

**A Compilation of the Messages and Papers
of the Presidents. Volume 2, part 3: Andrew
Jackson, 1st term**

James D. Richardson



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Title: A Compilation of the Messages and Papers of the Presidents. Volume 2, part 3: Andrew Jackson, 1st term

Editor: James D. Richardson

Release date: January 1, 2004 [eBook #10858]
Most recently updated: October 28, 2024

Language: English

Other information and formats: www.gutenberg.org/ebooks/10858

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COMPILATION OF THE MESSAGES AND PAPERS OF THE
PRESIDENTS. VOLUME 2, PART 3: ANDREW JACKSON, 1ST TERM

Messages and Papers of the Presidents: Andrew Jackson

March 4, 1829, to March 4, 1833
Edited by James D. Richardson

ANDREW JACKSON

Andrew Jackson was born in the Waxhaw Settlement, North or South Carolina, on the 15th of March, 1767. He was a son of Andrew Jackson, an Irishman, who emigrated to America in 1765 and died in 1767. The name of his mother was Elizabeth Hutchinson. There is little definite information about the schools that he attended. According to Parton, "He learned to read, to write, and cast accounts—little more." Having taken arms against the British in 1781, he was captured, and afterwards wounded by an officer because he refused to clean the officer's boots. About 1785 he began to study law at Salisbury, N.C. In 1788 removed to Nashville, Tenn., where he began to practice law. About 1791 he married Rachel Robards, originally Rachel Donelson, whose first husband was living and had taken preliminary measures to obtain a divorce, which was legally completed in 1793. The marriage ceremony was again performed in 1794. He was a member of the convention which framed the constitution of Tennessee in 1796, and in the autumn of that year was elected Representative to Congress by the people of Tennessee, which State was then entitled to only one member. Supported Thomas Jefferson in the Presidential election of 1796. In 1797 became a Senator of the United States for the State of Tennessee. Resigned his seat in the Senate in 1798; was a judge of the supreme court of Tennessee from 1798 till 1804. After war had been declared against Great Britain, General Jackson (who several years before had been appointed major-general of militia) offered his services and those of 2,500 volunteers in June, 1812. He was ordered to New Orleans, and led a body of 2,070 men in that direction; but at Natchez he received an order, dated February 6, 1813, by which his troops were dismissed from public service. In October, 1813, he took the field against the Creek Indians, whom he defeated at Talladega in November. By his services in this Creek war, which ended in 1814, he acquired great popularity, and in May, 1814, was appointed a major-general in the Regular Army; was soon afterwards ordered to the Gulf of Mexico, to oppose an expected invasion of the British. In November he seized Pensacola, which belonged to Spain, but was used by the British as a base of operations. About the 1st of December he moved his army to New

Orleans, where he was successful in two engagements with the British, and afterwards gained his famous victory on January 8, 1815. This was the last battle of the war, a treaty of peace having been signed on December 24, 1814. In 1817-18 he waged a successful war against the Seminoles in Florida, seized Pensacola, and executed Arbuthnot and Ambrister, two British subjects, accused of inciting the savages to hostile acts against the Americans. He was appointed governor of Florida in 1821. In 1823 was elected a Senator of the United States, and nominated as candidate for the Presidency by the legislature of Tennessee. His competitors were John Quincy Adams, Henry Clay, and William H. Crawford. Jackson received 99 electoral votes, Adams 84, Crawford 41, and Clay 37. As no candidate had a majority, the election devolved on the House of Representatives, and it resulted in the choice of Mr. Adams. In 1828 Jackson was elected President, receiving 178 electoral votes, while Adams received 83; was reelected in 1832, defeating Henry Clay. Retired to private life March 4, 1837. He died at the Hermitage on the 8th of June, 1845, and was buried there.

LETTER FROM THE PRESIDENT ELECT.

CITY OF WASHINGTON, *March 2, 1829.*

J.C. CALHOUN,

Vice-President of the United States.

Sir: Through you I beg leave to inform the Senate that on Wednesday, the 4th instant, at 12 o'clock, I shall be ready to take the oath prescribed

I am, very respectfully, sir, your obedient servant,

ANDREW JACKSON.

FIRST INAUGURAL ADDRESS.

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 on me for a stated period to execute the laws of the United States, to superintend their foreign and their 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 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 dockyards, 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 for enlarging on their importance. But the bulwark of our defense 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 of 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 aegis. 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 is 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 insure in their respective stations able and faithful cooperation, 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 coordinate 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.

MARCH 4, 1829.

SPECIAL MESSAGES.

March 6, 1829.
the Senate of the United States.

GENTLEMEN: The Executive nominations made during the past session of Congress, and which remain unacted on by the Senate, I hereby withdraw from their consideration.

ANDREW JACKSON.

March 6, 1829.
Gentlemen of the Senate:

The treaty of commerce and navigation concluded at Washington on the 1st of May, 1828, between the United States and the King of Prussia, was laid before the Senate, who, by their resolution of the 14th of that month, advised and consented to its ratification by the President.

By the sixteenth article of that treaty it was agreed that the exchange of ratifications should be made within nine months from its date.

On the 15th day of February last, being fifteen days after the time stipulated for the exchange by the terms of the treaty, the chargé d'affaires of the King of Prussia informed the Secretary of State that he had received the Prussian ratification and was ready to exchange it for that of the United States. In reply he was informed of the intention of the President, my late predecessor, not to proceed to the exchange in consequence of the expiration of the time within which it was to be made.

Under these circumstances I have thought it my duty, in order to avoid all future questions, to ask the advice and consent of the Senate to make the proposed exchange.

I send you the original of the treaty, together with a printed copy of it.

ANDREW JACKSON.

March 11, 1829. To the Senate of the United States.

GENTLEMEN: Brevet rank for ten years' faithful service has produced much confusion in the Army. For this reason the discretion vested in the President of the United States on this subject would not be exercised by any submission of those cases to the Senate but that it has been heretofore the practice to do so. They are accordingly submitted, with other nominations, to fill the offices respectively annexed to their names in the inclosed lists, [1] for the consideration of the Senate.

ANDREW JACKSON.

[Footnote 1: Omitted.]

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels belonging wholly to citizens of the United States, or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise, as aforesaid, therein laden, shall be continued, and no longer; and

Whereas satisfactory evidence has been received by me from His Imperial Majesty the Emperor of Austria, through the Baron de Lederer, his consul-general in the United States, that vessels wholly belonging to citizens of the United States are not, nor shall be, on their entering any Austrian port, from and after the 1st day of January last, subject to the payment of higher duties of tonnage than are levied on Austrian ships:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships arriving in the United States as imposed a discriminating duty between the vessels of the Empire of Austria

and vessels of the United States are suspended and discontinued, the said suspension to take effect from the day above mentioned and to continue henceforward so long as the reciprocal exemption of the vessels of the United States shall be continued in the ports of the imperial dominions of Austria.

(SEAL.)

Given under my hand, at the city of Washington, this 11th day of May, A.D. 1829, and the fifty-second^[2] of the Independence of the United States.

ANDREW JACKSON.

By the President:
M. Van Buren,
Secretary of State.

[Footnote 2: Should be "third" instead of "second."]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in

the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Imperial Majesty the Emperor of Austria, through an official communication of the Baron de Lederer, his consul-general in the United States, under date of the 29th of May, 1829, that no other or higher duties of tonnage and impost are imposed or levied since the 1st day of January last in the ports of Austria upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Austrian ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of Austria and the produce, manufactures, and merchandise imported into the United States in the same from the dominions of Austria and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the dominions of Austria in the same, as aforesaid, shall be continued on the part of the Government of His Imperial Majesty the Emperor of Austria.

Given under my hand, at the city of Washington, this 3d day of June, A.D. 1829, and the fifty-third of the Independence of the United States.

ANDREW JACKSON.

By the President:
M. VAN BUREN,
Secretary of State.

EXECUTIVE ORDER.

In all applications by any invalid to obtain a pension in consequence of any disability incurred, no payment therefor shall commence until proof shall be filed in the Department and the decision of the Secretary had thereon; and no pension will be allowed to anyone while acting as an officer of the Army except in cases which have been heretofore adjudged.

Approved, 8th April, 1829.

ANDREW JACKSON.

FIRST ANNUAL MESSAGE.

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 12,000,000 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 everything 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. Everything 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 further 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 can not 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 can not 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, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to insure 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 can not 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 can not 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 in 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 interest of his country might require, and instructions to that end were prepared; but before they could be dispatched 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 can not 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 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 24 votes, and it may often occur that one of these will 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 it 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 candidates; 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 can not 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 the 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 confining 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 the 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 unpracticed man would revolt. Office is considered as a species of property, and government rather as a means of promoting individual interests 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 can not 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 burthen 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 can not 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 the 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 January 1, 1829, was \$5,972,435.81. The receipts of the current year are estimated at \$24,602,230 and the expenditures for the same time at \$26,164,595, leaving a balance in the Treasury on the 1st of January next of \$4,410,070.81.

There will have been paid on account of the public debt during the present year the sum of \$12,405,005.80, reducing the whole debt of the Government on the 1st of January next to \$48,565,406.50, including seven millions of 5 per cent stock subscribed to the Bank of the United States. The payment on account of public debt made on the 1st of July last was \$8,715,462.87. 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.

This 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 burthens, 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 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 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 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. 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 points 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 constructions. 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 can not, 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 were 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 can not 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 behoves 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 subjected 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 offenses 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 Seventeenth 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 intrusted 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 prosecutions 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 defense 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, must ardently desire 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 further 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, can not 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 \$2,500, 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 our safest means of national defense, 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 154, of which, on the 27th March, the date of its revocation, 87 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 \$50,000, 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 can not obviate the embarrassments occasioned by the diminution of the dividends on that fund, which originally amounted to \$100,000, and has recently been invested in United States 3 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 originally defined in her colonial charter and subsequently recognized 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 awhile 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 can not be retraced. A State can not 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 a regard for our national honor, submit to you the interesting question whether something can not 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 skillful 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 shipbuilding, 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 certainty of communication between them, it will be useless to incur at those 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 bureaus 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 can not 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 artillery or infantry, 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 everything 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 transportation 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 others 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 these 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 insure 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 can not, 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 Legislature 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 can not close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the recapture 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 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 recognized 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.

ANDREW JACKSON.

SPECIAL MESSAGES.

December 14, 1829.

The Vice-President of the United States and President of the Senate:

In pursuance of the resolution of the Senate of the 2d March, 1829, requesting the President of the United States to communicate to it "copies of the journal of the commissioners under the first article of the treaty of Ghent for the months of October and November, 1817, or so much thereof as in his opinion may be safely communicated, not including the agreement or evidence offered by the agents," I have the honor herewith to transmit a report from the Secretary of State, accompanying the document referred to in said resolution.

ANDREW JACKSON.

WASHINGTON, *December 14, 1829.*

The Vice-President of the United States and President of the Senate:

I transmit to the Senate, for their advice and consent as to the ratification of it, a treaty of commerce and navigation between the United States of America and His Majesty the Emperor of Austria, concluded and signed in this city on the 2d of August in the present year.

ANDREW JACKSON

December 15, 1829.

The Speaker of the House of Representatives:

A deputation from the Passamaquoddy Indians resident within the limits of Maine have arrived in this city and presented a memorial soliciting the aid of the Government in providing them the means of support. Recollecting that this tribe when strong and numerous fought with us for the liberty

which we now enjoy, I could not refuse to present to the consideration of Congress their supplication for a small portion of the bark and timber of the country which once belonged to them.

It is represented that from individuals who own the lands adjoining the present small possession of this tribe purchases can be made sufficiently extensive to secure the objects of the memorial in this respect, as will appear from the papers herewith transmitted. Should Congress deem it proper to make them, it will be necessary to provide for their being held in trust for the use of the tribe during its existence as such.

ANDREW JACKSON.

December 16, 1829.

The Speaker of the House of Representatives:

I have the honor to transmit herewith to the House of Representatives a report of the Secretary of War, accompanying copies of surveys^[3] made in pursuance of the acts of Congress passed the 30th of April, 1824, and the 2d of March, 1829, and to request that the House cause them to be laid before the Senate, as there are no duplicates prepared.

ANDREW JACKSON.

[Footnote 3: Of Deep Creek, Virginia; Pasquotank River, North Carolina; entrance of the river Teche, Louisiana; passes at mouth of the Mississippi, Louisiana; water tract between Lake Pontchartrain and Mobile Bay; Des Moines and Rock River rapids in the Mississippi; with a view to the location of a railroad from Charleston to Hamburg, S.C.]

December 22, 1829.

To the Senate of the United States:

I herewith transmit two treaties—one concluded with the Winnebago tribe of Indians at Prairie du Chien on the 1st of August, 1829, and the other with the Chippewa, Ottawa, and Pottawattamie tribes at the same place on the

29th of July, 1829—which, with the documents explanatory thereof, are submitted to the Senate for consideration whether they will advise and consent to their ratification.

ANDREW JACKSON.

December 29, 1829.

To the Senate of the United States:

I transmit herewith a treaty concluded with the Delaware tribe of Indians on the 3d of August, 1829, which, with the documents explanatory thereof, is submitted to the consideration of the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

December 30, 1829.

The Speaker of the House of Representatives:

I transmit herewith to the House the report and estimate of the survey made in pursuance of the act of the 30th April, 1824, in order to ascertain the practicability of connecting the waters of the Altamaha and Tennessee rivers by a canal and railroad, and request, as there is no duplicate of the same prepared, that the House will cause it to be laid before the Senate.

ANDREW JACKSON.

January 4, 1830.

To the Senate of the United States:

I have been requested by the legislature of South Carolina, as will appear from the documents accompanying this communication, to submit to the consideration of Congress certain claims against the United States for advances made by that State during the last war. It is conceded that the redress sought for can only be obtained through the interposition of

Congress. The only agency allowed to me is to present such facts in relation to the subject as are in the possession of the Executive, in order that the whole may be fairly considered.

This duty I perform with great pleasure, being well satisfied that no inducement will be wanting to secure to the claims of a member of the Confederacy that has under all circumstances shewn an ardent devotion to the cause of the country the most ample justice.

By a reference to the Department of War for information as to the nature and extent of these claims it appears that they consist of—

First. Interest upon moneys advanced for the United States which have been heretofore reimbursed.

Second. Certain advances which on a settlement of accounts between South Carolina and the United States were disallowed or suspended by the accounting officers of the Treasury.

In regard to the former, the rule hitherto adopted by Congress has been to allow to the States interest only where they had paid it on money borrowed, and had applied it to the use of the United States. The case of South Carolina does not come strictly within this rule, because instead of borrowing, as she alleges, for the use of the United States, upon interest, she applied to the use of the United States funds for which she was actually receiving an interest; and she is understood to insist that the loss of interest in both cases being equal, and the relief afforded equally meritorious, the same principle of remuneration should be applied.

Acting upon an enlightened sense of national justice and gratitude, it is confidently believed that Congress will be as mindful of this claim as it has been of others put forward by the States that in periods of extreme peril generously contributed to the service of the Union and enabled the General Government to discharge its obligations. The grounds upon which certain portions of it have been suspended or rejected will appear from the communications of the Secretary of War and Third Auditor herewith submitted.

ANDREW JACKSON.

January 4, 1830.

To the Senate of the United States:

I transmit herewith a supplement to the treaty made with the Delaware tribe on the 3d of October, 1818, which, with the accompanying papers, is submitted to the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

January 5, 1830.

To the House of Representatives:

The subject of the inclosed memorial[4] having been adjudicated by the courts of the country, and decided against the memorialists, it is respectfully laid before Congress, the only power now to which they can appeal for relief.

ANDREW JACKSON

[Footnote 4: Of certain purchasers of land in Louisiana from the Government of Spain.]

January 5, 1830.

To the Senate of the United States:

I submit herewith a report[5] from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 24th December, 1828.

ANDREW JACKSON.

[Footnote 5: Transmitting statements of moneys appropriated and lands granted to the several States for purposes of education and construction of roads and canals, etc., since the adoption of the Constitution.]

WASHINGTON, *January 14, 1830.*

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

I transmit to Congress copies of three Indian treaties, which have been duly ratified:

1. A treaty with the nation of Winnebago Indians, concluded on the 1st of August, 1829, at Prairie du Chien, in the Territory of Michigan, between General John McNeil, Colonel Pierre Menard, and Caleb Atwater, esq., commissioners on the part of the United States, and certain chiefs and warriors on the part of the nation of Winnebago Indians.

2. A treaty with the united nations of Chippewa, Ottawa, and Pottawatomie Indians, concluded on the 29th of July, 1829, at Prairie du Chien, between General John McNeil, Colonel Pierre Menard, and Caleb Atwater, esq., commissioners on the part of the United States, and certain chiefs and warriors of the said united nations on the part of said nations.

3. Articles of agreement between the United States of America and the band of Delaware Indians upon the Sandusky River, in the State of Ohio, entered into on the 3d of August, 1829, at Little Sandusky, in the State of Ohio, by John McElvain, commissioner on the part of the United States, and certain chiefs on the part of said band of Delaware Indians.

I transmit also the estimates of appropriation necessary to carry them into effect.

ANDREW JACKSON.

January 19, 1830.

To the Senate and House of Representatives.

GENTLEMEN: The accompanying gold medal, commemorative of the delivery of the Liberator President of the Republic of Colombia from the daggers of assassins on the night of the 25th of September last, has been offered for my acceptance by that Government. The respect which I entertain as well for the character of the Liberator President as for the people and Government over which he presides renders this mark of their regard most gratifying to my feelings; but I am prevented from complying with their wishes by the provision of our Constitution forbidding the acceptance of presents from a foreign state by officers of the United States, and it is therefore placed at the disposal of Congress.

The powerful influence in the affairs of his country which the sacrifices and heroic deeds of General Bolivar have acquired for him creates an anxiety as to his future course in which the friends of liberal institutions throughout the world deeply participate. The favorable estimate which I have formed of the nature of the services rendered by him, and of his personal character, impresses me with the strongest confidence that his conduct in the present condition of his country will be such as may best promote her true interest and best secure his own permanent fame.

I deem the present a suitable occasion to inform you that shortly after my communication to Congress at the opening of the session dispatches were received from Mr. Moore, the envoy extraordinary and minister plenipotentiary of the United States to Colombia, stating that he had succeeded in obtaining the assent of the council of ministers to the allowance of the claims of our citizens upon that Government in the cases of the brig *Josephine* and her cargo and the schooner *Ranger* and part of her cargo. An official copy of the convention subsequently entered into between Mr. Moore and the secretary of foreign affairs, providing for the final settlement of those claims, has just been received at the Department of State. By an additional article of this convention the claim in the case of the brig *Morris* is suspended until further information is obtained by the Colombian Government from the Court at Carracas; and Mr. Moore anticipates its early and satisfactory adjustment. The convention only waited the ratification of the Liberator President, who was at the time absent from Bogota, to be binding upon the Colombian Government. Although these claims are not, comparatively, of a large amount, yet the

prompt and equitable manner in which the application of Mr. Moore in behalf of our injured citizens was met by that Government entitles its conduct to our approbation, and promises well for the future relations of the two countries.

It gives me pleasure to add an expression of my entire satisfaction with the conduct of Mr. Moore since his arrival at Bogota. The judgment and discretion evinced by him on occasions of much interest and delicacy, the assiduity displayed in bringing so nearly to a conclusion within five weeks after his arrival claims which had been pending for years, and the promptitude and capacity with which he has entered upon other and more important portions of his official duty are calculated to inspire strong confidence in his future usefulness.

ANDREW JACKSON.

January 20, 1830.

To the Senate and House of Representatives.

GENTLEMEN: I respectfully submit to your consideration the accompanying communication from the Secretary or the Treasury, showing that according to the terms of an agreement between the United States and the United Society of Christian Indians the latter have a claim to an annuity of \$400, commencing from the 1st of October, 1826, for which an appropriation by law for this amount, as long as they are entitled to receive it, will be proper.

ANDREW JACKSON.

WASHINGTON, *January 26, 1830.*

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

I submit to Congress a communication from the Secretary of State, together with the report of the Superintendent of the Patent Office, to which it refers, showing the present condition of that office and suggesting the necessity of

further legislative provisions in regard to it, and I recommend the subjects it embraces to the particular attention of Congress.

It will be seen that there is an unexplained deficiency in the accounts which have been rendered at the Treasury of the fees received at the office, amounting to \$4,290, and that precautions have been provided to guard against similar delinquencies in future. Congress will decide on their sufficiency and whether any legislative aid is necessary upon this branch of the subject referred to in the report.

ANDREW JACKSON.

January 26, 1830.

To the Senate and House of Representatives:

I find it necessary to recommend to Congress a revision of the laws relating to the direct and contingent expenses of our intercourse with foreign nations, and particularly of the act of May 1, 1810, entitled "An act fixing the compensation of public ministers and of consuls residing on the coast of Barbary, and for other purposes."

A letter from the Fifth Auditor of the Treasury to the Secretary of State, herewith transmitted, which notices the difficulties incident to the settlement of the accounts of certain diplomatic agents of the United States, serves to show the necessity of this revision. This branch of the Government is incessantly called upon to sanction allowances which not unfrequently appear to have just and equitable foundations in usage, but which are believed to be incompatible with the provisions of the act of 1810. The letter from the Fifth Auditor contains a description of several claims of this character which are submitted to Congress as the only tribunal competent to afford the relief to which the parties consider themselves entitled.

Among the most prominent questions of this description are the following:

I. Claims for outfits by ministers and charges d'affaires duly appointed by the President and Senate.

The act of 1790, regulating the expenditures for foreign intercourse, provided "that, exclusive of an outfit, which shall in no case exceed one year's full salary to the minister plenipotentiary or chargé d'affaires to whom the same may be allowed, the President shall not allow to any minister plenipotentiary a greater sum than at the rate of \$9,000 per annum as a compensation for all his personal services and other expenses, nor a greater sum for the same than \$4,500 per annum to a chargé d'affaires." By this provision the maximum of allowance only was fixed, leaving the question as to any outfit, either in whole or in part, to the discretion of the President, to be decided according to circumstances. Under it a variety of cases occurred, in which outfits having been given to diplomatic agents on their first appointment, afterwards, upon their being transferred to other courts or sent upon special and distinct missions, full or half outfits were again allowed.

This act, it will be perceived, although it fixes the maximum of outfit, is altogether silent as to the circumstances under which outfits might be allowed; indeed, the authority to allow them at all is not expressly conveyed, but only incidentally adverted to in limiting the amount. This limitation continued to be the only restriction upon the Executive until 1810, the act of 1790 having been kept in force till that period by five successive reenactments, in which it is either referred to by means of its title or its terms are repeated verbatim. In 1810 an act passed wherein the phraseology which had been in use for twenty years is departed from. Fixing the same limits precisely to the *amount* of salaries and outfits to ministers and chargés as had been six times fixed since 1790, it differs from preceding acts by formally conveying an authority to allow an outfit to "a minister plenipotentiary or chargé d'affaires *on going from the United States to any foreign country*;" and, in addition to this specification of the circumstances under which the outfit may be allowed, it contains one of the conditions which shall be requisite to entitle a chargé or secretary to the compensation therein provided.

Upon a view of all the circumstances connected with the subject I can not permit myself to doubt that it was with reference to the practice of multiplying outfits to the same person and in the intention of prohibiting it in future that this act was passed.

It being, however, frequently deemed advantageous to transfer ministers already abroad from one court to another, or to employ those who were resident at a particular court upon special occasions elsewhere, it seems to have been considered that it was not the intention of Congress to restrain the Executive from so doing. It was further contended that the President being left free to select for ministers citizens, whether at home or abroad, a right on the part of such ministers to the usual emoluments followed as a matter of course. This view was sustained by the opinion of the law officer of the Government, and the act of 1810 was construed to leave the whole subject of salary and outfit where it found it under the law of 1790; that is to say, completely at the discretion of the President, without any other restriction than the maximum already fixed by that law. This discretion has from time to time been exercised by successive Presidents; but whilst I can not but consider the restriction in this respect imposed by the act of 1810 as inexpedient, I can not feel myself justified in adopting a construction which defeats the only operation of which this part of it seems susceptible; at least, not unless Congress, after having the subject distinctly brought to their consideration, should virtually give their assent to that construction. Whatever may be thought of the propriety of giving an outfit to secretaries of legation or others who may be considered as only temporarily charged with, the affairs intrusted to them, I am impressed with the justice of such an allowance in the case of a citizen who happens to be abroad when first appointed, and that of a minister already in place, when the public interest requires his transfer, and, from the breaking up of his establishment and other circumstances connected with the change, he incurs expenses to which he would not otherwise have been subjected.

II. Claims for outfits and salaries by chargés d'affaires and secretaries of legation who have not been appointed by the President by and with the advice and consent of the Senate.

By the second section of the act of 1810 it is provided—

That to entitle any chargé d'affaires or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to the compensation hereinbefore provided they shall respectively be appointed

by the President of the United States, by and with the advice and consent of the Senate; but in the recess of the Senate the President is hereby authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter for their advice and consent; and no compensation shall be allowed to any chargé d'affaires or any of the secretaries hereinbefore described who shall not be appointed as aforesaid.

Notwithstanding the explicit language of this act, claims for outfits and salaries have been made—and allowed at the Treasury—by chargés d'affaires and secretaries of legation who had not been appointed in the manner specified. Among the accompanying documents will be found several claims of this description, of which a detailed statement is given in the letter of the Fifth Auditor. The case of Mr. William B. Lawrence, late chargé d'affaires at London, is of a still more peculiar character, in consequence of his having actually drawn his outfit and salary from the bankers employed by the Government, and from the length of time he officiated in that capacity. Mr. Lawrence's accounts were rendered to the late Administration, but not settled. I have refused to sanction the allowance claimed, because the law does not authorize it, but have refrained from directing any proceedings to compel a reimbursement of the money thus, in my judgment, illegally received until an opportunity should be afforded to Congress to pass upon the equity of the claim.

Appropriations are annually and necessarily made "for the contingent expenses of all the missions abroad" and "for the contingent expenses of foreign intercourse," and the expenditure of these funds intrusted to the discretion of the President. It is out of those appropriations that allowances of this character have been claimed, and, it is presumed, made. Deeming, however, that the discretion thus committed to the Executive does not extend to the allowance of charges prohibited by express law, I have felt it my duty to refer all existing claims to the action of Congress, and to submit to their consideration whether any alteration of the law in this respect is necessary.

III. The allowance of a quarter's salary to ministers and chargés d'affaires to defray their expenses home.

This allowance has been uniformly made, but is without authority by law. Resting in Executive discretion, it has, according to circumstances, been extended to cases where the ministers died abroad, to defray the return of his family, and was recently claimed in a case where the minister had no family, on grounds of general equity. A charge of this description can hardly be regarded as a contingent one, and if allowed at all must be in lieu of salary. As such it is altogether arbitrary, although it is not believed that the interests of the Treasury are, upon the whole, much affected by the substitution. In some cases the allowance is for a longer period than is occupied in the return of the minister; in others, for one somewhat less; and it seems to do away all inducement to unnecessary delay. The subject is, however, susceptible of positive regulation by law, and it is, on many accounts, highly expedient that it should be placed on that footing. I have therefore, without directing any alteration in the existing practice, felt it my duty to bring it to your notice.

IV. Traveling and other expenses in following the court in cases where its residence is not stationary.

The only legations by which expenses of this description are incurred and charged are those to Spain and the Netherlands, and to them they have on several occasions been allowed. Among the documents herewith communicated will be found, with other charges requiring legislative interference, an account for traveling expenses, with a statement of the grounds upon which their reimbursement is claimed. This account has been suspended by the officer of the Treasury to whom its settlement belongs; and as the question will be one of frequent recurrence, I have deemed the occasion a fit one to submit the whole subject to the revision of Congress. The justice of these charges for extraordinary expenses unavoidably incurred has been admitted by former Administrations and the claims allowed. My difficulty grows out of the language of the act of 1810, which expressly declares that the salary and outfit it authorizes to the minister and chargé d'affaires shall be "a compensation for all his personal services and expenses." The items which ordinarily form the contingent expenses of a

foreign mission are of a character distinct from the *personal* expenses of the minister. The difficulty of regarding those now referred to in that light is obvious. There are certainly strong considerations of equity in favor of a remuneration for them at the two Courts where they are alone incurred, and if such should be the opinion of Congress it is desirable that authority to make it should be expressly conferred by law rather than continue to rest upon doubtful construction.

V. Charges of consuls for discharging diplomatic functions, without appointment, during a temporary vacancy in the office of chargé d'affaires.

It has sometimes happened that consuls of the United States, upon the occurrence of vacancies at their places of residence in the diplomatic offices of the United States by the death or retirement of our minister or chargé d'affaires, have taken under their care the papers of such missions and usefully discharged diplomatic functions in behalf of their Government and fellow-citizens till the vacancies were regularly filled. In some instances this is stated to have been done to the abandonment of other pursuits and at a considerably increased expense of living. There are existing claims of this description, which can not be finally adjusted or allowed without the sanction of Congress. A particular statement of them accompanies this communication.

The nature of this branch of the public service makes it necessary to commit portions of the expenses incurred in it to Executive discretion; but it is desirable that such portions should be as small as possible. The purity and permanent success of our political institutions depend in a great measure upon definite appropriations and a rigid adherence to the enactments of the Legislature disposing of public money. My desire is to have the subject placed upon a more simple and precise, but not less liberal, footing than it stands on at present, so far as that may be found practicable. An opinion that the salaries allowed by law to our agents abroad are in many cases inadequate is very general, and it is reasonable to suppose that this impression has not been without its influence in the construction of the laws by which those salaries are fixed. There are certainly motives which it is difficult to resist to an increased expense on the part of some of our functionaries abroad greatly beyond that which would be required at home.

Should Congress be of opinion that any alteration for the better can be made, either in the rate of salaries now allowed or in the rank and gradation of our diplomatic agents, or both, the present would be a fit occasion for a revision of the whole subject.

ANDREW JACKSON.

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

GENTLEMEN: I transmit herewith the annual report of the inspectors of the penitentiary in the District of Columbia, and beg leave to recommend the propriety of providing by law a reasonable compensation for the service of those officers. The act of Congress under which they were commissioned, though it imposes upon them important duties, in the performance of which much time and labor are necessary, is silent as to the compensation which they ought to receive.

ANDREW JACKSON.

February 5, 1830.

To the Senate of the United States:

I herewith communicate to the Senate a letter from the Secretary of War, with the papers which accompany it, in answer to the resolution of the Senate of the 2d February, requesting "so much of a report received from the officer of the United States Army who had command of the detachment for the protection of the caravan of traders to Santa Fe of New Mexico during the last summer as may be proper to be made public and material to be known, devising further means for the security of the inland trade between Missouri and Mexico."

ANDREW JACKSON.

February 12, 1830.

The Speaker of the House of Representatives:

I forward to the House of Representatives, for the information and decision of Congress, a communication to me from the Secretary of War on the subject of the continuation of the Cumberland road.

There being but one plan of the surveys made produces the necessity of making this communication to but one branch of the Legislature. When the question shall be disposed of, I request that the map may be returned to the Secretary of War.

ANDREW JACKSON.

February 18, 1830.

To the House of Representatives:

In pursuance of a resolution of the House of Representatives of the 9th instant, requesting information respecting the accounts of William B. Lawrence as chargé d'affaires of the United States to Great Britain, I have the honor to communicate a report of the Secretary of State, furnishing the desired information.

ANDREW JACKSON.

February 20, 1830.

To the Senate of the United States.

GENTLEMEN: Having seen a report from the Treasury Department, just made to me, that General John Campbell, lately nominated Indian agent, stands recorded as a public defaulter on the books of the Treasury, and being unapprised of this fact when he was nominated to the Senate, I beg leave to withdraw this nomination.

ANDREW JACKSON.

March 1, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with your resolution of the 4th ultimo, relating to the boundary line between the United States and the Cherokee Nation of Indians, I have duly examined the same, and find that the Executive has no power to alter or correct it.

I therefore return the papers, with a report from the Secretary of War on the subject, for the further deliberation of Congress.

ANDREW JACKSON.

WASHINGTON, *March 9, 1830.*

Gentlemen of the House of Representatives:

I submit to the consideration of Congress a letter of the governor of Virginia, transmitting two acts of the general assembly of that State, respecting the Chesapeake and Ohio Canal Company.

ANDREW JACKSON.

WASHINGTON, *March 9, 1830.*

Gentlemen of the House of Representatives:

I submit to your consideration the memorials of Francis H. Nicoll and John Conard, the latter marshal of the eastern district of Pennsylvania, praying for the interposition and aid of Congress in the discharge of a judgment recovered against him by the said Nicoll, alleging, as defendant in the suit, that he was the mere organ of the United States, and acted by and under the instructions of the Government.

ANDREW JACKSON.

March 10, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 6th instant, requesting me to "send a copy of the bond entered into and executed by Israel T. Canfield as receiver of public moneys in the now Crawfordsville district, Indiana, together with the names of his securities, to the Senate," I herewith transmit a certified copy of the official bond of Israel T. Canby, and a letter from the Secretary of the Treasury, from which it appears that this is the officer referred to in the resolution.

ANDREW JACKSON.

WASHINGTON, *March 15, 1830.*

To the House of Representatives of the United States:

In pursuance of a resolution of the House of Representatives of the 27th ultimo, calling for information respecting the report of the commissioner for running and marking the line between the United States and Florida under the treaty of 1795, I herewith communicate a report from the Secretary of State, containing the desired information.

ANDREW JACKSON.

March 18, 1830.

To the House of Representatives:

GENTLEMEN: I transmit, for the consideration of Congress, a report from the War Department of a survey^[6] authorized by the act of the 2d of March, 1829.

ANDREW JACKSON.

[Footnote 6: Of ship channel of Penobscot River from Whitehead to Bangor, Me.]

March 27, 1830.

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

GENTLEMEN: I transmit, for the consideration of Congress, a letter of the Secretary of the Navy, accompanying the reports of Lieutenants Tattnall and Gedney, who were detailed to make a survey of the Dry Tortugas, and beg leave to call your attention to the importance of the position to the United States as a naval station. I also respectfully recommend that the appropriation necessary to make a scientific examination of its capacities for defense may be granted.

ANDREW JACKSON.

March 31, 1830.

To the House of Representatives.

GENTLEMEN: I respectfully submit to your consideration the accompanying report from the War Department, exhibiting the state of the fortifications at Pea Patch Island and the necessity of further appropriations for the security of that site. The report specifies the improvements deemed proper, and the estimate of their cost.

ANDREW JACKSON.

April 2, 1830.

To the House of Representatives.

GENTLEMEN: In compliance with a resolution of the House of the 22nd ultimo, "requesting the President of the United States to communicate to it any correspondence or information in possession of the Government, and which, in his judgment, the public service will admit of being communicated, touching intrusions, or alleged intrusions, on lands the possession of which is claimed by the Cherokee tribe of Indians, the number of intrusions, if any, and the reasons why they have not been removed; and also any correspondence or information touching outrages alleged to have been committed by Cherokee Indians on citizens of Georgia occupying lands to which the Indian claim has not been extinguished, or by citizens of Georgia on Cherokee Indians," I transmit herewith a report from the Secretary of War, containing the information required.

ANDREW JACKSON.

April 6, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 5th instant, requesting the President of the United States to transmit to the Senate any record or other information in the Department of War or before the President respecting the conviction of Wharton Rector of any crime in Missouri before his departure for Arkansas, or touching his fitness for the office to which he has been nominated, and any other evidence in the Department relative to the fitness of Wharton Rector for the office of Indian agent, I inclose herewith a report from the Secretary of War.

ANDREW JACKSON.

April 13, 1830.

To the House of Representatives.

GENTLEMEN: I transmit herewith a report from the War Department, in compliance with the resolution of the House of the 18th ultimo, calling for information in relation to the expenses incident to the removal and support of the Indians west of the Mississippi, etc.

ANDREW JACKSON.

April 15, 1830.

To the Senate of the United States.

GENTLEMEN: I submit to the Senate, in compliance with the request in their resolution of the 12th instant, all the communications found in the Department of State touching the character, conduct, and qualifications of John Hamm, which appear or are supposed to have been made while the said Hamm was an applicant for reappointment to the office of marshal of the district of Ohio, in the year 1822.

As that individual has been recently nominated to the Senate to be chargé d'affaires of the United States to the Government of Central America, I take advantage of the occasion to request the Senate to postpone a final decision on his nomination, upon the following grounds: That information, though not official, has just been received at the Department of State of a change having been lately effected in the Government of Central America, which, if confirmed, may make a correspondent change in the appointment necessary, or perhaps render it altogether unnecessary that this Government, under present circumstances, should send a diplomatic agent to that country at all.

ANDREW JACKSON.

April 22, 1830.

To the House of Representatives.

GENTLEMEN: I transmit, for the consideration of Congress, a report from the War Department of a survey^[7] authorized by the act of 2d March, 1829.

ANDREW JACKSON.

[Footnote 7: Of the harbor of St. Augustine, Fla.]

April, 23, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 20th instant, I transmit herewith a report^[8] from the Secretary of War.

ANDREW JACKSON.

[Footnote 8: Transmitting correspondence of June, 1825, relative to treaties with the Osage and Kansas Indians.]

April 23, 1830.

Gentlemen of the Senate and House of Representatives.

GENTLEMEN: I transmit herewith a report from the Department of War of the survey made of Sandy Bay, Massachusetts, in conformity to the act of 2d March, 1829.

ANDREW JACKSON.

May 1, 1830.

To the Senate of the United States.

GENTLEMEN: Finding from the inclosed letter from the Secretary of the Treasury that James C. Dickson, lately nominated to be receiver of public moneys at Mount Salus, Miss., is a defaulter, I beg leave to withdraw his nomination, and to nominate in his place Hiram G. Rennels.

ANDREW JACKSON.

May 6, 1830.

To the Senate of the United States.

GENTLEMEN: The accompanying propositions, in the form of a treaty, have been recently sent to me by special messenger from the Choctaw Nation of Indians, and since it was received a protest against it has been forwarded. Both evince a desire to cede to the United States all their country east of the Mississippi, and both are here submitted. These measures are the voluntary acts of the Indians themselves. The Government was not represented in the councils which adopted them, nor had it any previous intimation that such steps were in contemplation. The Indians convened of their own accord, settled and executed the propositions contained in the treaty presented to me, and agreed to be bound by them if within three months they should receive the approbation of the President and Senate. The other measure is equally their own.

It is certainly desirous, on various and very pressing accounts, as will appear from the accompanying documents, that some agreement should be concluded with the Indians by which an object so important as their removal beyond the territorial limits of the States may be effected. In

settling the terms of such an agreement I am disposed to exercise the utmost liberality, and to concur in any which are consistent with the Constitution and not incompatible with the interests of the United States and their duties to the Indians. I can not, however, regard the terms proposed by the Choctaws to be in all respects of this character; but desirous of concluding an arrangement upon such as are, I have drawn up the accompanying amendments, which I propose to offer to the Choctaws if they meet the approbation of the Senate. The conditions which they offer are such as, in my judgment, will be most likely to be acceptable to both parties and are liable to the fewest objections. Not being tenacious, though, on the subject, I will most cheerfully adopt any modifications which on a frank interchange of opinions my constitutional advisers may suggest and which I shall be satisfied are reconcilable with my official duties.

With these views, I ask the opinion of the Senate upon the following questions:

Will the Senate advise the conclusion of a treaty with the Choctaw Nation according to the terms which they propose? Or will the Senate advise the conclusion of a treaty with that tribe as modified by the alterations suggested by me? If not, what further alteration or modification will the Senate propose?

I am fully aware that in thus resorting to the early practice of the Government, by asking the previous advice of the Senate in the discharge of this portion of my duties, I am departing from a long and for many years an unbroken usage in similar cases. But being satisfied that this resort is consistent with the provisions of the Constitution, that it is strongly recommended in this instance by considerations of expediency, and that the reasons which have led to the observance of a different practice, though very cogent in negotiations with foreign nations, do not apply with equal force to those made with Indian tribes, I flatter myself that it will not meet the disapprobation of the Senate. Among the reasons for a previous expression of the views of the Senate the following are stated as most prominent:

1. The Indians have requested that their propositions should be submitted to the Senate.

2. The opinion of the Senate in relation to the terms to be proposed will have a salutary effect in a future negotiation, if one should be deemed proper.

3. The Choctaw is one of the most numerous and powerful tribes within our borders, and as the conclusion of a treaty with them may have a controlling effect upon other tribes it is important that its terms should be well considered. Those now proposed by the Choctaws, though objectionable, it is believed are susceptible of modifications which will leave them conformable to the humane and liberal policy which the Government desires to observe toward the Indian tribes, and be at the same time acceptable to them. To be possessed of the views of the Senate on this important and delicate branch of our future negotiations would enable the President to act much more effectively in the exercise of his particular functions. There is also the best reason to believe that measures in this respect emanating from the united counsel of the treaty-making power would be more satisfactory to the American people and to the Indians.

It will be seen that the pecuniary stipulations are large; and in bringing this subject to the consideration of the Senate I may be allowed to remark that the amount of money which may be secured to be paid should, in my judgment, be viewed as of minor importance. If a fund adequate to the object in view can be obtained from the lands which they cede, all the purposes of the Government should be regarded as answered. The great desideratum is the removal of the Indians and the settlement of the perplexing question involved in their present location—a question in which several of the States of this Union have the deepest interest, and which, if left undecided much longer, may eventuate in serious injury to the Indians.

ANDREW JACKSON.

May 13, 1830.

To the House of Representatives.

GENTLEMEN: The inclosed documents will present to Congress the necessity of some legislative provision by which to prevent the offenses to which they refer. At present it appears there is no law existing for the

punishment of persons guilty of interrupting the public surveyors when engaged in the performance of the trusts confided to them. I suggest, therefore, for your consideration the propriety of adopting some provision, with adequate penalties, to meet the case.

ANDREW JACKSON.

May 13, 1830.

To the House of Representatives.

GENTLEMEN: I have the honor, in compliance with a resolution of your House of the 10th ultimo, to transmit the inclosed documents, which furnish all the information of the steps that have been taken and plans procured for the erection of a radiating marine railway for the repair of sloops of war at the navy-yard at Pensacola.

ANDREW JACKSON.

May 14, 1830.

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

GENTLEMEN: I herewith transmit to Congress the report of the engineer employed to survey the bar at the mouth of Sag Harbor, to ascertain the best method of preventing the harbor being filled up with sand, and the cost of the same, authorized by the act of the 2d of March, 1829.

ANDREW JACKSON.

May 21, 1830.

To the Senate of the United States.

GENTLEMEN: It having been represented to me that some of the members of the Senate voted against the confirmation of the appointment of Major M.M. Noah as surveyor of the port of New York through misapprehension, and having received the accompanying letter and memorial from a number

of the most respectable merchants and citizens of that city, setting forth his fitness for the office, I therefore renominate him to the Senate as surveyor of the customs for the port of New York.

ANDREW JACKSON.

May 25, 1830.

To the House of Representatives.

GENTLEMEN: I transmit herewith, for the use of the House, the report of a survey^[9] made in compliance with the act of the 2d of March, 1829.

ANDREW JACKSON.

[Footnote 9: Of the harbors of Stamford and Norwalk, Conn.]

WASHINGTON, *May 26, 1830.*

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

GENTLEMEN: I think it my duty to inform you that I am daily expecting the definitive answer of the British Government to a proposition which has been submitted to it by this, upon the subject of the colonial trade.

This communication has been delayed by a confident belief that the answer referred to would have been received early enough to have admitted of its submission to you in sufficient season for the final action of Congress at its present session, and is now induced by an apprehension that although the packet by which it was intended to be sent is hourly expected, its arrival may, nevertheless, be delayed until after your adjournment.

Should this branch of the negotiation committed to our minister be successful, the present interdict would, nevertheless, be necessarily continued until the next session of Congress, as the President has in no event authority to remove it.

Although no decision had been made at the date of our last advices from Mr. McLane, yet from the general character of the interviews between him and those of His Majesty's ministers whose particular duty it was to confer with him on the subject there is sufficient reason to expect a favorable result to justify me in submitting to you the propriety of providing for a decision in the recess.

This may be done by authorizing the President, in case an arrangement can be effected upon such terms as Congress would approve, to carry the same into effect on our part by proclamation, or, if it should be thought advisable, to execute the views of Congress by like means in the event of an unfavorable decision.

Any information in the possession of the Executive which you may deem necessary to guide your deliberations, and which it may, under existing circumstances, be proper to communicate, shall be promptly laid before you, if required.

ANDREW JACKSON.

WASHINGTON, *May 27, 1830.*

To the Senate of the United States:

It is gratifying to me to be able to communicate to the Senate before the termination of its present session, for its advice and consent as to the ratification of it, a convention just received at the Department of State between the United States and His Majesty the King of Denmark, which was negotiated on the part of the former by Mr. Henry Wheaton, their chargé d'affaires at the Court of Denmark, and on that of the latter by the Sieurs Henry Count de Schemmelman, his minister of foreign affairs, and Paul Christian de Stemann, president of his chancery, and concluded and signed by these plenipotentiaries at Copenhagen on the 28th of March of the present year.

The convention provides by compromise for the adjustment and payment of indemnities to no inconsiderable amount, long sought from the Government of Denmark by that of the United States, in behalf of their citizens who had

preferred claims for the same, relating to the seizure, detention, and condemnation or confiscation of their vessels, cargoes, or property by the public armed ships or by the tribunals of Denmark or in the states subject to the Danish scepter; and there is every reason to believe, as the Senate will infer from the correspondence which accompanies this communication, that the proposed arrangement will prove entirely satisfactory to them.

ANDREW JACKSON.

May 28, 1830.

To the Senate of the United States.

GENTLEMEN: For the reasons expressed in the inclosed note, I renominate Wharton Rector to be agent for the Shawnee and Delaware Indians.

ANDREW JACKSON.

The PRESIDENT OF THE UNITED STATES.

SIR: The rejection of Colonel Rector by the Senate took place in the absence of Mr. McLean and myself. We were both confined to our rooms by illness. Had we been present his nomination would have been confirmed. I believe that if he were again placed before the Senate his nomination would be confirmed, and should therefore be pleased if he could be again nominated.

I have the honor to be, your obedient servant, J. ROWAN.

May 29, 1830.

To the House of Representatives.

GENTLEMEN: Having approved and signed a resolution, originating in the House of Representatives, which provides "that the pay, subsistence, emoluments, and allowances received by the officers of the Marine Corps

previous to the 1st of April, 1829, be, and the same is hereby, directed to be continued to them from that date up to the 28th of February, 1831," it becomes my duty to call the attention of Congress to the fact that the estimates for that branch of the public service submitted to them at the commencement of the present session were made with reference to the pay, subsistence, emoluments, and allowances provided for by law, and excluding those which previously to the 1st of April, 1829, had been made on the authority of the Department alone, and to suggest the propriety of an appropriation to meet the increased expenditure.

ANDREW JACKSON.

WASHINGTON, *May 29, 1830.*
To the Senate of the United States:

I submit herewith a report[[10](#)] from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 3d of March, 1829.

ANDREW JACKSON.

[Footnote 10: Transmitting statements of lands appropriated by Congress for specific objects within the several States, etc.; disbursements made within the several States and Territories from the commencement of the Government to December 31, 1828; value of exports from the commencement of the Government to September 30, 1828.]

May 30, 1830.
To the Senate and House of Representatives of the United States.

Gentlemen: I have approved and signed the bill entitled "An act making appropriations for examinations and surveys, and also for certain works of internal improvement," but as the phraseology of the section which appropriates the sum of \$8,000 for the road from Detroit to Chicago may be construed to authorize the application of the appropriation for the continuance of the road beyond the limits of the Territory of Michigan, I

desire to be understood as having approved this bill with the understanding that the road authorized by this section is not to be extended beyond the limits of the said Territory.

ANDREW JACKSON.

VETO MESSAGES.

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 improvement, 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 suggestions 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 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.

And adverting to the constitutional power of Congress to make what I considered a proper disposition of the surplus revenue, I subjoined 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 embarrassments 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 fulfill 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 \$15,000,000 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 upward of \$2,500,000 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 defense." 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 defense 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 further 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 defense, 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 recognized 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 1798, 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 coordinate 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 further 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 60 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 inquiry 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 of 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 communication submitted to you it appears that if no adverse and 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 amounts contained in bills which are pending before the two Houses, it may be safely affirmed that \$10,000,000 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 guaranty 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 burthens 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 necessaries of life, and this, too, in cases where the burthen 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 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 burthens 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 furtherance 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 12,000,000 happy people, in the fifty-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 guaranty that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these can not 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 cotemporaneous 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 blessed 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 it 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 can not 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 can not 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, while 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 present 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 grounds 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 further deliberation and judgment.

ANDREW JACKSON.

WASHINGTON, *May 31, 1830.*
To the Senate of the United States.

GENTLEMEN: I have considered the bill proposing "to authorize a subscription of stock in the Washington Turnpike Road Company," and now return the same to the Senate, in which it originated.

I am unable to approve this bill, and would respectfully refer the Senate to my message to the House of Representatives on returning to that House the bill "to authorize a subscription of stock in the Maysville, Washington, Paris and Lexington Turnpike Road Company" for a statement of my objections to the bill herewith returned. The message referred to bears date on the 27th instant, and a printed copy of the same is herewith transmitted,

ANDREW JACKSON.

(NOTE.—For reasons for the pocket vetoes of "An act for making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing

surveys," and "An act to authorize a subscription for stock in the Louisville and Portland Canal Company," see Second Annual Message, dated December 6, 1830, p. 508.)

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.
A PROCLAMATION.

Whereas it has been represented that many uninformed or evil-disposed persons have taken possession of or made a settlement on the public lands of the United States within the district of lands subject to sale at Huntsville, in the State of Alabama, which have not been previously sold, ceded, or leased by the United States, or the claim to which lands by such persons has not been previously recognized and confirmed by the United States, which possession or settlement is, by the act of Congress passed on the 3d day of March, 1807, expressly prohibited; and

Whereas the due execution of the said act of Congress, as well as the general interest, requires that such illegal practices should be promptly repressed:

Now, therefore, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, commanding and strictly enjoining all persons who have unlawfully taken possession of or made any settlement on, or who now unlawfully occupy, any of the public lands within the district of lands subject to sale at Huntsville, in the State of Alabama, as aforesaid, forthwith to remove therefrom; and I do hereby further command and enjoin the marshal, or officer acting as marshal, in that State, where such possession shall have been taken or settlement made, to remove, from and after the 1st day of September, 1830, all or any of the said unlawful occupants; and to effect the said service I do hereby authorize the employment of such military force as may become necessary in pursuance of the provisions of the act of Congress aforesaid, warning the offenders, moreover, that they will be prosecuted in all such other ways as the law directs.

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.

(SEAL.)

Done at the city of Washington, the 6th day of March, A.D. 1830, and of the Independence of the United States of America the fifty-fourth.

ANDREW JACKSON.

By the President:
M. VAN BUREN,
Secretary of State.

(From original in General Land Office.)

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of law, I, Andrew Jackson, President of the United States of America, do hereby declare and make known that public sales will be held at the under-mentioned land offices, in the State of Louisiana, at the periods designated, to wit:

At the land office at New Orleans on the first Monday in November next, for the disposal of such of the public lands within the limits of the under-mentioned fractional townships as are not covered by private land claims, viz:

Fractional townships 6, 7, and 9 south, of range 12 east; fractional townships 9 and 10 south, of range 13 east; fractional township 11 south, of range 15 east; fractional township 12 south, of range 16 east; fractional township 12 south, of ranges 20 and 21 east; fractional township 13 south, of range 21 east.

The above-described lands are adjacent to and binding on the Mississippi River.

At the land office at Ouachita, on the third Monday in November next, for the disposal of the public lands within the limits of the undermentioned townships and fractional townships, viz:

Fractional townships 3 and 4 north, of range 1 east; fractional townships 2 and 3 and townships 19 and 20 north, of range 2 east; fractional townships 2 and 3 and townships 7, 13, 14, 19, and 20 north, of range 3 east; fractional township 3 and townships 8, 9, 13, 14, and 19 north, of range 4 east; township 9 north, of ranges 5 and 6 east; township 10 north, of range 7 east; townships 10, 11, and 12 north, of range 8 east; also township 8 north, of range 9 east, and townships 8 and 9 north, of range 10 east, including the Lake St. John and part of Lake Concordia, near Natchez; township 21 and fractional township 22 north, of range 12 east; fractional townships 21, 22, and 23, of range 13 east, in the vicinity of Lake Providence; fractional township 4 north, of range 1 west; fractional townships 5 and 6 north, of range 2 west; fractional townships 5 and 6 and township 7 north, of range 3 west.

At the land office at St. Helena on the third Monday in November next, for the disposal of the public lands within the limits of the undermentioned townships and fractional townships, viz:

Township 4 and fractional townships 5 and 7, of range 1 west; townships 1 and 2 and fractional townships 3, 4, and 5, of range 2 west; townships 1 and 2 and fractional township 3, of range 3 west; fractional townships 1 and 2, of range 4 west; townships 4 and 5, of range 1 east; township 4, of range 2 east; township 4 and fractional townships 7 and 8, of range 10 east; townships 1, 2, 4, 6, 7, and fractional township 8, of range 11 east; townships 1, 2, 3, 4, 5, and fractional township 8, of range 12 east; townships 1, 2, 3, 5, 6, and 8 and fractional townships 4 and 9, of range 13 east; fractional townships 1, 2, 3, and 10, of range 14 east; fractional township 10, of ranges 15, 16, and 17 east.

The townships and fractional townships will be offered in the order in which they are above designated, beginning with the lowest number of section in each.

The lands reserved by law for the use of schools or for other purposes are to be excluded from sale.

Given under my hand, at the city of Washington, this 5th day of June, 1830.

ANDREW JACKSON.

By the President:

GEORGE GRAHAM,

Commissioner of the General Land Office.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Royal Highness the Grand Duke of Oldenburg, through an official communication of F.A. Mensch, his consul in the United States, under date of the 15th of September, 1830, that no discriminating duties of tonnage or impost are imposed or levied in the ports of the Grand Dukedom of Oldenburg upon vessels wholly belonging to citizens of the United States or

upon the produce, manufactures, or merchandise imported in the same from the United States or from any other country:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the Grand Dukedom of Oldenburg and the produce, manufactures, and merchandise imported into the United States in the same from the Grand Dukedom of Oldenburg and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the Grand Dukedom of Oldenburg in the same, as aforesaid, shall be continued on the part of the Government of His Royal Highness the Grand Duke of Oldenburg.

Given under my hand, at the city of Washington, the 18th day of September, A.D. 1830, and the fifty-fifth of the Independence of the United States.

ANDREW JACKSON.

By the President:
M. VAN BUREN, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States passed on the 29th day of May, 1830, it is provided that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States for an indefinite or for a limited term; that the vessels of the United States, and their cargoes, on entering the colonial ports aforesaid, shall not be subject to

other or higher duties of tonnage or impost or charges of any other description than would be imposed on British vessels or their cargoes arriving in the said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of the United States may export from the British colonies aforementioned, to any country whatever other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel to any country other than the British dominions or possessions as aforesaid, leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions on a footing not less favorable to the United States than it now is—that then, and in such case, the President of the United States shall be authorized, at any time before the next session of Congress, to issue his proclamation declaring that he has received such evidence, and that thereupon, and from the date of such proclamation, the ports of the United States shall be opened indefinitely or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost or charge of any description whatever than would be levied on the vessels of the United States or their cargoes arriving from the said British possessions; and that it shall be lawful for the said British vessels to import into the United States and to export therefrom any article or articles which may be imported or exported in vessels of the United States; and that the act entitled "An act concerning navigation," passed on the 18th day of April, 1818, an act supplementary thereto, passed the 15th day of May, 1820, and an act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed on the 1st day of March, 1823, shall in such case be suspended or absolutely repealed, as the case may require; and

Whereas by the said act it is further provided that whenever the ports of the United States shall have been opened under the authority thereby given, British vessels and their cargoes shall be admitted to an entry in the ports of the United States from the islands, provinces, or colonies of Great Britain

on or near the North American continent and north or east of the United States; and

Whereas satisfactory evidence has been received by the President of the United States that whenever he shall give effect to the provisions of the act aforesaid the Government of Great Britain will open for an indefinite period the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States, and their cargoes, upon the terms and according to the requisitions of the aforesaid act of Congress:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that such evidence has been received by me, and that by the operation of the act of Congress passed on the 29th day of May, 1830, the ports of the United States are from the date of this proclamation open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said act. The act entitled "An act concerning navigation," passed on the 18th day of April, 1818, the act supplementary thereto, passed the 15th day of May, 1820, and the act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed the 1st day of March, 1823, are absolutely repealed, and British vessels and their cargoes are admitted to an entry in the ports of the United States from the islands, provinces, and colonies of Great Britain on or near the North American continent and north or east of the United States.

Given under my hand, at the city of Washington, the 5th day of October, A.D. 1830, and the fifty-fifth of the Independence of the United States.

ANDREW JACKSON.

EXECUTIVE ORDER.

ADJUTANT-GENERAL'S OFFICE,

ORDER 29.

The following general order has been received from the War Department. It is published for the information of all concerned:

DEPARTMENT OF WAR,

GENERAL ORDER.

Congress at their last session passed an act repealing so much of the military law as imposes the penalty of death on those who "in time of peace" shall be found guilty of the crime of desertion. To give complete effect to the benevolent designs of said act, and that the Army may be correctly informed, it is hereby proclaimed that a free and full pardon is extended to those who at the date of this order stand in the character of deserters. All who are under arrest for this offense at the different posts and garrisons will be forthwith liberated, and return to their duty. Such as are roaming at large and those who are under sentence of death are discharged, and are not again to be permitted to enter the Army, nor at any time hereafter to be enlisted in the service of the country. It is desirable and highly important that the ranks of the Army should be composed of respectable, not degraded, materials. Those who can be so lost to the obligations of a soldier as to abandon a country which morally they are bound to defend, and which solemnly they have sworn to serve, are unworthy, and should be confided in no more. By order of the President of the United States:

JOHN H. EATON,

Communicated by order of Alexander Macomb, Major-General Commanding the Army.

R. JONES, *Adjutant-General.*

SECOND ANNUAL MESSAGE.

December 6, 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 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, further, 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 70 tons burthen, and upon the same terms as British vessels, any productions 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, coffee, 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 the 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 later 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, first, that the subject should be regulated by treaty stipulation in preference to separate legislation; second, 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, third, 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 expense 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 trans-shipments 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. McLane 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 anything 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 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 at 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 Sublime 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 provisions 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 that 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 place 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 it 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 assurances that in the meantime 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 apprised, although the fact has not yet 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 \$650,000 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 in this adjustment that the terms are in conformity with the previously ascertained views of the claimants themselves, thus removing all pretense 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 fulfill 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 yet been taken, and I do not allow myself to doubt that justice will soon be done 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 can not 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 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 the last summer that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which had hitherto been under our jurisdiction. The cooperation 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 nonarrival 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 meantime 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 to 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 of 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 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 nor 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 corresponding 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 can not 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 can not 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 stipulations, 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 can not 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 60 or 100 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 avoiding 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, etc., contains an appropriation for a 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 of 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 a State or to appropriate money for improvements of a local character. I at the same time intimated 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 awake 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 can not, 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 favors 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 constitutionality. 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 obligation 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 that 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 meantime, 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 relates to the general prosperity of the country, but to the safety of the federal system, I can not 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 grounds of my objection to local appropriations have 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 upward of \$5,000,000, and have been distributed in very unequal proportions amongst 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 \$96,000,000.

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 amongst the several States is not to be

conceded. The want of this equitable distribution can not fail to prove a prolific source of irritation among the States.

We have it constantly before our eyes that professions 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 observation 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 exhibitions 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: First, an objection to the ratio of distribution; second, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; third, 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 can not 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 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 burthens, and as sensible of the great truth that the resources of the nation beyond those required for 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 interest in relation to improvements within such States. 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 improvements 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 cooperation 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 readily regarded as of national concernment, but which upon fuller consideration and further 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, can not, 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 State governments—it appears to me only necessary to state the case as it is, and as it would be if the measure 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 can not 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 have 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 can not 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 can not be entirely counteracted by human means. Mutual forbearance becomes, therefore, 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 forever 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 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 modeled and those who adopted it, which shall lead to the extinguishment of the national debt in the shortest period and impose the lightest burthens upon our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern I can not 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 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 to my duty were I to withhold another expression of my deep solicitude on 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 founded upon sectional interests, and to a 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 all 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 reeligibility of that officer and upon the tenure of offices generally. The reason still exists, and I renew the recommendation with an increased confidence that its 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 his 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 can not too earnestly invite your attention to the propriety of promoting such an 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 settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions 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 settlements of 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 further in attempting to reclaim them from their wandering habits and make them a happy, 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 for other 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 States 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 excite 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 12,000,000 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 can not 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 condition! 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 cooperation 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 coextensive with their limits, and that with all convenient dispatch 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 to be confined forever 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 all 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 incidental to 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 can not 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 uniform 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 can not 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 defense, 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 or 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 partisan 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 can not, therefore, in taking leave of the 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 \$24,161,018, which will exceed by about \$300,000 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 \$13,742,311, and the payment on account of public debt for the same period will have been \$11,354,630, leaving a balance in the Treasury on the 1st of January, 1831, of \$4,819,781.

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 regulations adopted under the act of May, 1830, for the inspection and appraisement of merchandise, has 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 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 further 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 intrusted 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 defense 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 depot 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 southern section of the country, and at the same time an annual saving made of upward of \$72,000. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfillment 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 nourishing 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 designs. 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 in 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 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 dispatch 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 intrusted 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 justness 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 in 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 offense 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 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 principles 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 expense 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 redeemed 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 can not 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 conciliation 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.

ANDREW JACKSON.

SPECIAL MESSAGES.

December 9, 1830.

To the Senate of the United States.

Gentlemen: I transmit herewith a treaty concluded by commissioners duly authorized on the part of the United States with the Choctaw tribe of Indians, which, with explanatory documents, is submitted to the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

Washington, *December 10, 1830.*

To the Senate of the United States:

I transmit to the Senate printed copies of the convention between the United States and His Majesty the King of Denmark, concluded at Copenhagen on the 28th March, 1830, and ratified by and with the advice and consent of the Senate.

ANDREW JACKSON.

(The same message was sent to the House of Representatives.)

Washington, *December 10, 1830.*

To the Senate of the United States:

I submit for the consideration of the Senate a treaty of commerce and navigation, together with a separate and secret article, concluded at Constantinople on the 7th day of May last, and signed by Charles Rhind, James Biddle, and David Offley as commissioners on the part of the United States, and by Mahommed Hamed, reis effendi, on the part of the Sublime Porte.

The French versions herewith transmitted, and accompanied by copies and English translations of the same, are transcripts of the original translations from the Turkish, signed by the commissioners of the United States and delivered to the Government of the Sublime Porte.

The paper in Turkish is the original signed by the Turkish plenipotentiary and delivered by him to the American commissioners. Of this a translation into the English language, and believed to be correct, is like-wise transmitted.

ANDREW JACKSON.

Washington, *December 15, 1830.*
To the Senate and House of Representatives.

Gentlemen: From information received at the Department of State it is ascertained that owing to unforeseen circumstances several of the marshals have been unable to complete the enumeration of the inhabitants of the United States within the time prescribed by the act of the 23d March, 1830, viz, by the 1st day of the present month.

As the completion of the Fifth Census as respects several of the States of the Union will have been defeated unless Congress, to whom the case is submitted, shall by an act of the present session allow further time for making the returns in question, the expediency is suggested of allowing such an act to pass at as early a day as possible.

ANDREW JACKSON.

December 20, 1830.
To the Senate of the United States:

In compliance with the resolution of the Senate of the 14th instant, calling for copies of any letters or other communications which may have been received at the Department of War from the chiefs and headmen, or any of them, of the Choctaw tribe of Indians since the treaty entered into by the

commissioners on the part of the United States with that tribe of Indians at Dancing Rabbit Creek, and also for information showing the number of Indians belonging to that tribe who have emigrated to the country west of the Mississippi, etc., I submit herewith a report from the Secretary of War, containing the information requested.

ANDREW JACKSON.

Washington, *December 20, 1830.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 16th instant, calling for certain papers relative to the negotiation of the treaty between the United States and Turkey now before the Senate, I communicate the inclosed report of the Secretary of State, accompanied by the documents and containing the information requested.

ANDREW JACKSON.

December 29, 1830.

To the Senate of the United States:

I submit to the consideration of the Senate two treaties—one of peace, the other of cession—concluded at Prairie du Chien on the 10th and 15th July, 1830, by commissioners duly authorized on the part of the United States and by deputations of the confederated tribes of Indians residing on the Upper Mississippi.

ANDREW JACKSON.

December 30, 1830.

To the Senate of the United States:

A vacancy having arisen in the office of brigadier in consequence of the removal of General John Nicks from the Territory of Arkansas to

Cantonment Gibson, I nominated at your last session William Montgomery to be general of the second brigade of militia of said Territory. By this communication I desire to correct the Journal of the Senate and my message of the 22d of April, 1830, so as to exclude the idea that General Nicks was removed from office.

ANDREW JACKSON.

Washington, *December 31, 1830.*

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

I transmit herewith to Congress a copy of a correspondence which lately passed between Major-General Von Scholten, His Danish Majesty's governor-general of his West India possessions and special minister to the United States, and Mr. Van Buren, Secretary of State, concerning the regulation of the commercial intercourse between those possessions and the United States, which comprehends the propositions that General Von Scholten made to this Government in behalf of his Sovereign upon that subject and the answers of the Secretary of State to the same, the last showing the grounds upon which this Government declined acceding to the overtures of the Danish envoy.

This correspondence is now submitted to the two Houses of Congress in compliance with the wish and request of General Von Scholten himself, and under the full persuasion upon my part that it will receive all the attention and consideration to which the very friendly relations that have so long subsisted between the United States and the King of Denmark especially entitle it in the councils of this Union.

ANDREW JACKSON.

January 3, 1831.

To the Senate of the United States:

Since my message of the 20th of December last, transmitting to the Senate a report from the Secretary of War, with information requested by the

resolution of the Senate of the 14th December, in relation to the treaty concluded at Dancing Rabbit Creek with the Choctaw Indians, I have received the two letters which are herewith inclosed, containing further information on the subject.

ANDREW JACKSON.

Washington, *January 3, 1831.*

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

I communicate to Congress the papers relating to the recent arrangement with Great Britain with respect to the trade between her colonial possessions and the United States, to which reference was made in my message at the opening of the present session.

It will appear from those documents that owing to the omission in the act of the 29th of May last of a clause expressly restricting importations into the British colonies in American vessels to the productions of the United States, to the amendment engrafted upon that act in the House Of Representatives, providing that when the trade with the West India colonies should be opened the commercial intercourse of the United States with all other parts of the British dominions or possessions should be left on a footing not less favorable to the United States than it now is, and to the act not specifying the terms upon which British vessels coming from the northern colonies should be admitted to entry into the ports of the United States, an apprehension was entertained by the Government of Great Britain that under the contemplated arrangement claims might be set up on our part inconsistent with the propositions submitted by our minister and with the terms to which she was willing to agree, and that this circumstance led to explanations between Mr. McLane and the Earl of Aberdeen respecting the intentions of Congress and the true construction to be given to the act referred to.

To the interpretation given by them to that act I did not hesitate to agree. It was quite clear that in adopting the amendment referred to Congress could not have intended to preclude future alterations in the existing intercourse between the United States and other parts of the British dominions; and the

supposition that the omission to restrict in terms the importations to the productions of the country to which the vessels respectively belong was intentional was precluded by the propositions previously made by this Government to that of Great Britain, and which were before Congress at the time of the passage of the act; by the principles which govern the maritime legislation of the two countries and by the provisions of the existing commercial treaty between them.

Actuated by this view of the subject, and convinced that it was in accordance with the real intentions of Congress, I felt it my duty to give effect to the arrangement by issuing the required proclamation, of which a copy is likewise herewith communicated.

ANDREW JACKSON.

January 5, 1831.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 17th of December last, calling for information on the subject of internal improvement, I submit herewith a report from the Secretaries of War and Treasury, containing the information required.

ANDREW JACKSON.

January 7, 1831.

To the House of Representatives:

I beg leave to call the attention of Congress to the accompanying report from the Navy Department, upon the state of the accounts of the Navy in the office of the Fourth Auditor, and to suggest the necessity of correcting the evils complained of by early legislation.

ANDREW JACKSON.

Washington, *January 11, 1831.*

The Speaker of the House of Representatives:

I transmit to Congress a report of the Secretary of State, with the report to him from the Patent Office which accompanied it, in relation to the concerns of that office, and recommend the whole subject to early and favorable consideration.

ANDREW JACKSON.

(The same message was sent to the Senate.)

January 15, 1831.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d ultimo, requesting to be informed of the quantity of live-oak timber in the United States, where it is, and what means are employed to preserve it, I present herewith a report of the Secretary of the Navy, containing the information required,

ANDREW JACKSON.

January 15, 1831.

To the House of Representatives:

I submit to the consideration of Congress the accompanying report and documents from the Navy Department, in relation to the capture of the Spanish slave vessel called *The Fenix*, and recommend that suitable legislative provision be made for the maintenance of the unfortunate captives pending the legislation which has grown out of the case.

ANDREW JACKSON.

January 24, 1831.

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, containing the information requested by the resolution of the Senate of the 21st instant, in relation to "the state of the British establishments in the valley of the Columbia and the state of the fur trade as carried on by the citizens of the United States and the Hudsons Bay Company."

ANDREW JACKSON.

January 25, 1831.

To the House of Representatives:

I beg leave to call the attention of Congress to the inclosed communication from the Secretary of the Navy, in relation to the pay and other allowances of the officers of the Marine Corps, and to recommend the adoption of the legislative provisions suggested in it.

ANDREW JACKSON.

Washington, D.C., *January 26, 1831.*

To the Senate of the United States:

In pursuance of the advice and consent of the Senate as expressed in their resolution of the 10th February, 1830, the treaty of commerce and navigation between the United States and Austria concluded in this city on the 27th of August, 1829, was duly ratified by this Government on the 11th day of the same month of February; but the treaty itself containing a stipulation that the ratifications of the two parties to it should be exchanged within twelve months from the date of its signature, and that of the Austrian Government not having been received here till after the expiration of the time limited, I have not thought myself at liberty under these circumstances, without the additional advice and consent of the Senate, to authorize that ceremony on the part of this Government. Information having been received at the Department of State from the Austrian representative in the United

States that he is prepared to proceed to the exchange of the ratifications of his Government for that of this, the question is therefore submitted to the Senate for their advice and consent upon the occasion.

ANDREW JACKSON.

February 3, 1831.

To the Senate of the United States:

I respectfully submit to the Senate, in answer to their legislative resolution of the 20th ultimo, in relation to the sales of land at the Crawfordsville land office in November last, reports from the Secretary of the Treasury and the Commissioner of the General Land Office.

Concurring with the Secretary of the Treasury in the views he has taken of the treaties and act of Congress touching the subject, I can not discover that the President is invested with any power under the Constitution or laws to withhold a patent from a purchaser who has given a fair and valuable consideration for land, and thereby acquired a vested right to the same; nor do I perceive that the sole legislative resolution of the Senate can confer such a power, or suspend the right of the citizens to enter the lands that have been offered for sale in said district and remain unsold, so long as the law authorizing the same remains unrepealed.

I beg leave, therefore, to present the subject to the reconsideration of the Senate.

ANDREW JACKSON.

Washington, *February 3, 1831.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Treasury Department, in compliance with the resolution of the House of Representatives of the 3d ultimo, calling for the correspondence in relation

to locating a cession of lands made or intended to be made by the Pottawattamie tribe of Indians for the benefit of the State of Indiana, etc.

ANDREW JACKSON.

To the House of Representatives of the United States:

I communicate to the House of Representatives, in compliance with their resolution of the 29th of January last, calling for information and papers respecting the seizure of American vessels by the naval forces of Portugal forming the blockade of the island of Terceira, a report from the Secretary of State, which, with the documents accompanying it, contains the information in his Department upon that subject, and avail myself of the occasion further to inform the House of Representatives that orders had before the introduction of the resolution referred to been given to fit out a ship of war for the more effectual protection of our commerce in that quarter.

ANDREW JACKSON.

Washington, *February 19, 1831.*

The Speaker of the House of Representatives:

I present for the consideration of Congress a report from the Secretary of War, relative to a compromise of title of the island on which Fort Delaware has been constructed.

ANDREW JACKSON.

(The same message was sent to the Senate.)

February 22, 1831.

To the Congress of the United States:

I transmit to Congress a letter from Mr. Rhind, stating the circumstances under which he received the four Arabian horses that were brought by him to the United States from Turkey. His letter will enable Congress to decide what ought to be done with them.

ANDREW JACKSON.

February 22, 1831.

To the Senate of the United States:

I have received your resolution of the 15th instant, requesting me "to inform the Senate whether the provisions of the act entitled 'An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers,' passed the 30th of March, 1802, have been fully complied with on the part of the United States Government, and if they have not that he inform the Senate of the reasons that have induced the Government to decline the enforcement of said act," and I now reply to the same.

According to my views of the act referred to, I am not aware of any omission to carry into effect its provisions in relation to trade and intercourse with the Indian tribes so far as their execution depended on the agency confided to the Executive.

The numerous provisions of that act designed to secure to the Indians the peaceable possession of their lands may be reduced, substantially, to the following: That citizens of the United States are restrained under sufficient penalties from entering upon the lands for the purpose of hunting thereon, or of settling them, or of giving their horses and cattle the benefit of a range upon them, or of traveling through them without a written permission; and that the President of the United States is authorized to employ the military force of the country to secure the observance of these provisions. The authority to the President, however, is not imperative. The language is:

It shall be lawful for the President to take such measures and to employ such military force as he may judge necessary to remove from lands belonging to or secured by treaty to any Indian tribe any citizen who shall make a settlement thereon.

By the nineteenth section of this act it is provided that nothing in it "shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the United States and being within the ordinary jurisdiction of any of the individual States." This provision I have interpreted as being prospective in its operation and as applicable not only to Indian tribes which at the date of its passage were subject to the jurisdiction of any State, but to such also as should thereafter become so. To this construction of its meaning I have endeavored to conform, and have taken no step inconsistent with it. As soon, therefore, as the sovereign power of the State of Georgia was exercised by an extension of her laws throughout her limits, and I had received information of the same, orders were given to withdraw from the State the troops which had been detailed to prevent intrusion upon the Indian lands within it, and these orders were executed. The reasons which dictated them shall be frankly communicated.

The principle recognized in the section last quoted was not for the first time then avowed. It is conformable to the uniform practice of the Government before the adoption of the Constitution, and amounts to a distinct recognition by Congress at that early day of the doctrine that that instrument had not varied the powers of the Federal Government over Indian affairs from what they were under the Articles of Confederation. It is not believed that there is a single instance in the legislation of the country in which the Indians have been regarded as possessing political rights independent of the control and authority of the States within the limits of which they resided. As early as the year 1782 the Journals of Congress will show that no claim of such a character was countenanced by that body. In that year the application of a tribe of Indians residing in South Carolina to have certain tracts of land which had been reserved for their use in that State secured to them free from intrusion, and without the right of alienating them even with their own consent, was brought to the consideration of Congress by a report from the Secretary of War. The resolution which was adopted on that occasion is as follows:

Resolved, That it be recommended to the legislature of South Carolina to take such measures for the satisfaction and security of said tribes as the said legislature in their wisdom may think fit.

Here is no assertion of the right of Congress under the Articles of Confederation to interfere with the jurisdiction of the States over Indians within their limits, but rather a negation of it. They refused to interfere with the subject, and referred it under a general recommendation back to the State, to be disposed of as her wisdom might decide.

If in addition to this act and the language of the Articles of Confederation anything further can be wanting to show the early views of the Government on the subject, it will be found in the proclamation issued by Congress in 1783. It contains this language:

The United States in Congress assembled have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State.

And again:

Resolved, That the preceding measures of Congress relative to Indian affairs shall not be construed to affect the territorial claims of any of the States or their legislative rights within their respective limits.

It was not then pretended that the General Government had the power in their relations with the Indians to control or oppose the internal polity of the individual States of this Union, and if such was the case under the Articles of Confederation the only question on the subject since must arise out of some more enlarged power or authority given to the General Government by the present Constitution. Does any such exist?

Amongst the enumerated grants of the Constitution that which relates to this subject is expressed in these words: "Congress shall have power to regulate commerce with the Indian tribes." In the interpretation of this power we ought certainly to be guided by what had been the practice of the Government and the meaning which had been generally attached to the resolves of the old Congress if the words used to convey it do not clearly import a different one, as far as it affects the question of jurisdiction in the

individual States. The States ought not to be divested of any part of their antecedent jurisdiction by implication or doubtful construction. Tested by this rule it seems to me to be unquestionable that the jurisdiction of the States is left untouched by this clause of the Constitution, and that it was designed to give to the General Government complete control over the trade and intercourse of those Indians only who were not within the limits of any State.

From a view of the acts referred to and the uniform practice of the Government it is manifest that until recently it has never been maintained that the right of jurisdiction by a State over Indians within its territory was subordinate to the power of the Federal Government. That doctrine has not been enforced nor even asserted in any of the States of New England where tribes of Indians have resided, and where a few of them yet remain. These tribes have been left to the undisturbed control of the States in which they were found, in conformity with the view which has been taken of the opinions prevailing up to 1789 and the clear interpretation of the act of 1802. In the State of New York, where several tribes have resided, it has been the policy of the Government to avoid entering into quasi treaty engagements with them, barely appointing commissioners occasionally on the part of the United States to facilitate the objects of the State in its negotiations with them. The Southern States present an exception to this policy. As early as 1784 the settlements within the limits of North Carolina were advanced farther to the west than the authority of the State to enforce an obedience of its laws. Others were in a similar condition. The necessities, therefore, and not the acknowledged principles, of the Government must have suggested the policy of treating with the Indians in that quarter as the only practicable mode of conciliating their good will. The United States at that period had just emerged from a protracted war for the achievement of their independence. At the moment of its conclusion many of these tribes, as powerful as they were ferocious in their mode of warfare, remained in arms, desolating our frontier settlements. Under these circumstances the first treaties, in 1785 and 1790, with the Cherokees, were concluded by the Government of the United States, and were evidently sanctioned as measures of necessity adapted to the character of the Indians and indispensable to the peace and security of the western frontier. But they can not be understood as changing the political relations of the Indians to

the States or to the Federal Government. To effect this would have required the operation of quite a different principle and the intervention of a tribunal higher than that of the treaty-making power.

To infer from the assent of the Government to this deviation from the practice which had before governed its intercourse with the Indians, and the accidental forbearance of the States to assert their right of jurisdiction over them, that they had surrendered this portion of their sovereignty, and that its assumption now is usurpation, is conceding too much to the necessity which dictated those treaties, and doing violence to the principles of the Government and the rights of the States without benefiting in the least degree the Indians. The Indians thus situated can not be regarded in any other light than as members of a foreign government or of that of the State within whose chartered limits they reside. If in the former, the ordinary legislation of Congress in relation to them is not warranted by the Constitution, which was established for the benefit of our own, not of a foreign people. If in the latter, then, like other citizens or people resident within the limits of the States, they are subject to their jurisdiction and control. To maintain a contrary doctrine and to require the Executive to enforce it by the employment of a military force would be to place in his hands a power to make war upon the rights of the States and the liberties of the country—a power which should be placed in the hands of no individual.

If, indeed, the Indians are to be regarded as people possessing rights which they can exercise independently of the States, much error has arisen in the intercourse of the Government with them. Why is it that they have been called upon to assist in our wars without the privilege of exercising their own discretion? If an independent people, they should as such be consulted and advised with; but they have not been. In an order which was issued to me from the War Department in September, 1814, this language is employed:

All the friendly Indians should be organized and prepared to cooperate with your other forces. There appears to be some dissatisfaction among the Choctaws; their friendship and services should be secured without delay. The friendly

Indians must be fed and paid, and *made to fight when and where their services may be required.*

To an independent and foreign people this would seem to be assuming, I should suppose, rather too lofty a tone—one which the Government would not have assumed if they had considered them in that light. Again, by the Constitution the power of declaring war belongs exclusively to Congress. We have been often engaged in war with the Indian tribes within our limits, but when have these hostilities been preceded or accompanied by an act of Congress declaring war against the tribe which was the object of them? And was the prosecution of such hostilities an usurpation in each case by the Executive which conducted them of the constitutional power of Congress? It must have been so, I apprehend, if these tribes are to be considered as foreign and independent nations.

The steps taken to prevent intrusion upon Indian lands had their origin with the commencement of our Government, and became the subject of special legislation in 1802, with the reservations which have been mentioned in favor of the jurisdiction of the States. With the exception of South Carolina, who has uniformly regulated the Indians within her limits without the aid of the General Government, they have been felt within all the States of the South without being understood to affect their rights or prevent the exercise of their jurisdiction, whenever they were in a situation to assume and enforce it. Georgia, though materially concerned, has on this principle forborne to spread her legislation farther than the settlements of her own white citizens, until she has recently perceived within her limits a people claiming to be capable of self-government, sitting in legislative council, organizing courts and administering justice. To disarm such an anomalous invasion of her sovereignty she has declared her determination to execute her own laws throughout her limits—a step which seems to have been anticipated by the proclamation of 1783, and which is perfectly consistent with the nineteenth section of the act of 1802. According to the language and reasoning of that section, the tribes to the South and the Southwest are not only "surrounded by settlements of the citizens of the United States," but are now also "within the ordinary jurisdiction of the individual States." They became so from the moment the laws of the State were extended over them, and the same result follows the similar determination of Alabama and

Mississippi. These States have each a right to claim in behalf of their position now on this question the same respect which is conceded to the other States of the Union.

Toward this race of people I entertain the kindest feelings, and am not sensible that the views which I have taken of their true interests are less favorable to them than those which oppose their emigration to the West. Years since I stated to them my belief that if the States chose to extend their laws over them it would not be in the power of the Federal Government to prevent it. My opinion remains the same, and I can see no alternative for them but that of their removal to the West or a quiet submission to the State laws. If they prefer to remove, the United States agree to defray their expenses, to supply them the means of transportation and a year's support after they reach their new homes—a provision too liberal and kind to deserve the stamp of injustice. Either course promises them peace and happiness, whilst an obstinate perseverance in the effort to maintain their possessions independent of the State authority can not fail to render their condition still more helpless and miserable. Such an effort ought, therefore, to be discountenanced by all who sincerely sympathize in the fortunes of this peculiar people, and especially by the political bodies of the Union, as calculated to disturb the harmony of the two Governments and to endanger the safety of the many blessings which they enable us to enjoy.

As connected with the subject of this inquiry, I beg leave to refer to the accompanying letter from the Secretary of War, inclosing the orders which proceeded from that Department, and a letter from the governor of Georgia.

ANDREW JACKSON.

Washington, *February 26, 1831.*

To the Senate of the United States:

The inclosed report[[11](#)] of the Secretary of War is herewith inclosed in answer to the resolution of the Senate of yesterday's date.

ANDREW JACKSON.

[Footnote 11: Relative to the expenditure of appropriations for improving the Ohio and Mississippi rivers.]

To the Senate of the United States:

I present for the consideration of the Senate articles of agreement entered into and concluded by commissioners duly appointed on the part of the United States and the chiefs of the Menominee tribe of Indians at Green Bay. Various attempts were made to reconcile the conflicting interests of the New York Indians, but without success, as will appear by the report made by the Secretary of War. No stipulation in their favor could be introduced into the agreement without the consent of the Menominees, and that consent could not be obtained to any greater extent than the articles show.

Congress only is competent now to adjust and arrange these differences and satisfy the demands of the New York Indians. The whole matter is respectfully submitted.

ANDREW JACKSON.

To the Senate of the United States:

I submit to the consideration of the Senate of the United States articles of agreement and convention concluded this day between the United States, by a commissioner duly authorized, and the Seneca tribe of Indians resident in the State of Ohio.

ANDREW JACKSON.

February 28, 1831.

The Speaker of the House of Representatives of the United States:

I lay before the House of Representatives a treaty recently concluded with the Choctaw tribe of Indians, that provision may be made for carrying the same into effect agreeably to the estimate heretofore presented by the

Secretary of War to the Committee of Ways and Means. It is a printed copy as it passed the Senate, no amendment having been made except to strike out the preamble. I also communicate a letter from the Secretary of War on this subject.

ANDREW JACKSON.

March 1, 1831.

To the Senate of the United States:

I transmit herewith, for the use of the Senate, printed copies of the treaties which have been lately ratified between the United States and the Choctaw Indians and between the United States and the confederated tribes of the Sacs and Foxes and other tribes.

ANDREW JACKSON.

(The same message was sent to the House of Representatives.)

WASHINGTON, *March 2, 1831.*

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

I communicate to Congress a treaty of commerce and navigation between the United States and the Emperor of Austria, concluded in this city on the 28th March, 1830, the ratifications of which were exchanged on the 10th of February last.

ANDREW JACKSON.

March 2, 1831.

To the Senate of the United States:

John H. Clack, a master commandant in the Navy of the United States, having rank as such from the 24th April, 1828, was on the sentence of a court-martial, which was approved by me, ordered to be dismissed from the

service. On a reexamination of the record of the trial I am satisfied that the proceeding was illegal in substance, and therefore that the sentence was void.

To restore the party to the rights of which he was deprived by the enforcement of a sentence which was in law erroneous and void, I nominate the said John H. Clack to be a master commandant in the Navy of the United States, to take rank as such from the 24th April, 1828.

ANDREW JACKSON.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas information has been transmitted to the President of the United States by the governor of the Territory of Arkansas that certain persons pretending to act under the authority of the Mexican Government, and without any lawful right or power derived from that of the United States, have attempted to and do survey, for sale and settlement, a portion of the public lands in said Territory, and particularly in the counties of Lafayette, Sevier, and Miller, and have presumed to and do administer to the citizens residing in said counties the oath of allegiance to the said Mexican Government; and

Whereas such acts and practices are contrary to the law of the land and the provisions of the act of Congress approved the 3d day of March, A.D. 1807, and are offenses against the peace and public tranquillity of the said Territory and the inhabitants thereof:

Now, therefore, be it known that I, Andrew Jackson, President of the United States, by virtue of the power and authority vested in me in and by the said act of Congress, do issue this my proclamation, commanding and strictly enjoining all persons who have unlawfully entered upon, taken possession of, or made any settlement on the public lands in the said counties of Lafayette, Sevier, or Miller, or who may be in the unlawful occupation or possession of the same, or any part thereof, forthwith to depart and remove therefrom; and I do hereby command and require the marshal of the said Territory of Arkansas, or other officer or officers acting as such marshal, from and after the 15th day of April next to remove or cause to be removed all persons who may then unlawfully be upon, in possession of, or who may unlawfully occupy any of the public lands in the said counties of Lafayette, Sevier, or Miller, or who may be surveying or attempting to survey the same without any authority therefor from the Government of the United

States; and to execute and carry into effect this proclamation I do hereby authorize the employment of such military force as may be necessary pursuant to the act of Congress aforesaid, and warn all offenders in the premises that they will be prosecuted and punished in such other way and manner as may be consistent with the provisions and requisitions of the law in such case made and provided.

Done at the city of Washington, this 10th day of February, A.D. 1831, and of the Independence of the United States of America the fifty-fifth.

ANDREW JACKSON.

EXECUTIVE ORDER.

Washington, *August 6, 1831.*

Acting Secretary of War.

Sir: You will, after the receipt of this, report to the President for dismissal every clerk in your office who shall avail himself of the benefit of the insolvent debtors' act for debts contracted during my Administration.

Very respectfully, ANDREW JACKSON.

(The same order was addressed to the Secretary of the Navy.)

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 shipbuilding 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 shipyards 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 further 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 upward of 30,000 tons of American and 15,000 tons of foreign shipping in the outward voyages, and in the inward nearly an equal amount of American and 20,000 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 10th 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 naturally gave rise concurred to present this as a fit period for renewing our endeavors to provide against the recurrence of causes of irritation 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 can not doubt, will put an end to 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.

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 engage 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 shewn 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 were 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.

With Spain our differences up to the 22d of 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 defense 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 further reflection will lead to other views, and feel confident that when His Catholic Majesty shall be convinced of the justice of the claims 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 dispatched a special messenger with instructions to our minister to bring the case once more to his consideration, to the end that if (which I can not bring myself to believe) the same decision (that can not 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 defense, 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 counsels 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 citizen 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 dispatching 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 dispatch 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 it 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 dispatched 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 dispatches. 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 meantime, 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 dispatch 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 meantime, 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 connection 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 consideration 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 revision of our consular laws. Defects and omissions have been discovered in their operation that ought to be remedied and supplied. For your further 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 a 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 with the Indian population. The same measures 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 \$27,700,000, and the expenditures for all objects other than the public debt will not exceed \$14,700,000. The payment on account of the principal and interest of the debt during the year will exceed \$16,500,000, 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 4th of March, 1829, to the 1st of January next, which is less than three years since the Administration has been placed in my hands, will exceed \$40,000,000.

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 can not 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 on 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 can not, 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 10 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 can not 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 organized, 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 organized, 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.

ANDREW JACKSON.

SPECIAL MESSAGES.

Washington, *December 6, 1831.*

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty between the United States and France, signed at Paris by the plenipotentiaries of the two Governments on the 4th of July, 1831.

With the treaty are also transmitted the dispatch which accompanied it, and two others on the same subject received since.

ANDREW JACKSON.

December 7, 1831.

Gentlemen of the Senate:

In my public message to both Houses of Congress I communicated the state in which I had found the controverted claims of Great Britain and the United States in relation to our northern and eastern boundary, and the measures which since my coming into office I had pursued to bring it to a close, together with the fact that on the 10th day of January last the sovereign arbiter had delivered his opinion to the plenipotentiaries of the United States and Great Britain.

I now transmit to you that opinion for your consideration, that you may determine whether you will advise submission to the opinion delivered by the sovereign arbiter and consent to its execution.

That you may the better be enabled to judge of the obligation as well as the expediency of submitting to or rejecting the decision of the arbiter, I herewith transmit—

1. A protest made by the minister plenipotentiary of the United States after receiving the opinion of the King of the Netherlands, on which paper it may be necessary to remark that I had always determined, whatever might have been the result of the examination by the sovereign arbiter, to have submitted the same to the Senate for their advice before I executed or rejected it. Therefore no instructions were given to the ministers to do any act that should commit the Government as to the course it might deem proper to pursue on a full consideration of all the circumstances of the case.
2. The dispatches from our minister at The Hague accompanying the protest, as well as those previous and subsequent thereto, in relation to the subject of the submission.
3. Communications between the Department of State and the governor of the State of Maine in relation to this subject.
4. Correspondence between the chargé d'affaires of His Britannic Majesty and the Department of State in relation to the arrest of certain persons at Madawasca under the authority of the British Government at New Brunswick.

It is proper to add that in addition to the evidence derived from Mr. Treble's dispatches of the inclination of the British Government to abide by the award, assurances to the same effect have been uniformly made to our minister at London, and that an official communication on that subject may very soon be expected.

ANDREW JACKSON.

Washington City, *December 7, 1831.*

To the Congress of the United States:

I transmit herewith, for the information of Congress, two letters from the Secretary of State, accompanied by statements from that Department showing the progress which has been made in taking the Fifth Census of the inhabitants of the United States, and also by a printed copy of the revision

of the statements heretofore transmitted to Congress of all former enumerations of the population of the United States and their Territories.

ANDREW JACKSON.

Washington, *December 13, 1831.*

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

The accompanying papers show the situation of extreme peril from which more than sixty of our fellow-citizens have been rescued by the courage and humanity of the master and crew of a Spanish brig. As no property was saved, there were no means of making pecuniary satisfaction for the risk and loss incurred in performing this humane and meritorious service. Believing, therefore, that the obligation devolved upon the nation, but having no funds at my disposal which I could think constitutionally applicable to the case, I have thought honor as well as justice required that the facts should be submitted to the consideration of Congress, in order that they might provide not only a just indemnity for the losses incurred, but some compensation adequate to the merits of the service.

ANDREW JACKSON.

WASHINGTON, *December 13, 1831.*

To the Senate of the United States:

I transmit herewith, in obedience to a resolution of the Senate of the 8th December, 1831, all the information in the possession of the Executive relative to the capture, abduction, and imprisonment of American citizens by the provincial authorities of New Brunswick, and the measures which, in consequence thereof, have been adopted by the Executive of the United States.

ANDREW JACKSON.

WASHINGTON CITY, *December 21, 1831.*
To the Congress of the United States:

I transmit herewith, for the information of Congress, a report of the Secretary of State, respecting tonnage duties levied at Martinique and Guadaloupe on American vessels and on French vessels from those islands to the United States.

ANDREW JACKSON.

WASHINGTON CITY, *December 21, 1831.*
Gentlemen of the Senate:

Since my message of the 7th instant, transmitting the award of the King of the Netherlands, I have received the official communication, then expected, of the determination of the British Government to abide by the award. This communication is now respectfully laid before you for the purpose of aiding your deliberations on the same subject.

ANDREW JACKSON.

WASHINGTON, *December 29, 1831.*
To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 19th instant, requesting the President of the United States to communicate to it "the correspondence between the governor of Georgia and any Department of this Government, in the years 1830 and 1831, in relation to the boundary line between the State of Georgia and the Territory of Florida," I transmit herewith a communication from the Secretary of State, with copies of the papers referred to. It is proper to add, as the resolutions on this subject from the governor and legislature of Georgia were received after the adjournment of the last Congress, and as that body, after having the same subject under consideration, had failed to authorize the President to take any steps in relation to it, that it was my intention to present it in due time to the attention of the present Congress by special message. This determination

has been hastened by the call of the House for the information now communicated, and it only remains for me to await the action of Congress upon the subject.

ANDREW JACKSON.

WASHINGTON, *January 5, 1832.*

To the Senate:

I herewith lay before the Senate, for their advice and consent as to the ratification of the same, a treaty between the United States and the principal chiefs and warriors of the mixed band of Seneca and Shawnee Indians living on the waters of the Great Miami and within the territorial limits of the county of Logan, in the State of Ohio, entered into on the 30th day of July, 1831; and also a treaty between the United States and the chiefs, headmen, and warriors of the band of Ottaway Indians residing within the State of Ohio, entered into on the 30th of August, 1831.

ANDREW JACKSON.

WASHINGTON, *January 10, 1832.*

To the Senate and House of Representatives:

I herewith transmit a report made by the Secretary of State on the subject of a commercial arrangement with the Republic of Colombia, which requires legislative action to carry it into effect.

ANDREW JACKSON.

WASHINGTON, *January 12, 1832.*

To the Senate of the United States:

I herewith lay before the Senate, for their advice and consent as to the ratification of the same, a treaty made on the 8th of August last with the Shawnee Indians.

ANDREW JACKSON.

WASHINGTON, *January 18, 1832.*

To the Senate:

I transmit herewith a report of the Secretary of State, in answer to the resolution of the Senate of the 3d instant, and accompanied by copies of the instructions and correspondence relative to the late treaty with France, called for by that resolution.

ANDREW JACKSON.

WASHINGTON, *January 20, 1832.*

To the Congress of the United States:

I respectfully invite the attention of Congress to the propriety of compromising the title of the islands on which Fort Delaware stands in the manner pointed out by the accompanying report from the War Department. This subject was presented to Congress during the last session, but for want of time, it is believed, did not receive its action.

ANDREW JACKSON.

WASHINGTON, *January 23, 1832.*

To the House of Representatives:

I herewith transmit to the House of Representatives a copy of a correspondence between the late minister of Great Britain and the late Secretary of State of the United States on the subject of a claim of Cyrenius Hall, a British subject and an inhabitant of Upper Canada, for the loss which he alleges to have sustained in consequence of the imputed seizure of a schooner (his property) by the collector of the customs at Venice, in Sandusky Bay, in the year 1821, and the subsequent neglect of that officer in relation to the said schooner, together with copies of the documents

adduced in support of the claim, that such legislative provision may be made in behalf of the claimant as shall appear just and proper in the case.

ANDREW JACKSON.

WASHINGTON, *January 24, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 20th instant, I herewith transmit a report from the Secretary of War, containing all the information in possession of the Executive required by that resolution.

For the reason assigned by the Secretary in his report I have to request that the abstracts of the Choctaw reservations may be returned to the War Department when the House shall no longer require them.

ANDREW JACKSON.

WASHINGTON, *January 26, 1832.*

To the House of Representatives:

I transmit herewith reports from the Secretaries of the War and Navy Departments, containing the information required by the resolution of the House of the 5th instant, in regard to the expenditures on breakwaters since 1815.

ANDREW JACKSON.

WASHINGTON, *January 27, 1832.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 18th instant, I herewith transmit a report[[12](#)] of the Secretary of State, which, together with the letter of His Britannic Majesty's chargé d'affaires heretofore

communicated, demanding the execution of the opinion delivered by the sovereign arbiter, contains all the information requested by the said resolution, omitting nothing that may enable the Senate to give the advice requested by my message of the 7th of December last, on the question of carrying into effect the opinion of the King of the Netherlands.

ANDREW JACKSON.

[Footnote 12: Relating to the northeastern boundary of the United States.]

WASHINGTON CITY, *January 27, 1832.*

To the Senate of the United States:

Since the dismissal of Lieutenant Hampton Westcott for participating as second in a duel in March, A.D. 1830, a more particular investigation of the circumstances has resulted in exonerating him from having instigated the fatal meeting, and the said Westcott, on a trial by a jury, has been acquitted of all legal guilt in the transaction.

I therefore nominate the said Hampton Westcott to be a lieutenant in the Navy of the United States from the 17th of May, 1828, his former date, and to take rank next after Richard R. McMullin.

ANDREW JACKSON.

WASHINGTON, *February 3, 1832.*

To the Senate:

In addition to the documents relating to the settlement of the northeastern boundary of the United States now in possession of the Senate, I have just received certain proceedings and resolutions of the legislature of the State of Maine on the subject, which are herewith transmitted.

ANDREW JACKSON.

WASHINGTON, *February 6, 1832.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 3d March, 1831, I transmit herewith a report from the Secretary of State on the subject of the regulations of England, France, and the Netherlands respecting their fisheries.

ANDREW JACKSON.

WASHINGTON; *February 7, 1832.*

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

A convention having been entered into between the United States and the King of the French, it has been ratified with the advice and consent of the Senate; and my ratification having been exchanged in due form on the 2d of February, 1832, by the Secretary of State and the envoy extraordinary and minister plenipotentiary of the King of the French, it is now communicated to you for consideration in your legislative capacity.

You will observe that some important conditions can not be carried into execution but with the aid of the Legislature, and that the proper provisions for that purpose seem to be required without delay.

ANDREW JACKSON.

WASHINGTON, *February 7, 1832.*

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

A treaty of commerce and navigation having been entered into between the United States and the Sublime Porte, it has been ratified with the advice and consent of the Senate; and my ratification having been exchanged in due form on the 5th October, 1831, by our chargé d'affaires at Constantinople and that Government, it is now communicated to both Houses of Congress.

ANDREW JACKSON.

WASHINGTON, *February 8, 1832.*

To the Senate:

I transmit herewith, for the information of the Senate, a report from the Department of War, showing the situation of the country at Green Bay ceded for the benefit of the New York Indians, and also the proceedings of the commissioner, who has lately had a meeting with them.

ANDREW JACKSON.

WASHINGTON, *February 8, 1832.*

To the Senate:

I transmit herewith a report of the Secretary of War, made in compliance with a resolution of the Senate of March 2, 1831, requesting the President of the United States "to cause to be collected and reported to the Senate at the commencement of the next stated session of Congress the most authentic information which can be obtained of the number and names of the American citizens who have been killed or robbed while engaged in the fur trade or the inland trade to Mexico since the late war with Great Britain, the amount of the robberies committed, and at what places and by what tribes; also the number of persons who annually engage in the fur trade and inland trade to Mexico, the amount of capital employed, and the annual amount of the proceeds in furs, robes, peltries, money, etc.; also the disadvantages, if any, which these branches of trade labor under, and the means for their relief and protection."

ANDREW JACKSON.

WASHINGTON, *February 10, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 3d March, 1831, I herewith transmit a report of the Secretary of War "of the survey of the Savannah and Tennessee rivers made in 1828."

ANDREW JACKSON.

WASHINGTON, *February 13, 1832.*

To the Senate:

I herewith transmit a report from the Secretary of State, containing the information and documents[[13](#)] called for by a resolution of the Senate of the 9th instant.

ANDREW JACKSON.

[Footnote 13: Dispatch of Mr. Gallatin transmitting the convention of September 29, 1827, and report of an exploring survey from the Sebois River to the head waters of the Penobscot River, made in 1829.]

WASHINGTON, *February 15, 1832.*

To the Senate and House of Representatives:

Being more and more convinced that the destiny of the Indians within the settled portion of the United States depends upon their entire and speedy migration to the country west of the Mississippi set apart for their permanent residence, I am anxious that all the arrangements necessary to the complete execution of the plan of removal and to the ultimate security and improvement of the Indians should be made without further delay. Those who have already removed and are removing are sufficiently numerous to engage the serious attention of the Government, and it is due not less to them than to the obligation which the nation has assumed that every reasonable step should be taken to fulfill the expectations that have been held out to them. Many of those who yet remain will no doubt within a short period become sensible that the course recommended is the only one which promises stability or improvement, and it is to be hoped that all of them will realize this truth and unite with their brethren beyond the Mississippi. Should they do so, there would then be no question of jurisdiction to prevent the Government from exercising such a general control over their affairs as may be essential to their interest and safety. Should any of them, however, repel the offer of removal, they are free to

remain, but they must remain with such privileges and disabilities as the respective States within whose jurisdiction they live may prescribe.

I transmit herewith a report from the Secretary of War, which presents a general outline of the progress that has already been made in this work and of all that remains to be done. It will be perceived that much information is yet necessary for the faithful performance of the duties of the Government, without which it will be impossible to provide for the execution of some of the existing stipulations, or make those prudential arrangements upon which the final success of the whole movement, so far as relates to the Indians themselves, must depend.

I recommend the subject to the attention of Congress in the hope that the suggestions in this report may be found useful and that provision may be made for the appointment of the commissioners therein referred to and for vesting them with such authority as may be necessary to the satisfactory performance of the important duties proposed to be intrusted to them.

ANDREW JACKSON.

WASHINGTON, *February 20, 1832.*
To the Senate.

I nominate Charles Ellery to be a lieutenant in the Navy of the United States, to take rank as if appointed the 29th of April, 1826.

In explanation of the above nomination the President submits to the Senate the following facts:

Charles Ellery was originally appointed a lieutenant in the Navy the 13th of January, 1825, and was dismissed from the service the 24th of November, 1830. The dismissal was in pursuance of the sentence of the same court-martial which tried Master Commandant Clack in September, 1830; but it is thought no technical objections to the legality of the proceedings can be found so well sustained as they were in the case of Master Commandant Clack before the Senate at their last session, and it is supposed that Lieutenant Ellery has no claim for restoration to his former rank except on

the ground of great severity in the sentence, founded on unfavorable impressions as to his conduct, which his prior and subsequent behavior, as manifested in the documents hereto annexed, prove to have been in some degree erroneous. The charges were intemperance and sleeping on his post. His departures from strict temperance were only in a few instances, and seem to have arisen from domestic calamity and never to have grown into a habit; and the only instance testified to in support of the other charge seems now at least doubtful, and if sustained at all to be imputable to the same cause.

Under these views of the case, which a charitable consideration of the proceedings and of his character as fully developed in the annexed documents appears fully to justify, his punishment ought, in my opinion, to be mitigated. He is therefore nominated so as to restore him to the service, with loss of pay and rank for about the time elapsed since his last dismissal.

The proceedings of the court-martial and the testimonials referred to are inclosed, numbered from 1 to 10.

ANDREW JACKSON.

UNITED STATES, *February 24, 1832.*

Gentlemen of the Senate:

I lay before you, for your consideration and advice, a treaty of limits between the United States of America and the Republic of Mexico, concluded at Mexico on the 12th day of January, 1828, and a supplementary article relating thereto, signed also at Mexico on the 5th day of April, 1831.

ANDREW JACKSON.

UNITED STATES, *February 24, 1832.*

Gentlemen of the Senate:

I lay before you, for your consideration and advice, a treaty of amity and commerce between the United States of America and the Republic of Mexico, concluded at Mexico on the 5th day of April, in the year 1831.

ANDREW JACKSON.

WASHINGTON, *February 29, 1832.*

To the Senate:

In compliance with the resolution of the Senate of the 22d December, 1831, calling for certain information in relation to the trade between the United States and the British American colonies, I transmit herewith a report from the Secretary of the Treasury.

ANDREW JACKSON.

WASHINGTON, *February 29, 1832.*

To the Senate:

In compliance with the resolution requesting the President of the United States to communicate to the Senate the considerations which in his opinion render it proper that the United States should be represented by a chargé d'affaires to the King of the Belgians at this time, I transmit herewith a report from the Secretary of State.

ANDREW JACKSON.

WASHINGTON, *March 1, 1832.*

To the House of Representatives:

I submit to the consideration of Congress the accompanying report from the Secretary of State, showing the propriety of making some change by law in the duty on the red wines imported into the United States from Austria.

ANDREW JACKSON.

WASHINGTON, *March 1, 1832.*

To the Senate:

Since my message yesterday in answer to the resolution of the Senate of the 22d December, 1831, calling for certain information in possession of the Executive relating to the trade between the United States and the British American colonies, I have received a report from the Secretary of State on the subject, which is also respectfully submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *March 2, 1832.*

To the Senate:

In compliance with the resolution of the Senate of February 9, 1832, I have received the accompanying report from the Commissioner of the General Land Office, "on the extent and amount of business of the surveyor-general's district for Missouri, Illinois, and Arkansas, and the expediency of dividing the said district," which is respectfully submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 7th instant, requesting the President of the United States to inform the House "whether any, and, if any, what, Indian tribes or nations who joined the enemy in the late war with Great Britain continue to receive annuities from the United States under treaties made prior to the war and not renewed since the peace," I transmit herewith a report from the Secretary of War.

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the House of Representatives:

I transmit herewith a report from the Secretary of War, containing the information called for by the resolution of the House of the 26th January last, in relation to the expenditures incurred by the execution of the act approved May 28, 1830, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the river Mississippi."

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the Senate:

I transmit herewith to the Senate a report from the Secretary of War, containing the information called for by the resolution of the Senate of the 12th of January last, in relation to the employment of agents among the Indians since the passage of the "act to provide for an exchange of lands with the Indians residing within any of the States or Territories, and for their removal west of the Mississippi," approved 28th May, 1830.

ANDREW JACKSON.

WASHINGTON, *March 14, 1832.*

To the Senate:

I submit herewith, for the consideration of the Senate as to their advice and consent to the same, an agreement or convention lately made with a band of the Wyandot Indians residing within the limits of Ohio.

ANDREW JACKSON.

WASHINGTON, *March 16, 1832.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, containing the information called for by the House of Representatives of the 24th February last, in relation to the situation of the Government of the Republic of Colombia and the state of our diplomatic relations with it.

ANDREW JACKSON.

WASHINGTON, *March 26, 1832.*

To the Senate of the United States:

I transmit to the Senate, for their advice and consent as to the ratification of the same, a treaty concluded at this city on the 24th instant between the United States and the Creek tribe of Indians.

ANDREW JACKSON.

WASHINGTON, *March 29, 1832.*

To the Senate:

In compliance with the resolution requesting the "President to inform the Senate whether any, and, if any, what, communications have passed between the executive department of the United States and the executive or legislative department of the State of Maine relative to the northeastern boundary, and whether any proposition has been made by either that the boundary designated by the King of the Netherlands shall be established for a *consideration* to be paid to Maine, and, if so, what consideration was proposed, so far as the same may not be inconsistent with the public interest," I transmit herewith a report from the Secretary of State.

ANDREW JACKSON.

WASHINGTON, *April 2, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of the 17th of the last month, requesting the President to obtain and communicate to it as soon as may be practicable information "whether possession has been taken of any part of the territory of the United States on the Pacific Ocean by the subjects of any foreign power, with any other information relative to the condition and character of the said territory," I transmit herewith reports from the Secretaries of the State and Navy Departments, from which it will appear that there is no satisfactory information on the subject now in possession of the Executive, and that none is likely to be obtained but at an expense which can not be incurred without the authority of Congress.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Congress of the United States:

I transmit herewith to Congress a report from the Secretary of State, showing the circumstances under which refuge was given on board the United States ship *St. Louis*, Captain Sloat, to the vice-president of the Republic of Peru and to General Miller, and the expense thereby incurred by Captain Sloat, for the payment of which there is no fund applicable to the case.

I recommend to Congress that provision be made for this and similar cases that may occur in future.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Congress of the United States:

I submit herewith to the consideration of Congress a report from the Secretary of State, showing the necessity of providing additional accommodations for the Patent Office, and proposing the purchase of a suitable building, which has been offered to the Government for the purpose.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Senate:

I transmit herewith a report from the Secretary of State, made in compliance with the resolution of the Senate which requests the President to communicate to the Senate, if not incompatible with the public interest, that portion of the correspondence between Mr. McLane, while minister at London, and the Secretary of State, and also between our said minister and the British Government, respecting the colonial trade, which may not have been communicated with his message to Congress of the 3d January, 1831.

ANDREW JACKSON.

WASHINGTON, *April 6, 1832.*

To the Senate:

I nominate William P. Zantzinger, of Pennsylvania, to be a purser in the Navy of the United States.

In submitting the above nomination it is deemed proper to give some detail of the peculiar circumstances of the case. Mr. Zantzinger was formerly a purser, and after a trial by a court-martial in January, 1830, was dismissed from the naval service. The record is inclosed, marked A. In July, 1830, verbally, afterwards in writing early in 1831, he applied for restoration to his former situation and date on the assumed ground that the proceedings in his trial were illegal and void, and he fortified himself by the many numerous certificates and opinions herewith forwarded, marked B.

These have been carefully examined, and though failing to convince me of the correctness of his position in respect to the nullity of those proceedings, I am satisfied that under all the circumstances of the case a mitigation of his sentence can be justified on both public and personal grounds.

With the loss of his former date and of his pay since his dismissal, I have therefore submitted his nomination to take effect like an original entry into the service, only from its confirmation by the Senate. There is now one vacancy in the corps of pursers.

ANDREW JACKSON.

WASHINGTON, *April 9, 1832.*

To the Senate:

In compliance with the resolution requesting the President to transmit to the Senate "Lord Aberdeen's letter in answer to Mr. Barbour's of the 27th November, 1828, and also so much of a letter of the 22d April, 1831, from Mr. McLane to Mr. Van Buren as relates to the proposed duty on cotton," I transmit herewith a report from the Secretary of State, communicating copies of the letters referred to.

ANDREW JACKSON.

WASHINGTON, *April 13, 1832.*

To the Congress of the United States:

Approving the suggestions expressed by the Secretary of State in regard to the propriety of exempting Portuguese vessels entering the ports of the United States from the payment of the duties on tonnage, in consequence of a like exemption being extended to those of the United States, I transmit herewith, for the consideration of Congress, his letter on the subject.

ANDREW JACKSON.

WASHINGTON, *April 18, 1832.*

To the Senate:

I transmit herewith a report[[14](#)] from the Secretary of the Treasury, containing the information called for by the resolution of the Senate of the

3d instant.

ANDREW JACKSON.

[Footnote 14: Relating to trade with the European possessions of Great Britain for the year ending September 30, 1831.]

WASHINGTON, *April 19, 1832.*

To the Senate and House of Representatives:

I transmit herewith printed copies of each of the treaties between the United States and the Indian tribes that have been ratified during the present session of Congress.

ANDREW JACKSON.

WASHINGTON, *April 20, 1832.*

To the Senate:

In compliance with the resolution of the Senate of the 9th instant, requesting the President "to communicate to the Senate all the instructions given by this Government to our ministers to Great Britain and all the correspondence of our ministers on the subject of the colonial and West India trade since the 3d of March, 1825, not heretofore communicated, so far as the public interest will, in his judgment, permit," I transmit herewith a report from the Secretary of State, containing the information required.

ANDREW JACKSON.

WASHINGTON, *April 23, 1832.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report from the Secretary of State, suggesting the propriety of passing a law making it

criminal within the limits of the United States to counterfeit the current coin of any foreign nation.

ANDREW JACKSON.

WASHINGTON, *April 23, 1832.*

To the Senate:

I transmit herewith a report from the Secretary of the Treasury, containing the information called for by the resolution of the 26th of March last, in which the President is requested to communicate to the Senate—

First. The total amount of public lands belonging to the United States which remain unsold, whether the Indian title thereon has been extinguished or not, as far as that amount can be ascertained from surveys actually made or by estimate, and distinguishing the States and Territories respectively in which it is situated, and the quantity in each.

Second. The amount on which, the Indian title has been extinguished and the sums paid for the extinction thereof, and the amount on which the Indian title remains to be extinguished.

Third. The amount which has been granted by Congress from time to time in the several States and Territories, distinguishing between them and stating the purposes for which the grants were respectively made, and the amount of lands granted or money paid in satisfaction of Virginia land claims.

Fourth. The amount which has been heretofore sold by the United States, distinguishing between the States and Territories in which it is situated.

Fifth. The amount which has been paid to France, Spain, and Georgia for the public lands acquired from them respectively, including the amount which has been paid to purchasers from Georgia to quiet or in satisfaction of their claims, and the amount paid to the Indians to extinguish their title within the limits of Georgia.

Sixth. The total expense of administering the public domain since the declaration of independence, including all charges for surveying, for land offices, and other disbursements, and exhibiting the net amount which has been realized in the Treasury from that source.

ANDREW JACKSON.

WASHINGTON, *May 1, 1832.*
To the House of Representatives:

I transmit herewith, for the use of the House, a printed copy of two treaties lately ratified between the United States of America and the United Mexican States.

ANDREW JACKSON.

(The same message was sent to the Senate.)

WASHINGTON, *May 2, 1832.*
To the House of Representatives:

In compliance with a resolution of the House of the 1st instant, in relation to the imprisonment[[15](#)] of Samuel G. Howe, I transmit herewith a report from the Secretary of State, by which it appears that no information on the subject has yet reached the Department of State but what is contained in the public newspapers.

ANDREW JACKSON.

[Footnote 15: In Berlin, Prussia.]

WASHINGTON, *May 29, 1832.*
To the House of Representatives:

In compliance with the resolution of the House of the 18th instant, I transmit herewith a report from the Secretary of State, with copies of the several instructions under which the recent treaty of indemnity with Denmark was negotiated, and also of the other papers relating to the negotiation required by the resolution.

ANDREW JACKSON.

WASHINGTON, *May 29, 1832.*
To the House of Representatives:

In compliance with the resolution of the House of the 27th of February last, requesting copies of the instructions and correspondence relating to the negotiation of the treaty with the Sublime Porte, together with those of the negotiations preceding the treaty from the year 1819, I transmit herewith a report from the Secretary of State, with the papers required.

ANDREW JACKSON.

WASHINGTON, *June 11, 1832.*
To the Senate:

I renominate Samuel Gwin to be register of the land office at Clinton, in the State of Mississippi.

In nominating Mr. Gwin to this office again it is proper to state to the Senate that I do so in compliance with the request of a number of the most respectable citizens of the State of Mississippi and with that of one of the Senators from the same State. The letters expressing this request are herewith respectfully inclosed for the consideration of the Senate. It will be perceived that they bear the fullest testimony to the fitness of Mr. Gwin for the office, and evince a strong desire that he should be continued in it.

Under these circumstances, and possessing myself a personal knowledge of his integrity and fitness and of the claims which his faithful and patriotic services give him upon the Government, I deem it an act of justice to

nominate him again, not doubting that the Senate will embrace with cheerfulness an opportunity, with fuller information, to reconsider their former vote upon his nomination.

ANDREW JACKSON.

WASHINGTON, *June 25, 1832.*

To the Senate of the United States:

I herewith transmit to the Senate a report from the Secretary of State, on the subject of the abolition of discriminating duties on the tonnage of Spanish vessels. As it requires legislative enactment, I recommend it to the early attention of Congress.

ANDREW JACKSON.

(The same message was sent to the House of Representatives.)

WASHINGTON CITY, *July 12, 1832.*

The Speaker of the House of Representatives.

SIR: In compliance with the resolution of the House of Representatives passed this day, requesting the President of the United States "to lay before the House copies of the instructions given to the commander of the frigate *Potomac* previous to and since the departure of that ship from the island of Sumatra, and copies of such letters as may have been received from said commander after his arrival at Quallah Battoo, except such parts as may in his judgment require secrecy," I forward copies of the two letters of instructions to Captain Downes in relation to the piratical plunder and murder of our citizens at Quallah Battoo, on the coast of Sumatra, detailing his proceedings.

The instructions, with the papers annexed, are all that have been given bearing on this subject, and although parts of them do not relate materially to the supposed object of the resolution, yet it has been deemed expedient to omit nothing contained in the originals.

The letter and report from Captain Downes which are herewith furnished are all yet received from him bearing upon his proceedings at Quallah Battoo; but as further intelligence may hereafter be communicated by him, I send them for the information of the House, submitting, however, in justice to that officer, that their contents should not be published until he can enjoy a further opportunity of giving more full explanations of all the circumstances under which he conducted.

ANDREW JACKSON.

WASHINGTON, *July 14, 1832. To the House of Representatives of the United States:*

In compliance with the resolution of the House of the 17th of February last, requesting copies of the instructions and correspondence relative to the treaty with the Sublime Porte, together with those of the negotiations preceding that treaty, from the year 1829, I transmit herewith a supplemental report from the Secretary of State, with the papers accompanying the same.

ANDREW JACKSON.

VETO MESSAGE.

WASHINGTON, *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 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 20 or 30 per cent more the market price of the stock, subject to the payment of the annuity of \$200,000 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 on 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 50 per cent, and command in market at least \$42,000,000, subject to the payment of the present bonus. The present value of the monopoly, therefore, is \$17,000,000, and this the act proposes to sell for three millions, payable in fifteen annual installments of \$200,000 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 can not 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 can not 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 recognizes 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 1 per cent, either on the capital or on the shares, and that may be assumed as the amount which all citizen or resident 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 1 per cent more than the citizen stockholders, and as the annual dividends of the bank may be safely estimated at 7 per cent, the stock will be worth 10 or 15 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, \$8,405,500 were held by foreigners, mostly of Great Britain. The amount of stock held in the nine Western and Southwestern States is \$140,200, and in the four Southern States is \$5,623,100, and in the Middle and Eastern States is about \$13,522,000. The profits of the bank in 1831, as shown in a statement to Congress, were about \$3,455,598; of this

there accrued in the nine Western States about \$1,640,048; in the four Southern States about \$352,507, and in the Middle and Eastern States about \$1,463,041. 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 \$6,000,000. 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 recognized 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 \$95,140, 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 10 or 15 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 this 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 centered, 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 can not 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 \$200,000,000 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 can not 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 4 to 1. 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 coordinate 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 for 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 intrusted 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 can not 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 incorporation, section 21, 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 \$6,000,000 if they shall deem it expedient." This provision is continued in force by the act before me fifteen years from the 3d 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 possessed 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 proposes to abolish it for fifteen years more. It can not 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 \$6,000,000. 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 can not 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 recognize 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 copyrights. 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 can not 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 disqualifications, 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 privilege granted to aliens is not "*necessary*" to enable the bank to perform its public duties, nor in any sense "*proper*" because it is vitally 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, dockyards, 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 \$11,000,000, which was found fully sufficient to enable it with dispatch and safety to perform all the functions required of it by the Government. The capital of the present bank is \$35,000,000—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 can not, 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 can not 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 can not 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" conferred 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 can not 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 power 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 object 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, wagons, 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 can not rightfully tax the operations of the General Government. They can not 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 can not 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 intrusted 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 forever. 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 can not 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 discloses 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 further 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 branch 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 can not 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 can not 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 center, 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 act 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 can not 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.

ANDREW JACKSON.

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 its 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 all 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 \$40,000,000 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 performance 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 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 had 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 that 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 Havannah, 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 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 installments. 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 that 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. Dispatches 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 charge 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 toward 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 Fe, 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 cooperate 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 toward 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 reunion 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 can not 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 dispatched with orders to demand satisfaction for the injury if those who committed it should be found to be 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. Further 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 further 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 fulfill 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 upward of \$28,000,000. The public lands, however, have proved less productive than was anticipated, and according to present information will not much exceed two millions. The expenditures for all objects other than the public debt are estimated to amount during the year to about sixteen millions and a half, while a still larger sum, viz, \$18,000,000, 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 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 1st of January next the entire public debt of the United States, funded and unfunded, will be reduced to within a fraction of \$7,000,000, of which \$2,227,363 are not of right redeemable until the 1st of January, 1834, and \$4,735,296 not until the 2d of January, 1835. The commissioners of the sinking funds, 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 can not 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 \$58,000,000 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 defense, 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 further provision for all the objects of general welfare and public defense which the Constitution authorizes, and presents the occasion for such further 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 awhile 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 can not 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 people. 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 3 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 can not 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 \$40,000,000, and of the revenue received therefrom but a small part has been expended amongst 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 have enjoyed the undivided emolument arising from the sale of their own lands, it can not 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 cause, to put an end forever to all partial and interested legislation on the 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 can not 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 than 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 dispatch, 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 system 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 result 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 defense 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 defense 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 can not 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 of February 22, 1831.

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 a decision of the court for this District, a prosecution is barred by a 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 guaranties 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 toward 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 can not, 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 can not 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 upon 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 can not 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.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 11, 1832.*

The President of the Senate:

I lay before the Senate, for its consideration and advice, a treaty of amity and commerce between the United States of America and the Republic of Chili, concluded at Santiago on the 16th day of May, 1832.

ANDREW JACKSON.

WASHINGTON, *December 12, 1832.*

To the Senate:

I transmit herewith, for the consideration and advice of the Senate as to their ratification, treaties that have been concluded by commissioners duly appointed on the part of the United States with the following tribes of Indians, viz: The Chickasaws, the Apalachicola band in Florida, the Sacs and Foxes, the Winnebagoes, the Potawatamies of Indiana and Michigan, the Potawatamies of the Wabash and Elkheart, and the Potawatamies of the Prairie.

I also transmit the report and journals of the commissioners.

ANDREW JACKSON.

WASHINGTON, *December 17, 1832.*

The President of the Senate:

A convention having been concluded at Naples on the 14th October, 1832, between the United States and the Government of the Two Sicilies, I now lay it before the Senate for its constitutional action upon it.

ANDREW JACKSON.

WASHINGTON, *December 17, 1832.*

To the Senate:

In compliance with the resolution of the Senate requesting the President of the United States "to communicate to the Senate copies of the commission appointing Samuel Gwin register of the land office at Mount Salus, in the State of Mississippi, in the recess of the Senate in 1831, and of the commission appointing the said Gwin to the same office in the recess of the Senate in 1832, and also a copy of the opinion of the Attorney-General of the United States in relation to said last-mentioned commission, and also the opinions, if any, of former Attorneys-General in similar cases, and copies of the commissions which may have issued in like cases, if any, under former Administrations," I transmit herewith the papers called for.

It may be proper to remark of the case of the navy agent, supposed to be analogous to that of Mr. Gwin, that the commissions are not usually recorded. The one transmitted, however, is the form generally observed, varied to suit the circumstances of the case, and omitting or inserting the words "by and with the advice and consent of the Senate," according to the time the appointment is made.

ANDREW JACKSON.

WASHINGTON, *December 21, 1832.*

To the Senate and House of Representatives:

I beg leave to call the attention of Congress to the accompanying communication from the Secretary of State, inclosing a correspondence between him and the artist employed to execute the statue of Washington which is to be placed in the Rotunda of the Capitol.

It appears from this correspondence that the present appropriation for the execution of this work is inadequate to the object, and I therefore feel it my duty before concluding the contract to ascertain whether the additional sum

recommended as proper by the Secretary of State and the terms proposed by the artist will meet the approbation of Congress.

For this purpose the papers are respectfully submitted.

ANDREW JACKSON.

WASHINGTON, *December 27, 1832.*

To the Senate and House of Representatives:

I beg leave to call the attention of Congress to the accompanying reports—one from the engineer selected under the act of the 14th July last to take charge of the survey of the bridge across the Potomac which that act authorized the President to cause to be erected, and showing, after a careful survey, the propriety of applying a part of the sum appropriated to the repairing the old bridge; the other showing the considerations which, in the opinion of the same engineer and that of General Gratiot, should determine the choice between a superstructure of wood and of iron on the same foundation of granite.

Concurring in the reasons stated by these officers for the preference of the superstructure of wood, I have adopted it accordingly, and propose to take the measures necessary for the execution of the work. Previously, however, to inviting contracts for this purpose I deem it advisable to submit the subject to Congress, in order that the necessary appropriations may be supplied.

ANDREW JACKSON.

WASHINGTON, *December 28, 1832.*

To the House of Representatives:

I have taken into consideration the resolution of the House requesting me to communicate to it, so far as in my opinion may be consistent with the public interest, "the correspondence between the Government of the United States and that of the Republic of Buenos Ayres which has resulted in the

departure of the chargé d'affaires of the United States from that Republic, together with the instructions given to the said chargé d'affaires," and in answer to the said request state for the information of the House that although the chargé d'affaires of the United States has found it necessary to return, yet the negotiation between the two countries for the arrangement of the differences between them are not considered as broken off, but are suspended only until the arrival of a minister, who, it is officially announced, will be sent to this country with powers to treat on the subject.

This fact, it is believed, will justify the opinion I have formed that it will not be consistent with the public interest to communicate the correspondence and instructions requested by the House so long as the negotiation shall be pending.

ANDREW JACKSON.

WASHINGTON, *January 2, 1833.*

The Speaker of the House of Representatives:

I transmit herewith a report from the Secretary of State on the subject of the French ship *Pactole*, upon the cargo of which a discriminating duty seems to have been levied in 1827 by the collector at Pensacola, in contravention, as is alleged, with the convention of 1822 with France.

ANDREW JACKSON.

Washington, *January 6, 1833.*

To the House of Representatives:

I beg leave to call the attention of Congress to the accompanying report from the Secretary of State, recommending an appropriation to refund the amount of duties that have been collected in the ports of the United States on the tonnage of foreign vessels belonging to nations that have abolished in their ports discriminating duties on the vessels of the United States.

I also transmit herewith another report from the Secretary of State, stating the losses to which certain Swedish subjects allege they were exposed by the taking out of one of the ports of St. Bartholomew, in the year 1828, a vessel under the flag of the Republic of Buenos Ayres, by the commander of the United States ship *Erie*, and for the payment of which it is thought provision ought to be made by Congress.

ANDREW JACKSON.

WASHINGTON, *January 7, 1833.*

The Speaker of the House of Representatives:

I transmit to the House of Representatives the report of the Secretary of State upon the subject of the duties on the cargo of the French ship *Pactole*, prepared in obedience to the resolution of that House of the 20th of December, 1832, which was referred to him.

ANDREW JACKSON.

To the Senate:

In compliance with the resolution of the Senate of the 28th ultimo, requesting the President of the United States to communicate to the Senate a copy of the treaty concluded at Franklin, in the State of Tennessee, between the United States and the Chickasaw tribe of Indians, on the —— day of August, 1830, together with a copy of the instructions, if any, to the commissioner who negotiated the treaty with said tribe of Indians, bearing date the 30th day of October, 1832, I transmit herewith a report from the Secretary of War, containing the information required.

ANDREW JACKSON.

WASHINGTON, *January 10, 1833.*

The Speaker of the House of Representatives:

In compliance with the resolution of the House of the 4th instant, requesting to be furnished with such information as the President may possess "in relation to the survey of the northern boundary of the State of Ohio under the provisions of the act of Congress passed for that purpose on the 14th of July, 1832," I transmit herewith a report from the Secretary of War containing it.

ANDREW JACKSON.

WASHINGTON, *January 14, 1833.*

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, treaties that have been concluded by commissioners duly appointed on the part of the United States with the following Indian tribes, viz: With the Kickapoos; with the Shawanoes and Delawares, late of Cape Gerardeau, together with stipulations with Delawares for certain private annuities; with the Pankeshaws and Peorias.

I also transmit the journal of the commissioners who negotiated these treaties.

ANDREW JACKSON.

WASHINGTON, *January 16, 1833.*

Gentlemen 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.

Since the date of my last annual message I have had officially transmitted to me by the governor of South Carolina, which I now communicate to Congress, a copy of the ordinance passed by the convention which assembled at Columbia, in the State of South Carolina, in November last, 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 February next.

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 10th 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 reassemble either the convention or the legislature, and it will be perceived that the interval before the 1st 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 headquarters 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 defense. 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 menaces 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 1st 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 cooperation. 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 so 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 the 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 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 1st of February next; and it shall be the duty of all other constituted authorities and of all other persons residing or being within the limits of the State, and 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 further 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 State 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 empaneled in any of the courts of the State in 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 the 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 further 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 further 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 to 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-defense 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 the 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 defense of Charleston and its dependencies the services of 2,000 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 10,000 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 this 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 the State.

The acts to which it is deemed proper to invite the particular attention of Congress are:

First. "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 duties on

the importation of foreign commodities," passed in convention of this State, at Columbia, on the 24th November, 1832.

This act provides that any goods seized or detained under pretense of securing the duties, or for the nonpayment 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 can not 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 anyone who shall attempt to retake or seize the goods under pretense of securing the duties, or for nonpayment 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 offense 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 may 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 anyone 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 16 and 60, 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 the 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 State to be executed.

No. 9 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, judiciary, 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 can not be defeated and overcome by the power conferred by the Constitution on the Federal Government, the Constitution must be considered as incompetent to its own defense, 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 thereby 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 burthens, 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 determination 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 protected 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 it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue 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 "can not 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 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 has 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, and 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 reenacted 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 can not be permitted to decide what these 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 1st 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, that 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 can not 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, can not 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 is expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of the 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, needs 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 preexist and can not 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 government, involving the liberties and happiness of millions of mankind, the obligation can not 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 defense 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 can not 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 and imposts, 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 can not become a party under these laws without importing in her own name or wrongfully interposing her authority against them. By thus interposing, however, she can not 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 offense 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 can not

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 recognized 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 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 the 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 cause, 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 can not 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 a part 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 burthen of the public debt is removed those charged with the administration have promptly recommended a corresponding 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 varied 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 of 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 in 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 provision 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 defense 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 officer 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 exercise a power necessary and proper to the discharge of the duty 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 further 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 1st of February next.

Subsequently to the date of these 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 in 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 can not 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 in 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 officer, 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 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, and 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 can not 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 proceeding, or the property might be seized for a violation of the revenue laws, and, being libeled 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 county. 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 county 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 equipment, 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 recognized 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 15, and able to travel, to turn out at the call of the sheriff, and with such weapons as may 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 can not be otherwise regarded than as the employment of the whole militia force of the county, and in an 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 further 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 \$1,000 nor more than \$5,000 and to imprisonment not exceeding two years and not less than six months; and for even attempting to execute the order 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 \$3,000 nor more than \$10,000 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 county, which would doubtless be brought to sustain the State officers, either that the collector would 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 of 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 some 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 should 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 a 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 9th of January, 1809.

This provision, however, would 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 insufficient to insure a proper respect to the process of the constitutional tribunals in prosecutions for offenses 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 3d March, 1815, which expired on the 4th March, 1817, by the limitation of that of 27th 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 the 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 for disobedience to the ordinance and laws of South Carolina in pursuance thereof redress may be sought in the courts of the United States. It may be expedient also, by modifying the resolution of the 3d 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 or enforced. It is believed these would prove adequate unless the military forces of the State of South Carolina authorized by the late 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 to cooperate 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 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 can not 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*.

ANDREW JACKSON.

WASHINGTON, *January 16, 1833.*

To the Senate:

In conformity with a resolution of the Senate of the 31st December last, I herewith transmit copies of the instructions under which the late treaty of indemnity with Naples was negotiated, and of all the correspondence relative thereto.

It will appear evident from a perusal of some of those documents that they are written by the agents of the United States to their own Government with a freedom, as far as relates to the officers of that of Naples, which was never intended for the public eye, and as they might, if printed, accidentally find their way abroad and thereby embarrass our ministers in their future operations in foreign countries, I respectfully recommend that in the printing, if deemed necessary, such a discrimination be made as to avoid that inconvenience, preferring this course to withholding from the Senate any part of the correspondence.

ANDREW JACKSON.

WASHINGTON, *January 17, 1833.*

The Speaker of the House of Representatives:

In conformity with a resolution of the House of Representatives of the 11th December last, I herewith transmit "such portions as have not heretofore been communicated of the instructions given to our ministers in France on the subject of claims for spoliations since September, 1800, and of the correspondence of said ministers with the French Government and with the Secretary of State of the United States on the same subject."

ANDREW JACKSON.

WASHINGTON, *January 22, 1833.*

To the Senate:

Having received on yesterday certified copies of the acts passed by the State of South Carolina to carry into effect her ordinance of nullification, which were referred to in my message of the 16th instant to Congress, I now transmit them.

As but one copy of these acts was sent to me, I am prevented from communicating them by a joint message to the two Houses of Congress.

ANDREW JACKSON.

WASHINGTON, *January 23, 1833.*

The President of the Senate:

A treaty of peace, friendship, and amity between the United States and the King of the Belgians having this day been concluded by the plenipotentiaries of the respective countries, I herewith transmit it to the Senate for its consideration.

ANDREW JACKSON.

The Speaker of the House of Representatives:

I transmit to the House of Representatives a report of the Secretary of State, with a list of appointments made by the Executive since the 13th of April, 1826, from members of Congress during their term of service and for twelve months thereafter, pursuant to the resolution of the said House of the 26th of December, 1832, which I referred to him, and which appointments are recorded in his office. I send likewise a list of similar appointments, also furnished by the Secretary of State and of record in his office, from the 3d of March, 1825, to the 13th of April, 1826.

ANDREW JACKSON.

To the House of Representatives:

I send herewith a convention concluded on the 14th day of October last between the United States and His Majesty the King of the Two Sicilies. This treaty has been ratified by me agreeably to the Constitution, and the ratification will be dispatched to Naples without delay, when there is no doubt it will be ratified by His Sicilian Majesty.

The early communication of this treaty is deemed proper because it will be necessary to provide for the execution of the first article in order that our fellow-citizens may with as little delay as possible obtain the compensation stipulated for by this convention.

ANDREW JACKSON.

WASHINGTON, *January 25, 1833.*

The Speaker of the House of Representatives:

I transmit herewith, for the information of Congress, the report of the officer to whom was intrusted the inspection of the works for the improvement of the navigation of the Ohio and Mississippi rivers.

ANDREW JACKSON.

WASHINGTON, *January 29, 1833.*

To the House of Representatives:

I herewith transmit to the House of Representatives a report from the Postmaster-General, which I request may be considered as forming a part of my message of the 23d instant, in answer to the resolution calling for a list of all appointments made by the Executive since the 13th April, 1826, from the members of Congress during their term of service and for twelve months thereafter, etc.

ANDREW JACKSON.

WASHINGTON, *February 7, 1833.*

To the Senate and House of Representatives:

I transmit, for the consideration of Congress, a report from the Secretary of State, on the subject of our diplomatic intercourse with foreign nations.

ANDREW JACKSON.

WASHINGTON, *February 12, 1833.*

To the Senate:

In compliance with the resolution of the Senate requesting the President of the United States to lay before it "copies of the orders which have been given to the commanding officers of the military forces assembled in and near to the city of Charleston, S.C., and also copies of the orders which have been given to the commander of the naval forces assembled in the harbor of Charleston, particularly such orders, if any such have been given, to resist the constituted authorities of the State of South Carolina within the limits of said State," I transmit herewith papers, numbered from 1 to 17, inclusive, embracing the orders which have been given to the commanding officers of the land and naval forces assembled in and near the city of Charleston and within the limits of the State of South Carolina, and which relate to the military operations in that quarter. No order has at any time been given in any manner inconsistent therewith. There is a part, however, of the letter of the Secretary of War dated December 3, 1832, omitted, which, being conditional in its character, and not relating to the operation of the troops, it is deemed improper in the present state of the service to communicate.

No order has been at any time given "to resist" the constituted authorities of the State of South Carolina within the chartered limits of said State.

ANDREW JACKSON.

WASHINGTON, *February 12, 1833.*

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty recently concluded between the commissioners for adjusting all differences with the Indians west of the Mississippi and the mixed band of Shawnese and Senecas who emigrated from Ohio. I transmit also the journal of their proceedings.

ANDREW JACKSON.

WASHINGTON, *February 15, 1833.*

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, articles of agreement supplemental to the treaty of February 8, 1831, between the commissioner on the part of the United States and the Menominee tribe of Indians, with the assent of the New York Indians.

I transmit also the journal of proceedings.

ANDREW JACKSON.

WASHINGTON, *February 19, 1833.*

To the Senate:

The renomination of Samuel Gwin to be register of the land office at Mount Salus, in the State of Mississippi, having been on the 16th of July last laid upon the table of the Senate, with a resolution declaring that it was not the intention of the Senate to take any proceeding in regard to it during that session, a vacancy in the office was found existing in the recess, which the public service required to be filled, and which was filled by the appointment of Samuel Gwin. I therefore nominate the said Gwin to the same office.

In addition to the papers which were transmitted with his nomination at the last session, I have received others from the most respectable sources in the State of Mississippi, bearing the fullest testimony to his fitness for the office in question. Of this character are the two now inclosed, signed by members of the convention recently assembled to revise the constitution of the State, and also by many members of its present legislature. They also show that the appointment of Mr. Gwin would be acceptable to the great body of the people interested in the office.

ANDREW JACKSON.

WASHINGTON, *February 22, 1833.*

To the House of Representatives:

I transmit herewith, for the consideration of the House, a letter from General Lafayette to the Secretary of State, with the petition which came inclosed in it of the Countess d'Ambrugeac and Madame de la Gorée, granddaughter of Marshal Count Rochambeau, and original documents in support thereof, praying compensation for services rendered by the Count to the United States during the Revolutionary war, together with translations of the same; and I transmit with the same view the petition of Messrs. De Fontenille de Jeumont and De Rossignol Grandmont, praying compensation for services rendered by them to the United States in the French army, and during the same war, with original papers in support thereof, all received through the same channel, together with translations of the same.

ANDREW JACKSON.

WASHINGTON, *February 22, 1833.*

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification of the same, a treaty of commerce and navigation between the United States and Russia, concluded and signed at St. Petersburg on the 18th of December, 1832, by the plenipotentiaries of the two parties, with an

additional article to the same, concluded and signed on the same day, together with an extract from the dispatch of the minister of the United States at St. Petersburg to the Secretary of State, communicating the said treaty and additional article.

ANDREW JACKSON.

WASHINGTON, *February 26, 1833.*

To the Senate:

I transmit herewith, for the advice and consent of the Senate as to the ratification of the same, a treaty concluded with the Ottawa Indians residing on the Miami of Lake Erie on the 18th instant by the commissioners on the part of the United States,

ANDREW JACKSON.

WASHINGTON, *March 2, 1833.*

To the Senate:

I transmit herewith, for the consideration of the Senate, a report from the Secretary of State, in relation to the consular establishment of the United States.

ANDREW JACKSON.

WASHINGTON, *March 2, 1833.*

To the Senate:

I have made several nominations to offices located within the limits of the State of Mississippi which have not received the approbation of the Senate. Inferring that these nominations have been rejected in pursuance of a resolution adopted by the Senate on the 3d of February, 1831, "that it is inexpedient to appoint a citizen of one State to an office which may be vacated or become vacant in any other State of the Union within which such

citizen does not reside, without some evident necessity for such appointment," and regarding that resolution, in effect, as an unconstitutional restraint upon the authority of the President in relation to appointments to office, I think it proper to inform the Senate that I shall feel it my duty to abstain from any further attempt to fill the offices in question.

ANDREW JACKSON.

The President of the Senate:

In compliance with a resolution of the Senate passed the 1st instant, requesting "that the President inform the Senate, if not incompatible with the public interest, what negotiation has been had since the last session of Congress with Great Britain in relation to the northeastern boundary of the United States, and the progress and result thereof; also whether any arrangement, stipulation, or agreement has at any time been made between the Executive of the United States and the government of the State of Maine, or by commissioners or agents on the part of the United States and that State, having reference to any proposed transfer or relinquishment of their right of jurisdiction and territory belonging to that State, together with all documents, correspondence, and communications in relation thereto," I inform the Senate that overtures for opening a negotiation for the settlement of the boundary between the United States and the British provinces have been made to the Government of Great Britain since the last session, but that no definitive answer has yet been received to these propositions, and that a conditional arrangement has been made between commissioners appointed by me and others named by the governor of Maine, with the authority of its legislature, which can not take effect without the sanction of Congress and of the legislature aforesaid, and which will be communicated to them as soon as the contingency in which alone it was intended to operate shall happen. In the meantime it is not deemed compatible with the public interest that it should be communicated.

ANDREW JACKSON.

[Footnote 16: Pocket vetoes.]

WASHINGTON, *December 6, 1832.*

To the Senate of the United States:

I avail myself of this early opportunity to return to the Senate, in which it originated, the bill entitled "An act providing for the final settlement of the claims of States for interest on advances to the United States made during the last war," with the reasons which induced me to withhold my approbation, in consequence of which it has failed to become a law.

This bill was presented to me for my signature on the last day of your session, and when I was compelled to consider a variety of other bills of greater urgency to the public service. It obviously embraced a principle in the allowance of interest different from that which had been sanctioned by the practice of the accounting officers or by the previous legislation of Congress in regard to the advances by the States, and without any apparent grounds for the change.

Previously to giving my sanction to so great an extension of the practice of allowing interest upon accounts with the Government, and which in its consequences and from analogy might not only call for large payments from the Treasury, but disturb the great mass of individual accounts long since finally settled, I deemed it my duty to make a more thorough investigation of the subject than it was possible for me to do previously to the close of your last session. I adopted this course the more readily from the consideration that as the bill contained no appropriation the States which would have been entitled to claim its benefits could not have received them without the fuller legislation of Congress.

The principle which this bill authorizes varies not only from the practice uniformly adopted by many of the accounting officers in the case of individual accounts and in those of the States finally settled and closed previously to your last session, but also from that pursued under the act of your last session for the adjustment and settlement of the claims of the State of South Carolina. This last act prescribed no particular mode for the allowance of interest, which, therefore, in conformity with the directions of Congress in previous cases and with the uniform practice of the Auditor by

whom the account was settled, was computed on the sums expended by the State of South Carolina for the use and benefit of the United States, and which had been repaid to the State; and the payments made by the United States were deducted from the principal sums, exclusive of the interest, thereby stopping future interest on so much of the principal as had been reimbursed by the payment.

I deem it proper, moreover, to observe that both under the act of the 5th of August, 1790, and that of the 12th of February, 1793, authorizing the settlement of the accounts between the United States and the individual States arising out of the war of the Revolution, the interest on those accounts was computed in conformity with the practice already adverted to, and from which the bill now returned is a departure.

With these reasons and considerations I return the bill to the Senate.

ANDREW JACKSON.

December 6, 1832.

To the House of Representatives:

In addition to the general views I have heretofore expressed to Congress on the subject of internal improvement, it is my duty to advert to it again in stating my objections to the bill entitled "An act for the improvement of certain harbors and the navigation of certain rivers," which was not received a sufficient time before the close of the last session to enable me to examine it before the adjournment.

Having maturely considered that bill within the time allowed me by the Constitution, and being convinced that some of its provisions conflict with the rule adopted for my guide on this subject of legislation, I have been compelled to withhold from it my signature, and it has therefore failed to become a law.

To facilitate as far as I can the intelligent action of Congress upon the subjects embraced in this bill, I transmit herewith a report from the Engineer Department, distinguishing, as far as the information within its

possession would enable it, between those appropriations which do and those which do not conflict with the rules by which my conduct in this respect has hitherto been governed. By that report it will be seen that there is a class of appropriations in the bill for the improvement of streams that are not navigable, that are not channels of commerce, and that do not pertain to the harbors or ports of entry designated by law, or have any ascertained connection with the usual establishments for the security of commerce, external or internal.

It is obvious that such appropriations involve the sanction of a principle that concedes to the General Government an unlimited power over the subject of internal improvements, and that I could not, therefore, approve a bill containing them without receding from the positions taken in my veto of the Maysville road bill, and afterwards in my annual message of December 6, 1830.

It is to be regretted that the rules by which the classification of the improvements in this bill has been made by the Engineer Department are not more definite and certain, and that embarrassments may not always be avoided by the observance of them, but as neither my own reflection nor the lights derived from other sources have furnished me with a better guide, I shall continue to apply my best exertions to their application and enforcement. In thus employing my best faculties to exercise the power with which I am invested to avoid evils and to effect the greatest attainable good for our common country I feel that I may trust to your cordial cooperation, and the experience of the past leaves me no room to doubt the liberal indulgence and favorable consideration of those for whom we act.

The grounds upon which I have given my assent to appropriations for the construction of light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other temporary or partial impediments in our navigable rivers and harbors, and with which many of the provisions of this bill correspond, have been so fully stated that I trust a repetition of them is unnecessary. Had there been incorporated in the bill no provisions for works of a different description, depending on principles which extend the power of making appropriations to every object which the discretion of the Government may select, and losing sight of the distinctions between

national and local character which I had stated would be my future guide on the subject, I should have cheerfully signed the bill.

ANDREW JACKSON.

PROCLAMATION.

BY ANDREW JACKSON, PRESIDENT OF THE UNITED STATES.

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 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 further 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 Constitution, 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, equaled 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 consequence. 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 imposts 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 nonintercourse 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 to 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 defense, 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 determinations 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 provision 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, unauthorised 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 imposts; 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 defense 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 did not err. Our Constitution does not contain the absurdity of giving power to make laws and another 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 implication. 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 defense 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 construction 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 a 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 law so applying the proceeds, but surely can not 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 have 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 the 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, anything 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 provisions! 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 with which a law has been passed, declare themselves free from its operation; 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 has expressly taken it 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 further 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 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 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, can not, 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 offense 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 offense. 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 a 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 can not. 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 can not 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 offense, by whatever means the constitutional compact may have been formed; and such government has the right by the law of self-defense 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 further 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 can not 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 can not 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 offense 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 defense. 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. Everyone must see that the other States, in self-defense, 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 this 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 provisions 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 intrust 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 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 pretenses 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 overproduction 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 burthens 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 to 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 everyone; 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 to 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 underrated, 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 citizen*, protecting their commerce, securing their literature and their arts, facilitating their intercommunication, defending their frontiers, and making their name 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, morality, 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 a 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 can not 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 can not accede to the mad project of disunion, of which you would be the first victims. Its First Magistrate can not, 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 Pinckneys, 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 reassemble 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 can not 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 is 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 and 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 defense 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.

(SEAL.)

In testimony whereof I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand. Done at the city of Washington, this 10th day of December, A.D. 1832, and of the Independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President:
EDW. LIVINGSTON,
Secretary of State.

ERRATA.

(The following papers were found too late for insertion in Vol. I.)

LETTER FROM THE PRESIDENT ELECT.

(From Annals of Congress, Fourth Congress, second session, 1544.)

The Vice-President laid before the Senate the following communication:

Gentlemen of the Senate:

In consequence of the declaration made yesterday in the Chamber of the House of Representatives of the election of a President and Vice-President of the United States, the record of which has just now been read from your journal by your secretary, I have judged it proper to give notice that on the 4th of March next, at 12 o'clock, I propose to attend again in the Chamber of the House of Representatives, in order to take the oath prescribed by the Constitution of the United States to be taken by the President, to be administered by the Chief Justice or such other judge of the Supreme Court of the United States as can most conveniently attend, and, in case none of those judges can attend, by the judge of the district of Pennsylvania, before such Senators and Representatives of the United States as may find it convenient to honor the transaction with their presence.

(JOHN ADAMS.)

FEBRUARY 9, 1797.

PROCLAMATION.

(From Annals of Congress, Fifth Congress, Vol. I, 620.)

UNITED STATES, *July 16, 1798.*

The President of the United States to ——, Senator for the State of ——;

Certain matters touching the public good requiring that the session of the Senate for executive business should be continued, and that the members thereof should convene on Tuesday, the 17th day of July instant, you are desired to attend at the Senate Chamber, in Philadelphia, on that day, at 10 o'clock in the forenoon, then and there to receive and deliberate on such communications as shall be made to you on my part.

JOHN ADAMS.

PROCLAMATION.

(From Miscellaneous Letters, Department of State, vol. 24.)

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of the act of Congress passed on the 16th July, 1798, entitled "An act for erecting a light-house at Gayhead, on Marthas Vineyard, and for other purposes," and an act which passed the legislature of Massachusetts on the 22d February, 1799, entitled "An act to cede to the United States a tract of land at Gayhead for a lighthouse," the following tract of land, situate at Gayhead, on the western part of Marthas Vineyard, in Dukes County, State of Massachusetts, is designated as the land ceded to the United States by the aforesaid act of the legislature of Massachusetts for the purpose of erecting a lighthouse, to wit: Beginning at a stake and heap of stones (1 rod from the edge of the cliff of said head), thence east 11 degrees south 18 rods to a stake and heap of stones; thence south 11 degrees west 18 rods to a stake and heap of stones; thence west 11 degrees north 18 rods to a stake and heap of stones; thence north 11 degrees east to the first-mentioned bound, containing 2 acres and 4 rods.

(SEAL.)

In witness whereof I have caused the seal of the United States of America to be hereto affixed, and signed the same with my hand, at Philadelphia, on the

1st day of July, 1799, and in the twenty-third year of the Independence of the said States.

JOHN ADAMS.

By the President:
TIMOTHY PICKERING,
Secretary of State.

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2, PART 3: ANDREW JACKSON, 1ST TERM ***

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