they have come down to us from the hands of our God-like ancestors — and that I shall esteem my efforts to sustain them, even though I perish, more honorable than to win the applause of men by a sacrifice of my duty and my conscience.

FIRST ANNUAL MESSAGE.

DECEMBER 7, 1841.

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

IN coming together, fellow-citizens, to enter again upon the discharge of the duties with which the people have charged us, severally, we find great occasion to rejoice in the general prosperity of the country. We are in the enjoyment of all the blessings of civil and religious liberty, with unexampled means of education, knowledge, and improvement. Through the year which is now drawing to a close, peace has been in our borders, and plenty in our habitations; and although disease has visited some few portions of the land with distress and mortality, yet in general the health of the people has been preserved, and we are all called upon, by the highest obligations of duty, to renew our thanks and our devotion to our Heavenly Parent, who has continued to vouchsafe to us the eminent blessings which surround us, and who has so signally crowned the year with His goodness. If we find ourselves increasing, beyond example, in numbers, in strength, in wealth, in knowledge, in everything which promotes human and social happiness, let us ever remember our dependance, for all these, on the protection and merciful dispensations of Divine Providence.

Since your last adjournment, Alexander McLeod, a British subject, who was indicted for the murder of an American citizen, and whose case has been the subject of a correspondence heretofore communicated to you, has been acquitted by the verdict of an impartial and intelligent jury, and has, under the judgment of the court, been regularly discharged.

Great Britain having made known to this government that the expedition which was fitted out from Canada for the destruction of the steamboat *Caroline*, in the winter of 1837, and which resulted in the destruction of said boat, and in the death of an American citizen, was undertaken by orders emanating from the authorities of the British Government, in Canada, and demanding the discharge of McLeod upon the ground that, if engaged in that expedition, he did but fulfil the orders of his Government, has thus been answered in the only way in which she could be answered by a Government, the powers of which are distributed among its several departments by the fundamental law. Happily for the people of Great Britain, as well as those of the United States, the only mode by which an individual, arraigned for a criminal offence, before the courts of either, can obtain his discharge, is by the independent action of the judiciary, and by proceedings equally familiar to the courts of both countries.

If in Great Britain a power exists in the crown to cause to be entered a *nolle prosequi*, which is not the case with the Executive power of the United States upon a prosecution pending in a State court; yet there, no more than here, can the chief Executive power rescue a prisoner from custody without an order of the proper tribunal directing his discharge. The precise stage of the proceedings at which such order may be made, is a matter of municipal regulation exclusively, and not to be complained of by any other Government. In cases of this kind, a Government becomes politically responsible only when its tribunals of last resort are shown to have rendered unjust and injurious judgments in matters not doubtful. To the establishment and elucidation of this principle, no nation has lent its authority more

efficiently than Great Britain. Alexander McLeod having his option either to prosecute a writ of error from the decision of the Supreme Court of New York, which had been rendered upon his application for a discharge, to the Supreme Court of the United States, or to submit his case to the decision of a jury, preferred the latter, deeming it the readiest mode of obtaining his liberation; and the result has fully sustained the wisdom of his choice. The manner in which the issue submitted was tried, will satisfy the English Government that the principles of justice will never fail to govern the enlightened decision of an American tribunal. I cannot fail, however, to suggest to Congress the propriety, and, in some degree, the necessity of making such provisions by law, so far as they may constitutionally do so, for the removal at their commencement, and at the option of the party, of all such cases as may hereafter arise, and which may involve the faithful observance and execution of our international obligations, from the State to the Federal judiciary. This Government, by our institutions, is charged with the maintenance of peace and the preservation of amicable relations with the nations of the earth, and ought to possess, without question, all the reasonable and proper means of maintaining the one and preserving the other. Whilst just confidence is felt in the judiciary of the States, yet this Government ought to be competent in itself for the fulfilment of the high duties which have been devolved upon it under the organic law, by the States themselves.

In the month of September a party of armed men from Upper Canada invaded the territory of the United States, and forcibly seized upon the person of one Grogan, and, under circumstances of great harshness, hurriedly carried him beyond the limits of the United States, and delivered him up to the authorities of Upper Canada. His immediate discharge was ordered by those authorities, upon the facts of the case being brought to their knowledge—a course of procedure which was to have been expected from a nation with whom we are at peace, and which was not more due to the rights of the United States than to its own regard for justice. The correspondence which passed between the department of state, and the British envoy, Mr. Fox, and with the governor of Vermont, as soon as the facts had been made known to this department, are herewith communicated.

I regret that it is not in my power to make known to you an equally satisfactory conclusion in the case of the Caroline steamer, with the circumstances connected with the destruction of which, in December, 1837, by an armed force fitted out in the province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong done to the United States by this invasion of her territory, so wholly irreconcilable with her rights as an independent power, has yet been made. In the view taken by this Government, the inquiry whether the vessel was in the employment of those who were prosecuting an unauthorized war against that Province, or was engaged by the owner in the business of transporting passengers to and from Navy Island in hopes of private gain, which was most probably the case, in no degree alters the real question at issue between the two Governments. This Government can never concede to any foreign Government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign Government, or have disregarded their obligations arising under the law of nations. The territory of the United States must be re-

garded as sacredly secure against all such invasions, until they shall voluntarily acknowledge their inability to acquit themselves of their duties to others. And in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and Government of Great Britain.

If, upon a full investigation of all the facts, it shall appear that the owner of the *Caroline* was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy Island, then, so far as he is concerned, there can be no claim to indemnity for the destruction of his boat, which this Government would feel itself bound to prosecute — since he would have acted not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States; but that is a question which, however settled, in no manner involves the higher consideration of the violation of territorial sovereignty and jurisdiction. To recognise it as an admissible practice that each Government, in its turn, upon any sudden and unauthorized outbreak, which, on a frontier, the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak, therefore, neither may be able to suppress in a day, may take vengeance into its own hands, and without even a re-monstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive the sanction, or to be made on the authority of either Government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations, and to fulfil all the duties of good neighborhood towards those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign power to invade their boundary with an armed force. The correspondence between the two Governments on this subject will, at a future day of your session, be submitted to your consideration; and in the mean time I cannot but indulge the hope that the British Government will see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser.

I herewith submit the correspondence which has recently taken place between the American Minister at the Court of St. James, Mr. Stevenson, and the Minister of Foreign Affairs of that Government, on the right claimed by that Government to visit and detain vessels sailing under the American flag and engaged in prosecuting lawful commerce in the African seas. Our commercial interests in that region have experienced considerable increase and have become an object of much importance, and it is the duty of this Government to protect them against all improper and vexatious interruption. However desirous the United States may be for the suppression of the slave trade, they cannot consent to interpolations into the maritime code, at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one, or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code — and when we are given to understand, as in this instance, by a foreign Government, that its treaties with other nations cannot be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ a language neither of equivocal import, or susceptible of misconstruction. American citizens prosecuting a lawful commerce in the African

seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully, on account of any such alleged abuses, be interrupted, molested or detained, while on the ocean; and if thus molested or detained, while pursuing honest voyages, in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity. This Government has manifested its repugnance to the slave trade, in a manner which cannot be misunderstood. By its fundamental law, it prescribed limits in point of time to its continuance; and against its own citizens, who might so far forget the rights of humanity as to engage in that wicked traffic, it has long since, by its municipal laws, denounced the most condign punishment. Many of the states composing this Union, had made appeals to the civilized world for its suppression long before the moral sense of other nations had become shocked by the iniquities of the traffic. Whether this Government should now enter into treaties containing mutual stipulations upon this subject, is a question for its mature deliberation. Certain it is, that if the right to detain American ships on the high seas can be justified on the plea of a necessity for such detention, arising out of the existence of treaties between other nations, the same plea may be extended and enlarged by the new stipulations of new treaties, to which the United States may not be a party. This Government will not cease to urge upon that of Great Britain full and ample remuneration for all losses, whether arising from detention or otherwise, to which American citizens have heretofore been, or may hereafter, be subjected, by the exercise of rights which this Government cannot recognise as legitimate and proper. Nor will I indulge a doubt but that the sense of justice of Great Britain will constrain her to make retribution for any wrong or loss which any American citizen, engaged in the prosecution of lawful commerce, may have experienced at the hand of her cruisers, or other public authorities. This Government, at the same time, will relax no effort to prevent its citizens, if there be any so disposed, from prosecuting a traffic so revolting to the feelings of humanity. It seeks to do no more than to protect the fair and honest trader from molestation and injury; but while the enterprising mariner, engaged in the pursuit of an honorable trade, is entitled to its protection, it will visit with condign punishment others of an opposite character.

I invite your attention to existing laws for the suppression of the African slave-trade, and recommend all such alterations as may give to them greater force and efficacy. That the American flag is grossly abused by the abandoned and profligate of other nations, is but too probable. Congress has, not long since, had this subject under its consideration, and its importance well justifies renewed and anxious attention.

I also communicate herewith the copy of a correspondence between Mr. Stevenson and Lord Palmerston, upon the subject, so interesting to several of the southern States, of the rice duties, which resulted honorably to the justice of Great Britain, and advantageously to the United States.

At the opening of the last annual session, the President informed Congress of the progress which had then been made in negotiating a convention between this Government and that of England, with a view to the final settlement of the question of the boundary between the territorial limits of the two countries. I regret to say that little further advancement of the object has been accomplished since last year; but this is owing to circumstances no way indicative of any abatement of the desire of both parties to

hasten the negotiation to its conclusion, and to settle the question in dispute **as early as possible**. In the course of the session, it is my hope to be able to announce some farther degree of progress towards the accomplishment of this highly desirable end.

The commission appointed by this government for the exploration and survey of the line of boundary separating the States of Maine and New Hampshire from the conterminous British provinces is, it is believed, about to close its field of labors, and is expected soon to report the results of its examinations to the department of state. The report, when received, will be laid before Congress.

The failure on the part of Spain to pay, with punctuality, the interest due under the Convention of 1834, for the settlement of claims between the two countries, has made it the duty of the Executive to call the particular attention of that Government to the subject. A disposition has been manifested by it, which is believed to be entirely sincere, to fulfil its obligations in this respect so soon as its internal condition and the state of its finances will permit. An arrangement is in progress from the result of which, it is trusted that those of our citizens who have claims under the Convention, will at no distant day receive the stipulated payments.

A treaty of commerce and navigation with Belgium was concluded and signed at Washington on the 29th March, 1840, and was duly sanctioned by the Senate of the United States. The treaty was ratified by His Belgian Majesty, but did not receive the approbation of the Belgian Chambers within the time limited by its terms, and has therefore become void.

This occurrence assumes the graver aspect from the consideration that, in 1833, a treaty negotiated between the two Governments, and ratified on the part of the United States, failed to be ratified on the part of Belgium. The Representative of that Government at Washington informs the department of state, that he has been instructed to give explanations of the causes which occasioned delay in the approval of the late treaty by the Legislature, and to express the regret of the King at the occurrence.

The joint commission under the Convention with Texas, to ascertain the true boundary between the two countries has concluded its labors, but the final report of the commissioners of the United States has not been received. It is understood, however, that the meridian line, as traced by the commission, lies somewhat farther east than the position hitherto assigned to it, and consequently includes in Texas some part of the territory which had been considered as belonging to the States of Louisiana and Arkansas.

The United States cannot but take a deep interest in whatever relates to this young, but growing Republic. Settled principally by emigrants from the United States, we have the happiness to know that the great principles of civil liberty are there destined to flourish, under wise institutions and wholesome laws; and that, through its example, another evidence is to be afforded of the capacity of popular institutions to advance the prosperity, happiness and permanent glory of the human race. The great truth, that government was made for the people, and not the people for government, has already been established in the practice and by the example of these United States, and we can do no other than contemplate its farther exemplification by a sister Republic, with the deepest interest.

Our relations with the independent States of this hemisphere, formerly under the dominion of Spain, have not undergone any material change within the past year. The incessant sanguinary conflicts in or between

those countries, are to be greatly deplored, as necessarily tending to disable them from performing their duties as members of the community of nations, and rising to the destiny which the position and natural resources of many of them might lead them justly to anticipate, as constantly giving occasion, also, directly or indirectly, for complaints on the part of our citizens who resort thither for purposes of commercial intercourse, and as retarding reparation for wrongs already committed, some of which are by no means of recent date.

The failure of the Congress of Ecuador to hold a session at the time appointed for that purpose, in January last, will probably render abortive a treaty of commerce with that Republic, which was signed at Quito on the 13th of June, 1839, and had been duly ratified on our part, but which required the approbation of that body, prior to its ratification by the Ecuadorian Executive.

A Convention which has been concluded with the Republic of Peru, providing for the settlement of certain claims of citizens of the United States, upon the Government of that Republic, will be duly submitted to the Senate.

The claims of our citizens against the Brazilian Government, originating from captures, and other causes, are still unsatisfied. The United States have, however, so uniformly shown a disposition to cultivate relations of amity with that Empire, that it is hoped, the unequivocal tokens of the same spirit towards us, which an adjustment of the affairs referred to would afford, will be given without farther avoidable delay.

The war with the Indian tribes on the peninsula of Florida has, during the last summer and fall, been prosecuted with untiring activity and zeal. A summer campaign was resolved upon, as the best mode of bringing it to a close. Our brave officers and men who have been engaged in that service have suffered toils and privations, and exhibited an energy which, in any other war, would have won for them unfading laurels. In despite of the sickness incident to the climate, they have penetrated the fastnesses of the Indians, broken up their encampments, and harassed them unceasingly. Numbers have been captured, and still greater numbers have surrendered, and have been transported to join their brethren on the lands elsewhere allotted to them by the Government, and a strong hope is entertained that, under the conduct of the gallant officer at the head of the troops in Florida, that troublesome and expensive war is destined to a speedy termination. With all the other Indian tribes we are enjoying the blessings of peace. Our duty, as well as our best interests, prompt us to observe, in all our intercourse with them, fidelity in fulfilling our engagements, the practice of strict justice, as well as the constant exercise of acts of benevolence and kindness. These are the great instruments of civilization, and through the use of them alone, can the great untutored child of the forest be induced to listen to its teachings.

The Secretary of State, on whom the acts of Congress have devolved the duty of directing the proceedings for the taking of the sixth census, or enumeration of the inhabitants of the United States, will report to the two Houses the progress of that work. The enumeration of persons has been completed, and exhibits a grand total of seventeen millions, sixty-nine thousand, four hundred and fifty-three, making an increase over the census of 1830, of four millions, two hundred and two thousand, six hundred and forty-six inhabitants, and showing a gain in a ratio exceeding thirty-two and a half per cent. for the last ten years.

From the report of the Secretary of the Treasury, you will be informed of the condition of the finances. The balance in the Treasury on the first of January last, as stated in the report of the Secretary of the Treasury, submitted to Congress at the extra session, was nine hundred and eighty-seven thousand three hundred and forty-five dollars and three cents. The receipts into the Treasury, during the first three quarters of this year, from all sources, amount to twenty-three millions four hundred and sixty-seven thousand and fifty-two dollars and fifty-two cents. The estimated receipts for the fourth quarter amount to six millions nine hundred and forty-three thousand and ninety-five dollars and twenty-five cents, amounting to thirty millions four hundred and ten thousand one hundred and sixty-seven dollars and seventy-seven cents; and making, with the balance in the Treasury, on the first of January last, thirty-one millions three hundred and ninety-seven thousand five hundred and twelve dollars and eighty cents. The expenditures for the first three quarters of this year amount to twenty four millions seven hundred and thirty-four thousand three hundred and forty-six dollars and ninety-seven cents. The expenditures for the fourth quarter, as estimated, will amount to seven millions two hundred and ninety thousand seven hundred and twenty-three dollars and seventy-three cents: — thus making a total of thirty-two millions twenty-five thousand and seventy dollars and seventy cents, and leaving a deficit to be provided for, on the first of January next, of about six hundred and twenty-seven thousand, five hundred and fifty-seven dollars, and ninety cents.

Of the loan of twelve millions of dollars, which was authorized by Congress at its late session, only five millions four hundred and thirty-two thousand seven hundred and twenty-six dollars and eighty-eight cents have been negotiated. The shortness of time which it had to run has presented no inconsiderable impediment in the way of its being taken by capitalists at home, while the same cause would have operated with much greater force in the foreign market. For that reason the foreign market has not been resorted to; and it is now submitted, whether it would not be advisable to amend the law by making what remains undisposed of payable at some more distant day.

Should it be necessary, in any view that Congress may take of the subject, to revise the existing tariff of duties, I beg leave to say, that, in the performance of that most delicate operation, moderate counsels would seem to be the wisest. The Government under which it is our happiness to live, owes its existence to the spirit of compromise which prevailed among its framers — jarring and discordant opinions could only have been reconciled by that noble spirit of patriotism which prompted conciliation, and resulted in harmony. In the same spirit the compromise bill, as it is commonly called, was adopted at the session of 1833. While the people of no portion of the Union will ever hesitate to pay all necessary taxes for the support of the Government, yet an innate repugnance exists to the imposition of burthens not really necessary for that object. In imposing duties, however, for the purposes of revenue, a right to discriminate as to the articles on which the duty shall be laid, as well as the amount, necessarily and most properly exists. Otherwise the Government would be placed in the condition of having to levy the same duties upon all articles, the productive, as well as the unproductive. The slightest duty upon some, might have the effect of causing their importation to cease, whereas others, entering extensively into the con-

sumption of the country, might bear the heaviest, without any sensible diminution in the amount imported. So also the Government may be justified in so discriminating, by reference to other considerations of domestic policy connected with our manufactures. So long as the duties shall be laid with distinct reference to the wants of the Treasury, no well founded objection can exist against them. It might be esteemed desirable that no such augmentation of the taxes should take place as would have the effect of annulling the land proceeds distribution act of the last session, which act is declared to be inoperative the moment the duties are increased beyond 20 per cent., the maximum rate established by the compromise act.

Some of the provisions of the compromise act, which will go into effect on the 30th day of June next, may, however, be found exceedingly inconvenient in practice, under any regulations that Congress may adopt. I refer more particularly to that relating to the home valuation. A difference in value of the same articles, to some extent, will necessarily exist at different ports — but that is altogether insignificant, when compared with the conflicts in valuation which are likely to arise from the differences of opinion among the numerous appraisers of merchandise. In many instances the estimates of value must be conjectural, and thus as many different rates of value may be established as there are appraisers. These differences in valuation may also be increased by the inclination which, without the slightest imputation on their honesty, may arise on the part of the appraisers in favor of their respective ports of entry. I recommend this whole subject to the consideration of Congress, with a single additional remark. Certainty and permanency in any system of governmental policy are, in all respects, eminently desirable; but more particularly is this true in all that affects trade and commerce, the operations of which depend much more on the certainty of their returns, and calculations which embrace distant periods of time, than on high bounties, or duties, which are liable to constant fluctuations.

At your late session I invited your attention to the condition of the currency and exchanges, and urged the necessity of adopting such measures as were consistent with the constitutional competency of the Government, in order to correct the unsoundness of the one, and as far as practicable the inequalities of the other. No country can be in the enjoyment of its full measure of prosperity, without the presence of a medium of exchange approximating to uniformity of value. What is necessary as between the different nations of the earth, is also important as between the inhabitants of different parts of the same country; with the first, the precious metals constitute the chief medium of circulation, and such also would be the case as to the last, but for inventions comparatively modern, which have furnished, in place of gold and silver, a paper circulation.

I do not propose to enter into a comparative analysis of the merits of the two systems. Such belonged more properly to the period of the introduction of the paper system. The speculative philosopher might find inducements to prosecute the inquiry, but his researches could only lead him to conclude that the paper system had probably better never have been introduced, and that society might have been much happier without it. The practical statesman has a very different task to perform. He has to look at things as they are — to take them as he finds them — to supply deficiencies and to prune excesses as far as in him lies. The task of furnishing a corrective for derangements of the paper medium with us, is almost inexpressibly great.

The power exerted by the States to charter banking corporations, and which, having been carried to a great excess, has filled the country with, in most of the States, an irredeemable paper medium, is an evil which, in some way or other, requires a corrective. The rates at which bills of exchange are negotiated between different parts of the country, furnish an index of the value of the local substitute for gold and silver, which is in many parts so far depreciated, as not to be received, except at a large discount, in payment of debts or in the purchase of produce. It could earnestly be desired that every bank not possessing the means of resumption should follow the example of the late United States Bank of Pennsylvania, and go into liquidation, rather than, by refusing to do so, continue embarrassments in the way of solvent institutions, thereby augmenting the difficulties incident to the present condition of things.

Whether this Government, with due regard to the rights of the States, has any power to constrain the banks either to resume specie payments, or to force them into liquidation, is an inquiry which will not fail to claim your consideration. In view of the great advantages which are allowed the corporators, not among the least of which is the authority contained in most of their charters, to make loans to three times the amount of their capitals, thereby often deriving three times as much interest on the same amount of money as any individual is permitted by law to receive, no sufficient apology can be urged for a long continued suspension of specie payments. Such suspension is productive of the greatest detriment to the public, by expelling from circulation the precious metals, and seriously hazarding the success of any effort that this Government can make, to increase commercial facilities, and to advance the public interests.

This is the more to be regretted, and the indispensable necessity for a sound currency becomes the more manifest, when we reflect on the vast amount of the internal commerce of the country. Of this we have no statistics, nor just data for forming adequate opinions. But there can be no doubt but that the amount of transportation coastwise by sea, and the transportation inland by railroads and canals, and by steamboats and other modes of conveyance, over the surface of our vast rivers and immense lakes, and the value of property carried and interchanged by these means, form a general aggregate, to which the foreign commerce of the country, large as it is, makes but a distant approach.

In the absence of any controlling power over this subject, which by forcing a general resumption of specie payments would at once have the effect of restoring a sound medium of exchange, and would leave to the country but little to desire, what measure of relief, falling within the limits of our constitutional competency, does it become this Government to adopt? It was my painful duty at your last session, under the weight of most solemn obligations, to differ with Congress on the measures which it proposed for my approval, and which it doubtless regarded as corrective of existing evils. Subsequent reflection, and events since occurring, have only served to confirm me in the opinions then entertained, and frankly expressed.

I must be permitted to add, that no scheme of governmental policy, unaided by individual exertions, can be available for ameliorating the present condition of things. Commercial modes of exchange and a good currency are but the necessary means of commerce and intercourse, not the direct productive sources of wealth. Wealth can only be accumulated by the earnings of industry and the savings of frugality; and nothing can be more

ill-judged than to look to facilities in borrowing, or to a redundant circulation, for the power of discharging pecuniary obligations. The country is full of resources and the people full of energy, and the great and permanent remedy for present embarrassments must be sought in industry, economy, the observance of good faith, and the favorable influence of time.

In pursuance of a pledge given to you in my last message to Congress, which pledge I urge as an apology for adventuring to present you the details of any plan, the Secretary of the Treasury will be ready to submit to you, should you require it, a plan of finance which, while it throws around the public treasure reasonable guards for its protection, and rests on powers acknowledged in practice to exist from the origin of the Government, will at the same time furnish to the country a sound paper medium, and afford all reasonable facilities for regulating the exchanges. When submitted, you will perceive in it a plan amendatory of the existing laws in relation to the treasury department — subordinate in all respects to the will of Congress directly, and the will of the people indirectly — self-sustaining, should it be found in practice to realize its promises in theory, and repealable at the pleasure of Congress.

It proposes, by effectual restraints, and by invoking the true spirit of our institutions, to separate the purse from the sword; or, more properly to speak, denies any control to the President over the agents who may be selected to carry it into execution, but what may be indispensably necessary to secure the fidelity of such agents; and, by wise regulations, keeps plainly apart from each other private and public funds. It contemplates the establishment of a board of control, at the seat of government, with agencies at prominent commercial points, or wherever else Congress shall direct, for the safe-keeping and disbursement of the public moneys, and a substitution, at the option of the public creditor, of treasury notes in lieu of gold and silver. It proposes to limit the issues to an amount not to exceed fifteen millions of dollars — without the express sanction of the legislative power. It also authorizes the receipt of individual deposits of gold and silver to a limited amount, and the granting certificates of deposit, divided into such sums as may be called for by the depositors. It proceeds a step farther, and authorizes the purchase and sale of domestic bills and drafts, resting on a real and substantial basis, payable at sight or having but a short time to run, and drawn on places not less than one hundred miles apart — which authority, except in so far as may be necessary for Government purposes exclusively, is only to be exerted upon the express condition that its exercise shall not be prohibited by the State in which the agency is situated.

In order to cover the expenses incident to the plan, it will be authorized to receive moderate premiums for certificates issued on deposits, and on bills bought and sold, and thus, as far as its dealings extend, to furnish facilities to commercial intercourse at the lowest possible rates, and to subduct from the earnings of industry, the least possible sum. It uses the State banks at a distance from the agencies, as auxiliaries, without imparting any power to trade in its name. It is subjected to such guards and restraints as have appeared to be necessary. It is the creature of law, and exists only at the pleasure of the legislature. It is made to rest on an actual specie basis, in order to redeem the notes at the places of issue — produces no dangerous redundancy of circulation — affords no temptation to speculation — is attended by no inflation of prices — is equable in its operation — makes the treasury

notes, which it may use along with the certificates of deposit, and the notes of specie-paying banks — convertible at the place where collected, receivable in payment of Government dues — and without violating any principle of the Constitution, affords the Government and the people such facilities as are called for by the wants of both. Such, it has appeared to me, are its recommendations, and in view of them it will be submitted, whenever you may require it, to your consideration.

I am not able to perceive that any fair and candid objection can be urged against the plan, the principal outlines of which I have thus presented. I cannot doubt but that the notes which it proposes to furnish, at the voluntary option of the public creditor, issued in lieu of the revenue and its certificates of deposit, will be maintained at an equality with gold and silver everywhere. They are redeemable in gold and silver on demand, at the places of issue. They are receivable everywhere in payment of Government dues. The treasury notes are limited to an amount of one-fourth less than the estimated annual receipts of the treasury; and in addition, they rest upon the faith of the Government for their redemption. If all these assurances are not sufficient to make them available, then the idea, as it seems to me, of furnishing a sound paper medium of exchanges, may be entirely abandoned.

If fear be indulged that the Government may be tempted to run into excess in its issues at any future day, it seems to me that no such apprehension can reasonably be entertained, until all confidence in the representatives of the States and of the people, as well as of the people themselves, shall be lost. The weightiest considerations of policy require that the restraints now proposed to be thrown around the measure should not for light causes be removed. To argue against any proposed plan its liability to possible abuses, is to reject every expedient, since everything dependent on human action is liable to abuse. Fifteen millions of treasury notes may be issued as the *maximum*, but a discretionary power is to be given to the board of control, under that sum, and every consideration will unite in leading them to feel their way with caution. For the first eight years of the existence of the late Bank of the United States, its circulation barely exceeded four millions of dollars; and, for five of its most prosperous years, it was about equal to sixteen millions of dollars; furthermore, the authority given to receive private deposits to a limited amount, and to issue certificates in such sums as may be called for by the depositors, may so far fill up the channels of circulation as greatly to diminish the necessity of any considerable issue of treasury notes.

A restraint upon the amount of private deposits has seemed to be indispensably necessary, from an apprehension thought to be well founded, that in any emergency of trade, confidence might be so far shaken in the banks as to induce a withdrawal from them of private deposits, with a view to ensure their unquestionable safety when deposited with the Government, which might prove eminently disastrous to the State banks. Is it objected that it is proposed to authorize the agencies to deal in bills of exchange? It is answered that such dealings are to be carried on at the lowest possible premium — are made to rest on an unquestionably sound basis — are designed to reimburse merely the expenses which would otherwise devolve upon the treasury, and are in strict subordination to the decision of the Supreme Court, in the case of the Bank of Augusta against Earle, and other reported cases; and thereby avoid all conflict with State jurisdiction, which I hold

to be indispensably requisite. It leaves the banking privileges of the States without interference — looks to the treasury and the Union; and while furnishing every facility to the first, is careful of the interests of the last.

But above all, it is created by law, is amendable by law, and is repealable by law; and, wedded as I am to no theory, but looking solely to the advancement of the public good, I shall be among the very first to urge its repeal if it be found not to subserve the purposes and objects for which it may be created. Nor will the plan be submitted in any overweening confidence in the sufficiency of my own judgment, but with merely greater reliance on the wisdom and patriotism of Congress. I cannot abandon this subject without urging upon you, in the most emphatic manner, whatever may be your action on the suggestions which I have felt it to be my duty to submit, to relieve the Chief Executive Magistrate, by any and all constitutional means, from a controlling power over the public treasury. If, in the plan proposed, should you deem it worthy of your consideration, that separation is not as complete as you may desire, you will doubtless amend it in that particular. For myself, I disclaim all desire to have any control over the public moneys, other than what is indispensably necessary to execute the laws which you may pass.

Nor can I fail to advert, in this connection, to the debts which many of the States of the Union have contracted abroad, and under which they continue to labor. That indebtedness amounts to a sum not less than two hundred millions of dollars, and which has been retributed to them, for the most part, in works of internal improvement, which are destined to prove of vast importance in ultimately advancing their prosperity and wealth. For the debts thus contracted the States are alone responsible. I can do no more than express the belief that each State will feel itself bound by every consideration of honor, as well as of interest, to meet its engagements with punctuality. The failure, however, of any one State to do so, should in no degree affect the credit of the rest; and the foreign capitalist will have no just cause to experience alarm as to all other state stocks, because any one or more of the States may neglect to provide with punctuality the means of redeeming their engagements. Even such States, should there be any, considering the great rapidity with which their resources are developing themselves, will not fail to have the means, at no very distant day, to redeem their obligations to the uttermost farthing; nor will I doubt but that in view of that honorable conduct which has ever governed the States, and the people of this Union, they will each and all resort to every legitimate expedient, before they will forego a faithful compliance with their obligations.

From the report of the Secretary of War, and other reports accompanying it, you will be informed of the progress which has been made in the fortifications designed for the protection of our principal cities, roadsteads, and inland frontier, during the present year; together with their true state and condition. They will be prosecuted to completion with all the expedition which the means placed by Congress at the disposal of the Executive will allow.

I recommend particularly to your consideration that portion of the Secretary's report which proposes the establishment of a chain of military posts from Council Bluffs to some point on the Pacific Ocean, within our limits. The benefit thereby destined to accrue to our citizens engaged in the fur

trade over that wilderness region, added to the importance of cultivating friendly relations with savage tribes inhabiting it, and at the same time of giving protection to our frontier settlements, and of establishing the means of safe intercourse between the American settlements at the mouth of the Columbia river, and those on this side of the Rocky Mountains, would seem to suggest the importance of carrying into effect the recommendations upon this head with as little delay as may be practicable.

The report of the Secretary of the Navy will place you in possession of the present condition of that important arm of the national defence. Every effort will be made to add to its efficiency, and I cannot too strongly urge upon you liberal appropriations to that branch of the public service. Inducements of the weightiest character exist for the adoption of this course of policy. Our extended and otherwise exposed maritime frontier, calls for protection, to the furnishing of which an efficient naval force is indispensable. We look to no foreign conquests, nor do we propose to enter into competition with any other nation for supremacy on the ocean; but it is due not only to the honor, but to the security of the people of the United States, that no nation should be permitted to invade our waters at pleasure, and subject our towns and villages to conflagration or pillage. Economy in all branches of the public service, is due from all the public agents to the people—but parsimony alone would suggest the withholding of the necessary means, for the protection of our domestic firesides from invasion, and our national honor from disgrace. I would most earnestly recommend to Congress to abstain from all appropriations for objects not absolutely necessary; but I take upon myself, without a moment of hesitancy, all the responsibility of recommending the increase and prompt equipment of that gallant navy which has lighted up every sea with its victories, and spread an imperishable glory over the country.

The report of the Postmaster-General will claim your particular attention, not only because of the valuable suggestions which it contains, but because of the great importance which at all times attaches to that interesting branch of the public service. The increased expense of transporting the mail along the principal routes, necessarily claims the public attention, and has awakened a corresponding solicitude on the part of the Government. The transmission of the mail must keep pace with those facilities of intercommunication which are every day becoming greater through the building of railroads, and the application of steam power; but it cannot be disguised that, in order to do so, the Post-Office department is subjected to heavy exactions. The lines of communication between distant parts of the Union, are to a great extent occupied by railroads, which in the nature of things possess a complete monopoly, and the Department is therefore liable to heavy and unreasonable charges. This evil is destined to great increase in future, and some timely measure may become necessary to guard against it.

I feel it my duty to bring under your consideration a practice which has grown up in the administration of the Government, and which, I am deeply convinced, ought to be corrected. I allude to the exercise of the power, which usage, rather than reason, has vested in the Presidents, of removing incumbents from office, in order to substitute others more in favor with the dominant party. My own conduct, in this respect, has been governed by a conscientious purpose to exercise the removing power, only in cases of unfaithfulness or inability, or in those in which its exercise appeared necessary, in order to discountenance and suppress that spirit of active partisanship on

the part of holders of office, which not only withdraws them from the steady and impartial discharge of their official duties, but exerts an undue and injurious influence over elections, and degrades the character of the Government itself, inasmuch as it exhibits the Chief Magistrate as being a party, through his agents, in the secret plots or open workings of political parties.

In respect to the exercise of this power, nothing should be left to discretion which may safely be regulated by law; and it is of high importance to restrain, as far as possible, the stimulus of personal interests in public elections. Considering the great increase which has been made in public offices, in the last quarter of a century, and the probability of farther increase, we incur the hazard of witnessing violent political contests, directed too often to the single object of retaining office, by those who are in, or obtaining it, by those who are out. Under the influence of these convictions, I shall cordially concur in any constitutional measures for regulating, and by regulating, restraining the power of removal.

I suggest for your consideration, the propriety of making, without further delay, some specific application of the funds derived under the will of Mr. Smithson of England, for the diffusion of knowledge; and which have heretofore been vested in public stocks, until such time as Congress should think proper to give them a specific direction. Nor will you, I feel confident, permit any abatement of the principal of the legacy to be made, should it turn out that the stocks, in which the investments have been made, have undergone a depreciation.

In conclusion, I commend to your care the interests of this District, for which you are the exclusive legislators. Considering that this city is the residence of the Government, and for a large part of the year, of Congress, and considering, also, the great cost of the public buildings, and the propriety of affording them at all times, careful protection, it seems not unreasonable that Congress should contribute toward the expense of an efficient police.

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I am not able to perceive that any fair and candid objection can be urged against the plan, the principal outlines of which I have thus presented. I cannot doubt but that the notes which it proposes to furnish, at the voluntary option of the public creditor, issued in lieu of the revenue and its certificates of deposit, will be maintained at an equality with gold and silver everywhere. They are redeemable in gold and silver on demand, at the places of issue. They are receivable everywhere in payment of Government dues. The treasury notes are limited to an amount of one-fourth less than the estimated annual receipts of the treasury; and in addition, they rest upon the faith of the Government for their redemption. If all these assurances are not sufficient to make them available, then the idea, as it seems to me, of furnishing a sound paper medium of exchanges, may be entirely abandoned.

If fear be indulged that the Government may be tempted to run into excess in its issues at any future day, it seems to me that no such apprehension can reasonably be entertained, until all confidence in the representatives of the States and of the people, as well as of the people themselves, shall be lost. The weightiest considerations of policy require that the restraints now proposed to be thrown around the measure should not for light causes be removed. To argue against any proposed plan its liability to possible abuses, is to reject every expedient, since everything dependent on human action is liable to abuse. Fifteen millions of treasury notes may be issued as the *maximum*, but a discretionary power is to be given to the board of control, under that sum, and every consideration will unite in leading them to feel their way with caution. For the first eight years of the existence of the late Bank of the United States, its circulation barely exceeded four millions of dollars; and, for five of its most prosperous years, it was about equal to sixteen millions of dollars; furthermore, the authority given to receive private deposits to a limited amount, and to issue certificates in such sums as may be called for by the depositors, may so far fill up the channels of circulation as greatly to diminish the necessity of any considerable issue of treasury notes.

A restraint upon the amount of private deposits has seemed to be indispensably necessary, from an apprehension thought to be well founded, that in any emergency of trade, confidence might be so far shaken in the banks as to induce a withdrawal from them of private deposits, with a view to ensure their unquestionable safety when deposited with the Government, which might prove eminently disastrous to the State banks. Is it objected that it is proposed to authorize the agencies to deal in bills of exchange? It is answered that such dealings are to be carried on at the lowest possible premium—are made to rest on an unquestionably sound basis—are designed to reimburse merely the expenses which would otherwise devolve upon the treasury, and are in strict subordination to the decision of the Supreme Court, in the case of the Bank of Augusta against Earle, and other reported cases; and thereby avoid all conflict with State jurisdiction, which I hold

to be indispensably requisite. It leaves the banking privileges of the States without interference—looks to the treasury and the Union; and, while furnishing every facility to the first, is careful of the interests of the last.

But above all, it is created by law, is amendable by law, and is repealable by law; and, wedded as I am to no theory, but looking solely to the advancement of the public good, I shall be among the very first to urge its repeal if it be found not to subserve the purposes and objects for which it may be created. Nor will the plan be submitted in any overweening confidence in the sufficiency of my own judgment, but with merely greater reliance on the wisdom and patriotism of Congress. I cannot abandon this subject without urging upon you, in the most emphatic manner, whatever may be your action on the suggestions which I have felt it to be my duty to submit, to relieve the Chief Executive Magistrate, by any and all constitutional means, from a controlling power over the public treasury. If, in the plan proposed, should you deem it worthy of your consideration, that separation is not as complete as you may desire, you will doubtless amend it in that particular. For myself, I disclaim all desire to have any control over the public moneys, other than what is indispensably necessary to execute the laws which you may pass.

Nor can I fail to advert, in this connection, to the debts which many of the States of the Union have contracted abroad, and under which they continue to labor. That indebtedness amounts to a sum not less than two hundred millions of dollars, and which has been retributed to them, for the most part, in works of internal improvement, which are destined to prove of vast importance in ultimately advancing their prosperity and wealth. For the debts thus contracted the States are alone responsible. I can do no more than express the belief that each State will feel itself bound by every consideration of honor, as well as of interest, to meet its engagements with punctuality. The failure, however, of any one State to do so, should in no degree affect the credit of the rest; and the foreign capitalist will have no just cause to experience alarm as to all other state stocks, because any one or more of the States may neglect to provide with punctuality the means of redeeming their engagements. Even such States, should there be any, considering the great rapidity with which their resources are developing themselves, will not fail to have the means, at no very distant day, to redeem their obligations to the uttermost farthing; nor will I doubt but that in view of that honorable conduct which has ever governed the States, and the people of this Union, they will each and all resort to every legitimate expedient, before they will forego a faithful compliance with their obligations.

From the report of the Secretary of War, and other reports accompanying it, you will be informed of the progress which has been made in the fortifications designed for the protection of our principal cities, roadsteads, and inland frontier, during the present year; together with their true state and condition. They will be prosecuted to completion with all the expedition which the means placed by Congress at the disposal of the Executive will allow.

I recommend particularly to your consideration that portion of the Secretary's report which proposes the establishment of a chain of military posts from Council Bluffs to some point on the Pacific Ocean, within our limits. The benefit thereby destined to accrue to our citizens engaged in the fur

trade over that wilderness region, added to the importance of cultivating friendly relations with savage tribes inhabiting it, and at the same time of giving protection to our frontier settlements, and of establishing the means of safe intercourse between the American settlements at the mouth of the Columbia river, and those on this side of the Rocky Mountains, would seem to suggest the importance of carrying into effect the recommendations upon this head with as little delay as may be practicable.

The report of the Secretary of the Navy will place you in possession of the present condition of that important arm of the national defence. Every effort will be made to add to its efficiency, and I cannot too strongly urge upon you liberal appropriations to that branch of the public service. Inducements of the weightiest character exist for the adoption of this course of policy. Our extended and otherwise exposed maritime frontier, calls for protection, to the furnishing of which an efficient naval force is indispensable. We look to no foreign conquests, nor do we propose to enter into competition with any other nation for supremacy on the ocean; but it is due not only to the honor, but to the security of the people of the United States, that no nation should be permitted to invade our waters at pleasure, and subject our towns and villages to conflagration or pillage. Economy in all branches of the public service, is due from all the public agents to the people—but parsimony alone would suggest the withholding of the necessary means, for the protection of our domestic firesides from invasion, and our national honor from disgrace. I would most earnestly recommend to Congress to abstain from all appropriations for objects not absolutely necessary; but I take upon myself, without a moment of hesitancy, all the responsibility of recommending the increase and prompt equipment of that gallant navy which has lighted up every sea with its victories, and spread an imperishable glory over the country.

The report of the Postmaster-General will claim your particular attention, not only because of the valuable suggestions which it contains, but because of the great importance which at all times attaches to that interesting branch of the public service. The increased expense of transporting the mail along the principal routes, necessarily claims the public attention, and has awakened a corresponding solicitude on the part of the Government. The transmission of the mail must keep pace with those facilities of intercommunication which are every day becoming greater through the building of railroads, and the application of steam power; but it cannot be disguised that, in order to do so, the Post-Office department is subjected to heavy exactions. The lines of communication between distant parts of the Union, are to a great extent occupied by railroads, which in the nature of things possess a complete monopoly, and the Department is therefore liable to heavy and unreasonable charges. This evil is destined to great increase in future, and some timely measure may become necessary to guard against it.

I feel it my duty to bring under your consideration a practice which has grown up in the administration of the Government, and which, I am deeply convinced, ought to be corrected. I allude to the exercise of the power, which usage, rather than reason, has vested in the Presidents, of removing incumbents from office, in order to substitute others more in favor with the dominant party. My own conduct, in this respect, has been governed by a conscientious purpose to exercise the removing power, only in cases of unfaithfulness or inability, or in those in which its exercise appeared necessary, in order to discountenance and suppress that spirit of active partisanship on

the part of holders of office, which not only withdraws them from the steady and impartial discharge of their official duties, but exerts an undue and injurious influence over elections, and degrades the character of the Government itself, inasmuch as it exhibits the Chief Magistrate as being a party, through his agents, in the secret plots or open workings of political parties.

In respect to the exercise of this power, nothing should be left to discretion which may safely be regulated by law; and it is of high importance to restrain, as far as possible, the stimulus of personal interests in public elections. Considering the great increase which has been made in public offices, in the last quarter of a century, and the probability of farther increase, we incur the hazard of witnessing violent political contests, directed too often to the single object of retaining office, by those who are in, or obtaining it, by those who are out. Under the influence of these convictions, I shall cordially concur in any constitutional measures for regulating, and by regulating, restraining the power of removal.

I suggest for your consideration, the propriety of making, without further delay, some specific application of the funds derived under the will of Mr. Smithson of England, for the diffusion of knowledge; and which have heretofore been vested in public stocks, until such time as Congress should think proper to give them a specific direction. Nor will you, I feel confident, permit any abatement of the principal of the legacy to be made, should it turn out that the stocks, in which the investments have been made, have undergone a depreciation.

In conclusion, I commend to your care the interests of this District, for which you are the exclusive legislators. Considering that this city is the residence of the Government, and for a large part of the year, of Congress, and considering, also, the great cost of the public buildings, and the propriety of affording them at all times, careful protection, it seems not unreasonable that Congress should contribute toward the expense of an efficient police.

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